

Bar's goal: find ways to speed up justice

By Tim Richard
staff writer

There are faster, cheaper ways to get justice than a years-long court suit. The public should be educated to use them.

Those twin messages will be brought to you by the Oakland County Bar Association. It has drafted a 23-page task force report on alternatives to what Hamlet called "the law's delay."

"There are options to litigation outside the courtroom . . . a multitude of agencies. Most are not known to the public," said Marilyn Gosling, an Oakland County commissioner from Bloomfield Hills and one of many laypersons on the 35-member task force.

"Knowledge should reduce litigation," said Gosling, who chaired the key committee on options to traditional litigation.

"THE CITIZENS" of Oakland County are dissatisfied with the process of dispute resolution available to them," said George Googasian, Oakland Bar president who practices in Bloomfield Hills.

"It is slow. It is expensive. It is cumbersome. It is inconvenient. It is intimidating. It is hostile. It is illogical. It is not businesslike. It is not fair," said Googasian as he introduced the recommendations Wednesday in the task force's final session.

In numbers, the core of the problem is that the Oakland Circuit Court has swelled from three judges in 1980 to 14 today, and the average judge's load of 1,650 new cases a year is highest in the state.

OAKLAND CAN either add more judges or find new ways to solve people's disputes, Googasian's task force chose to find new ways to solve people's disputes.

Task force chairman Donald F. Tucker, West Bloomfield resident

who practices law in Southfield, urged the Oakland Bar to seek reviews and endorsements from judges, legal officials, county and state legislators, the media, civic officials and the public.

The goal, said Tucker, is to make the civil justice system more "user friendly."

Tucker's task force made four groups of recommendations:

1. NON-COURT options. Gosling called them "a necessary adjunct to court services."

Her committee urged setting up "a countywide referral network" to steer potential litigants toward agencies like the Better Business Bureau or mediators.

"We should encourage the private court system," she said, citing a Philadelphia system where retired judges render speedy decisions, re-

ducing the cost and caseloads of public courts.

"No party should be barred from the courthouse for not exploring those alternatives," she said. But the court system should give time preference to those who did try alternate methods.

"The court system is generally a maze to the public," Gosling said, urging the alternative methods be publicized through the news media, school seminars and brochures.

But one task force member, Phyllis Rapaport of Bloomfield Township, had qualms about "private" courts.

"An open courtroom keeps judges honest," said Rapaport, whose experience with divorce led to her well-publicized exposure of the double life of a former circuit judge.

Later she warned against "stonewalling, the brotherhood of attorneys, the sisterhood of attorneys."

2. PRE-TRIAL SCREENING to eliminate "frivolous" cases.

Joan Young, Birmingham resident and Oakland Circuit Court administrator, told of visiting a forum in Washington, D.C., that is essentially a referral agency that is part of the court system.

"A person walks in with a problem and speaks to an intake worker who is trained in referrals. The person is referred to an appropriate agency."

"They don't just allow that person to walk out the door. They (visitors) leave with sufficient information to know where to go and whom to talk to," Young said.

She characterized it as a "multi-door courthouse project" with public awareness and substantial publicity.

The task force disagreed on whether the referral agency should be part of the court system.

Chairman Tucker is "strongly opposed to segregating this from the

legal system," Rapaport favored the United Foundation, a hospital "or anything but the people the public does not understand" (meaning lawyers).

Tucker appeared to have the votes.

3. DEADLINES FOR progress on litigation.

Googasian, who worked on this committee, faulted the court system for having one lock-step procedure for all cases.

"Everything is handled in the same manner in the same system, whether you have a \$10,000 case or a \$10 million case. The percentage of cases tried by a jury is very, very small; somewhere along the way, a settlement is achieved," he said.

The committee, headed by Circuit Judge Hilda Gage of West Bloomfield, proposed a "track" system for different kinds of cases — "short

cases," such as auto damages and contracts, and "long cases," such as product liability and medical malpractice.

Different deadlines for serving notice, pre-trial discoveries and motions would be set.

4. TRIAL TECHNIQUES. Googasian said the use of a "private judge" should be specifically established.

Currently it can be permitted by the state Supreme Court.

Private judges' decisions would be enforceable and appealable, he said, which attorneys summarize witness' testimony and arguments and a jury gives a quick verdict — having been known to help 96 percent of users reach a settlement. The summary trial verdict would be advisory, and not binding, he said. Such a system could be implemented by local court rule.



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