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Traffic Courts: A Vital Force in the Administration of Justice

By HONORABLE GERALD S. LEVIN*

NEARLY sixty-one years ago, on July 31, 1902, to be exact, Mr. Justice Holmes wrote the following: "I am one of the few who stick to the bicycle as a pleasure and an exercise. . . . Fashion, as I long have said, is a law of life, and I suppose as soon as the odious automobiles get cheap the rich will give them to their servants. . . . However, I should like to see them replace horses altogether in the cities."¹

Mr. Justice Holmes lived until March 6, 1935, two days short of his 94th birthday. He saw automobiles replace horses in the cities, but it is doubtful if even a person of his sagacity could foresee in 1902 the myriad of problems created by the continual increase since that time in the production and use of automobiles. When Mr. Justice Holmes wrote the foregoing, the horseless carriage was being developed by several astute engineers and mechanics. Ransom E. Olds, the "Father of Automotive Mass Production," manufactured 425 "Merry Oldsmobiles" in 1901 and 2,500 in 1902. In 1899, there were only 50 gasoline engine automobiles in the entire country, foreign-made and domestic. The Ford Motor Company, by September 30, 1903, had sold \$142,481.72 worth of automobiles.²

Motor vehicle registration in the United States shows that in 1900 there were about 8,000 passenger cars and no buses or trucks; and in 1961, 63,488,000 passenger cars and 12,519,000 buses and trucks, a total of 76,007,000. The registration for California in 1961 discloses approximately 6,945,000 passenger cars and 1,189,000 trucks and buses, a total of 8,134,000. Motor vehicle travel during 1961 climbed to a record 733 billion vehicle miles.³

Presently, the total mileage of all roads throughout the United States is approximately 3,546,000 miles. California has 16,306 miles

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¹ I HOWE, HOLMES-POLLOCK LETTERS p. 102 (1946).

² See WILSON, AMERICAN SCIENCE AND INVENTION pp. 320-327 (1954).

³ AUTOMOBILE MANUFACTURERS ASSOC., AUTOMOBILE FACTS & FIGURES pp. 1, 18-19 (1962); cf. CALIFORNIA HIGHWAY PATROL, 1961 ANNUAL REPORT.

of state highways in its state highway system and 145,441 miles of city streets and county roads.⁴

In 1961 there were approximately 38,000 motor vehicle fatalities in the United States, 3,829 of which occurred in California. In the same year there were 1,400,000 victims in the United States who suffered injuries in motor vehicle accidents, 163,945 of which took place in California. Nationally, there was a total of 10,400,000 accidents including fatal, injury, and property damage accidents, 269,473 of which were recorded in California. Motor vehicle estimated accident costs in 1961 were \$6,900,000,000.⁵

The upward trend in motor vehicle casualties continues unabated despite the fine work of the National Safety Council, the American Bar Association, the President's Committee for Traffic Safety, state governors' committees throughout the land, and other interested organizations. In California during 1962 there were 4,121 motor vehicle fatalities and 184,676 motor vehicle injuries.⁶

The rise in number of cases processed in the United States has been tremendous; for example, from 12,000,000 in 1948 to 29,000,000 in 1959. Of the 29,000,000, approximately 5,000,000 cases were heard in court and 24,000,000 processed by traffic court violation bureaus.

California has a particularly acute problem because of the infusion of an average of 5,000 additional cars per week into its already immense vehicle population. The result has been a continuing increase in motor vehicle fatalities and injuries.

Our age has been referred to as the Space Age, the Atomic Age and the Jet Age. This era really is the Age of Speed, for those who sit in judgment in the traffic courts of this land. The California Highway Patrol report for 1961 discloses that the total hazardous arrests numbered 841,715 and of this number 308,092 were for speed; and that 32.8 per cent of fatal accidents were caused by speed, greatly exceeding all other causes.

