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Organization of Courts

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ORGANIZATION OF COURTS

Under that heading, the Journal of the American Judicature Society, in the October, 1927, issue, reprints an address delivered by Dean Pound, of Harvard, before the Minnesota State Bar Association in 1914. Perusal of this address is commended. We have space here for a just a few isolated excerpts:

"Where a generation ago, we were agreed to be proud of our peculiar doctrine of judicial power over unconstitutional legislation, that doctrine has become the subject of constant and even violent attack, and attempts to turn constitutionality from a question of law to a question of pure politics find some support even in the legal profession. . . . The tendency is strong to take away judicial review of administrative action wherever it is constitutionally possible, and where it is not possible, to cut down such review to the unavoidable minimum. . . . Legal history could teach us that no one may be trusted to dispense with rules but one who knows the rules thoroughly and knows how to apply them on occasion. . . . Four problems confront the American lawyer: 1. The world-wide problem of socializing the law, of defining the conception of social justice which is to replace the individualist or so-called legal justice which we have, of defining social interests and studying how far these are subserved by securing the several individual interests which the law has worked out so thoroughly in the past; 2. The peculiarly American problem of improving judicial procedure so as to make the adjective law an effective instrument for upholding and enforcing the substantive law; 3. The organization of courts and thus, in consequence, the organization of judicial business; and 4. The organization, training and professional ideals of the Bar. . . . We have hampered the administration of justice by the extreme to which we have carried the decentralization of courts. . . . The court (Municipal Court of Chicago) has been able to set up a bureau of information, to which the citizen may apply to learn what the court can do for him and how to apply for its assistance, or, if it has no jurisdiction, whither he should turn. It has also provided a woman 'social secretary,' to whom women may apply in matters of delicacy. And what is more useful still, it has been able to work out and constantly to improve a system of judicial statistics."

Pleading for a similarly unified court generally, he cited the following advantages: "1. It would make a real department of justice; 2. It would do away with separate courts with hard and fast personnel; 3. It would do away with the bad practice of throwing cases out of court and permit their assignment to the place and division where it belongs; 4. It would do away with the expense or transfer of causes; 5. It would obviate technicalities, intricacies and pitfalls of appellate procedure; 6. A mistake of venue would not defeat an action; 7. It would obviate conflicts between judges of coordinate jurisdiction; 8. It would allow judges to become specialists in the disposition of particular classes of litigation; 9. It would bring better supervision and control of administrative officers connected with judicial administration."

IS THE PUBLIC FAIR?

Since the Fall-Doheny-Sinclair jury disclosures the cry has gone up everywhere: "Fix the jury system"; "It is warped"; "It is being manhandled"; "Crafty lawyers are debasing it"; "Unscrupulous judges