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WILL COLORADO'S EFFORT TO IMPROVE THE ADMINISTRATION OF JUSTICE HELP MONTANA?

by Justice William H. Erickson*

Roscoe Pound, in 1906, prepared the major address for the American Bar Association and entitled his talk, "The Causes of Popular Dissatisfaction With the Administration of Justice." His opening remarks commenced with this statement:

> Dissatisfaction with the administration of justice is as old as law. Not to go outside of our own legal system, discontent has an ancient and unbroken pedigree. The Anglo-Saxon laws continually direct that justice is to be done equally to rich and to poor, and the king exhorts that the peace be kept better than has been wont, and that "men of every order readily submit . . . each to the law which is appropriate to him." The author of the apocryphal Mirror of Justice gives a list of one hundred and fifty-five abuses in legal administration, and names it as one of the chief abuses of the degenerate times in which he lived that executions of judges for corrupt or illegal decisions had ceased. Wyclif complains that "lawyers make process by subtlety and cavilations of law civil, that is much heathen men's law, and do not accept the form of the gospel, as if the gospel were not so good as pagan's law." Starkey, in the reign of Henry VIII, says: "Everyone that can color reason maketh a stop to the best law that is beforetime devised." James I reminded his judges that "the law was founded upon reason, and that he and others had reason as well as the judges." In the eighteenth century, it was complained that the bench was occupied by "legal monks, utterly ignorant of human nature and of the affairs of men." In the nineteenth century the vehement criticism of the period of the reform movement needs only to be mentioned. In other words, as long as there have been laws and lawyers, conscientious and well-meaning men have believed that laws were mere arbitrary technicalities, and that the attempt to regulate the relations of mankind in accordance with them resulted largely in injustice. But we must not be deceived by this innocuous and inevitable discontent with all law into overlooking or underrating the real and serious dissatisfaction with courts and lack of respect for law which exists in the United States today.

Today, the problems are as pronounced as they were when Roscoe Pound made his classic speech. On March 11, 1971, the President of the United States and the Chief Justice of the United States, in historic addresses at the First National Conference of the Judiciary at Williamsburg, Virginia, voiced many of the same concerns that Roscoe Pound highlighted in 1906. The President said:

> We all know how urgent the need is for that improvement at both the State and Federal level. Interminable delays in civil cases; unconscionable delays in criminal cases; inconsistent and unfair bail impositions; a steadily growing backlog of work that threatens to make the delays worse tomorrow than they are today—all this concerns everyone who wants to see justice done.
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> Overcrowded penal institutions; unremitting pressure on judges and prosecutors to process cases by plea bargaining, without the safeguards recently set forth by the American Bar Association; the clogging of court calendars with inappropriate or relatively unimportant matters—all this sends everyone in the system of justice home at night feeling as if they have been trying to brush back a flood with a broom.

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> Many hardworking, dedicated judges, lawyers, penologists and law enforcement officials are coming to this conclusion: A system of criminal justice that can guarantee neither a speedy trial nor a safe community cannot excuse its failure by pointing to an elaborate system of safeguards for the accused. Justice dictates not only that the innocent man go free, but that the guilty be punished for his crimes.
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> When the average citizen comes into court as a party or a witness, and he sees that court bogged down and unable to function effectively, he wonders how this was permitted to happen. Who is to blame? Members of the bench and the bar are not alone responsibile for the congestion of justice.
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> The Nation has turned increasingly to the courts to cure deep-seated ills of our society—and the courts have responded; as a result, they have burdens unknown to the legal system a generation ago. In addition, the courts had to bear the brunt of the rise in crime—almost 150% higher in one decade, an explosion unparalleled in our history.
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> And now we see the courts being turned to, as they should be, to enter still more fields—from offenses against the environment to new facets of consumer protection and a fresh concern for small claimants. We know, too, that the court system has added to its own workload by enlarging the rights of the accused, providing more counsel in order to protect basic liberties.
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> Our courts are overloaded for the best reasons: because our society found the courts willing—and partially able—to assume the burden of its gravest problems. Throughout a tumultuous generation, our system of justice has helped America improve herself; there is an urgent need now for America to help the courts improve our system of justice.

