

DELIVERY OF JUSTICE

**Proposals for Changes
to Improve the
Administration of Justice**

By

Warren E. Burger

**Chief Justice of the United States
1969-1986**

**The College of William and Mary Press
Marshall-Wythe School of Law
and
West Publishing Co.
St. Paul, Minnesota
1990**

TABLE OF CONTENTS

	Page
FOREWORD.....	V
PREFACE	VII
INTRODUCTION	IX

SECTION ONE. JUDICIAL ADMINISTRATION

Introduction.....	1
1. <i>"The Courts on Trial,"</i> American Bar Association, Atlanta, Georgia, February 21, 1958.....	4
2. <i>Keynote Address at the Ohio Judicial Conference,</i> Columbus, Ohio, September 4, 1968.....	15
3. <i>Remarks to the American Arbitration Association,</i> St. Paul, Minnesota, November 25, 1968.....	27
4. <i>"Court Administrators: Where Would We Find Them?,"</i> American Bar Association, Dallas, Texas, August 12, 1969.....	32
5. <i>"The Annual Report on the State of Justice,"</i> American Bar Association, St. Louis, Missouri, August 10, 1970.....	36
6. <i>"Agenda for Change,"</i> Philadelphia, Pennsylvania, November 14, 1970.....	46
7. <i>"Deferred Maintenance of Judicial Machinery,"</i> National Conference on the Judiciary, Williamsburg, Virginia, May 12, 1971.....	52
8. <i>"A Generation of Change,"</i> Dedicating Ceremony at the New Georgetown Law Center, Washington, D.C., September 17, 1971.....	62
9. <i>"Has the Time Come?,"</i> American Law Institute, Washington, D.C., May 16, 1972.....	70
10. <i>The Report of the Freund Study Group on the Caseload of the Supreme Court,</i> American Law Institute, Washington, D.C., May 15, 1973.....	77
11. <i>Annual Report on the State of Justice,</i> American Bar Association, Washington, D.C., August 6, 1973.....	84
12. <i>Remarks to The Economics Club of New York,</i> New York City, January 23, 1974.....	93
13. <i>"Agenda for 2,000 A.D.—Need for Systematic Anticipation,"</i> the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, St. Paul, Minnesota, April 7, 1976.....	101
14. <i>Remarks at the Dedication of the National Center for State Courts,</i> Williamsburg, Virginia, March 19, 1978.....	113

	Page
15. <i>Remarks at the Arthur T. Vanderbilt Dinner</i> , New York University, The Institute of Judicial Administration, New York, New York, November 18, 1982.....	121
16. <i>Annual Report on the State of Justice</i> , American Bar Association, New Orleans, Louisiana, February 6, 1983.....	132
17. <i>Remarks to the American Law Institute</i> , Washington, D.C., May 15, 1984.....	142
18. <i>Remarks to the American Newspaper Publishers Association Convention</i> , Miami Beach, Florida, May 7, 1985.....	148

SECTION TWO. LEGAL—JUDICIAL EDUCATION

Introduction.....	154
1. <i>Remarks to the American College of Trial Lawyers</i> , Hollywood Beach, Florida, April 11, 1967.....	157
2. <i>"The Future of Legal Education,"</i> American Bar Association, Dallas, Texas, August 10, 1969.....	166
3. <i>Remarks, "The Necessity for Civility,"</i> American Law Institute, Washington, D.C., May 18, 1971.....	172
4. <i>"The Role of the Advocates in Criminal Justice,"</i> American Bar Association, London, England, July 16, 1971.....	179
5. <i>"The Special Skills of Advocacy,"</i> John F. Sonnett Memorial Lecture, Fordham University Law School, New York, New York, November 26, 1973.....	187
6. <i>Remarks to the American Law Institute</i> , Washington, D.C., May 16, 1978.....	202
7. <i>Remarks to the Fourth Circuit Judicial Conference</i> , The Homestead, Hot Springs, Virginia, June 29, 1979.....	210

SECTION THREE. HISTORY AND JURISPRUDENCE

Introduction.....	216
1. <i>"Holmes: Militant Anti-Judicial Activist,"</i> New York University, New York City, May 10, 1970.....	219
2. <i>"The Doctrine of Judicial Review,"</i> Jeremy Bentham Lecture, University College, London, England, February 2, 1972.....	223
3. <i>"The Paradox of Freedom,"</i> Commencement Exercises at the College of William and Mary, Williamsburg, Virginia, June 3, 1973.....	236
4. <i>"The Interdependence of Our Freedoms,"</i> Utah American Revolution Bicentennial Celebration, Salt Lake City, Utah, September 6, 1975.....	242

	Page
5. <i>"How Long Can We Cope?,"</i> The National Archives, Washington, D.C., September 21, 1978.....	249
6. <i>Remarks to the International Conference on Constitution Writing</i> , Supreme Court, Washington, D.C., September 12, 1983.....	258

SECTION FOUR. CRIME AND PUNISHMENT

Introduction.....	266
1. <i>"Who Will Watch the Watchman,"</i> the American University Law Review, December 1964.....	268
2. <i>Remarks "Psychiatrists, Lawyers, and the Courts,"</i> June 1964.....	289
3. <i>Ripon College Commencement Lecture on Crime and Punishment</i> , Ripon, Wisconsin, May 21, 1967.....	302
4. <i>"A Proposal: A National Conference on Correctional Problems,"</i> American Bar Association, Dallas, Texas, August 11, 1969.....	310
5. <i>Remarks, "For Whom the Bell Tolls,"</i> Association of the Bar of the City of New York City, February 17, 1970.....	314
6. <i>Remarks to the National Conference on Corrections</i> , Williamsburg, Virginia, December 7, 1971.....	323
7. <i>Commencement Lecture, George Washington University School of Law</i> , Washington, D.C., May 24, 1981.....	330
8. <i>"More Warehouses, or Factories with Fences?,"</i> University of Nebraska, Lincoln, Nebraska, December 16, 1981.....	337

SECTION FIVE. BURGER AT LARGE

Introduction.....	345
1. <i>"The Interdependence of Judicial and Journalistic Independence,"</i> American Society of Newspaper Editors, Washington, D.C., April 18, 1975.....	348
2. <i>"What Do You Want From Your Century?,"</i> Commencement Exercises at the University of Pennsylvania, Philadelphia, Pennsylvania, May 28, 1976.....	354
EPILOGUE.....	361