Additional statistics could be provided to illustrate the magnitude and seriousness of traffic problems in the United States and in California, but the foregoing should provide sufficient evidence.⁷

The literature on this subject is voluminous.⁸ It is not the purpose of this article to be repetitive but only to give a kaleidoscopic glimpse

⁴ AUTOMOBILE MANUFACTURERS ASSOC., AUTOMOBILE FACTS & FIGURES p. 65 (1962).

⁵ NATIONAL SAFETY COUNCIL, ACCIDENT FACTS pp. 40, 41, 64 (1962).

⁶ CALIFORNIA TRAFFIC SAFETY FOUNDATION, CALIFORNIA TRAFFIC FACTS (1963).

⁷ See Traffic Fact Sheet compiled by California Traffic Safety Council—Appendix.

⁸ See WARREN, TRAFFIC COURTS (1942); AMERICAN BAR ASSOCIATION, JUDGE AND PROSECUTOR IN TRAFFIC COURT (1951); ECONOMOS, TRAFFIC COURT PROCEDURE AND ADMINISTRATION (1961); ECONOMOS, TRAFFIC LAWS AND TRAFFIC COURTS (1953); Economos, *Effective*

of the problems involved in traffic court administration. Perhaps this can be accomplished by considering the subject matter under the following headings:

- I. The significant position of the traffic court.
- II. The three requisites—engineering, education and enforcement.
- III. Traffic court practice.
- IV. Traffic court penalties.
- V. The need for public support.

The Significant Position of the Traffic Court

The effective administration of justice is the ultimate objective of courts, for without proper administration the salutary effects of bench and bar may be dissipated. Canon 2 of the Canons of Judicial Ethics of the American Bar Association reads as follows:

Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can, to make it useful to litigants and to the community. He should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

A fine example of co-operative effort for the improvement of the administration of justice has been demonstrated by the achievements of the Joint Committee for the Effective Administration of Justice created in June, 1961, as a united program of all of the national organizations interested in judicial administration. In the first year's report of the activities of that committee its chairman, Mr. Justice Tom C. Clark,⁹ said in his message:

The *Project Effective Justice* of which I write is the culmination of the determined efforts of some 14 national organizations to concentrate all of their programs toward the improvement of judicial administration in the state courts into one single national effort. Designed and executed to cope with the various problems of state and local judges, it is tailored to local needs. But those needs we have found are universal and the knowledge and experience of every state and community has, therefore, been focused upon them with astounding results.

Traffic Court Penalties, TRAFFIC QUARTERLY (1961); Macelwane, *The Traffic Court: The Most Important in Our System*, 43 A.B.A.J. 322 (1957); Levin, *Traffic Courts: The Judge's Responsibility*, 46 A.B.A.J. 143 (1960).

⁹ Mr. Justice Clark has for many years occupied a role of leadership as a member of the American Bar Association Standing Committee on Traffic Court Program, comprised of seven members, including Roy A. Bronson, Esq., of San Francisco as vice-chairman.

Although "Project Effective Justice" does not encompass, specially, procedure and administration in the courts of this land having jurisdiction over traffic violations, that project, and the traffic court program of the American Bar Association,¹⁰ have a similar objective, the speedy and efficient administration of justice.

The great increase in the number of motor vehicles as a mode of transportation has created serious problems of public safety and welfare that demand proper attention of the bench and the bar. Recognizing the need for a solution of these problems and for the modernization of traffic courts and procedure, the National Committee on Traffic Law Enforcement and the National Conference of Judicial Councils authorized Mr. George Warren to conduct a survey of the nation's traffic courts. Mr. Warren's comprehensive report, with 57 specific recommendations, was published in 1940. The book, *TRAFFIC COURTS*,¹¹ based on the report is the first to deal systematically with the traffic court and its problems. Of special significance is the statement in the foreword of that book, written by Chief Justice Arthur T. Vanderbilt, then chairman of the National Committee on Traffic Law Enforcement and of the Executive Committee of the National Conference of Judicial Councils:

To the great mass of people, however, judicial process means not the lucubrations of some eminent jurist in a great appellate tribunal, but the appearance, the manner, the voice, the words of the presiding magistrate and the environment in our civil and criminal courts of first instance. . . . Justice is not of different grades. A court of first instance even with limited jurisdiction is as important to the state and to the citizens who must resort to it as the ultimate tribunal. . . .