His remarks were followed by a warning from Chief Justice Warren E. Burger that was in parallel form to the President's clarion call for improvement, and the warnings that he gave must be taken to heart by us all. He said:

> Today the American system of criminal justice in every phase—the police function, the prosecution and defense, the courts and the correctional machinery—is suffering from a severe case of deferred maintenance. By and large, this is true at the state, local and federal levels. The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys.
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> As a consequence of this deferred maintenance we see
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> First, that the perpetrators of most criminal acts are not detected, arrested and brought to trial;
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> Second, those who are apprehended, arrested and charged are not tried promptly because we allow unconscionable delays that pervert both the right of the defendant and the public to a speedy trial of every criminal charge; and
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> Third, the convicted persons are not punished promptly after conviction because of delay in the appellate process. Finally, even after the end of litigation, those who are sentenced to confinement are not corrected or rehabilitated, and the majority of them return to commit new crimes. The primary responsibility of judges, of course, is for the operation of the judicial machinery but this does not mean we can ignore the police function or the shortcomings of the correctional systems.
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> At each of these three stages—the enforcement, the trial, the correction—the deferred maintenance became apparent when the machinery was forced to carry too heavy a load. This is the thing that happens to any machinery whether it is an industrial plant, an automobile or a dishwasher. It can be no comfort to us that this de-

> ferred maintenance crisis is shared by others; by cities and in housing, in the field of medical care, in environmental protection, and many other fields. All of these problems are important, but the administration of justice is the adhesive—the very glue—that keeps the parts of an organized society from flying apart. Man can tolerate many shortcomings of his existence, but history teaches us that great societies have foundered for want of an adequate system of justice, and by that I mean justice in its broadest sense.
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> I have said nothing of civil justice—that is the resolution of cases between private citizens or between citizens and government. This unhappily is becoming a stepchild of the law as criminal justice once was. Most people with civil claims, including those in the middle economic echelons, who cannot afford the heavy costs of litigation and who cannot qualify for public or government-subsidized legal assistance, are forced to stand by in frustration, and often in want, while they watch the passage of time eat up the value of their case. The public has been quiet and patient, sensing on the one hand the need to improve the quality of criminal justice but also experiencing frustration at the inability to vindicate private claims and rights.
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> We are rapidly approaching the point where this quiet and patient segment of Americans will totally lose patience with the cumbersome system that makes people wait two, three, four or more years to dispose of an ordinary civil claim while they witness flagrant defiance of law by a growing number of law-breakers who jeopardize cities and towns and life and property of law-abiding people, and monopolize the courts in the process. The courts must be enabled to take care of both civil and criminal litigants without prejudice or neglect of either.

The American Bar Association made a monumental step forward when it commenced the study and project on the Standards for Criminal Justice in 1963, when the Institute for Judicial Administration pointed out the need for improvement in the field of criminal justice. Today, the American Bar Association has, under the leadership of such stalwarts as Chief Justice Warren E. Burger, Chief Judge Lumbard, and your own Judge William J. Jameson, caused the Special Committee to draft and promulgate Standards of Criminal Justice covering the Police Function, Pretrial Proceedings, Prosecution and Defense Functions, Criminal Trials and Sentencing and Review, as well as the controversial subject of Fair Trial and a Free Press. The following Standards have now been approved by the House of Delegates to the American Bar Association:[1]

1. Pre-Trial Release.
2. Providing Defense Services.
3. Discovery and Procedure Before Trial.
4. Electronic Surveillance.
5. Joinder and Severance.
6. Speedy Trial.
7. Fair Trial and a Free Press.
8. Trial by Jury.
9. Pleas of Guilty.
10. The Prosecution Function and The Defense Function.
11. Probation.
12. Sentencing Alternatives and Procedures.
13. Criminal Appeals.
14. Appellate Review of Sentences.
15. Postconviction Remedies.

[1]Pilot programs to implement the standards are being carried out in Arizona, Florida and Texas.

Standards have yet to be completed on the Functions of the Trial Judge and on the Police Function. Hopefully, the Committee headed by Frank Remington will have Standards prepared on the Police Function before 1972. Judge Frank Murray hopes that the Standards on Functions of the Trial Judge, which have been partially completed, will be available this year to complete the Standards of Criminal Justice Project.

Our Colorado Supreme Court has recognized the Standards of Criminal Justice as a step toward the improvement of our criminal courts and has approved nearly all of the Standards in recent opinions.[2]

The field of criminal justice, however, is not the only area of the law that has caused concern. Civil litigants have long complained about the delay that has confronted lawyers and litigants alike in seeking a speedy determination of civil disputes. The automobile has caused a flooding of the courts with personal injury actions and products liability cases.

