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By Richard Turkington

Each judge has a different perspective and covers a different topic; however, all agree on one major difficulty of the court system—the fact that delay and inefficiency cause disrespect for the judicial process. In pursuing this theme in a slightly different direction it is pointed out that this same inefficiency and failure of the judicial process which was instituted over one hundred years ago is largely ignored today. Partly to blame for this situation is the lack of sufficiently objective criteria to permit efficient and just enforcement of the laws by those on the bench. Professor Turkington examines this latter problem relative to its effect in equal protection cases, particularly pointing out the unmanageability of an impact analysis in this area.

SOME THOUGHTS ABOUT JUDICIAL REFORM .......... 457

By Donald A. Hunter

The significant number of people questioning the fundamental framework of our Republic is subjecting the judiciary to pressures that would belie its independent existence as a separate, co-equal branch of government. The men who preside over the nation's courts must be capable of meeting this challenge. The bar and bench must re-evaluate the criteria for qualification, selection, tenure, and retention of judges. The author discusses the prevalent criticisms of the present structures and proposes innovations for change geared to meet the challenges now facing our judicial structure.

THE URGENT CASE FOR AMERICAN LAW REFORM: A JUDGE'S RESPONSE TO A LAWYER'S PLEA ......... 466

By James O. Monroe, Jr.

The American legal system is urgently in need of repair. Symptomatic of this failure to function is the huge backlog of jury trial cases. Judge Monroe, observing this critical situation from his view

Subscription price: $7.00 a year
Single copies $2.50
Published quarterly by De Paul University College of Law
25 East Jackson Boulevard, Chicago, Illinois 60604
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Second Class postage paid at
Chicago, Illinois, and additional mailing offices.

PRINTED IN U.S.A.
as a trial court judge, calls for radical reform. The load of the
courts must be lightened by removing to other agencies some matters
traditionally handled by the courts. The fault concept for determin-
ing liability, divorce cases, and fiduciary matters involving only
arithmetic are a few examples of this type of case. Lightening the
case load will do precious little good if outmoded, inefficient court
procedures are not modified. Judge Monroe presents concrete
suggestions for substantial change in these areas. Neither of these
reformations will be of benefit if those who man the system do not
seek to improve their work habits. Lawyers, judges, and the courts
they operate are themselves on trial.

MULTIPLE POST-TRIAL LITIGATION IN CRIMINAL
CASES

By Ralph M. Holman

Present criminal post-trial litigation is repetitious and wasteful.
State courts are totally subservient to the federal courts. The United
States Supreme Court has created this situation largely through ex-
pansion of federal habeas corpus procedure, and through broadened
use of the fourteenth amendment. State post-trial review is largely
meaningless as the convicted defendant almost always appeals his
case in the federal courts, especially when the cost is borne by the
public. Justice Holman suggests that the appeal or other post-trial
litigation go directly into the federal system. Although some safe-
guards are necessary to any system of justice, the existence of too
many of them will cause the system to become cumbersome and
impractical. The use of such duplicative and inefficient procedures
can only breed disrespect for the judicial process.

THE ETHICS OF URBAN LAW AND PRACTICE: A
CHALLENGE FOR THE COMMON LAW

By Thomas G. Kavanagh

The vast, rapid transformation of society from rural-agrarian to
urban-industrial has created a need to reflect upon the role and
interrelation between the common law and the purpose of the courts,
_i.e._, to do justice. It is the self-imposed duty of the court to re-
evaluate the relationship of the tradition and spirit of the common
law to current problems. To render justice the court must reflect
and fulfill the social needs of the community it serves. New condi-
tions and changing needs require a continual re-appraisal of the re-
lationship between the law and justice. What should students and
professors of the law do? What should the practicing attorney do?
What should the courts do? The author, an appellate court judge
of long standing, discusses the answers to these significant questions.

IMPROVING THE ADMINISTRATION OF JUSTICE IN
TRAFFIC COURT

By Raymond K. Berg and Richard L. Samuels

For more than ninety percent of the citizenry the only opportunity
to observe the functioning of the courts is the traffic court. What
the citizen observes there will deeply influence his attitude toward
law enforcement, the judiciary, and the administration of justice.
The authors, two experienced traffic court judges, discuss the steps
taken to this end by one of the nation's largest traffic courts. Among
those topics discussed are: due process in traffic cases; procedural
dignity, formality, and consistency; the right to a speedy trial; non-
revenue penalties; traffic education; avoidance of scandal; and sup-
port from the legal profession and the public.
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The “destination of income” theory has spawned a plethora of Treasury Regulations, Revenue Rulings, and case law. Although its origin can be traced to the Income Tax Act of 1913, the complexity of the tests used to define an “exempt organization” has been markedly felt since the Internal Revenue Code of 1954. Beginning with the avowed purpose of competitive equalization, this comment examines the current expressions of that purpose—the factors of causality, commerciality, and regularity—in an attempt to link them positively to the existence or promotion of unfair competition with private enterprise.

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