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I have taken for my subject *"This Thing Called Judicial Administration."* I shall speak with neither novelty nor profoundness, nor even, I hope, with that quality which is so oft made a substitute for them—length.

I have said that I shall speak nothing new. Indeed, were I to choose a text for my remarks—and those of you whose Sabbath mornings are not wholly lived on fairways and greens will understand the difference between a text and a subject—I should take Acts 4: 20, "For we cannot but speak the things which we have seen and heard."

The first step in purposive discourse is usually definition. With a group of lawyers, it should hardly be necessary to pause to define the term "judicial administration." Were I to ask you to give me a loose equivalent for the term, you would perhaps answer, "the working of the courts." The more cautious and expansive legal minds among you—and every bar, of course, has some cautious and expansive minds—would probably insist that "judicial administration is the system of administering justice through the processes and by the standards of a judicial tribunal."

I think it is fair to say that at no time in American legal history has the implication of the term "judicial administration," in all its elements of strength and weakness, perhaps been brought into sharper focus than in our day. The "court-packing" fight of a few years ago, with its discussions of the faults and virtues of our court system, is still of fresh memory. Even more perhaps, in causing the picture to be brought into relief, has been the unprecedented growth of the administrative agency or tribunal. In all the sharp controversy, however, which has been raging between the ardent champions of the administrative process and the traditional defenders of the judicial process, it has always struck me as a significant fact that the champions of the administrative cause, in their attacks upon the courts, have either not attempted, or have been unable, to assimilate into their cause the fundamental expression, "the administration of justice." Somehow or other, it is the "administration of law," and not the "administration of justice" that the public mind has permitted them to inscribe upon their banner. The concept of the administration of justice still is engraved on the public mind, I believe, as belonging only to the courts, and I entertain no great fear but that it is there likely to remain. I shall touch upon some of the reasons a little later in my discussion.

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We must not, however, be so blind or complacent as to interpret all of this to mean that there exists no just basis for any criticism of our system of administering justice, or as to lead ourselves to believe that the public thinks that we have been fully alert to its weaknesses or its needs for readaptation. Much of what has been said by the protagonists of the administrative process requires heed. Some of it, of course, is mere prejudiced enthusiasm of ardent advocacy, and is entitled to be treated as such. I was reading the other day, for example, in a current law journal one of the most recent expressions by a prominent law professor. This is what he said:

"The Anglo-American judicial process is a primitive form of forensic contest based upon narrow issues of fact which grew up in a simple rural society more as an emotional release to prevent public violence than as a just way of settling disputes. * * * This elemental variation of the trial by battle has come down into our complicated mechanized and overpopulated metropolitan society practically unchanged in its structure and wholly inadequate to deal with the problems of justice even in the area properly ascribed to judicial activity. Anyone who has followed the recent Chaplin case cannot help but be cognizant of the disgusting failure of the judicial process to decide the simple scientific problem of paternity, which any doctor or high school student even could have solved by scientific techniques unknown to court procedure. It is high time that the legal profession discovered that the judicial process with which they are so enamored is not only unfitted for many other government activities, but as a matter of fact is far behind the times in its own field and is badly in need of revision to meet the advancement of science."

I should be among the first to acknowledge to the author of the article that our procedural rules and codes unquestionably require periodic examination and revision, and that the legal profession and the courts are generally slow and conservative in dealing with the problem. We are somehow reluctant to make departures from that with which we have acquired familiarity and experience. We allow ourselves to forget that procedure primarily is a vehicle for reaching the substance of a controversy and disposing of it on its merits, and that, unless we are watchful, it is likely to coagulate and finally to convert itself in effect into an end instead of a means. Thus, the writs and forms of the English common law, which originally were intended to facilitate, were permitted so to solidify themselves that they became a dam instead of a channel, an instrument which served to stop a litigant from getting into court rather than one which helped him through court.

