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Watson Clay
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COMMENTARIES ON SELECTED ACTS OF THE 1950 LEGISLATURE

STUDY OF CIVIL CODE OF PRACTICE, NEW JUDICIAL COUNCIL AND JUDICIAL CONFERENCE

By WATSON CLAY*

The 1950 General Assembly enacted two acts of unusual significance to the legal profession. Both are likewise of great importance to the laymen of Kentucky because they constitute a long stride in improving the administration of justice.

These new laws originated as Senate Bills 79 and 270, and now appear in the Kentucky Revised Statutes as Sections 447.150 and 22.050 through 22.100. The first creates a Committee to revise the Civil Code of Practice. The second creates a new Judicial Council and Judicial Conference. The work of these organizations will be closely inter-related.

KRS 447.150 creates a Civil Code Committee, composed of seven members: the Chief Justice of the Court of Appeals, or a member of that Court designated by him; two circuit judges; and four members of the Kentucky State Bar Association.¹ This Committee is authorized and directed to make a comprehensive study of the Civil Code; "to formulate and execute such plans and policies for the simplification, clarification and revision of the Code as may appear necessary and proper", and to submit to the General Assembly in 1952 a complete and revised set of procedural rules. The Statute Revision Commission is directed to furnish facilities and services to the Committee.

The proposed revision constitutes a great challenge to the Bench and Bar of Kentucky. It offers vast possibilities of lasting improvement in court procedure, which should result in the expedition of cases before the courts. This should prove of real benefit to the

* Commissioner, Court of Appeals, Commonwealth of Kentucky. A.B., LL.B., University of Michigan.

¹The membership of this Committee consists of: Chief Justice Porter Sims, Bowling Green, chairman; Judge A. J. Bratcher, Morgantown; T. C. Carroll, Shepherdsville; M. W. Moore, Covington; Joseph Leary, Frankfort; and Morton Holbrook, Owensboro. Watson Clay, Commissioner of the Court of Appeals, has accepted the committee's invitation to work with it.

judges, the lawyers and the litigants, and no longer should justice be in danger of strangling in its own halls.

The Committee was duly appointed under this Act, and held its first meeting July 6. It immediately employed George M. Catlett, a lawyer, to begin the work of the Committee in cooperation with the Reviser of Statutes. The Code is now being broken down section by section, and having appended annotations, statutory references, related sections, and parallel provisions of other codes. Suggestions are daily being received from members of the Bar, and they likewise are being appended to the appropriate Code section, and are, and will be of invaluable assistance to the Committee.

On a broader front, the profession has been given an opportunity to root out other defects in judicial administration by the creation of the new Judicial Council and Judicial Conference under Senate Bill 270 (KRS 22.050 through 22.100). This Act created a Council to consist of eleven members: a representative of the Court of Appeals, four circuit judges, a circuit court clerk, three members of the State Bar Association and the Chairmen of the Judicial Committees of the House and Senate.² The duty of this Council is to carry on a continuous survey of the organization, operation, condition of business, practices and procedure of the state judicial system. It is authorized to devise ways of simplifying procedure, expediting judicial business, and correcting faults in administration. It must report annually to the Judicial Conference, which is composed of all circuit judges and all members of the Court of Appeals, and must also report biennially to the General Assembly

The Judicial Council was authorized to, and has already employed a permanent secretary, Hon. Amos H. Eblen, with an office at Frankfort. It has begun the work of analyzing the business of the courts, with the end in view of removing congestion and speeding up the disposition of cases. It will doubtless continue the work of the Civil Code Committee when the latter has completed its specific job.

Kentucky has advanced rapidly within the past few years in improving the quality of its laws by the creation of the Statute Revision Commission and the Legislative Research Commission. With the establishment of the Civil Code Committee and the new Judicial Council, it bids fair to outrank all other states in a full rounded pro-

² The membership of the Council consists of: Judge James W. Cammack, Owenton, chairman; Judge Chester D. Adams, Lexington; Judge K. S. Alcorn, Stanford; Judge James C. Carter, Jr., Tompkinsville; Judge Watt M. Prichard, Ashland; Bert T. Combs, Prestonsburg; J. Lyter Donaldson, Carrollton; T. S. Waller, Paducah; Rep. W. R. Reasor, Shelbyville; and Sen. Clay Shackelford, Richmond.

gram designed to vastly improve the efficient functioning of our judicial system. In the realization of this objective, special acknowledgement must be made to the past and present presidents of the Kentucky State Bar Association, Mr. Joseph D. Harkins and Mr. Marcus C. Redwine; and to Judge James W. Cammack, Senator Clay Shackleford of Richmond, Senator Louis Cox of Frankfort, and Representative Paul E. Hayes of Prestonsburg.