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Editorials

Kentucky Law Journal

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THE FIRST REFORM

Agencies of legal reform are being organized in ever increasing numbers in all sections of the country at the present time. Judicial councils, crime commissions and numerous bodies of a similar character have sprung up over night. Doubtless each of these organizations will accomplish much that is worthwhile and needed. But of what permanent avail are any of these unless we see to it that the first and most urgent reform is speedily accomplished. We refer, of course, to the matter of raising requirements for admission to the Bar.

After all, the standard of excellence which any system of law attains is dependent upon two factors, the rule and the man. All important is the character of the man who administers the law. We deceive ourselves if we suppose that we can permanently improve the rule without first improving the man who must administer the rule. We look at the reforms enacted in the last fifty years in England and we marvel. Let us not forget that the success of many of these reforms is predicated upon a thoroughly cleansed Bench and Bar.

THE JUDICIAL COUNCIL AGAIN

The West Virginia Bar Association is sponsoring legislation which will establish a Judicial Council for the State. Recently, after drafting such legislation, the Association invited experts to appear before the annual meeting of the body and criticize the draft. Some of the suggestions and criticisms offered by these experts cast interesting views upon the situation existing in our own State. Several of these criticisms are quoted below:

“In the first place your council is small, and therefore workable. Some Judicial Councils in the United States are utterly unwieldy and will probably never accomplish anything.

Imagine a judicial council consisting of all the circuit and supreme court judges of a state and expect it to get anything done! In a judicial council consisting of so great a number of people, none of them will be likely to feel any responsibility, and it will be so large that it can hardly meet.”—Sunderland.

“Legal reform which is to be effective must come from the student of the subject and not from the mere chance shot of the headlines. The judicial councils and the law teachers working together must develop the proposals. The bar associations must see that they are adopted.”—Clark.

“What seems to me very promising is the fact that upon this judicial council of nine there is a minority of judges. Some judicial councils consist entirely of judges. Judges ought to be found on a judicial council, but lawyers ought also to be there and I believe, for several reasons, that the majority ought not to be representatives of the bench.”—Sunderland.

“Judge Cardozo, of the New York Court of Appeals, in urging a New York judicial council several years ago, proposed

a membership of five upon that council, two of whom should be members of law faculties in the State of New York, and he gave as his reason, that such work required a great deal of study and time, and no one who was actively practicing at the bar or at work upon the bench was able to carry such a burden.”—Sunderland.