But for anyone to assert that there has been no recent progress in the field of procedural revision, or that the bar and the courts have no will to make any, is simply to blind one's eyes to the current course of

professional activity. The Federal Rules of Civil Procedure, the newly promulgated Federal Rules of Criminal Procedure, the corresponding procedural revision already made in many of the states, and the general study of the question by the bar in almost every state of the country, bear sufficient witness, I think, to the fact that no present impasse exists, and that the task is well under way.

In this connection, however, we must not neglect to remind ourselves that simply because we have made a recent revision, we cannot afford to settle back into the frame of mind of thinking that the task has now been completed for our own and the next generation. May I repeat, that procedure is primarily machinery, and, like all machinery, it requires periodic inspection and overhauling. It cannot safely be allowed to become corroded and crystallized, but it must be kept vital and flexible and polished, so that it will be readily adaptable in the hands of a trial court to any reasonable situation that may arise. It will not be performing its proper function, unless it is capable of serving as a means of helping litigation through the courts on its merits, where merit reasonably appears to exist, and not as an instrument for thwarting or blocking its passage.

And in this connection, may I take the liberty of making this unorthodox suggestion to you? Don't try to carry procedural points under your new code into your appeals from the trial court, for the satisfaction of getting a definitive construction of some rule or procedural statute, where the question is not of substantive importance. Any construction of a procedural rule or statute by an appellate court instinctively tends to be treated by a trial court as setting dogmatic limits or technical boundaries, the place beyond which it is impossible in any future action to go. Once the limits commence thus to be set, the process of crystallization inevitably gets under way. Unless the rule or statute clearly imposes a substantive limitation, the legal system will profit in the long run if you treat it as being intended to facilitate and further the movement of proper litigation and not to checkmate or impede, and if you do not undertake to make some part of it an artificial handhold for trying to win an individual appeal. It is the function of the trial court to make procedural rules and statutes work. In order to work, they need to be left flexible and adaptive. Technical or limitative constructions wrung from an appellate court in the circumstantial situation of an individual appeal ordinarily will be found to become chains in judicial administration.

For my own part, I shall frankly confess that I have always tried to avoid making any definitive construction of the Federal Rules of Civil Procedure in a judicial opinion, where I was satisfied from the record that it involved no impingement upon any substantive right, and that all I should be accomplishing was making an unnecessary interpretation.

I want to turn now for a few moments to a similar consideration of the field of judicial evidence. I suspect that in this technical field, we have perhaps not as fully approached the problem and the challenge which has been made against the courts, as in the field of general procedure. I do not purport to tell you on this occasion to what extent the present concepts and rules of evidence should be changed. It has been my observation that the extent of the particular changes made in any part of the legal field is usually less important than the willingness and the effort of the bar and the courts to study the need for a change. While the extremist ordinarily is not content with anything except a complete change, the public itself is not that intolerant or implacable. What it primarily asks is that we open-mindedly approach the problem, examine the need for general changes, and, where they are indicated, undertake a fair solution. It will not be uncompromisingly critical of the answer we make, if it is convinced that there has been a fair-minded study and unprejudiced conclusion on the question. The American people generally, in my opinion, are more impatient with what they believe to be the stubborn unwillingness of the bar and the bench to consider the general need for any changes than they are concerned with the details of our judicial practice or the nature of the changes which we may make.

Some time ago, as most of you know, the American Law Institute issued a suggested Code of Evidence, designed to liberalize the field of general admissibility and to limit the exclusionary domain. No doubt many of you have read this code, as you all should, but I apprehend that you perhaps have read it simply, as most lawyers whom I have met have done, for the purpose of ascertaining whether you liked or disliked the suggestions. Generally, I think, the legal profession, on such a casual reading of the code, has been against the suggested changes, and there it has been content to drop the subject. But, in examining the code in this spirit, we are failing to face the real problem. Here too the question is not so much whether the suggested code should be substituted for our present rules, as whether there are in its suggestions some demonstration of the need for a re-examination of our existing rules and some indication of the means of approach. I cannot too strongly drive that thought home to you, nor over-emphasize the importance of the professional attitude and frame of mind on the general question I am discussing.

