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## Candidates for Judicial Position

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small that they were not required to report them; and this is rather a serious matter, because with incomes so small that they are not required to report them it must mean that 60% of the members of the profession are going to have a great deal of difficulty in assisting their children to obtain as good an education as they themselves possess."

Now, we believe in North Dakota. We believe that it is going to develop, industrially as well as agriculturally, and it is going to provide reasonable living for many more lawyers in time to come. For the present, however, with nearly 600 lawyers in active practice, we do not believe it wise to broadcast the information that North Dakota supplies a fair field for the shingles of 250 to 300 more lawyers. In fact, for the present, we believe in a protective tariff that includes these schedules: (1) higher educational standards, and (2) stricter admission rules for those coming from other states.

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### CANDIDATES FOR JUDICIAL POSITION

Attorneys of Chicago, Los Angeles, and some other local and state associations, have assumed the responsibility of informing the public concerning the names of those who, in the judgment of a majority of the lawyers of the particular community or state, may best serve the interests of that community or state by being elevated to judicial positions. In some instances direct nominations are made and campaigns sponsored. In others the qualifications of actual prospective candidates are made public. In still others lists are made up, long in advance, of those whose work marks them as available judicial timber.

Properly safeguarded as to secrecy of ballot, and properly regulated as to manner and method, a self-governing Bar like North Dakota's including, as it does, every member of the profession, might well consider the advisability of presenting to the people of the State, from time to time, groups of names for the various judicial positions. It is reasonable to suppose that selection might be made, from such groups or lists of names, with credit to the State, the Bench, the Bar, and the individual citizen casting a ballot at the general election.

This thought has been forcing itself forward for some time, but it is the Editor's personal expression, and has no standing as the viewpoint of the Association or its Executive Committee. It is presented at this time because there will be no campaigns or elections for another two years. The matter might, therefore, be approached in a proper spirit, and with regard only to the merits of the proposal.

No definite plan is suggested at this time, because it is not a matter for hasty action. It should receive careful and serious consideration, if attempted at all. So far as authority for the acceptance of this responsibility by the Bar is concerned, there is none at present, unless it is covered by that part of Article 9 of our Constitution, which reads: "Whenever a petition signed by not less than thirty members of this Association shall be presented to the President, asking that a vote of the members of the Association be had on any measure affecting the public interest, state or national, or by way of indorsement of candidates for

judicial or other office, the President and Executive Committee shall forthwith and within ten days provide for the submission of such question or measure to a vote of the members by postal ballot, the details of which shall be prescribed by the Executive Committee."

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### JUDICIAL COUNCILS—MEMBERSHIP

Ten States have provided for the formation of judicial councils, nine acts being now in effect, and one (Missouri) being defeated by a very close vote when submitted to the people. The composition of these councils is as follows:

California—Eleven judges, representative of all courts from justice of the peace to judge of supreme court.

Connecticut—Four judges, four lawyers, one prosecutor.

Kansas—Four judges, four lawyers, chairman of judiciary committee of the legislature.

Massachusetts—Five judges, four lawyers.

Missouri—Nine judges, representing three branches of judiciary. (Law defeated by popular vote.)

North Carolina—All members of the supreme court, all members of the superior courts, the attorney general, one lawyer from each judicial district. (Total membership about 50.)

North Dakota—All members of supreme court, all district court judges, one county judge, the attorney general, the dean of the law school, five members of the bar. (The second largest in membership.)

Ohio—Six judges, three lawyers.

Rhode Island—Three judges, three lawyers.

Texas—No law has been passed as yet, but the Texas proposal for a Judicial Council shows the following membership: Chief Justice of the Supreme Court, one associate justice, chief justice of each court of appeals, presiding judge of each judicial district, the attorney general, the chairmen of the House and Senate committees on Jurisprudence, a member of the law school faculty, four practicing lawyers, and three laymen, one of the last to be a journalist.

Virginia—President of the supreme court, three to five circuit judges, two or three judges of other courts of record, ten members of the bar (one from each congressional district).

Washington—Five judges, two legislators, three lawyers.

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### IN THE COURSE OF, ARISING OUT OF

The New York Compensation Law provides for injuries "arising out of and in the course of" the employment. North Dakota's law provides for injuries "in the course of employment". The distinction in construction of the two phrases is well brought out in a recent New