

**HOW TO GET GOOD JUDGES: A
STUDY OF THE DEFECTS OF THE
JUDICIAL SYSTEMS OF THE
STATES WITH A PLAN FOR A
SCIENTIFIC JUDICIAL SYSTEM**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649408283

How to Get Good Judges: A Study of the Defects of the Judicial Systems of the States with a Plan for a Scientific Judicial System by John A. Wright

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

JOHN A. WRIGHT

**HOW TO GET GOOD JUDGES: A
STUDY OF THE DEFECTS OF THE
JUDICIAL SYSTEMS OF THE
STATES WITH A PLAN FOR A
SCIENTIFIC JUDICIAL SYSTEM**

FOR GENERAL READERS

How to Get Good Judges

A STUDY OF THE DEFECTS OF
THE JUDICIAL SYSTEMS OF THE STATES

WITH

A PLAN FOR A SCIENTIFIC JUDICIAL SYSTEM

BY

JOHN A. WRIGHT

Member of the Committee of the San Francisco Bar Association on the Judiciary



SAN FRANCISCO:
The S. Carson Company, Publishers
1892.

64715

COPYRIGHT, 1902,
BY JOHN A. WRIGHT, SAN FRANCISCO.

"The object of the profession of the law, of jurisprudence seen on its PRACTICAL side, is not so much that the law be discovered and made known, as that it be applied and obeyed."

PROFESSOR LORIMER.

HOW TO GET GOOD JUDGES.

I.

POPULAR DISTRUST OF THE JUDICIARY—ITS NATURE AND CAUSES.

No honest and sensible man who reads the newspapers and converses with his fellows can deny that a large class of people throughout the United States entertains a growing distrust of our judges and judicial systems. This distrust prevails, undoubtedly, to a greater extent in some States than in others, and among some classes more than among others. It exists side by side with the utmost respect for the character and attainments of particular courts and particular judges. Sometimes it appears in some old State, and is attributed to special and passing conditions; sometimes it appears in

some new State, and is said to be the natural result of crude conditions and heterogeneous society. At an early period in California, the scorn of the judiciary and judicial methods, as means to beneficial ends, was so great among the best classes in the community that the Vigilance Committee arose to do lawless justice; many years later, in Louisiana, a similar mental attitude on the part of the people provoked a disgraceful, though perhaps unavoidable, massacre. In almost every State of the West and South, during the long time between the period of the California Vigilance Committee and that of the New Orleans Committee, there have been lynchings innumerable, because neither the judicial system nor the judges were trusted. For full forty years the same political disease has in some form appeared in almost every State in the Union, and we are apparently no nearer its cure to-day than when it first horrified Americans. Recently, in New York, certain judges were forced by operation of law to confess that they had bought their nominations. Some form of distrust surely arises against them. Are we to go on forever so far distrusting our judges and judicial systems that

we must on occasion seek relief in murder, massacre, and riot?

Some recent manifestations of the distrustful attitude of the public mind towards the judiciary in the State of California have prompted the publication of this essay. For so long as feeling has not taken the form of violence, there seems some hope that the suggestions here offered will be patiently and attentively examined with a view toward their adoption, if apparently practicable. Indeed I have noticed, (or thought I had), evidence that the remedies which I shall propose were at last dimly discerned by some honest and thoughtful minds in Louisiana, and this gives me further hope that they will be somewhere weighed with care. Moreover, the marvelous strides which scientific methods to reform the ballot and the civil service have made in the minds of all classes, still further encourage me to offer a proposal for the reformation of the most important branch of our State governments by means which will be found to be in their nature born of the political ideas and aspirations that gave birth to the Australian ballot system, the modern notions of a proper civil service, and the American system of free public schools.

For the benefit of such readers as may not be familiar with the recent events in the State of California, as well as for the purpose of pointing to the primary grounds for public distrust of the judges, I shall open with a brief statement of recent occurrences in California, confining myself, however, exclusively to the manifestations of distrust contained in those occurrences. The grounds of distrust are fundamentally the same everywhere as in California, but California at this time happens to offer especially clear evidence of the sources of disease. With slight variations the remedies must be the same if the disease is the same.

A great public question recently arose out of the action of one of the judges of our Superior Court in undertaking to impanel a Grand Jury for the city of San Francisco by means of an elisor, without the intervention of the Sheriff. Rumors had filled the air that the State Legislature and the Municipal Boards were corrupt, root and branch—were, indeed, but organized bands of public plunderers existing for years under the leadership of political bosses of the most degraded and skillful type. The judge referred to assembled and swore in a body of