Montesquieu, in commenting on the importance of the early institutions of St. Louis, says that they did not "so much change the French jurisprudence, as they afforded means of changing it"; that they opened up ways to come at the faults and problems and thereby produced effects which, as he puts it, "could hardly be expected from a masterpiece of legislation." It is in this spirit that we must take cognizance of the American Law Institute's suggested Code of Evidence and of all else that has been written about our rules of evidence, and which, I doubt not,

will be continued to be agitated so long as we are not in a position to convince that we have conscientiously examined, considered and weighed the attacks that are being made, and have attempted to come to an open-minded solution and rational conclusion concerning them. We need to remind ourselves that when a sound reason exists for any change, it is futile to brush the problem aside or to refuse to face it, for we shall not ultimately be able to hold our ground. As Montesquieu prophetically observes in his Spirit of Laws, "Reason has a natural and even a tyrannical sway; it meets with resistance, but this very resistance constitutes its triumph; for after a short struggle it commands an entire submission."

I shall not here presume to assess whether the author of the law journal article from which I have quoted is warranted in asserting that the refusal to admit blood tests in the Chaplin bastardy case is a "disgusting failure of judicial process," or to weigh his remark that a high school student would have been able to make a conclusive solution of the paternity question. In moving forward in my discussion,I simply suggest that if his statement is no more considered than his charge that the present proceedings of our courts are—to use his language—an "elemental variation of the trial by battle," I should have some doubts whether he has attempted to engage in that conscientious and open-minded examination, consideration and weighing, to which I have been exhorting you.

It is true, of course, that the first step forward in primitive society, in preventing individuals from taking the law into their own hands, was to allow them to settle their disputes by wager of battle, under the supervision and rules of organized authority. But to assert that a modern judicial proceeding, because it still involves a contest, is nothing more than an "elemental variation of the trial by battle" seems to me about as profound as to assert that the steamship Queen Mary is an elemental variation of an Indian canoe. Such a concept has but little appreciation, I am afraid, of the place which the courts fill as a social institution, and the need which they satisfy, or even patience perhaps with the view that "The impartial administration of justice is," as Blackstone puts it, "the great end of civil society."

In my immature academic days I used to believe that reasoning was more important than experience, and that the principles of logic were more potent than the lessons of history. I have long since ceased to examine life wholly on that basis. A reasonable amount of scholastic pursuit has taught me, among other things, that there are institutions in the history of the human race that exist because experience has demonstrated their universal need and has given them an unconscious acceptance, and that these institutions no one will ever wholly be able to destroy among a free people. The church with its tender fellowship with God is one, and the courts with their impartial administration of justice are another.

The tyranny of a despot may deprive a people of either or both for a time, but no enlightened people—be it Christian or heathen—which has it in its power to establish them is likely long to be without them. The Spaniards found people's courts in the ancient civilizations of Mexico and Peru, at the time of their discoveries. Sir Henry Maine tells us, in his "Early Law and Custom," that in the medieval Hindu Code of Narada, "The dominant notion present to his mind is not a Law, or a Right, or a Sanction, or the distinction between Persons and Things, but a Court of Justice. * * * Hence in front of everything he places the description of a Court, of its mechanism, of its procedure, of its tests of alleged facts."

Maine points out a similarly significant fact in relation to the early British rule in India. He says: "When a province hitherto specially ill-governed is annexed to British India, the first effect ordinarily is neither satisfaction nor discontent, neither the peaceable continuance of old usages nor the sudden adoption of new, but an extraordinary influx of litigation into the British Courts, which are always at once established. The fact occurs too uniformly, and at first sight is too inexplicable, not to have attracted notice, but it has generally been observed upon with regret, and, after a while, when there has been time to forget the original condition of the annexed territory, this new litigiousness is sometimes adduced to show that in exchanging native for British rule a community does not obtain an unmixed blessing. But the proper conclusion to draw is * * * that Courts of Justice have an immense ascendancy over men's minds and a singular attraction for their tastes when they are first presented as a means of settling disputes which were either violently adjusted or slumbered because they could only be settled at prodigious risk."