What our fellow citizens see and hear (and in some instances smell) in our police courts, our traffic courts and in proceedings before our justices of the peace quite naturally determines their idea of American justice. For the bulk of our people, their experience in those popular courts marks the limits of their experience with judges.

The role of traffic courts in our society is becoming increasingly important, because it is in these courts that millions of our population obtain their first, and perhaps a lasting, impression of the American system of justice. In 1961 there were 90,500,000 licensed drivers in the United States, over 8,000,000 of which are in California, and about 180,000,000 potential pedestrians. About 5,000,000 persons appear before traffic courts annually. There is no selectivity in the appearance

¹⁰ The American Bar Association has a well co-ordinated nationwide program under the direction of James P. Economos, Esq.

¹¹ See WARREN, *TRAFFIC COURTS* (1942).

of traffic law violators before traffic courts. Men, women and children from all walks of life, rich and poor, high and low, educated and uneducated, strong and weak, are touched directly by the law by reason of traffic regulations.

Perhaps the use of an automobile has, more than anything else, made millions of persons conscious that they are subject to regulation by law for the benefit of the entire community. The treatment they receive in the traffic court frequently will influence them to have respect or disrespect for the law. They must be made aware of the fact that traffic laws are enacted for the protection of life and property and that all persons are accountable equally for a violation of such laws.

The Three Requisites—Engineering—Education and Enforcement

It has been reiterated over and over again that traffic safety depends upon the sound application of the three "E's"—Engineering, Education and Enforcement.

Engineering

The engineer's contribution to traffic safety and efficiency is basic and indispensable. The engineer's responsibility is to provide the motorist and the pedestrian with protection against hazards over which they have no control, such as the acts of other drivers and pedestrians, physical features of the highway and vehicle, inadequate signing, uncontrolled or unrelieved congestion. In meeting this responsibility the engineer has three basic elements to consider: the driver, the vehicle, and the road.

Engineering cannot make roads and vehicles foolproof against the reckless or negligent acts of drivers, but improvement in external conditions has made human errors in judgment less likely and less hazardous. Engineering skills have been used to maximize safety on major arterials.

In addition to the traffic engineering units at work continually in research, planning, design, construction and maintenance, vehicle engineering has progressed to improve the safety and dependability of motor vehicles. Public education programs have urged motorists to maintain their vehicles in safe condition. Public officials responsible for the control of motor vehicles have required periodic inspection of vehicles to insure that the owner or operator exercises constant vigi-

lance in keeping equipment parts and controls of vehicles within acceptable standards.

Education

The success of any traffic safety program requires the support of the public. In order to obtain that support the public must have an understanding of the problems involved. The public expects that officials at each level of government will faithfully and efficiently discharge their responsibilities for safe and efficient traffic control. Maximum performance on their part requires public acceptance and support of their efforts. This may be accomplished through a public information program which disseminates basic data regarding the number of accidents, where and how they occur, and why; the social and economic facts about traffic accidents; and recommendations for action to prevent accidents.

Public officials—governors, mayors and the like—and civic and business leaders have encouraged the establishment of citizen traffic safety organizations to help develop positive attitudes and provide support for sound official members. Among the leaders in promoting public support are the American Bar Association, the National Safety Council, and the President's Committee for Traffic Safety.

The responsibility for the public information program is shared by (a) governmental authorities in the field of traffic control; (b) those who produce the media of public information, such as newspapers, magazines, radio and television, motion pictures, outdoor advertising, and the like; (c) organizations enrolled in the cause of safety—safety organizations; and (d) professional, civic, religious and fraternal groups and business and industrial organizations which have an interest in highway transportation. Effective programs of education are being carried on continually in schools throughout the land, in adult traffic violators' schools and in other adult classes. Traffic safety programs are existent in both elementary and secondary schools. Driver education programs involving classroom work and practice driving are available in increasing numbers of high schools. Colleges and universities are offering specialized traffic safety education programs to prepare safety educators, enforcement officers, traffic engineers, fleet supervisors and government personnel legally responsible for traffic enforcement.