The failure of the courts to function in such away as to handle the burgeoning load involving the automobile has caused Massachusetts to adopt a no-fault system that is being looked to as a guide by many states.

The frontiers of tomorrow in our courts are even more terrifying. As business expands, and as the problems of our society multiply with an ever-burgeoning population, you will all recognize the challenge that the profession must meet. All of us are conscious of the increased extent of the intrusion of each segment of society onto another or different area of activity. The automobile has created all but insurmountable traffic problems. The jet airplane has created unprecedented noise problems. The high-rise apartment in our ever-growing cities has created unheard of problems of urban congestion. Other problems relating to mass media advertising, ecology, and environmental pollution cause us all to recognize that the law will be called upon to regulate the conduct of our ever-changing society. The pressures of social change are felt by everyone. Civil rights problems and the underlying demands of minority groups for wider recognition of their economic, political, and social interests have been widely publicized. Problems exist in the international law field, centering around controversies such as those which have now caused headlines in the Middle East and in Viet Nam. Nuclear armament, the law of outer space, and other developments in the scientific world have caused problems for the lawyer, legislator, and judge that are nearly as complex as the scientific development

[2]Debose v. People, ... Colo. ...., ... P.2d .... (1971); Dabbs v. People, ... Colo. ...., 486 P.2d 1053 (1971); Bresnahan v. People, ... Colo. ....., 487 P.2d 551 (1971); Moneyhun v. People, ... Colo. ....., 486 P.2d 434 (1971); Jaramillo v. District Court ..... Colo. ...., 484 P.2d 1219 (1971); Reed v. People, ... Colo. ...., 482 P.2d .... (1971); McClendon v. People, ... Colo. ....., 481 P.2d 417 (1971).

that preceded the invention of computers, H-bombs, satellites, and the world of chemistry that has thrown our entire way of life out of balance.

The English common law system was adopted by Colorado in the form that existed in England in 1607. Common law pleading and the common law vestiges of the past still prevail in the intersticies of our jurisprudence in Colorado. The Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure followed the Field code and were a great step forward in simplifying procedure in our courts. Colorado, through its Supreme Court, caused both the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure to become the adjective tools of the lawyer in Colorado through its rule-making power. Some few changes had to be made to cause the rules to meet the needs of Colorado, but those changes were not major or difficult to accomplish.

Our latest procedural innovation has been the adoption of the Colorado Appellate Rules which are all but identical to the Federal Rules of Appellate Procedure. By following the Federal Rules, we have a built-in body of case law for precedence and guidance.

Those vestiges of the common law and those of our Revolutionary War have haunted the courts in the United States. Our tripartite form of government recognizes that the executive and legislative divisions of our government must be separate and distinct from an independent judiciary.

Following the Declaration of Independence, several of our new states vested the responsibility for judicial appointment in the Governor. However, the colonies, after having suffered bitter experience with Royal Governors and their appointments, placed restrictions and safeguards on the appointment of judges. Pennsylvania and Delaware looked to the Legislature for approval of the gubernatorial appointments. In Massachusetts, New Hampshire, and Maryland the Governor's Council determined whether the Governor's appointments should be approved, and in New York there was a Special Council of Appointment which consisted of the Governor and certain members of the Legislature. When the Federal Government, through the Constitution, provided for its judiciary, the power of appointment was placed in the President with the advice and consent of the Senate.

In Colorado, prior to a series of constitutional amendments, we had our judiciary elected by the people. The judges were named as candidates at our political conventions, and certain contributions were expected. The spoils system, as it existed in Colorado, gave the right to name the employees at the courthouse to the presiding judge.

The most difficult problems in modernizing our court system came about when we looked at the background of the Miners Courts of 1860 and the Justice of the Peace system that prevailed in Colorado. With

the historical vestiges that were tied to our Constitution in 1876, we had all judges elected by the same partisan political process that was used in electing the Legislators and the Governor. The elective system depends upon the political party system for its vitality. Such is not the case for the courts. Courts should be as antiseptic in their approach to problems as the operating room. Ideally, courts should be beholden only to the law and the Constitution. Both our state and federal courts should be wholly independent and free of political influences and pressures.

