

# O'CONNOR:

## The Individual Often Does Make A Difference In Society

U.S. Supreme Court Justice Sandra Day O'Connor delivered the following remarks during a commencement address at Stanford University.

By Sandra Day O'Connor

"In every age, there comes a time when leadership suddenly comes forth to meet the needs of the hour. And so there is no man who does not find his time, and there is no hour that does not have its leader."

At first blush, this ancient saying suggests merely that there will always be a Moses when a Moses is needed. Yet, on further examination of the words, "there is no man who does not find his time," we realize that the message conveyed is that each of us, in our own individual lives and the crises we face, will have a time to lead. Whether we will lead only a family, or a handful of friends, and where and how we will lead, is up to us, our views and our talents. But the hour will come for each of us, and, because we know this, we surely must also know that the very nature of humanity and society, regardless of its size or complexity, will always turn on the act of the individual and, therefore on the quality of that individual.

My experience in the executive, legislative, and judicial branches of government and my position on the Supreme Court all point to this conclusion: an informed, reasoned effort by one citizen can have dramatic impact on how someone, like a legislator, will vote and act. When I was in the legislature, one person, sometimes with a direct interest in the matter, sometimes without one, would on occasion persuade me by the facts, by the clarity of the explanation and by the reasoning, to do something which never would otherwise have done. I have been at caucuses when a group of legislators was trying to decide what to do, and, time and time gain, my fellow legislators would refer to the logic or fairness of what some plain, unknown citizen has said.



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I have had an opportunity to view this same basic phenomenon from a different perspective in my role as a Supreme Court justice. A majority of litigants who come before us are people who are essentially unknown, not only to us but even within their own community. We resolve their problems and, in the process, resolve the problems of thousands or millions similarly situated. There are innumerable ways in

which all of us can help in all fields. Let me mention only one which is close to my heart.

One of the things each of you can do as individuals to improve our nation's court system is to help us resolve more of the disputes which arise in this country someplace other than in the courtroom.

I believe there is a widespread and justified view in this country that quantitatively the courts are carrying too large a burden, the

size of which cannot adequately be resolved merely by increasing the number of judges, and that qualitatively the courts are being asked to solve problems for which they are not institutionally or traditionally equipped.

In some instances, delay has been avoided and the costs of proceedings have been diminished by legislation requiring mandatory arbitration of certain claims, or simplified, largely unadministered probate proceedings. Some jurisdictions have attacked the problem by simplified procedures in small claims courts. More recently, efforts are being made to resolve many problems, including landlord-tenant disputes, at citizens' dispute resolution centers where laymen, rather than lawyers, help mediate disputes.

Other societies have not had the same need of lawyers or courts that we have here. While Japan affords perhaps the most extreme example, it is interesting to note that in Japan there is one lawyer for every 10,000 citizens whereas in California there is one lawyer for every 233 citizens.

As a citizen, a former legislator and a judge, I am fully aware of the increased number of laws and, therefore, the increased likelihood of disputes arising. However, I firmly believe that individuals and business concerns can dramatically impact on resolving their own problems outside of the courts. First, I suggest to those of you who will be in business that you very carefully consider providing in your contracts that any dispute arising between the parties will be resolved by arbitration. Arbitration often can provide a speedier and a satisfactory solution.

Secondly, I suggest, as you negotiate disputes, you remember the golden rule: do unto others what you would have them do unto you. That might make you a little more generous, save you a lot of time and money and make my job a lot easier.

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### Portrait unveiled

Supreme Court Justice Sandra O'Connor grins after a portrait of her by Arizona artist Roger

Lundskow is unveiled by J.S. Montgomery, a member of the Firebird Lions Club. The paint-

ing, which will hang in the Arizona Court of Appeals, was given at the Phoenix Country Club.

Jeff Jacobsen/Republic