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Some Unrelated Thoughts

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ists. The workman never injures the employer. If he does, compensation does not govern. Whereas the motorist is in the position of being a putative victim as well as a putative offender. The accident does not, like so many of the industrial accidents, arise out of a general inherent and unavoidable condition. On the contrary, it in the last analysis usually arises out of a temporary condition which is created by one or both of the parties to it. Unlike the average industrial accident, the element of personal blame, fault or negligence is generally a factor. Further, a motorist becomes liable to compensate for injuries caused by the fault of others (the claimants), over whom he has never even the shadow of control. No distribution of costs can be made except as between individual motorists, for there is nothing analogous to industry by which cost, as such, can be ratably absorbed. . . . The wage-earning employee who loses 40 per cent of his wages during disability is interested in returning to work as promptly as possible. The wage-earning victim of a motor vehicle accident may be in the same class. But there are hundreds of thousands (approximately 50% or more) of motor vehicle victims who are not wage-earners or who are self-employed, with no automatic check upon their earnings. Such conditions will inevitably result in malingering, exaggeration of disability, exaggeration of dependency and kindred evils, with consequent increase in controversy, in cost of investigation and litigation and in the cost represented by excess payments of compensation benefits."

SOME UNRELATED THOUGHTS

"So long as lawyers persist in an attitude of juristic pessimism—so long as they decry the doing of things by laymen and do nothing themselves—we must expect the public to strike out blindly in the endeavor to do the best they may, when bad situations arise and are suffered to continue."—ROSCOE POUND.

"A poor judge is perhaps the most wasteful indulgence of the community. You can refuse to patronize a merchant who does not carry a good stock but you have no recourse if you are haled before a judge whose mental or moral goods are inferior. Good intention is no substitute for adequate knowledge."—CHARES EVANS HUGHES.

"Judicial business needs an annual stock-taking just as much as any financial or mercantile business. Many of the projects for remedial legislation would disappear if actual, comprehensive facts could be known. Continental countries have had judicial statistics for nearly half a century. They are a prerequisite to sane progress in the administration of justice in this country."—MASS. BAR ASS'N. COMMITTEE ON LEGISLATION.

"The United Mine Workers have so created their organization that if some member should advance a worth while idea for the benefit of the Union on Saturday night in some little mining hamlet, on Monday morning that idea would be in type at the national headquarters of the Union and during the following week would be disseminated to every branch throughout the United States. That is effective organization."—HARRY S. KNIGHT, General Council A. B. A., Pennsylvania.

"Lawyers and judges of this generation have been kept so busy seeking to ascertain the laws transmitted to us by former generations—laws that have grown out of conditions, customs and traditions of former generations, that we have not had time to study and determine

whether they are adapted to our needs. Everybody knows what is the trouble. Our people are busily engaged and instead of making research they inquire of Tom, Dick and Harry, who tell them so and so. We all know what is the matter, but nobody knows what is really the matter."—JUDGE C. T. MARSHALL, Ohio.

"Is it possible that the rank and file of the bench and bar still believe that existing conditions can go on indefinitely? Can it be that we fail to comprehend the meaning of the establishment of such quasi-judicial bodies as the Interstate Commerce Commission, the various public utility commissions, the workmen's compensation, or as they are sometimes called, industrial accident commissions? Does the more recent movement to bring about the non-litigious disposition of automobile accident cases by quasi-judicial bodies have no significance for us? Tired of the delays and seeking relief from the excessive costs, attendant upon the submission of controversies to the judicial tribunals, financial and business interests more and more are abandoning the courts, and instead are turning for the adjustment of their disputes to arbitration tribunals, organized and supervised by laymen, and conducted in accordance with the most advanced business standards."—JUDGE HARRY A. HOLLZER, California.

"Popular approval of the climax in a recent play, where one of the characters was made to say, 'If I had a son preparing to be a lawyer, I would kill him,' started me thinking and investigating. I put my judgment last spring into this sentence and gave it publication: 'No profession is put on a lower plane in the lay mind than our own.' That is not my judgment. I am telling you that in my opinion it is the judgment of the laity generally throughout the country. Now, isn't this a result? This long continued criticism is being capitalized by agencies seeking to usurp our functions. One sees the advertisement of a bank or trust company displaying the names of its directors and carrying this question: 'Wouldn't you prefer to have your estate managed by these men rather than by a mere lawyer?' I have come to believe that the lay attitude toward us has been capitalized by those who are very willing to take over as much of our business as they can. You may disagree with me, but the fact remains that we are losing business, losing it very generally, have lost a great deal everywhere. What are we going to do about it? I submit that the answer, great as the American Bar Association has been and is, splendid as are our state bar associations (some of them more so than others), I submit that the answer is in intensive, efficient, local bar organization. . . . No profession has had as much class conscience as the bar. Let us develop now some class consciousness. Let us get away from the fact that we have certain rights, remembering always that the monopoly that we enjoy is protected and is given to us in order that we may serve the people; but let us, through organization, develop a form of service that will put our profession upon a plane so high that no other agencies can equal it. It is a matter of simple self-interest I am advocating; a matter of dollars and cents, if you wish; a matter of professional place. Consider it from any angle, I think the answer must come again with more emphasis that the bar of the United States owes it to itself to organize, and organize intensively and efficiently; and especially to pay great attention, put great stress upon the matter of local organizations all over the land, everywhere a 100 per cent local, efficient bar organization."—JUDGE ROYAL A. STONE, Minnesota.