

January 1932

Dicta Observes

Dicta Editorial Board

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Recommended Citation

Dicta Observes, 9 Dicta 315 (1932).

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DICTA

Vol. IX

SEPTEMBER, 1932

No. 11

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LAWYER—THE PUBLIC SERVANT

In times of strained and distressed financial circumstances the lawyer can best perform his duty as a public servant. Whether the client be rich or poor the lawyer fully cognizant of his responsibility to the community accepts the cases of clients and conscientiously labors upon their behalf. He accepts the call of public office, often at great personal sacrifice, to become the standard bearer of his party. He devotes himself to communal, charitable and social reform movements for the benefit of all. By training and experience the lawyer is well fitted to serve the people. Ours is an honorable profession to be honorably carried on by the members of the bar.

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TRIAL BY JURY

A recent report by a committee of the New York Bar Association discloses some interesting facts. It was noted that in some States a unanimous verdict of a jury is not required. In Indiana a jury facing disagreement may be called into Court and advised that a verdict of not less than 10 will be received. In Minnesota, in civil actions, a verdict by 10 will be received after 12 hours of deliberation. In Nebraska, a verdict of 10 may be received after 6 hours of deliberation. In Wisconsin the verdict may be by 10. In Kentucky verdicts of less than 12 are acceptable. In Arizona, California, Idaho, Mississippi, Missouri, Nevada, Ohio, South Dakota, and Washington a verdict of nine jurors in civil cases is valid.

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UNANIMITY RULE

The advisability of recommending a change in the rule relating to unanimous verdicts by juries was fully considered

by the New York Bar Committee. The principal contentions urged against it were that a decision by a lesser number than the whole jury would tend to a compromise of verdicts in civil cases and does not properly safeguard the rights of an accused.

The conclusion of the committee, however, was in favor of continuing the present practice of a verdict by a unanimous jury, and that any change from the present system was inadvisable.

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PUBLIC DEFENDERS

A survey by the Carnegie Foundation entitled "Justice and the Poor" emphasizes the failure of the present system of assigning counsel to defend a criminal lacking means to retain his own counsel. The following statement is pertinent here:

"The assignment of counsel in criminal cases, except where the offense charged is murder, has been a general failure. In part it becomes a means of extortion. As a system both in plan and operation it deserves unqualified condemnation."

Cities using a public defender have reported that such an office has resulted in economy and proper representation of the accused. California, Nebraska, and Connecticut, are among the States in accord with a public defender plan. Colorado would do well to institute such an office.

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CONTRIBUTIONS TO DICTA

As previously stated in these columns Dicta depends upon members of the Bar for its material. The preparation and submission of articles for publication herein will greatly enhance its value. The members of the association are urged to take advantage of this privilege.