The first step which was taken in Colorado, with the full support of the bar, was in a constitutional amendment in 1962. Basically, the 1962 amendment abolished the Justice of the Peace Court, revamped the County Court to limit its civil jurisdiction to $500.00, and to limit the field of criminal jurisdiction to misdemeanors. Juvenile, probate and mental health jurisdiction was assigned to the District Court, which was our court of general jurisdiction and handled general civil, criminal, and probate cases, except in the City and County of Denver, where separate Juvenile and Probate Courts were created. In our 1962 amendment, we clarified the appellate jurisdiction, supervisory and administrative authority, and rule-making power of the Colorado Supreme Court. The 1962 amendment was then buttressed by Amendment Number Three in 1966, when the bar association and the public responded to the cry of "take our judges out of politics," and adopted a modified Missouri Plan for judicial selection.

By the 1966 amendment, we caused mandatory retirement of judges at the age of seventy-two and changed our method of judicial selection. Partisan selection of judges was eliminated by the amendment, and vacancies on the court in Colorado are now filled by appointments which are made by the Governor after recommendations and screening has been carried out by the Judicial Nominating Commission. The 1966 amendment also created a Commission on Judicial Qualifications, which was designed to meet the problem of the removal or retirement of a judge or justice who was guilty of willful misconduct, willful or persistent failure to perform his duties, intemperance, or permanent disability which would prevent him from carrying out his duties. Up until the amendment, a judge or justice could be removed only by impeachment. California, New York, Illinois, Texas, Louisiana, and Alabama all have judicial means apart from the cumbersome recall or impeachment procedure for removing judges. Colorado, since 1966, has caused, through the Commission, the resignation of eight judges, which is more than twice the number removed from the Federal Court in 180 years.

The 1966 constitutional amendment also specified that the Chief Justice is the executive head of the court system, with the constitutional power and authority to assign active judges to judicial duties in jurisdictions other than their own and the right to assign retired judges to temporary judicial duty. The amendment vested the Chief Justice with

the power to appoint the Chief Judge in each Judicial District and to delineate the authority to be exercised by the Chief Judge.[3]

Colorado had already proven the value of a Court Administrator, and by the constitutional amendment of 1966, the Court Administrator's position was designated and defined in the Constitution and not merely by statute.

Our Supreme Court is composed of seven justices who serve ten-year terms. The Supreme Court in Colorado reviews final judgments of the District Courts, the Denver Probate Court, and the Denver Juvenile Court. It now has initial appellate jurisdictions over:

1. All criminal cases tried initially in the District Court and the Denver Juvenile Court;

2. Cases in which the constitutionality of a statute, a municipal charter provisions, or an ordinance is in question;

3. Cases concerned with decisions or actions of the Public Utilities Commission;

4. Writs of habeas corpus;

5. Water cases involving priorities or adjudications; and

6. Summary proceedings initiated under Chapter 49, Colorado Revised Statutes 1963, as amended (Election Code).[4]

Our appellate system was further buttressed by the creation of an Intermediate Court of Appeals in 1969. Following review by the Court of Appeals, the Supreme Court would consider further review only by certiorari.[5] By statute, we have provided that a special court called the Superior Court, which exists only in Denver, would review proceedings of the Municipal or County Courts in Denver, and that the Supreme Court will then have appellate jurisdiction through a Petition for Writ of Certiorari to the Supreme Court.[6] In all other counties, County Court appeals lie first to the District Court and then to the Supreme Court by Writ of Certiorari which is issued in the discretion of the Supreme Court.[7]

In the appellate process, in considering appeals from the County Court to the District Court, we now consider the appeal either to be de novo or on the record; and since the County Court is now a court of record, the time-saving that is accomplished by review of the record, rather than by requiring a new trial, has been phenomenal.

[3]COLO. CONST. art. VI, §5 (2), (4).
[4]Colorado Revised Statutes §37-21-2 (1963) [hereinafter cited as C.R.S. 1963].
[5]C.R.S. 1963 §37-21-8, as enacted by H.B. 1028 (1969).
[6]C.R.S. 1963 §37-10-8 (1965 Supp.) as amended by H.B. 1028 (1969).
[7]C.R.S. 1963 §37-10-8 (1965 Supp.) as enacted by H.B. 1028 (1969).

