



1927

Not Ready for Trial

Aubrey Lawrence

Follow this and additional works at: <https://commons.und.edu/ndlr>

Recommended Citation

Lawrence, Aubrey (1927) "Not Ready for Trial," *North Dakota Law Review*: Vol. 4 : No. 1 , Article 1.
Available at: <https://commons.und.edu/ndlr/vol4/iss1/1>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

BAR BRIEFS

PUBLISHED MONTHLY

— BY —

STATE BAR ASSOCIATION OF NORTH DAKOTA

Entered as Second Class Matter Jan. 15, 1925, at the Postoffice at
Bismarck, North Dakota, Under the Act of August 24, 1912

VOL. 4

DECEMBER, 1927

NO. 1

"NOT READY FOR TRIAL"

Practically every time District Court opens in any County, the District Judge finds a large proportion of the cases to be "Not Ready for Trial." Six months, and sometimes twelve intervene between terms of court, and, with less than fifty cases on the calendar, Judges find only four or five ready for trial. What is the reason? Sometimes it is the desire of the litigants for postponement of consideration of the merits; sometimes it is fear of counsel to submit the case for final determination; most frequently it is nothing more nor less than disinclination of attorneys to dispose of a pending matter, through indifference or lack of diligence in securing witnesses or briefing the case.

At the risk of seeming "preachy," may I say this is wrong and unfair, for several reasons: First, the courts are conducted at a large expense, and taxpayers have the right to demand that business so paid for should be diligently dispatched. Secondly, the litigant who is in court should have his case disposed of promptly, otherwise, he becomes one of the class who are criticising Judges and lawyers for delay in the determination of personal and property rights. Thirdly, it is unfair to the Judge, who is anxious to clean up his calendar, dispose of his business, and take up current work. The duty seems to rest upon the lawyers to relieve the situation by an appreciation of the fact that the interests of the State, the litigant and the Court demand a more active desire and a more thorough preparation for the trial of his case whenever the same is called upon the calendar. An end to that old and familiar statement, "Not Ready for Trial"!—President Lawrence.