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Appendix A: Excerpts, Report of Standing Committee on Judicial Administration and Remedial Procedure (1912)

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Appendices Concerning the Problem of Equalizing the Appellate Work Load

APPENDIX A

*EXCERPTS, REPORT OF STANDING COMMITTEE ON JUDICIAL ADMINISTRATION AND REMEDIAL PROCEDURE (1912)**

To the Missouri Bar Association:

The Standing Committee upon Judicial Administration and Remedial Procedure at the meeting in 1912 made a report characteristic of its distinguished membership and drafted a number of bills for introduction in the legislature. The report and bills were debated at some length, but no final action was taken upon any of them.

The present committee treats many of these suggestions as "unfinished business" and again calls your attention to them, in connection with recommendations of our own. The recommendations are numbered and will be found in a pamphlet accompanying this.

RECOMMENDATION I

(Empowering Legislature to remodel and enlarge Appellate Courts.)

The following unfortunate conditions now obtain pertaining to our system of Appellate Courts:

1. Conflicts in decisions between the various Courts of Appeals and between Courts of Appeals and the Supreme Court with no adequate means of reconciliation.
2. Too many controversies arise concerning the jurisdiction of these respective tribunals, and too much time and money are wasted in litigating the question of which set of judges (all learned and honest) shall decide the particular case.
3. Appellate Courts overburdened and badly behind their dockets.
4. No provision for substitute appellate judges, in the event of sickness or unavoidable absence of the regular judges.

Conditions 1 and 2 may be remedied by the merger of the Courts of Appeals in the Supreme Court, by erecting divisions of the Supreme Court at the same or different localities and establishing over the divisions a central, or governing, tribunal whose chief function should be to preserve harmony among the divisions and issue and adjudicate original writs.

The function of the divisions should be the dispatch of ordinary appellate business, divided territorially or otherwise, so that ALL appeals in one district would go to the division of the Supreme Court sitting there. This would bring our court of last resort and greatest dignity close to the people whom it serves.

An ordinary civil case falling within the appellate jurisdiction of the Supreme Court cannot ripen into final judgment in Missouri in less than five years. Cases require one year or more to get through the trial courts, and from three and one-half to four years to reach decision in the Supreme Court.

. . . .

* In Missouri Bar Ass'n Ann. Rep. 140 (1913).

In 1912 the Supreme Court of Missouri, as shown in 239 Mo. 116 to 247 Mo. 535, decided the following cases:

Prohibition against circuit judges	19
Mandamus against circuit judges	5
Mandamus against judges of courts of appeals	2
Mandamus against probate judges	2
Prohibition against probate judges	2
Habeas corpus cases	4
Quo warranto	7
Certiorari against court of appeals	1
Prohibition against court of appeals	2
Mandamus against state officers	9
Action against state officers	1
Election contests	3
Criminal cases involving constitution	3
Civil cases involving constitution	36
Civil cases involving title to real estate	117
Civil cases involving over \$7,500	88
Felony cases	69
Cases certified by courts of appeals	8
Tax cases	1

Total379

Of these cases, 114 were decided by the Supreme Court commission.

The amounts involved in the 88 "money" cases are classified as follows:

Amounts not stated	19
(Apparently) less than \$7,500	2
\$7,500 to \$10,000	24
\$10,000 to \$15,000	12
\$15,000 to \$20,000	9
Over \$20,000	22
Total	88

Increasing the pecuniary jurisdiction of the courts of appeals would be of little advantage.

During the year 1912 as shown by the reports the courts of appeals disposed of the following:

St. Louis Court of Appeals	249 cases
Kansas City Court of Appeals	332 cases
Springfield Court of Appeals	122 cases
Total	703 cases