

January 1946

Recent Improvements in the Federal Judicial System

Tom C. Clark

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Tom C. Clark, Recent Improvements in the Federal Judicial System, 23 Dicta 269 (1946).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Recent Improvements in the Federal Judicial System[†]

BY TOM C. CLARK*

Upon my return to the United States after witnessing the Neurenberg trials, I was shocked to learn there are those in the United States who opposed these trials. I think it is one of the first steps toward peace. I was surprised to learn that there were those who felt they were not in accordance with our way of life. After a bombing raid, the Germans picked at random 472 Italians from the streets of Rome and killed them—10 Italians for each German killed in the raid. Eleven Germans have been called to pay the penalty for the millions killed by the Germans. Those who are responsible must pay the penalty. Those who bring on war must pay the penalty. The Neurenberg trials will be a deterrent for all those who would wage an aggressive war.

The federal rules of criminal procedure have been a forward step in the administration of justice. They have been helpful. One now may waive indictment. A poor defendant may require attendance of witnesses at the expense of the government. A defendant can have a change of venue where he thinks he can't get a fair trial. The defendant may be transferred to the district in which he was indicted or to the district in which most of the witnesses may be.

The McCarran-Sumners Administrative Procedure Bill is a great step forward because of so much criticism of the administrative processes and agencies. This act governs the administrative processes of all agencies of the federal government, and is not limited to licensing functions. It covers every phase of the administrative process, including rule making, adjudication and licensing. One of the main purposes of the act is to assure that the public receives adequate information concerning every agency of the federal government. Thus, section 3 of the act requires each agency to describe its central field organization and the manner in which the public may secure information or make submittals or requests, and each agency has placed in the Federal Register a statement of the general course and method by which its functions are channeled and determined, as well as a description of all formal and informal procedures it uses. These matters are set forth in the 966 page edition of the Federal Register for Sept. 11, 1946.

Salaries of federal judges have been increased. The increase is late and not enough, but is better than the judges had. Now we'll be able to get better judges. Even now some refuse to take judgeships because of the low salary paid. The judges deserve recompense to insure security because of the

[†]Summary of remarks before the Colorado Bar Association, Oct. 19, 1946.

*Attorney General of the United States.

great responsibility. I hope the new salary will bring to the bench lawyers who have had experience in trial of cases. This great experience should be brought to the bench.

There is now no law that permits the lawyer income tax depletion or depreciation reserve. The time has arrived for us to think of these things. Now lots of lawyers are trying to get into salaried positions. Lawyers should try to evolve a plan to take care of the lean years. The bar has a lack of realization of the responsibility of people for their community. Now there is a breaking down of the sense of responsibility. There is a breaking down of law enforcement. I believe in local law enforcement. I believe in states' rights. The lawyers of Colorado are responsible for the enforcement of the laws in the communities of Colorado. I call attention to this breakdown of law enforcement. I hope the law will be enforced to the last letter.

Make suggestions to us. The government is responsible to the people and to the lawyers. Make suggestions to your government—it will be glad to have them.

The Layman in the Improvement of the Administration of Justice[†]

BY BOLITHA J. LAWS*

There have been times of disrespect for the courts. There have been delays in court procedure, causing the people to look to other tribunals. Recently the president of the United States brought about the swearing in of the Chief Justice of the Supreme Court on the White House porch. Incidents show that the public thinks the law and the courts are not measuring up to the requirements of business.

Administrative agencies are springing up because courts are frustrating and unbusinesslike. I am glad to see judges take part in the deliberations of the bar association and not remain cloistered. In a past time judges refused to cooperate to bring about changes in judicial procedure.

The Section of Judicial Administration of the American Bar Association was set up in 1937 under Arthur T. Vanderbilt, then president of the association. The study of judicial administration was approved in 1938 and then carried to the states. The outgrowth of this was stupendous.

Then followed reforms in federal courts. Judicial conferences were established. An administrative officer of federal courts was appointed. The judge had stepped down from his high estate to work with lawyers. Judges had to make reports as to the number of cases under advisement. Judges

[†]Summary of remarks before the Colorado Bar Association, Oct. 19, 1946.

*Chief Justice, United States District Court for the District of Columbia.