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Correct Remedy For Courtroom Yapping

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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

other process than by selecting men of such authoritative knowledge and character that they will take charge of the trials before them, make the lawyers stop 'yapping', and really direct the course of justice. No doubt this would lead to some reversals but it ought not to lead to a change of practice by a really qualified judge.

"In a large trial court the judges realize that they are being compared and contrasted by the trial bar. To be firm and courageous then means that a judge may be considered 'arbitrary,' and there are few adjectives more politically menacing than that one. There develops naturally some competition among the judges in respect to sweetness of demeanor and patience with longwinded and needless argument. Patience tends to be exalted until it becomes a vice.

"There appears to be grounds for the opinion that judicial power needs only to be exerted impartially to win bar respect and approval. When it comes to abuse of judicial power any bar which is not courageous enough to assert its rights deserves to suffer."

TRIAL BY NEWSPAPER

There are in America today two processes of justice—one official and the other popular, or as it is more familiarly designated, trial by newspaper. The serious implications of this irregular popular process have been recognized by leaders of both the law and the press.

The celebrated Hauptmann case is an example in point. We are not concerned here with the merits of the case—they have been passed upon by the highest courts in the land. But we are concerned with the manner in which the case was presented in the newspapers, over the radio and on the movie screen. Within a week after his arrest, New York papers announced that "Clues Build Ironclad Case Against Bruno." A few days later one New York paper blazoned the headline that a jury of 12 men and women selected at random in the street had decided Hauptmann was guilty.

Recently we have seen examples of this type of newspaper enterprise closer home. There have been comments on the reliability of the witnesses and even on the merits of the case in our own newspapers.

Nor is the press entirely to blame. There is a growing tendency on the part of some members of the bar to try their cases in the newspapers instead of the courts. And in many instances the police have sought to bolster up their evidence by improper appeals to the public. The important point is not to fix the blame for the condition, but to remedy it. The American Bar Association has begun a campaign toward this end. It deserves our support.—THE BENCH & BAR, Missouri.

LAW LISTS AND DIRECTORIES

Recently the Supreme Court of Oklahoma amended one of the Rules of Professional Conduct governing lawyers of that state so as to define reputable law directories and lists, prohibit listings in other lists and describe what information may be given in such listings. The Court also ordered that the Governors of the State Bar be empowered to determine what publications are such reputable law directories and lists. The Bar Governors immediately drew up standards and regulations to aid them in the task. To date they have approved only one, a standard and well-known directory, and only two law lists.

Earlier, under similar rules and proceedings the Missouri Advisory Committee also approved two of these three lists and directories and add-