

January 1946

Upon Information and Belief

Dicta Editorial Board

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Recommended Citation

Upon Information and Belief, 23 Dicta 167 (1946).

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DICTA

VOL. XXIII

AUGUST, 1946

No. 8

Upon Information and Belief

The New Jersey legislature, at its regular 1946 session, approved a constitutional amendment raising pay of legislators from \$500 to \$2,000, with \$1,000 extra for presiding officers. This proposal must now pass the 1947 session before it is placed on the ballot.

At a meeting of the Kentucky Bar Association, Attorney General Eldon S. Dummit recommended the adoption of a new state constitution and a single house legislature. He also criticized the six day limit for legislative sessions, and the meager salaries for legislators of \$1,000 for two years (the same as in Colorado.)

The Ohio State Bar Association has adopted a new constitution setting up a council of delegates elected by the members from districts, depending on the number of members in the respective districts. Decisions of the council may be appealed by a member of the membership in attendance at the annual meeting, a majority of whom can overrule the council.

The New Jersey Supreme Court has before it a proposal to eliminate the distinction between attorneys and counselors. An attorney may now become a counselor after he has been admitted to practice for three years and passes a counselor's examination.

A committee of the Ohio State Bar Association which has been at work for ten years trying to gradually eliminate justice of the people courts and absorption of their functions by a small claims division of the Common Pleas Courts, has asked to be relieved of further service. The proposed legislation has been so emasculated in legislative committees that it is no longer desirable.

The Cleveland Bar Association is trying a new type of plebiscite for passing on qualifications of judicial candidates. Incumbent candidates are considered first. If an incumbent gets over 90 per cent on integrity, 90 percent on ability, and 85 percent composite, he is immediately endorsed. If an incumbent gets between 80 and 90 percent on integrity, 70 and 90 percent on ability, and between 70 and 85 percent composite, he is moved into the finals. If an incumbent receives less than 80 percent on integrity, less than 70 percent on ability, and less than 70 percent composite he is immediately disqualified. In the present campaign, two incumbents have been immediately endorsed, three have gone to the finals, and two have been disapproved.

In the Detroit Bar Association bar primary, held prior to the regular primary election, the present incumbents in the offices of judges of the Recorder's and Probate Courts placed well ahead of the other contestants for the offices. Of 2,082 ballots mailed to association members, 1,208 were returned voted.

Los Angeles attorneys, in number 3,354, in their bar plebiscite, endorsed four incumbents and a municipal judge for the six vacant places on the Superior Court bench.

In a California district all daily wage earners were customarily excluded from the jury panel because they couldn't afford to give up \$10 a day to earn \$4 as a juror, and because they always asked to be and were excused from jury duty when called. The United States Supreme Court found this method of jury selection improper. This leads your editor to ask the question, "Are jurors' fees in Colorado adequate?"

The Philadelphia Bar Association's Judicial Procedure Committee has recommended that jurors not engaged in trying cases sit in and listen to other trials, and observe the working of our judicial system. The committee thinks the additional fees (about \$12,000 a year) will be worth it.

The Illinois Supreme Court has ruled as unconstitutional the Illinois statute outlawing alienation of affection, breach of contract to marry and criminal conversation actions. Is some ambitious Colorado lawyer going to try the same with the Colorado statute on the same subject?

The Milwaukee Bar Association and the Hartford, County (Conn.) Bar Association, voted to close law offices on Saturdays during July and August. We think they should have included September through June also.

Professor Edmund M. Morgan, of Harvard, has taken the bar to task for not giving the model Code of Evidence of the American Law Institute greater study and recognition. He is right. The bar has spent very little time studying the code and trying to improve the rules of evidence. We would rather continue to slop along in the mire than try to get out on better ground.

A group of lawyers in Baltimore have organized the Lawyers Civic Association to make lawyers more effective in civic affairs. The new organization is not in opposition to existing bar associations, whose activities are more restricted. We wonder, if the bar association's activities are too restricted, why the association doesn't enlarge its activities instead of making it necessary to form a new organization. Certainly a large part of a bar association's activities is civic.

The "See Your Lawyer" advertisements of the New York State Bar Association, appearing in daily papers, are attracting wide attention. Banks sponsor the ads. Many state and local bar associations have requested copies of the ads.

President Truman has signed into law the Federal Administrative

Procedure Act, known as the McCarran-Sumners Act, thus bringing to an end a ten year period of work by the American Bar Association for bringing about a degree of uniformity in administrative procedure.

The Inter-American Bar Association will meet in Lima, Peru, next April. We just thought you might like to know so you can plan your time.

The American Bar Association House of Delegates has approved the appointment of a committee on the judiciary to study candidates for federal courts and make reports to the House of Delegates and the Board of Governors, and also to make report when it believes a federal judge to have become disqualified for his office. The committee will have no power to propose candidates on its own motion.

Henry Ward Beer, president of the Federal Bar Association, will appoint a committee of thirteen members of the bar of the U. S. Supreme Court to cooperate with congressional committees investigating the controversy between Justices Robert H. Jackson and Hugo Black.

Albert A. F. McGee, retiring president of the New Jersey State Bar Association has suggested the establishment of a judicial department of the army to handle all military trials. He pointed out that under the present system, members of army courts, and sometimes attorneys for the parties, are not lawyers.