Enforcement

Although engineering and education may accomplish greater obedience to traffic laws and regulations and a reduction of highway

accidents, inevitably there will be violators. The treatment of these violators ultimately rests with the courts which have the final opportunity to inculcate respect for the enforcement process.

The importance of the judicial function has been recognized in many studies. The American Bar Association Standing Committee on Traffic Court Program has published four principal sets of recommendations which are considered to be "national standards for improving the administration of justice in traffic courts." Added to the foregoing are fifteen recommendations of the President's Committee for Traffic Safety, promulgated December 14, 1960, and approved by the American Bar Association House of Delegates on February 20, 1961.¹² They contain the basic principles incident to improving the administration of justice. Acceptance and enforcement of these principles by courts, government officials and laymen alike must necessarily lead to traffic court improvement.

Among the recommendations are that traffic statutes should be founded on the Uniform Vehicle Code and the Model Traffic Ordinances; that the model uniform traffic ticket and complaint should be adopted on a state-wide basis; that an administrator of state courts should be appointed by the highest judicial authority in the state for the purpose of supervising and administering all traffic courts in the state; that the model act for a state court administrator should be used as a guide; and that uniform procedures should be adopted. Number 48 of the 57 recommendations which are a part of the National Standards reads as follows:

The justice of the peace system is outmoded and its plan of organization ineffective for good traffic law enforcement. It is recommended that the justice of the peace should be replaced for the trial of traffic cases by a state-wide system of regular courts with trained personnel functioning on a circuit basis from centrally located seats and under the supervision of a chief judge.

California completed its reorganization of all trial courts of limited jurisdiction on January 1, 1953. Section 11 of Article VI of its constitution, by amendment adopted November 7, 1950, authorizes each county to establish judicial districts and to provide for municipal courts in judicial districts which contain a population of 40,000 or more, and to provide for a justice court in all judicial districts below this population limit. California also produced a qualification test for all laymen who are interested in placing their names in nomination

¹² See ECONOMOS, *TRAFFIC COURT PROCEDURE AND ADMINISTRATION* (1961).

for the office of judge of the justice court. This test is under the supervision of the Judicial Council.

The heaviest burden in number of cases filed in municipal and justice courts throughout the State of California results from the enforcement of motor vehicle laws. Those laws are found generally in the Motor Vehicle Code and in traffic ordinances found in cities and counties throughout the state. The Traffic Code of the City and County of San Francisco is illustrative of the hundreds of provisions of law which motorists are obliged to respect. Violations of these laws are criminal offenses, the greater number being classified as misdemeanors.¹³ Several offenses of a more serious nature may be adjudicated as felonies, such as failure to stop a vehicle at the scene of an accident and fulfill other requirements where there results an injury or death to any person,¹⁴ felony drunk driving,¹⁵ driving while under the influence of narcotics¹⁶ or other dangerous drugs,¹⁷ maliciously and wilfully with intent to do great bodily injury throwing substances or discharging a firearm at a vehicle or occupant thereof.¹⁸

Because of the criminal nature of proceedings in the traffic court, defendants are entitled to the same rights and privileges enjoyed by defendants accused of other crimes:

- (1) The presumption of innocence throughout the trial and until a finding of guilt by judge or jury;¹⁹
- (2) The right to bail, in most cases, until guilt or innocence is determined;²⁰
- (3) The right to a speedy and public trial;²¹
- (4) The right to be allowed counsel as in civil actions, or to appear and defend in person and to the aid of counsel at all stages of the proceedings;²²
- (5) The right to produce witnesses in his behalf and to be con-

¹³ CAL. VEH. CODE § 40000: "It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this code, unless the violation is under the provisions of this code expressly declared to be a felony or a public offense which is punishable either as a felony or misdemeanor."