The Court of Appeals, which became effective January 1, 1970, has six judges who serve eight-year terms and who may sit in divisions of three judges to hear and determine all matters before the Court. The divisions of the Court of Appeals are rotated from time to time, and its Chief Judge is appointed by the Chief Justice of the Supreme Court.

The Chief Justice of our Supreme Court is selected by the Court and serves at the pleasure of the majority of the Court, but without a specific term. The Supreme Court also appoints the State Court Administrator.[8] In addition, the Supreme Court promulgates rules governing the administration of all courts.[9] The only exception to this authority is that the General Assembly may provide by statute simplified procedure in the County Courts for claims not exceeding $500.00 and in the trial of misdemeanors.[10]

Our District Court is our court of general jurisdiction. It has original jurisdiction in civil, probate, and criminal cases, except in the City and County of Denver, where probate and mental health matters are heard by the Probate Court and juvenile matters by the Juvenile Court.

We have seventy-five District Judges who serve in twenty-two judicial districts. The number of County Judges within the state is provided by statute, except in the City and County of Denver, where the number of judges is specifically determined by the Charter.

Under our 1966 amendment to the judicial article, all new Supreme Court Justices, Court of Appeals Judges, District Court Judges, and County Court Judges are appointed initially for a two-year term and then run on their record for retention in office at the next general election.

Appointments to the Supreme Court and to the Court of Appeals are made by the Governor from a list of three names submitted by the Supreme Court Nominating Commission. Appointments to either the District or County Court is made by the Governor from a list of two or three names submitted by the Nominating Commission of the judicial district in which the vacancy occurs.[11]

The Supreme Court Nominating Commission is composed of nine members, plus the Chief Justice, who serves as non-voting chairman. Two members, one attorney and one non-attorney, are appointed from each congressional district, with the ninth member, a non-attorney, appointed from the state at large.[12]

[8] COLO. CONST. art. VI, §5 (2), (4).
[9] COLO. CONST. art. VI, § 21.
[10] COLO. CONST. C.R.S. 1963, Ch. 37, art. 16, 17 (1965 Supp.).
[11] COLO. CONST. art. VI, §20.
[12] COLO. CONST. art. VI, §24 (2).

The twenty-two judicial district nominating commissions are composed of seven members each, four non-lawyers and three attorneys. In judicial districts with less than 35,000 population, the Constitution permits more than four members to be non-lawyers. A Justice of the Supreme Court presides over each of the district nominating commissions as non-voting chairman.[13]

Appointments to the Nominating Commissions are for staggered six-year terms. No more than a bare majority of each Commission can be members of the same political party. The non-attorney members are appointed by the Governor, and the attorney members are appointed by majority action of the Governor, Chief Justice, and Attorney General.[14] No voting member of a Nominating Commission may hold any elective and salaried United States office, state public office, or any elective political party office.[15]

No voting commission member may be appointed to succeed himself, and no lawyer member of the Supreme Court Nominating Commission is eligible for appointment as a Justice of the Supreme Court or a Judge of the Court of Appeals while he is on the Supreme Court Nominating Commission and for three years thereafter. Moreover, no lawyer member of a district Nominating Commission is eligible for appointment to judicial office in that district while he is on the Commission and for one year thereafter.[16]

A justice or judge who desires to remain in office for another term must file a notice to this effect with the Secretary of State no sooner than six months and no later than three monhs before the general election next prior to the expiration of his then term of office. He then runs on a noncompetitive ballot on the question as to whether Judge ..... should be retained in office. Yes or No.[17] If a justice or judge receives a majority of "no" votes, or if he decides not to seek another term in the manner prescribed above, a vacancy is declared to exist, and the appointment process initiated. The question of retention in office is placed on the ballot (both paper ballots and voting machines) immediately before the constitutional amendments.[18]

In addition to mandatory retirement for age or failure to receive a majority of "yes" answers to the question of retention in office at a general election, there are three ways in which a justice or judges of a court of record may be removed. First, in the appropriate circumstances, the impeachment process may be used.[19] Second, a justice or judge

[13]COLO. CONST. art. VI, §24 (3).
[14]COLO. CONST. art. VI, §24 (3).
[15]COLO. CONST. art. VI, §24 (3).
[16]COLO. CONST. art. VI, §24 (3).
[17]COLO. CONST. art. VI, §25.
[18]Colo. S. B. 348 (1969).
[19]COLO. CONST. art. XIII.