A free and enlightened people, if I read the facts of history correctly, accept and obey law, primarily because of the existence of courts, to which they are satisfied that they can turn for an impartial administration of justice, if the need arises. The hold of the courts exists in their sub-conscious minds, for most of the members of any organized society never enter the doors of a courtroom as a suitor. And so I entertain no great apprehension that the judicial institution and the processes that are associated with it, in their fundamental aspects (though not necessarily in their immediate procedural forms and practices) are in any way permanently threatened by the enormous growth of administrative agencies and tribunals which fail to assimilate unto themselves the ideal of the fair and impartial administration of justice, or which the general public mind, up to the present time at least, has failed to associate with them.

Those who glibly assert that the courts are a mere relic of the dead past and must step out of the path of the more modern instruments of our complex society fail to grasp, I think, the real question, as do also

those members of our own profession who think on the other hand that the administrative agency or tribunal is a wholly vicious spectre that only recently has sprung up and that ought to be struck completely down. The question is not which one shall overpower the other, but to what extent must they be correlated and attempt to work together.

I have said that the courts have existed since ancient times. But the administrative agency or tribunal also has a history in the growth of organized society. It is not a child that has been born during the past decade of concentrated regulation of our economy. Some of our economy has been attempted to be regulated throughout our national and state histories, and the administrative agency has been the convenient and perhaps necessary instrument of much of this regulation. But let me take you back even further than this. I shall refresh your recollection on Blackstone, whom most of you have perhaps not visited since your student days. I want to read you something of what Blackstone has to say about one of these special agencies or tribunals, which he refers to as inferior or special courts, which existed in England as early as the 1600's, if not before. I quote:

"A second species of restricted courts is that of commissioners of sewers. * * * Their jurisdiction is to overlook the repairs of sea banks and sea walks; and the cleansing of sewers, public streams, ditches and other conduits, whereby any waters are carried off. * * * The commissioners * * * may take order for the removal of any annoyances, or the safeguard and conservation of the sewers within their commission, either according to the laws and customs of Romney-Marsh *or otherwise at their own discretion.* * * * But their conduct is under the control of the court of king's bench, which will prevent or punish any illegal or tyrannical proceedings. And yet, in the reign of King James I (8 November 1616), the privy council took upon them to order, that no action or complaint should be prosecuted against the commissioners, unless before that board; and committed several to prison who had brought such actions at common law, till they should release the same; and one of the reasons for discharging Sir Edward Coke from his office of lord chief justice was for countenancing these legal proceedings. *The pretense for which arbitrary measure was no other than the tyrant's plea, of the necessity of unlimited powers in works of evident utility to the public,* [Not unfamiliar language, is it?] 'the supreme reason above all reasons, which is the salvation of the king's lands and people.' But now it is clearly held, that this (as well as all other inferior jurisdictions) is subject to the discretionary coercion of his majesty's court of king's bench."

There are other examples of what we would today call administrative tribunals mentioned by Blackstone which I cannot here pause to discuss. All that I want to point out to you is that we are not entirely

living new history, but are witnessing merely the intensified growth of what has long been present in English and American history, and that here too we shall be able to find much of the lesson which we are seeking to learn, in the experience of this history.

But I am taking too much time and must begin to compress, if I am to avoid giving proof to Lord Bacon's adage that "an overspeaking judge is no well-tuned cymbal." I shall therefore content myself with some bare generalizations, whose accuracy I must leave you to check in the pages of legal history. The administrative agency and the judicial tribunal are not wholly and fundamentally antagonistic institutions. Neither can hope nor has the right to seek to overthrow the other. Much of the work of an administrative agency is clearly outside the judicial field and cannot soundly be required to be patterned into the judicial mold. The two instrumentalities conflict only where the administrative agency is given power to exercise functions involving the fixing or determining of rights by methods which are out of harmony with the fundamental concept of fair play—often in cases where it has itself prescribed or defined the substantive duty. Tribunals, however, which have the power to make determinations in relation to substantive rights, if they exercise their functions responsibly, ultimately tend to assimilate part of the judicial character and to generate into courts. Not infrequently they even seek to become courts in name.