¹⁴ CAL. VEH. CODE § 20001.

¹⁵ CAL. VEH. CODE § 23101.

¹⁶ CAL. VEH. CODE § 23105.

¹⁷ CAL. VEH. CODE § 23108.

¹⁸ CAL. VEH. CODE § 23110(b).

¹⁹ CAL. CODE CIV. PROC. § 1963(1).

²⁰ CAL. PEN. CODE §§ 1270, 1271.

²¹ CAL. CONST. art. I, § 13; CAL. PEN. CODE § 686.

²² *Ibid.*

fronted with the witnesses against him in the presence of the court, and also to subject them to cross-examination;²³

(6) The right to be informed of the nature of the charge against him;²⁴

(7) The right to be arraigned and to have the charge read in open court;²⁵

(8) The right to a trial by jury;²⁶

(9) The right against self-incrimination;²⁷

(10) The right to appeal from the judgment of the trial court.²⁸

The judge should take the time to inform the defendants individually and collectively of all these rights so that the defendants may be assured of fair and equitable treatment.

Traffic Court Practice

The attitude of persons who appear in the traffic court depends in great measure upon the physical surroundings and the demeanor of the judge and court attachés. Persons who appear may be in a state of irritation, or at least not pleased that they are charged with a traffic offense which requires them to devote time and effort in their defense. Proper courtroom facilities and proceedings conducted with order and decorum may aid in easing a tense situation. In so far as courtroom facilities are concerned, reference is made to the minimum courtroom recommendations prepared by Chief Justice Phil S. Gibson of the California Supreme Court, as follows:²⁹

1. The courtroom should be located in a well-kept publicly or privately owned building.
2. The size of the room should be in proportion to the needs induced by the activity of the court.
3. It should be located in a quiet portion of the building.
4. Entrances for prisoners and spectators should be located for convenience and safety.
5. Special attention should be given to acoustics.

²³ *Ibid.*

²⁴ CAL. PEN. CODE § 858.

²⁵ CAL. PEN. CODE §§ 976, 988.

²⁶ CAL. CONST. art. I, § 7.

²⁷ CAL. CONST. art. I, § 13; CAL. PEN. CODE §§ 686, 1323, 1323.5, 2065.

²⁸ CAL. PEN. CODE §§ 1235-1238.

²⁹ AMERICAN BAR ASSOCIATION, JUDGE AND PROSECUTOR IN TRAFFIC COURT p. 82 (1951).

6. Ventilation, lighting, and wall decoration should receive thoughtful attention.

7. There should be a separation of audience and court by a railing.

8. There should be adequate furnishings such as: (a) elevated bench; (b) accommodations for clerks, bailiffs, witnesses, and counsel; (c) a sufficient number of fixed seats for spectators; and (d) jury box of proper size.

9. Adjacent office space should provide for: (a) Judge's chambers, private, well ventilated and lighted, and with sufficient space for library; (b) room for deliberations of jury; and (c) clerk's office, separate from the courtroom and readily accessible to the public.

Given the proper courtroom facilities, it is the responsibility of the judge to conduct the proceedings with dignity so that the court may be entitled to the respect of all who appear. He must be entirely familiar with trial procedure, presentation of evidence and the interpretation of the Constitution, statutory and municipal laws, and regulations pertaining to traffic violations. He must require his court attachés to treat the public with due attention and courtesy. The numerous procedural steps involved in the operation of a court handling traffic cases may be illustrated by a brief reference to the procedure of the Municipal Court of the City and County of San Francisco.

Traffic cases customarily begin with the issuance by the San Francisco Police Department of a citation to an alleged violator. The citation directs the alleged violator to appear within 11 days before the clerk (a person authorized to accept the deposit of bail) except where more serious types of violations are involved, such as license suspensions, hit and run, reckless driving, speed contests, high speed and accident cases, in which cases the violator is cited to appear in a particular department of the San Francisco Municipal Court on a certain date. When a person is cited for a moving violation, he may protest, post bail, and arrange for a hearing. The officer who issued the citation is notified of the hearing so he may appear. Parking violation protests are heard on certain days in another department of the Municipal Court.

