

**JUSTICE THROUGH SIMPLIFIED
LEGAL PROCEDURE. THE
ANNALS. VOLUME LXXIII,
SEPTEMBER 1917**

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Carl Kelsey & Henry W. Jessup

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CARL KELSEY & HENRY W. JESSUP

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SEPTEMBER, 1917

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CONTENTS

	Page
FOREWORD	v
Clyde L. King, Editor.	
THE SIMPLIFICATION OF THE MACHINERY OF JUSTICE WITH A VIEW TO ITS GREATER EFFICIENCY.....	1
Report to the Phi Delta Phi Club of New York City by its Committee of Nine. Henry W. Jessup, J.D., Chairman.	
PART ONE—A JUDICIARY ARTICLE FOR THE STATE CONSTITUTION	
THE NEED FOR IDEALISM. SOME FUNDAMENTALS. THE NEED FOR EFFI- CIENCY. SOME OBSTACLES TO BE MET. RESPONSIBILITY OF MEMBERS OF THE BAR. RECOMMENDATIONS OF THE AMERICAN JUDICATURE SOCIETY. GENERAL PRINCIPLES OF REFORM. THE SIGNIFICANCE OF PUBLIC OPINION. CONSTITUTIONAL CHANGES.	
PART TWO—SUGGESTIONS FOR A SHORT PRACTICE ACT	
PART THREE—RULES OF COURT	
PART FOUR—CONCLUSION	
EXHIBIT A	
CIVIL PRACTICE ACT.	
EXHIBIT B	
A BIBLIOGRAPHY OF PROCEDURAL REFORM, INCLUDING ORGANIZATION OF COURTS.	
SOME OBSERVATIONS UPON THE REPORT OF THE COMMITTEE OF THE PHI DELTA PHI WITH SPECIAL REFERENCE TO THE TYPICAL JUDICIARY ARTICLE FOR A CONSTITUTION.....	104
Charles A. Boston, Chairman of the Committee of Professional Ethics of the New York County Lawyers' Association, New York City.	
WHAT IS WRONG WITH LAW AND LAWYERS? ANACHRONISMS IN LAW. PRO- CEDURAL REFORM. CONCILIATION. DEFECTIVE LAWS OF EVIDENCE AND THE CIVIL JURY. THE PROPOSED JUDICIARY ARTICLE. THE ABOLITION OF EXIST- ING COURTS. APPEALS. JUDICIAL DEPARTMENTS. THE APPOINTING POWER. MASTERS. JUDICIAL ADMINISTRATION. JUDICIAL STATISTICS. UNCONTESTED PROBATE MATTERS.	
THE LAYMAN'S DEMAND FOR IMPROVED JUDICIAL MA- CHINERY.....	132
William L. Radford, Former Justice of the City Court of the City of New York; Chief Counsel of the New York State Public Service Commission for the First District.	
THE DEMAND FOR IMPROVED JUDICIAL MACHINERY. SHALL PROCEDURES KEEP PACE WITH DOCTRINES? HAZARDOUS TECHNICALITIES WHICH MAKE JUDICIAL ADMINISTRATION ABSURD. HOW RELIEF CAN BE SECURED.	

THE WORKING OF THE NEW JERSEY SHORT PRACTICE ACT...	170
Martin Conboy, New York City.	
PROGRESS OF THE PROPOSAL TO SUBSTITUTE RULES OF COURT FOR COMMON LAW PRACTICE.....	178
Thomas W. Shelton, Chairman, Committee on Uniform Judicial Pro- cedure of the American Bar Association, Norfolk, Va.	
AN EFFICIENT COUNTY COURT SYSTEM.....	189
Herbert Harley, Secretary, American Judicature Society, Chicago, Ill.	
A JUSTICE FACTORY.....	196
Frederick D. Wells, Justice, New York Municipal Court; Author of <i>The Man in Court</i> .	
ADMINISTRATION OF BUSINESS AND DISCIPLINE BY THE COURTS.....	205
Julius Henry Cohen, Chairman, Committee on Unlawful Practice of the Law, New York County Lawyers' Association; Author of <i>The Law—Business or Profession?</i> and member of the Group for the Study of Professional Problems.	
THE ORGANIZATION OF THE COURTS.....	211
George W. Alger, New York City.	
LOOKING FORWARD IN THE LAW.....	219
Arthur Younger Wood, Managing Editor, <i>The Recorder</i> , San Fran- cisco, Cal.	
INDEX.....	230