I cannot now take the time to elaborate, as I should like, but shall only give you one or two examples. The former Board of Tax Appeals has only recently become the Tax Court of the United States. In my own state, as well as in others, what began as a labor commissioner under our Workmen's Compensation Law has in latter years been constituted into a Workmen's Compensation Court. The rules of procedure and evidence are not necessarily the same, but the responsibility of judicial functioning is present.

I state my generalization, therefore, in another form, that no agency or tribunal that has power to determine rights ultimately is able to preserve this function unless it assimilates into its working sufficient of the basic elements of the judicial process (I am not now talking about technical procedure but fundamental processes) to satisfy the public mind that those who have to deal with it are being accorded a fair opportunity to be heard and a fair semblance of impartiality in decision. The American public mind is willing to tolerate good-faith error in judgment or decision, but it rebels against a refusal—to use the vernacular—to give a man any chance for his alley. Let me give you an interesting example. The National Labor Relations Act, as you know, was enacted for the primary purpose of enabling labor to achieve collective bargaining. Labor, I think, was universally for it at the time it was enacted. Only

recently, however, the A. F. of L. has undertaken, according to the press, to sponsor an amendment to the Act, giving the courts the power to review the board's selection of the appropriate bargaining unit in an individual plant. The A. F. of L. charges—and, of course, I do not purport to judge of the merits of the charge—that the board's selection of appropriate bargaining units has been arbitrary and has been intended to give the C. I. O. an advantage over the A. F. of L. And so part of labor now seeks to turn to the courts for protection from alleged arbitrary action, under its own statute, claiming that equality has not been accorded to it. Perhaps that tells you more in a sentence about the ultimate question and its answer, than an hour of heated discourse.

You will bear with my repetition, I hope, as I re-emphasize that administrative action which involves a determination of rights, and which fails to assimilate into its processes any of the elements or characteristics of judicial functioning inevitably tends toward a catercornering of the field of facts, and so finds itself faced with a charge of prejudice or of arbitrariness on the part of one of the parties. How many times have you seen a client walk out of the court room beaten, but satisfied to accept the result, because he has had, as he puts it, "a fair run for his money." How many times, on the other hand, parties seem to fail to have that feeling after they have gone through a hearing before an administrative agency or tribunal. Why? I shall not attempt to answer.

A court, of necessity, has no concern about the outcome of a controversy before it, other than to see that there is no clear miscarriage of justice. An administrative agency, when it is created, usually has an immediate purpose and a goal. Perhaps it is not unnatural that it should at the start unconsciously mold its decisions to the goal for which it was created. Nor is it impossible to understand, in the atmosphere of its functioning, that it should be impatient about having to sit and listen to evidence which it is not willing to allow to have any place in its decision. Without some assimilation of that thing which we recognize as judicial obligation and responsibility, it is easy for it to say, "We do not care to hear any more evidence along that line," because "we refuse to believe it," or because "we don't think it will make any difference to us in our decision no matter how much of it you produce."

But the experience of history tells us, as I have suggested, that much of this, about which we are presently so concerned, is only a transient evil. I have said that all institutions which are given the power to hear and determine rights and controversies ultimately find it necessary to rise to the dignity of courts—and by that I mean fairness of hearing and impartiality of decision, under whatever processes are necessary to assure such a result—or they fail to retain their power. We are going through a period when many of the administrative agencies which have been

created have been seeking to establish a ground or footing for the cause sought to be furthered by the statute of which they are a part. When that initial period has been passed, if it does not come before, there will inevitably creep in some of that quality of judicial administration which I entertain not the slightest doubt must exist in any tribunal that is to hear and determine, or it will fail to retain its power, under the will and sense of fair play of the American public mind.

