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American Bar

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AMERICAN BAR

*Development of a Co-ordination Plan**

Co-ordination of the bar by a plan which will be acceptable to the lawyers of the country waits on a closer working union between state and local groups and the American Bar Association. The need for a means by which the lawyers of the United States can express themselves nationally on problems with which their profession is particularly concerned has long been recognized. It should be clearly understood that statements of the necessity for an organization which will truly represent and speak for the bar of the entire country are not in the nature of special pleading for the American Bar Association. There is no denying that the profession will be more effective in its effort to improve the administration of justice on all fronts if it is more closely knit together, if there is a national clearing house of experience and ideas and if there is an agency for a national expression of opinion.

The Co-ordination Committee of the American Bar Association had all this in mind when it advocated the adoption of a National Bar Program which would provide a common meeting ground for all bar organizations and would make for a closer association between them. The idea has received the unqualified approval of active bar associations in every part of the country and is being carried forward with energy. In the meantime it is not being forgotten that eventually, machinery must be built which will fulfill the requirement of uniting the entire profession so that the opinion of state and local bars will have an opportunity for reflection in the national organization. Some bar associations have appointed committees to propose plans by which this can be brought about and the Co-ordination Committee has been asking the opinion of a few representative lawyers about it. Any bar association interested in working out proposals for some type of formal connection between local regional, state and national organizations, is invited to submit their project to the Co-ordination Committee.

Work on the subjects of the National Bar Program is proceeding actively. By the printing of a monthly bulletin, the first issue of which was published in December, the Committee on Unauthorized Practice of the American Bar Association hopes to stimulate effective work on that topic. The Association is making available the proceedings of the meeting held in Cincinnati in October, where the selection and tenure of judges was discussed at a well organized and important conference, and Judicial Selection Com-

* By Will Shafroth; reprinted from American Bar Association Journal, January, 1935.

mittees will thus be given the opportunity of seeing a new and interesting method of approach to this subject. By means of a survey of methods of disciplinary procedure now in use in the forty-eight states and the District of Columbia, grievance committees will be furnished with an assortment of yard sticks by which their own procedure can be measured.

Crime Conference Adopts Criminal Procedure Recommendations

In the field of Criminal Law and Its Enforcement, an important recent event was the Attorney General's Conference on Crime held in Washington December 10-13, which is extensively reported elsewhere in this issue of the Journal. The great majority of the state bar associations and many locals were represented there, and the American Bar Association appointed a delegation of seventeen, all of whom attended. The importance of the lawyer in this field and his responsibility in solving the crime problem was most convincingly demonstrated by the fact that out of 600 accredited delegates more than 200 were lawyers. The results achieved were important. One hundred and ten resolutions were presented to the Resolutions Committee containing recommendations on all subjects which were discussed in the fifty odd addresses on the program, and on some which were not. Among those to emerge from this mass of ideas was Resolution No. 7, embodying the criminal procedure recommendations passed by the American Bar Association at its Milwaukee meeting, recommending the American Law Institute Code and specifically advocating:

- (1) Right of waiver of jury trial,
- (2) Empanelling of alternate jurors,
- (3) Trial upon information as well as indictment,
- (4) Non-unanimous jury verdicts in certain criminal cases,
- (5) Advance notice of alibi or insanity defense, and
- (6) Comment on defendant's failure to testify.

In addition, this resolution recommended that legislative committees on Criminal Law and Its Enforcement be appointed and that the American Legislators' Association co-operate with these committees.

The preamble of this resolution stated that "the Attorney General's Conference on Crime believes that the time is ripe for securing a substantial improvement in criminal procedure." This is a fact which should be driven home to all bar association committees working on the subject. Plans for procedural reform in this field, if submitted to the forty-four legislatures which meet in 1935, should have clearer sailing than ever before, and, therefore, every effort should be made to see that a carefully worked out program is presented in every state where the need exists.

Another resolution declared for closer co-operation between federal, state, county and local authorities without in any way infringing on state sovereignty. The State Department of Justice recommendation of the American Bar Association was suggested as a possible means of carrying this out in the following language from Resolution No. 3:

"It is recommended that the various states give serious consideration to a better form of co-ordinated control by means of a state department of justice or otherwise."

These recommendations by a body of experts should lend considerable force to the criminal law proposals endorsed by the American Bar Association on which state and local bar association committees are now working.