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Symposium: Intermediate Appellate Court Practice - Problems and Solutions

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SYMPOSIUM: INTERMEDIATE APPELLATE COURT PRACTICE — PROBLEMS AND SOLUTIONS

INTRODUCTION

by

THE HONORABLE SAMUEL H. BELL*

FOLLOWING THESE BRIEF words of introduction is presented a collage of individual opinion — mounted, framed and presented as a reflection upon the state of today's appellate process as well as upon various problems and solutions involved therein.

An overview of the tensions of the appellate system is provided by Professor Marvell's article. Definity is given by the Parness-Reagle exposition on Ohio's experience in this area. Specific subject matters are discussed by three of the states more prominent jurists: Judges Day, Black, and Moyer. Each addresses, in turn, a facet of the appellate practice and procedure; and each article, in turn, is of interest to the in-court practitioner as well as the learning first visitor to the appellate courts.

Many have noted with particular apprehension the upward surge in case filings and the resultant increase in the cases-pending column in the several appellate jurisdictions. Are our case-flow problems not more attributable to the tremendous increase in the use of all court facilities rather than being due to a lack of judges, computers and court personnel? Can we anticipate a continuation of the trend of societal thought which tends to accept litigation as a vehicle for the solution of problems — legal, financial and moral? If so, perhaps even the thoughtful suggestions made in the following pages will not suffice to afford proper justice to those who seek it in our courts.

To those more case-hardened by experience in the trial and appellate arenas, there may be sympathetic agreement with the words of the anonymous Judge 14 quoted in the Parness-Reagle discussion, especially when his view is read in conjunction with the statistical compilation included in the appendix. The good Judge 14 speaks a great and general truth when he says, "In short, it appears that the mess we are in did not come upon us quickly and it will be a very long time before we can work our way out of it."

It is heartening to read the monographs which follow to know that there is much thoughtful consideration being given to "the mess we are in." It is hoped that the efforts already expended in the correction and reform of the appellate process will be implemented and strengthened in the days yet to come.

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