

REMARKS OF CHIEF JUSTICE BURGER

"Today the American system of criminal justice is suffering from a severe case of deferred maintenance...The failure of our machinery is now a matter of common knowledge, fully documented by innumerable studies and surveys."

3 consequences:

1. The perpetrators of most criminal acts are not detected, arrested, and brought to trial.

2. Those who are apprehended, arrested and charged are not tried promptly because we allow unconscionable delays that prevent both the right of the defendant and the public to a speedy trial of every criminal charge.

3. 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.

"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."

"The courts must be able to take care of both civil and criminal litigants without prejudice or neglect of either.

"The challenge to our systems of justice are colossal and immediate and we must assign priorities."

...Enormous costs of a trial. "Reliable estimates have been made indicating that the cost is in the neighborhood of \$250 per working hour in some courts, not including plant and equipment cost -- or lawyers."