The thing gets back, I think, to that quality, which I admonished you earlier in my discourse that it was necessary to be on guard to preserve—even in our judicial system—flexibility in process and lack of preordainedness in result. History is not without some pages of arbitrariness in parts of the judicial system itself. But there has always existed somewhere in the Anglo-Saxon system of jurisprudence a residuum of reach and of correction that has been part of its inherent make-up and strength. Initially it rested in the king's prerogative control over the administration of justice. Later the power of chancery developed to give relief against too over-developed rigor in the law. Our system of appellate review is part of the same residuum. The recognized right of our American courts to declare a legislative act unconstitutional is perhaps another phase of the same concept.

I said at the start that the public mind has never associated with the functioning of our recent administrative agencies, the term "administration of justice," but only the term "administration of law." If those functions of the administrative agency, to which the legal profession so strongly objects, are to be retained, I again emphasize to you that the term administration of justice must come to be associated in the public mind with the functioning of the agency, and when that time comes such agencies will be on the way to become courts in a fundamental sense, though they may never have their seat in a courthouse. A tribunal, of course, doesn't have to sit in a courthouse to be a court, as many lawyers literally seem to think.

While we are going through this transitional period, it doesn't particularly aid in the settlement of the question for the protagonists of the administrative agency and the members of the legal profession to be engaging in mutual vituperation. Nor can the legal profession blindly accept every complaint that is made against such an agency as a basis for denouncing the system of administrative process. We do well to remember, as the professor properly points out in the law journal article to which I have referred—and I quote his language—that "much of the clamor against government administrative action arises from squeals of certain persons and organizations who have been successfully regulated in the public interest." It is, of course, not the prerogative of the legal profession to prevent proper economic regulation. Our only right, as

sound public servants, is to point out any unwarranted arbitrariness, unfairness in method and failure to safeguard fundamental rights. We must not be agitators, but fair-minded observers and commentators. Judicial administration and our court system, I am sure, are not fundamentally in any grave danger. Ours then is primarily the task, in the spirit of the judicial institution of which we are a part, of giving hospitable recognition to the place of the administrative agency in the field of our economy and to every fair objective which it is seeking to accomplish, and of trying to understand that the collaboration of judicial power and function with the proper exercise of administrative process is a necessary part of the legal system of today. Our responsibility is in seeing that they are properly coordinated and correlated and soundly made to function together. And in attempting to work out these problems, we must not lose sight of the fact that the basic question is not so much whether administrative agencies shall have the power to hear and determine rights and controversies, but, if they are to have that power, how should they be required to exercise it. It is not of fundamental importance in our body politic whether such a power be permitted to remain in the administrative agency, if the manner of exercising that responsibility sufficiently measures up, under the circumstances of the rights involved, to such standards as will reasonably assure fair hearing and impartial result, and if the way is left open for a sufficient application of the residuum of judicial power to see that they adhere to those standards.

Many of the administrative agencies, I think, fairly measure up to these standards at the present time. Those that do not, and which seek wholly to escape the necessity for substantial judicial review, will find that they ultimately will have to meet the standard of fairness of hearing and avoidance of the conviction that the result is foreordained, or the public will soon strip them of that power. That deep, I am convinced, the concept of fair play and the faith in judicial administration are engraved on the heart of the American people. Perhaps it was the pen of the prophet dipping into the inkwell of history that caused Blackstone to write, in the passage that I quoted to you, "But now it is clearly held, that this (as well as all other inferior jurisdictions) is subject to the discretionary coercion of his majesty's court of king's bench." It may be that this is the ultimate lesson, to which experience points. If it is the only safe path that experience has been able to tread in the past, we may be reasonably sure that history will again pound its steps back to the same door.

I cannot bring myself to leave the subject of judicial administration, however, without an allusion at least to the present significance of its principles on the great international horizon. In the world security organization, we shall soon learn whether the willingness which men have had for centuries to surrender the right to take the law into their

own hands in an individual state, and to accept the judgment of a tribunal as a termination of their disputes, will be given a wider recognition and application.

