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DISCUSSION: CRISIS IN THE COURTS

The Articles by Attorney General Griffin Bell, Chief Judge Harry Phillips, and Dean John W. Wade contained in this issue are based upon remarks made by the authors at the Cecil Sims Lecture Series, which was presented by the Vanderbilt Law School on November 4, 1977. The Sims Lecture Series was established in 1973 in memory of Cecil Sims, a 1914 graduate of Vanderbilt Law School and a preeminent attorney in Nashville, Tennessee. It was designed to foster discussion of issues of current significance to the legal community by bringing outstanding judges, attorneys, and public servants into close contact with Vanderbilt law students. The lectures this year focused upon the "Crisis in the Courts," a topic that has gained the attention of many commentators, including members of each of the branches of the federal government. The principal address was delivered by United States Attorney General Griffin B. Bell, who in his Article expresses concern that growing pressures on the federal judiciary will seriously impair the proper functioning of the courts and produce unfortunate repercussions in many other segments of our society. Attorney General Bell advocates decisive change in the judicial system, including a reexamination of the role of the judiciary in our democratic society and the implementation of new forums for dispute resolution.

Judge Phillips discusses the "Crisis in the Courts" from his unique vantage as Chief Judge of the Sixth Circuit Court of Appeals. He agrees with the Attorney General that the mere appointment of new judges will not be sufficient to meet the demands of the litigation explosion. Judge Phillips focuses on the present scope of federal question and diversity jurisdiction as the area in which changes can be instituted most effectively. Dean Wade centers his recommendations in the area of civil actions and offers proposals aimed at stemming the flow of unmeritorious claims into the courts through refurbishment of the Federal Tort Claims Act and creation of penalties for spurious civil actions.

Although these Articles offer a rather pessimistic view of the present state of the federal judiciary, they contain significant proposals for relieving current burdens and effecting significant reform

of the judiciary. By focusing attention upon the causes of and possible solutions for the crisis in the courts, they make clear the need for immediate and basic reform that does more than merely institute stop-gap measures aimed at providing only temporary relief.