North Dakota Law Review

Volume 7 | Number 6 Article 7

1930

Movies and Sherman Anti-trust Act

North Dakota Law Review

Reliable studies show a decrease of about 2,000 in the number of law students during the two years between 1928 and 1930. More strict requirements of prelegal education account for part of this decrease. With the latest count (1930) showing between 150,000 and 160,000 lawyers in the country, only 4,500 new recruits are needed annually to replace those who drop out. How to accomplish a curtailing of the number of new licenses issued annually, without being ruthless, is a problem for bar organizations to work out. Certainly it is the duty of the bar organizations to make every effort to keep those not properly qualified through general education, adequate legal training, and high-type moral standards from "preying" upon the public.

We note from the Carnegie Foundation's annual review (1930) that "where a large measure of control has been retained by, or vested in the courts" the elementary essentials of a sound bar admission system are most likely to be found; where the legislature has prescribed most of the details, admission systems "are in the more primitive group."

MOVIES AND SHERMAN ANTI-TRUST ACT

Paramount vs. U. S., 51 *Sup. Ct. Rep.* 42, brings out some interesting facts as well as a plain statement of the meaning of the Sherman Act. Paramount-Lasky, controlling about 60 per cent of the films exhibited in the U. S., and some others, which add about 38 per cent more to the percentage total, had developed a contract with distributors and exhibitors after several years of experimentation. Among other things it required arbitration of disputes. The claim was that the contract, being the result of discussion and experimentation, was a reasonable and normal regulation; that arbitration was well adapted to the needs of the industry; and that the absence of complaints established the reasonable character of the contract. The Supreme Court of the United States, however, said this, among other things: "In order to establish violation of the Sherman Act it is not necessary to show that the challenged arrangement suppresses all competition between the parties or that the parties themselves are discontented with the arrangement. The interest of the public in the preservation of competition is the primary consideration. The prohibitions of the statute cannot be 'evaded by good motives'. The law is its own measure of right and wrong, of what it permits, or forbids, and the judgment of the courts cannot be set up against it in a supposed accommodation of its policy with the good intentions of parties, and it may be, of some good results."

WE ARE MAKING PROGRESS

The occasions are becoming more numerous when criticism of our criminal procedure is levelled at some other object than the courts or the lawyers. The latest coming to our attention is the editorial in the April 6th issue of the Minneapolis Tribune, from which we quote the first three paragraphs:

"The verdict in the Brothers case is a conspicuous example of the irrational results so frequently attained by American juries. It should be observed that this incomprehensible verdict is in no wise blamable on the court but rests entirely on the jury.