San Francisco lawyers have approved a minimum fee schedule, in general higher than the schedule proposed by the committee of the Denver Bar Association.

Ralph W. Wescott, a New Jersey lawyer, has complained that the program of the annual meeting of the New Jersey State Bar Association was a faithful echo of all previous ones since 1910—that the association was restricting its attention too closely to internal affairs and not doing enough to help devise a working world organization. Lawyers sometimes do pay too much attention to internal affairs and not enough to the problems of the whole people, and sometimes—as in Colorado—they don't devote enough time to either.

Governor Thomas E. Dewey has signed into New York law six bills providing pay increases for judges. In most cases the pay raises amount to \$1,000 a year.

City Judge Thomas E. MacPherson, Peekskill, N. Y., has resigned because he refused to longer accept his "sweap shop salary" of \$1,500 a year. His clerk also resigned her \$1,650 a year job.

The New Jersey State Bar Association adopted a resolution urging pay increases for judges of the chancery, supreme, circuit and common please courts. The resolution did not specify the amount of the increases. The chancellor and chief justice now receive \$19,000 a year, the vice-chancellors and associate justices \$18,000 and circuit court judges \$16,000.

Missouri's legislature has approved a bill providing increases in salaries

for circuit court judges but has disapproved salary increases for supreme and appellate court judges. The increases for circuit court judges is now up to the governor.

Legal Articles and the American Bar Association Journal

Every month there passes over the editor's desk, a large number of bar association journals and law reviews. These publications oftentimes contain very interesting articles which we would like to present to the lawyers of the state. However, our observation is that the American Bar Association Journal summarizes many of these articles. We do not feel, in view of the fact that all members of the Colorado bar may join the American Bar Association if they so desire, that we can devote space in Dicta to a review of those articles and suggest that if you wish reviews of these articles you join the American Bar Association and read the American Bar Association Journal. This, of course, is not the only advantage of the American Bar Association Journal, as it is an excellent publication containing reviews of decisions of the U. S. Supreme Court, tax notes, and many items of timely interest to all members of the bar.

Photographic Evidence

In the April, 1946, issue of The North Carolina Law Review there is an excellent article by Dillard S. Gardner, marshal-librarian of the Supreme Court of North Carolina, entitled *The Camera Goes to Court*. The article points out the various uses of photographic evidences, its desirability, and the result of failure to use it in some instances. We commend this article to your reading, and whether or not you do read it, we commend to you consideration of the advantages of photographic evidence in court trials. One of the most effective uses of demonstrative evidence is in the traffic court, where the traffic demonstration board, with its intersections and scale model cars, make it possible to demonstrate in a few seconds what it might take minutes to tell as accurately.

Colorado Bar Association—Whither Goest Thou?

Various members of the Colorado Bar Association undoubtedly have in mind various objectives to be accomplished by the association. To what extent have these objectives been formulated into a definite plan, and to what extent are these various objectives being accomplished? It seems to us that the association should have the following principal objectives:

1. A more cohesive organization of the members of the Colorado bar.
2. The improvement of the courts of Colorado and their procedures, and in the method of selecting judges and in the compensation of judges.
3. The improvement of the law of Colorado and the legislative processes; the repeal and revision of obsolete laws, and the improvement of the methods for accomplishing the same.

4. The welfare of the members of the association individually and collectively, and the enhancement of their prestige and economic situation.

The Colorado Bar Association has committees and sections to which have been assigned the accomplishment of parts of these various objectives. One committee is working on a more cohesive organization. Another is working on the judiciary. Others are working on improvement of legislation. Others are working on the welfare of the members. To what extent are these committees active in the development of their respective programs? To what extent have these committees tapped the resources of the entire manpower of the Colorado bar? Does the association have available for the accomplishment of these objectives untapped resources?

May we suggest humbly that the association's objectives be clearly defined and made known to every Colorado attorney, and that an inventory be made of our resources not now working for these objectives? May we further suggest that every Colorado lawyer join the Colorado Bar Association in its efforts to accomplish its objectives? For the immediate future, we will further suggest that the legislature will soon meet. Many lawyers feel that some of our statutes should be improved. Should not the association immediately formulate its legislative program for 1947 and proceed with all its strength to the accomplishment of that program? We urge all lawyers to join in the formulation of this program and devote their best efforts to its accomplishment.

Mr. Williams and Mrs. Hendrix

Have you wondered about the answer to the question asked in *DICTA*, August, 1945, p. 175, "And what about Otis Williams and Lillie Hendrix, who still languish in jail, despite the fact that Williams' first wife has since died and Lillie's former husband has since remarried?" You will, no doubt, recall that this question was asked of the principals in the well known divorce case, *Williams v. North Carolina*, concerning a Nevada divorce, and which twice reached the Supreme Court of the United States.

If you have worried about Otis Williams and Lillie Hendrix, worry no more, because we have it on authority of *The North Carolina Law Review*, December, 1945, p. 32, which states, attributing its information to William H. Strickland, attorney for Mr. Williams and Mrs. Hendrix, Mr. Foil Essick, Chief of Supervision of the Office of Commissioner of Paroles, Raleigh, and Mr. J. E. Tucker, Assistant Attorney General of North Carolina, Raleigh, that Otis Williams and Lillie Hendrix were again married in North Carolina, in August, 1945, without having to serve their prison sentences, as they were graciously paroled, North Carolina having been vindicated by the United States Supreme Court.