The original IBM copies of all citations issued are filed in the Municipal Court Traffic Bureau at the Hall of Justice for processing. The Traffic Bureau is one of the four divisions of the Municipal Court and is operated by about 60 employees.

Municipal Court statistics indicate that for 1961 the average number of parking citations per month was 56,000 and moving citations 11,000, and for 1962 the average number of parking citations per month was 60,000 and moving violations 10,000. In 1961 traffic fines and for-

feitures were: parking, \$1,876,383.62; and moving, \$1,439,069.19, a total of \$3,315,452.81.³⁰

Traffic Court Penalties

The violation of the traffic law constitutes a criminal offense and calls for application of a sentence to accomplish the ultimate objectives of protecting society and rehabilitating the offender. These objectives may be sought through punishment of the offender; incapacitating him from similar activity during a period of time (for example, by confinement or revocation of license); rehabilitating him through treatment (for example, by requiring attendance at traffic school); and deterring him and others from committing similar offenses.

The penalties a judge may impose are varied; jail, money fine, both fine and jail, probation, court supervision, traffic school, driver training, or suspension of license. A penalty should not be geared to the cash register, but rather to the enlightenment of the offender so that he may thereafter drive a vehicle with care and not be a danger to the public.

Each individual case requires consideration of all factors bearing upon the security and welfare of the public and a fair analysis and appraisal of the individual defendant. There must always be a proper balance between compassion for the individual and concern for the public. Such a proper balance encourages the right public attitude toward the law and confidence in its proper enforcement.

The judge should strive to avoid preferential treatment for any offender and seek to secure reasonable uniformity in penalties. This is a difficult task, especially where a system of rotation of judges is in effect, because of the difference in the views of judges. Certainly judges should not be deprived of their individual discretion, but a cooperative spirit may lead to agreement on the nature of penalties which should be imposed under certain circumstances.

In the imposition of penalties the traffic judge must determine the type of defendant and the cause of the violation. Traffic experts have classified delinquent drivers into three classes: the *can'ts*, the *don'ts*, and the *won'ts*. The *can'ts* are those who are unable to operate vehicles properly because of some physical or mental impairment. The *don'ts* are those who do not possess the requisite knowledge of the traffic laws or fail to operate a vehicle properly because of lack of ordinary

³⁰ Statistics provided by Hon. James M. Cannon, Clerk of the Municipal Court of the City and County of San Francisco.

skill or experience. The *won'ts* are those who lack respect for traffic laws and commit violations willfully.

The *can'ts* present a dangerous threat to themselves and others who use the streets and highways. It is of importance that the defect should be corrected, or otherwise the driver should not be permitted to drive on the streets or highways. This driver might very well be placed on probation with the condition that he report to the driver licensing authorities for examination. His defects cannot be corrected by a jail sentence or a fine, but a fine might impress upon him the seriousness of his conduct and, if he has been previously guilty of a similar offense, he might very well be given a jail sentence.

The *don'ts* are the type of violators who can be helped by a proper penalty. They need education to give them a better knowledge of traffic laws and regulations, correct faults, and improve driving skills. Unless the offense is a serious one, the proper penalty would seem to be attendance at a traffic school and perhaps a suspension of the driving privilege while in attendance.

The *won'ts* are those who possess an improper attitude and have no respect for the law or law enforcement authorities. They use the automobile as an outlet for their feelings of aggression or to exhibit their prowess behind the wheel of an automobile. Their feelings of hostility, outrage and aggression, repressed in daily life, are let loose when they step on the gas. They disregard the sanctity of human life, civic duty or even self-preservation; for their emotions control their judgment. The repeaters generally will be found in this group. They should be treated most severely with fines, jail sentences and license suspensions or revocations, dependent upon the seriousness of the offense. The court may wish to place such a driver on probation in order to have control over his future conduct as a motor vehicle operator. Traffic school may not serve a useful purpose with this violator, who generally knows the rules of the road, but it may be imposed as an additional penalty in order to be assured that the driver possesses the requisite knowledge.

