



Traffic Courts: Past and Future

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"Traffic cases", considered broadly as non-criminal infractions or violations, make up 54% of the caseload of U.S. state courts. These cases are heard often in "traffic court", but the meaning of that phrase has meant and continues to mean different things for different states. The development of these courts, including how they are structured and organized, reflects on the ways in which local justice administered locally have been conceived in the United States and their future is also an indicator of what that local justice may look like in the future.

Traffic courts of the past: what is a "traffic court" and where is it organizationally placed?

To begin the concept of a "traffic court" was and has been to a large degree a misnomer. Only a few localities created a court whose sole function was the adjudication of traffic cases; when the now-defunct National Conference of

Judicial Council's National Committee of Traffic Law Enforcement issued its review of traffic



courts in 1942 it could identify only two localities that had established "traffic courts". Other localities would later create such courts but have for the most part at this point abandoned them. The Philadelphia Traffic Court was abolished in 2013 while the Traffic Court of New Orleans merged with the Municipal Court of New Orleans in January 2017. Today only one state has within its judiciary something akin to a stand-alone traffic court, the Rhode Island Traffic Tribunal although even this court has jurisdiction over non-traffic matters such as violations of the state's boating laws.

More common with respect to the adjudication of traffic cases within the judicial branch has been the placement of jurisdiction into a division of a court of limited jurisdiction. There is some contention as to which was the first such court division; Cook County claims the creation of such a court as a division of the Superior Court in 1917 while New York City makes its claim of a division of the Magistrates' Courts of the City of New York created on June 14, 1916. Perhaps the most common methodology for these courts has been to simply place jurisdiction over traffic matters in a locally controlled limited jurisdiction court generally without the creation of a special division. Thus "traffic court" judges may also hear other cases involving ordinance and infraction violations, criminal proceedings, and even smaller civil claims.

All of these formulations of a "traffic court" share an underlying basis of authority derived their placement in the state's judiciary and operating directly (or indirectly via state statutes) based on language from the judiciary article of the state's constitution. In parts of some states, in particular, large urban areas, "traffic courts" are instead administrative agencies under the state or local executive branch. Examples of this include the New York City's Traffic Violations and separate Parking Violations Bureaus. This is in contrast to other locations,



Georgia and Missouri are examples, where the "Traffic Violations Bureau" is an administrative unit under some judiciary-article court.

Traffic courts of the future: "court as a service and not a place"

Regardless of the particular placement of the traffic violation or infraction (and perhaps even in criminal cases) the question coming more to the fore is why a person must physically go to one of these various locations to adjudicate their case. Given the increased prevalence of technology in other areas of court proceedings (such as in the civil divisions) is it possible to move traffic caseloads online rather than focusing on which court/administrative agency is best able to handle such cases?

Professor Richard Susskind, IT adviser to the Lord Chief Justice of England and Wales, wrote in 2017 of a future vision in which efforts such as online dispute resolution (ODR) could and indeed would move from "radical aspirations" to practical reality. Recent reports indicate that some 14 states are considering the use of ODR for limited purposes including traffic courts and cases (Vogt, 2019). To the extent this can be transferred away from physical locations traffic courts can and have made available aspects related to uncontested cases and cases in which an individual was found to have committed the infraction/crime allowing for online payment and the like. But the next-potential opportunity in the 14 states described and elsewhere is a move towards allowing the entire proceeding to be done without the need for any of the parties or participants to be present in a physical courthouse, instead of transmitting testimony and evidence to the court electronically. Courts in Michigan and Texas, for example, found marked increases in their courts' abilities to handle such cases (Persky 2016; Cartwright & Greiling, 2018)



References

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