



1930

## President's Page

Fred J. Traynor

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# BAR BRIEFS

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### PRESIDENT'S PAGE

Our state constitution provides that when the supreme court makes a decision, "every point fairly arising upon the record of the case shall be considered and decided, and *the reasons therefor shall be concisely stated in writing.*"

While the supreme court has held such provision "not to require a literal compliance therewith," it is the practice to comply rather literally, almost slavishly, therewith. Such practice conforms to that in other states. The result is a great mass of judicial opinions in the United States, the cost of publication of which runs into great figures, and is borne by the legal profession. It is becoming an unbearable financial burden.

Does it result in clarifying the law? Does it result in the enunciation of definite, unequivocal statement of basic principles of law upon which the profession and the public can rely with confidence for future guidance? I think not. On the contrary, the result is a hodge podge of conflicting, inconsistent pronouncements, made worse by learned attempts to draw nice legal distinctions which oftentimes do not exist; and the practitioner finds himself in a sea of uncertainty utterly unable to harmonize the varying statements of law by the same court on an identical subject. Supreme courts, as a rule, are too crowded with this work to give to the merits the careful consideration to which they are entitled or to write carefully worded opinions.

Just what change should be made in our system I am not now prepared to state. That there should be some modification of it I am convinced. The best thought of the profession should be directed to the solution of this problem.—FRED J. TRAYNOR, President.