In the adjudication of traffic cases and imposition of penalties, judges who preside over traffic courts may do well to have in mind the view expressed by Judge Harold R. Medina in his stirring address of ten years ago entitled "The Spiritual Quality of Justice":³¹

What I am trying to put across is the idea that there is something sacred about justice, something truly spiritual, and that it is good that every single member of our community should share in this wonderful

³¹ JUDGE MEDINA SPEAKS pp. 232, 245 (1954).

process in every way that opportunity may afford. Every time any one of us, whether he be a judge or a juror or a witness or a party or just a plain citizen who votes, fails to make the fullest contribution to what I call 100 per cent justice, he does himself infinite harm spiritually and helps to disintegrate or to impair the most significant and fundamental institution of American democracy.

The Need for Public Support

The conduct of a wise and sound traffic program in the community requires public confidence and support. The judge must be a leader in encouraging such confidence and obtaining the required support. In the first place, he will gain public approval if he demonstrates in his daily work in the courtroom that he is maintaining the proper standards of order and decorum in administering traffic court justice in a firm and equitable manner. But his work in the courtroom must be supplemented by his communication with the public. This really is a public information problem. Although the time of a judge is limited, he should join with community leaders, safety organizations and citizens' groups evincing interest in the enforcement of traffic laws. He should accept invitations to speak on the subject and inform the public of the manner in which the court is operated. He should encourage the news media to publish data of general interest. He must impress upon the public his earnestness and sincerity in administering justice in the traffic court without preferential treatment for any violator.

The traffic judge is really in the position of an educator. It is his duty to give to those who appear before him, and also to laymen in the community, an understanding of the seriousness of the traffic problem. He must realize that traffic law enforcement depends greatly upon the general public attitude. This attitude will be influenced by the judge's conduct, both in and out of the courtroom. The public must be impressed with the fact that at stake are thousands of lives and millions of dollars in property loss. A favorable climate created by the judge by reason of his uniform treatment of offenders in court and his contribution in the enlightenment of the public generally should encourage the widespread support required to conduct a sound and sensible traffic program.

Conclusion

The University of Pennsylvania some years ago conferred upon one Edward Newton the degree of Doctor of Laws, it being understood that he would deliver an address. The address, entitled "Newton on Blackstone," was published in the Atlantic Monthly and reprinted by

the University of Pennsylvania and Oxford University Press. In it Mr. Newton said:

It has been claimed that the law, like justice, is blind. We all know that partially draped female figure holding with outstretched arm a balance or scales, her eyes bandaged that she may not see those who appear before her; but the bandage frequently slips, and occasionally the lady has been known to wink. I have found in the course of my studies that the law is a great respecter of persons—this is as it should be; but *the chief glory of the law is the method by which it is dispensed.* (Emphasis added.)

The method of dispensation of justice depends in great measure on the character, learning, experience and, at times, the particular propensities of judges. The foregoing certainly applies to judges who sit in the traffic courts of our land. It is to the glory of the law when judges in traffic courts create respect for traffic laws by their enforcement of the laws in an equitable manner without fear or favor. They preside in the most populous courts in our land and influence greatly civic habits and attitudes in our society. They play a dominant role in the life of every community, and they have a serious and important obligation to fulfill.

It is in the traffic courts of the land that a public image is created respecting lawyers, judges, the courts and the administration of justice. In the words of Chief Justice Hughes: "Justice in the minor courts, the only courts that millions of our people know, administered without favoritism by men conspicuous for wisdom and probity is the best assurance of respect for our institutions."

Most assuredly Chief Justice Hughes by the use of the term "minor" in the foregoing statement intended only to identify a certain class of courts and not in the order of importance, for he recognized, as we all must recognize, the great importance of traffic courts in the American system of jurisprudence.