I am idealist and philosopher enough to believe that those principles and that institution which have been capable of solving the problem of the struggles between individuals are also capable of solving the question of war between nations. Mankind is no different in the mass than in the individual, if its impulses are controlled and directed, until they have become settled. The universal hold of this thing called judicial administration, where impartial courts exist, should sufficiently bespeak the hold which it can come to have upon the mind of the peoples of the world in national disputes, if it is given the opportunity to do so. The motive power of the law may initially be force, as Bentham observes, but history can leave us with no doubt that the judicial administration of all law has a way of winning acceptance and of substituting law-abiding habits for force, while still leaving the law with all its power.

To talk about the danger of surrendering national sovereignty for such a purpose is to me as illogical as to talk about the surrender of individual liberty in a state. Sovereignty in a world order surely is no different in principle than liberty in an individual state. What is liberty at all [or sovereignty] as Montesquieu remarks, but "a right of doing whatever the laws permit; and if a citizen could do what they forbid, he would be no longer possessed of liberty, because all his fellow-citizens would have the same power." No nation, except the strong, can ever claim to have independent sovereignty. Certainly during the past thirty years of my life, with their two world wars, civilization has had but little recognition and little enjoyment of the phantom called national sovereignty.

I do not mean to be so naive as to imply that I think a compulsory world tribunal, functioning on the principles of this thing called judicial administration, is an absolute guaranty of peace. Other things necessarily are involved in the settlement of the present problems of the world than that. As in our own economy, there no doubt must be set up what are in effect administrative agencies and tribunals also. I don't believe, however, that we shall succeed in moving the mind of the peoples of the world into a permanent peace channel, until there has been set up a proper international judicial tribunal which can come to have the same psychological hold and acceptance that the judicial system has had in the individual states, where this thing called judicial administration has fairly existed.

If the world is not yet ready for such a step, it is the leaders and not the peoples who in my opinion are unready. It was Voltaire who said, "There is one thing stronger than all the armies in the world; and that is an idea whose time has come." You and I, who know the quality, the strength, and the nature of the hold that this thing called judicial administration can possess, will hope and pray that its time may have come on the great international horizon.

Denver Bar Association Held Annual Picnic

The Denver Bar Association annual picnic was resumed this year at the Park Hill Country Club on August 22nd. It was held in Denver rather than in the mountains because of gas rationing. (How did the committee know the war and rationing would be over before the 22nd?) It is rumored that David Oyler won the horseshoe pitching contest because of a unique rather than an excellent skill. Victor Ginsburg won the handicap golf tournament, Guy Brewster tennis, Frank Fetzer chess, and Judge Edgar Kettering bridge. Needless to say, this list of winners surprised no one. 150 members of the association attended the dinner to watch Milton Keegan pass the gavel to our new president, Ralph Carr, whereupon Mr. Carr went in search of a larger office to accommodate the gavel. Judge Henry S. Lindsley and Harry A. King were co-chairmen and had most of the members of the association working on one or another phase of the activity. The results of events other than those listed here could not be ascertained at a late date.

Denver Law School Alumni Held Annual Banquet

The fifty-first annual banquet and reunion of the alumni of Denver University Law School was held September 12 in Denver. Hugh McLean, Denver, gave Dean Emeritus Roger H. Wolcott a gift on behalf of the alumni. Greetings were extended by Clifford Mills, dean of Westminster Law School, and Robert L. Stearns, president of the University of Colorado. Dean James F. Price, new dean of the school, described the plans of the school to cooperate with the Colorado Bar Association in giving refresher courses to returning veterans. Along with the refresher courses it is planned to have a series of legal institutes on changes in the law in the last four years, concentrated courses on administrative law, and publication in cooperation with the Colorado Bar Association of a list of leading cases. New officers of the association are: Thomas J. Morrissey, president; Fred Stover, vice-president; and Frances Hickey, secretary-treasurer. Louis A. Hellerstein, retiring president, presided.