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Some Thoughts About the Judges

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BAR BRIEFS

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SOME THOUGHTS ABOUT THE JUDGES

The Courts are a part of a universal system for the administration of justice. Their responsibility is great, beyond any human activity, for they are engaged in the solemn business of protecting life, liberty and property. The court room is a temple of justice; it is there that people look for justice. The proceedings in the trial of cases are looked upon by the people with a critical eye. Therefore, judges can never be above the people of the country, nor below the rights of mankind. This means the Courts demand great men of deep conscience, high rectitude and always with an eye singly to justice.

The court is no place for a judge who has no faith in mankind. If a prejudice has grown up against our courts, it has grown out of the fact that judges are sometimes politically inclined; and if the respect for courts has been lowered in this country, the Bar and the Courts themselves have been the cause of the depreciation.

It will never do for a judge to go on the bench who carries his politics with him, or his religion. Such a judge will become a slave to his former predilections of life and they will become his master. Therefore, I present two thoughts as to what I believe can overcome some of the prejudices at least against the judges in our Courts: that the judges should be the best that the bar affords; that they should be elected for twenty years, having a salary of not less than Ten Thousand Dollars a year and, if the service has been honest and faithful, to be permitted to retire at the age of seventy years with a pension for the rest of their lives of Five Thousand Dollars a year.

Some of the states of the Union have divorced politics in the selection of their judges: New York, Massachusetts,

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Connecticut, New Jersey, Pennsylvania and many of the Western states and Southern states. They have gotten away from the idea that a judge must belong to this political party or that political party.

Therefore, in this state let us keep the best material we have on the bench, banish all thoughts of politics or religion, and select the judges from the leading members of the Bar, and therefore satisfy the people as much as we can that we want our courts to be free from all influence whatsoever so that they may deal in the most sacred of all sacred causes—the administration of public justice.

M. A. HILDRETH, President,
State Bar Association.

“The law is the standard and guardian of our liberty; it circumscribes and defends it; but to imagine liberty without law, is to imagine every man with his sword in his hand to destroy him who is weaker than himself.”—LORD CLARENDON.

PROGRESS OF THE INTEGRATED BAR

Eighteen states now have the integrated bar. In other states the bar associations have approved the idea, but necessary legislation has not been enacted. During the last year Michigan passed an act directing the supreme court to organize the entire profession under rules. In Wisconsin an act to form an inclusive, self-governing organization passed the legislature, but was annulled by veto.—BENCH & BAR, Missouri.

Next time some one in your presence criticizes the courts or lawyers for the administration of justice ask that person: “Are you on the list for jury service? Do you serve regularly when called?”—PRESIDENT RANSOM.

“Every man owes some of his time to the upbuilding of the profession to which he belongs.”—THEODORE ROOSEVELT.

“The authority of the law is questioned in these days all too much. The binding obligation of obedience against personal desire is denied in many quarters. If these doctrines prevail, all organized government, all liberty, are at an end.”—CALVIN COOLIDGE.

CORRECT REMEDY FOR COURTROOM YAPPING

Commenting upon the frequent lack of strongly asserted judicial power in the court room, Newton D. Baker, in a letter to the Editor of *Journal of the American Judicature Society*, related this to the nature of the judicial offices where judges are selected by political methods and are not afforded real certainty of tenure. Our elective system he said “practically commits the selection of judges to politicians, whose determination is not necessarily bad, but is quite obviously not primarily directed toward a discriminating judgment in the matter of fitness for judicial service.” The letter continues as follows:

“The judges who are chosen are ordinarily men of fair professional attainments and altogether beyond the possibility of conscious corruption of favoritism but they utterly lack the courage to use the real resources of the judicial power to produce just results. Either they are timid from lack of confidence in their knowledge of judicial power or else they are timid because they fear being reversed or being criticized. This difficulty cannot be overcome by making new rules, or indeed, by any