In capsule form, traffic courts are of vital importance in the administration of justice because: traffic judges adjudicate more cases than any other courts in the land; traffic judges by their demeanor and actions create respect or disrespect for the American system of justice; traffic judges by the proper exercise of their power aid in encouraging a healthy attitude in our society regarding the judicial branch of government; traffic judges provide the public with education on a subject affecting the every day existence of themselves and others.

Mr. Justice Clark has summarized in brief and succinct form the importance of traffic courts as follows:

In saying that the traffic court is the closest court to the people, in pointing out the millions of people that come there every year, and then saying that respect for law and respect for court indeed begins right at this level—the traffic court—we are pointing out something that is vital in our judicial system. Those who are charged, or who go into our traffic courts not being charged but just as visitors, see in action perhaps the only court they know anything about. The condition of that courtroom, the manner in which its procedures are carried out, the demeanor of the judge and the attaches of the court, the method in which the court is carried on, and the time, perhaps, one has to wait in order to have his case called, all these things are impressed indelibly, upon those people who come and sit in that courtroom. This is true whether or not they take part in the proceedings. There can be no more important court in this whole land than the traffic courts of the various states, of the various counties, of the various municipalities. Here is where respect or disrespect for law, for order, for the courts, and for government is fostered.

The American Bar Association continues to assume major responsibility for the national program to improve traffic courts in accordance with the recommendation of the President's Committee for Traffic Safety. The National Safety Council and other groups maintain their efforts for safety on the nation's streets and highways. With such leadership and guidance and the sincere interest of thousands of capable traffic judges throughout the land, millions of citizens and innumerable civic organizations, there is reason to hope for enhanced respect for traffic courts and a saving in human lives and property.

APPENDIX

*Traffic fact sheet State of California**

I. *The Traffic Problem:*

- A. 17,400,000 residents (estimated by Department of Finance, 1/1/63).
- B. Over 9,000,000 registered vehicles—far more than any other state.
- C. Over 8,000,000 licensed drivers.
- D. *One out of every nine* automobiles in the nation is registered in California.
- E. Californians operate these cars on only 4 per cent of the nation's highways.
- F. There are more automobiles in Los Angeles County than in any one of 43 states.
- G. An average of 6,000 out-of-state cars per day are driven into California.
- H. United States totals indicate 20 vehicles per mile of highway.

* Compiled by California Traffic Safety Foundation, 660 Market Street, San Francisco 4, California, March 1963.

- I. *California* has 62 vehicles per mile of highway, and these were driven nearly 78,000,000,000 miles last year.
- J. In California over 6 billion gallons of motor fuel are consumed each year.

II. *The Accident Problem:*

- A. In California 4,121 persons met death in traffic in 1962, 7.3% more than in 1961.
- B. Last year's traffic injuries (non-fatal) totaled 184,676 or 12.7% above the previous year.
- C. The mileage death rate (provisional) for 1962 was 5.3 (fatals per 100 million miles traveled). In 1956 the death rate was 6.4; 1957-6.0; 1958-5.5; 1959-5.3; 1960-5.3; 1961-5.2.
- D. From January 1, 1956, through December 31, 1961, 26,276 persons have died in California traffic. If the 1956 mileage death rate had prevailed continuously through 1962, approximately 30,364 persons *would have died*. The steady decrease in the mileage death rate represents a *saving of 4,088 lives during the six year period*.
- E. *Costs of California's traffic accidents in 1962 exceeded \$700,000,000*. This would have been enough to buy 50,000 new homes; or \$41.00 worth of groceries for every one of California's residents; 35 \$20 million factories, or 200 prime industrial sites.
- F. Cost of traffic accidents in 1962 were over one-fourth of the State budget for fiscal year 1962-63.
- G. Most drivers in fatal accidents committed one or more violations of the Vehicle Code.
- H. Leading "causes" were alcohol and speed.