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Bar of Other States

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Justice Courts in Ohio

In a statistical survey by Professor Silas A. Harris, of Ohio State University, which is included as a part of the third report of the Judicial Council of Ohio, the following conclusions are drawn concerning justice of the peace and mayors' courts in that state:

1. There are a comparatively small number of cases now brought in justice courts, and the number diminishes rapidly with the lack of specialization in particular types of cases.

2. There are not enough cases to justify the election of additional judges in most of the counties originally named in the proposed bill of the Bar Association. Cuyahoga County is the only one named where another judge seems needed. An additional judge seems necessary in Belmont County which has at present a heavy common pleas docket and a large number of cases in justice courts.

3. It appears that there are only a few counties which need the full time of a commissioner to take care of the business from the justice courts.

4. There are a good many justices who do not have enough cases to justify the expense of their election.

5. It appears that the amount now paid in fees to justices would provide enough funds to pay the cost of additional judicial personnel. Even with a substantial reduction in these fees collected, additional services can be secured with very little increase in expense.

6. Justices of the peace are more zealous in collecting costs than in enforcing penalties in criminal cases.

7. Costs in justice courts are higher than often assessed for claims of the same size.

8. The mayors' courts should be preserved for preliminary hearings.

9. There is evidence that the mayors may abuse their power and endeavor to finance municipal operations by criminal prosecutions. If this practice becomes prevalent it can be curbed by appropriate legislation.

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*The Movement for Bar Integration**

The sixth annual report of the Texas Judicial Council contains a report in which approval is given to the proposed State Bar Act, the matter having been referred to the Council by the State Bar Association convention. The draft act, in four brief sections, provides for the creation of the State Bar "as an administrative agency of the Judicial Department of the State," with power to contract, to sue and be sued and to carry out the further provisions. All practitioners are made members of the State Bar and all other persons are prohibited from practicing law. One section, which follows, covers the matters of organization, rules and government:

"The Supreme Court of Texas is empowered, and it shall be its duty, to adopt and promulgate rules and regulations for the conduct of the State Bar, prescribing a code of ethics governing the professional conduct of the attorneys at law and the practice of law, establishing practice and procedure for disciplining, suspending and disbarring attorneys at law, prescribing fees to be paid for the administration of this act, and the collection and disbursement thereof."

The Texas State Bar Association has stood committed to the principle of bar integration for a number of years, and, though several times defeated in legislature, has taken the position that it will persevere until the goal is achieved. It was such determination that carried the Kentucky State Bar Association to victory after three defeats.

In Georgia the State Bar Association has approved a bar bill which derives largely from the North Carolina State Bar act. Under this plan the members of the board of governors are to be chosen by active practitioners as the board, and thereafter the board shall choose the vice-president, secretary and treasurer, but the president shall be elected by majority vote at the annual convention. Subject to approval by the supreme court the board of governors is given full powers respecting admission requirements and examinations.

Rules of professional conduct are to be drafted and administered by the board, the supreme court approving, and the same balance of power is provided as to disciplinary procedure. The transcript of proceedings in suspension and disbarment cases goes to the superior court. Limitations placed on

* As reported in the American Bar Association Journal, February, 1935.

the court's power to reverse or modify a decision by the board relieve the court from testing the findings of facts. Appeal will lie to the appellate or supreme courts.

The bar act drafted for and approved by the Arkansas State Bar Association provides for a governing council composed of members elected at meetings held in the several circuits. There will also be in each circuit meetings called by the local council members, at which will be chosen five members to constitute a "district advisory board." This board serves the purpose of the "administrative committee" as employed in other states. Besides investigating complaints the local advisory board will report on the moral and legal qualifications of applicants and advise inexperienced practitioners concerning their professional duties; it will also cause meetings to be held "at regular intervals for social intercourse and the discussion of professional subjects."

The council, or a committee thereof duly appointed, shall conduct examinations of applicants for admission. Disciplinary proceedings are in the hands of the council, which shall investigate charges and, when the facts warrant, make findings and submit them to the circuit court. The court may disbar, suspend or reprimand, and appeal may be had to the supreme court, by either the accused or the council. This act, though differently phrased, is seen to derive, like that in Georgia, from the North Carolina law. Annual fees are fixed at five dollars in the Arkansas bill.