FOREWORD

The forward looking minds of America are giving thought to the changes and developments in our own domestic institutions which must, despite the stress of war times, be controlled and forwarded. One of the first of the topics to which national attention should be called is the simplification of our machinery of justice with a view to its greater efficiency. The period of much talk about judicial reform of a few years ago is now passing into the period of accomplishment. And of plans for re-formation, the Academy believes that the plan herewith presented by the committee of which Mr. Jessup is Chairman, together with the accompanying papers, is well conceived and eminently worthy of thought and of permanent record. The facts as to the committee are given in the footnote on the first page.

This plan and the papers following it are founded on careful study and research and deliberate discussion. The Academy bespeaks from all its readers the thoughtful attention the papers deserve. This is a topic that warrants deliberation and study. In this subject there is no place for a decision based on the hearsay findings of a Committee on Rumor. For as is the machinery of justice so will be the justice meted out to property, to liberty, to life itself.

Just what parts of our machinery of justice need simplification and why? What changes have been proposed and what adopted? What changes in the constitution are necessary? In practice acts? In laws of evidence? In judicial administration? What is wrong with our justiciary machine and what must we do to set it right?

These are the questions the Academy wanted answered in this volume for the guidance and convenience of its members. Messrs. Jessup and Kelsey have done well their tasks as special editors with full responsibility for the volume, and the Academy herewith bespeaks from all its readers the appreciation that is their due.

CLYDE L. KING,
Editor.



THE SIMPLIFICATION OF THE MACHINERY OF JUSTICE
WITH A VIEW TO ITS GREATER EFFICIENCY

REPORT TO THE PHI DELTA PHI CLUB OF NEW YORK CITY BY ITS COMMITTEE
OF NINE¹

HENRY W. JESSUP, J.D., Chairman.

In the thirty-fourth of the fifty resolutions written by David Hoffman of the Baltimore Bar, he observed:

Law is a deep science. Its boundaries like space seem to recede as we advance and though there be as much of certainty in it as in any other science, it is fit we should be modest in our opinions and ever willing to be further instructed. Its acquisition is more than the labor of a life, and after all can be with none the subject of an unshaken confidence.²

Burke said in reference to the administration of justice that it was the "highest concern of man on earth."

The American Bar Association in the preamble to its Canons of Ethics has declared:

In America where the stability of courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing justice be developed to a high point of efficiency and so maintained that the public should have absolute confidence in the integrity and impartiality of its administration. . . . The future of a republic to a great extent depends upon our maintenance of justice pure and unswayed. . . .

¹ This committee was appointed at a meeting of the club held on October 23, 1916, for the purpose of considering what changes in the Constitution, statutes and rules operative in the state of New York are essential to the simplification of practice and greater efficiency in the administration of justice. It followed the activities of a former committee known as the Committee of Seven whose report was the first of those issued by any group of lawyers at the time of the debates on judicial reform preceding the New York Constitutional Convention of 1915, and was submitted to and considered by the Judiciary Committee of that Convention. The members of this committee are as follows: Henry W. Jessup, Chairman, Dean Emery, President, *ex officio*, Harry N. French, Edwin S. Lewis, R. A. Mansfield Hobbs, Willard A. Mitchell, Lawrence S. Coit, Hugh R. Partridge, George W. Alger, Leigh K. Lydecker; and Hon. Norman J. Marsh, advising with the committee. Any person desiring to communicate in regard to the subject matter of the report or in regard to ordering reprints thereof may communicate with the chairman at 55 Liberty Street, New York City. Reprints can also be secured by applying to the American Academy of Political and Social Science, Woodland, Ave. and 38th St., Philadelphia.

² David Hoffman, *Course of Legal Study*, 2d ed. 1836, Vol. II, p. 751 *et seq.*