must be removed by the Supreme Court if he is convicted of a felony or any other offense involving a crime of moral turpitude.[20] Third, a justice or judge may be removed by the Supreme Court upon recommendation of the Commission on Judicial Qualifications; except for the judges of the Denver County Court, who are removed as provided in the Denver Charter. The Commission on Judicial Qualifications may recommend removal of a justice or judge for willful misconduct in office, willful or persistent failure to perform his duties, or intemperance.[21] It may recommend retirement of a justice or judge in the event of a disability which is or is likely to become permanent and which interferes with the performance of his duties.[22]

Prior to making a recommendation to the Supreme Court on the removal or retirement of a justice or judge, the Commission must hold an investigation and order a hearing before it or request the Supreme Court to appoint three special masters to hear the matter, take evidence, and report thereon to the Commission.[23] The Supreme Court is not bound by a recommendation of the Qualifications Commission and, in making its review of the proceedings on the law and the facts, may permit the introduction of additional evidence.[24]

All papers filed with and proceedings before the Commission on Judicial Qualifications or special masters are confidential, and the presentation of testimony before the Commission or masters is privileged. When the record is filed in the Supreme Court by the Commission, it remains privileged, but is no longer confidential.[25]

The Commission on Judicial Qualifications consists of nine members appointed for four-year terms. Three members are district judges and two are county judges, all of whom are appointed by the Chief Justice. Two are lawyers who are not justices or judges and who have been licensed to practice in this state for at least ten years. The lawyer members are appointed by majority action of the Governor, Chief Justice, and the Attorney General. The remaining two members are nonlawyers and are appointed by the Governor.[26]

Moreover, as of January 1, 1970, the State of Colorado assumed the full responsibility for funding all courts of record other than the Denver County Court and the various municipal courts, which exist throughout the state. A separate court personnel system was also established by the Supreme Court rule, and budgeting, fiscal administration, and the development of a capital improvement program are

[20] COLO. CONST. art. VI, §25 (2).
[21] COLO. CONST. art. VI, §25 (3)(b).
[22] COLO. CONST. art. VI, §25 (3)(b).
[23] COLO. CONST. art. VI, §25 (3)(b).
[24] COLO. CONST. art. VI, §25 (3) (b). For rules of procedure of the Commission on Judicial Qualifications, *see* Colorado Rules of Civil Procedure, Ch. 24 (1970 Supp.).
[25] COLO. CONST. art. VI, §25 (3)(d).
[26] COLO. CONST. art. VI, §25 (3)(a).

the responsibility of the State Court Administrator, subject to the approval of the Chief Justice.[27]

Thus, Colorado has taken steps towards a unified judicial system, an improved system of judicial selection and tenure, and has, in effect, met the pledge that was made in 1966 when the cry was "take our judges out of politics."

The results have been indeed gratifying. We have seen people appointed to the bench that would not run for office and were recognized as leading lawyers who accepted judicial office in spite of the financial loss that was incurred.

Lawyers are interested in the improvement of the judiciary and of the up-grading of the standards of the courts. The public is interested and demands improvement.

Justice Burger, in his address to the American Bar Association in a talk entitled, "The State of the Judiciary, 1970,"[28] said, in pointing to the reasons for criticism, that there were three key factors:

> First, the legal profession—lawyers and judges—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.
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> Second, all the problems he warned about have become far more serious by the increase in population from 76,000,000 in 1900 to 205,000,000 in 1970, and the growth of great cities and increase in the volume of cases.
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> Third, entirely new kinds of cases have been added because of economic and social changes, new laws passed by Congress and decisions of the courts. All this represents the inevitability of change and progress.

Justice Burger concluded his remarks by saying that it was necessary that the public have confidence in the courts if our society is to succeed. Cooperation between the state judiciary and the federal judiciary is necessary. No longer can the courts operate on the theory that Eighteenth Century methods will enable us to meet the burden of the courts. The computer must replace the worn and age-old docket book and other antiquities of the clerk's office. Paralegal help must be brought into play. Improvements in our judiciary will result in that which Justice Burger says is paramount; namely, confidence in our courts. Montana will reach that enviable end if your Constitutional Convention effects judicial reform with a unified court system and merit system and tenure for your judges.

[27] C.R.S. 1963 §37-11-6-9, as amended by S.B. 126 (1969).
[28] 56 A.B.A.J. 929 (Oct. 1970).