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Dicta Editorial Board

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Federal Judge Advocates Intelligence Test for Jurors

Intelligence tests or some other method to weed out prospective jurors who are unable to understand the complexities of civil trials are suggested by Federal District Judge Clarence G. Galston of Brooklyn, N. Y., in an article in the April issue of the AMERICAN BAR ASSOCIATION JOURNAL.

Judge Galston refers to the fact that jurors serve as a "balance wheel in the administration of justice." The judge continues:

"There is no rational or experiential ground which justifies the belief that a jury is natively endowed with qualifications requisite to efficient performance of its duties. We make no such assumption in respect to lawyers, judges, doctors, ministers, engineers, or of any others who follow professional or specialized vocations. Whenever there is competent performance in any field of human endeavor, we usually find training and education. Thus jurors are no more heaven sent than are the other groups participating in the trial of a law suit."

Judge Galston comments on the fact that many of those who are summoned as jurors appear in a courthouse for the first time, where they find strange surroundings and hear a new language. Many are not familiar with the meanings of those terms which are taken for granted by the legal profession. He states that if the jury system is to be preserved in civil causes, as it must be in the federal system, saving a constitutional amendment, consideration should be given to the desirability of imposing an intelligence test upon those who are summoned as jurors.

Judge Galston refers to the practice in Los Angeles where those summoned for jury duty are given a written test, supplemented by a personal interview, which has resulted in the approval for jury service of a comparatively small percentage of citizens whose names were taken from the general register.

The article also discusses the number of jurors impaneled to try a case and suggests that aside from tradition there is no reason to have twelve.

In conclusion Judge Galston says:

"Let me preface a final suggestion by stating that I know of no provision of law which compels secrecy concerning the deliberations of a civil petit jury. I am persuaded that if jury-room deliberations could be recorded, transcribed and filed with the verdict, public opinion would realize the hit or miss nature of jury verdicts.

There is no good reason why verdicts should be shrouded in secrecy any more than are the findings by the court sitting without a jury. Such recorded deliberations need not identify by name the juror making any specific remark.

“In all fairness it must be conceded that the uncertainties of trial by jury in part at least are inherent in law itself; for law, like all other so-called social sciences, is not a science. But to admit the uncertainties affords the strongest reason for seeking to control them.”

Secretary's Office Wants Bar Publications

The Secretary's office of the Colorado Bar Association is extremely anxious to have a complete file of all publications issued by bar associations in the State of Colorado. We have missing from our files certain issues of DICTA and we would appreciate it if anyone who has copies of the following issues of DICTA would get in touch with the office of the Secretary at 812 Equitable Building, Denver, Colorado, MAin 6273.

Missing numbers of DICTA:

1921 through 1928—all numbers.

1929—March, April, June, August, September, November and December.

1930—March, April, May, June, August, September and October.

1934—May, July, September.

1935—September, October and December.

1936—January, April, May, July, August, September, October, November and December.

1937—August, September, October, November.

1938—January, February, March, July, August, September, October, November and December.

1940—March.

1941—May.

In addition to the missing numbers of DICTA, the Secretary's office would like to have copies issued by the Colorado Bar Association of the report of the Juvenile courts and copies of any publications issued by any local bar associations.