

ONLY OUR OWN OPINION

EDITORIALS

CLASS OF '22 AT THE BAR

The School of Law is justly proud of the records made by its graduates at the bar examinations throughout the States. Beginning with the adoption of the present system of final written examination as a condition precedent to graduation the men of the Law School, as a class each year, have done remarkably well at the ensuing first bar examination in their respective States for admission to practice their chosen profession. With the expansion and improvement of the pleading, practice and court courses this record of success at the bar examinations has become even more pronounced. If, as must be expected, a very few do not succeed in their first attempt for admission, perhaps due to exceptionally difficult tests, invariably these are successful in the second effort.

Not only do the men of the Law School pass their examinations successfully but they generally pass with distinction, so much so that the applicants from Notre Dame have come to be received at these examinations and hailed by the other applicants as are Rockne's warriors from N. D. on the gridiron.

The glowing reports of the men of '20 and '21 are still vividly in mind. And with their remarkable successes, uniformly high ratings, conspicuous attainments and reflected credit on old N. D. U. still ringing sweetly in our ears, we must comment on the recent chronicle from Ohio, the extraordinary beginning in mid-year, of the class of '22.

Bernard Vincent Pater and John Joseph Buckley were eligible to take

the Ohio Bar Examination in December. With more than half their senior year to go we frankly expressed our misgiving about the result. But these men of '22 girded themselves for the fray, went two abreast to Columbus, Ohio, successfully combatted the legal elements, and sent back enthusiastic telegrams which may be paraphrased thus: "We have met the enemy, and they are ours"—two certificates of admission to the Bar, two full-fledged lawyers from Ohio, and two scoops for the Class of '22.

The large delegations that go to the June examinations in Ohio and Iowa, and to the July examination in Illinois, as well as the other men of '22 who take their bar examinations in other states, are encouraged and spurred on by the exceptional success attained by these two men of Ohio.

The thankfulness and congratulations of the School of Law to you, Bernard Vincent Pater and John Joseph Buckley.

E. I. C.

Since the foregoing was set in type Mr. Robert P. Galloway of the Class of '22 has been officially notified of his successful passing of the New York Bar in March.

THE SANCTION OF THE LAW

Sanction of Law is the power to compel the enforcement of the law. Without the element of force, law cannot be rendered effective. The assurance that punishment will follow swift and certain after the violation of a legislative enactment is the greatest weapon that society has to rely on. It is better to make this penalty slight and be certain that it

will be applied than to make it heavy and have it applied only occasionally. Today, the United States is suffering from crime largely because juries will not convict. It is not because the penalties attached to the violation of laws are too heavy, but it is due to a false sentimentalism.

The laxity of juries in this respect is largely responsible for the increase in crime. If there was a moral certainty that juries would convict when they were presented with the proper evidence, much of the present crime would cease and the possibility of future crimes would be greatly deminished. If it is necessary to weaken the sanction of the law in order to convict criminals, weaken it by all means. Perhaps the consciences of juries may become better in this respect or perhaps they may become hardened so that at some future time, a more severe penalty may be placed upon violations of law. Society was instituted because man is a social animal and demands intercourse with his fellows. However, if degenerates and morons are permitted to prey on society, man will lose much of his social side and will revert to the law of the club. If society is to maintain its primary function namely, the promotion of social and commercial relations among its members, crime must be diminished and criminals must be apprehended and punished. This can only be accomplished by enforcing the laws that are on the statute books. When juries are confronted with sufficient facts to convict a man they must not hesitate to administer the full sanction of the law. If they continue to hesitate in the future as they have done in the immediate past, crime will continue to spread with alarming rapidity until the

whole fabric of government comes tumbling over the shoulders of every citizen. The present is the time to cure past offenses and to prevent future violations. Lax enforcement has failed. Try strict enforcement of law and note the beneficial result.

J. J. B.

LEGAL ETHICS

At the mention of Legal Ethics many so-called wise men are inclined to turn their heads and smile in a knowing way. However, Legal Ethics exist and the code of legal ethics is one of the finest professional guides possessed by any group of men practicing a common art. The Bar Associations of each state are beginning to place more and more stress on this branch of learning and the code itself is being more strictly adhered to in practice. A few years ago, it was a unique thing to hear of a lawyer being debarred for malpractice. Today, the event is not remarkable by any means. Legal shysters and tricksters are being forced from the profession and their places are being filled by clean-minded men who are a credit to the noble profession which they serve. Morality is coming to the front in the Law more than it is in any other profession. There may be unwritten codes of ethics in other professions, but in the Law, the code is written, definitely and clearly. An offense against the Ethical code is easily detected and the result is generally disastrous to the one who has wandered from the path of professional duty. This adherence to the legal code of ethics will do a great deal to elevate the practice of the law to its exalted position. It is the most important profession in the world and the men who practice it should be the cleanest and most

honorable body in the world. The ordinary client is wholly dependent upon the attorney who represents him and the Legal profession is doing everything in its power to make certain that he will be represented only by a man who is competent to act professionally, eager to see justice done, and morally able to resist the temptations that might be thrown in his path because of the helplessness of his client.

J. J. B.

THREE NEEDED STEPS OF PROGRESS

In a recent address at a banquet of the Chicago Bar Association William Howard Taft, Chief Justice of the Supreme Court, took for his subject "Three Needed Steps of Progress." He opened his address with saying that the Jurisdiction of the Federal Courts has been vastly enlarged, that dormant powers of the Federal Government under the Constitution have been made active, and the Federal Government has poked its nose into a great many fields where it was not known before, for lack of Congressional initiation. Chief Justice Taft then started to show how the jurisdiction of the Federal Courts has been enormously enlarged and the following is the substance of his remarkable address:

In the first place, the giving to the Federal trial courts jurisdiction of suits involving federal questions, without regard to citizenship was one addition. Then the enactment of the Interstate Commerce Law and the casting upon Federal Courts the revisory power over the action of the Interstate Commerce Commission was another. Then, the Anti Trust Law, the Railroad Safety Appliance Law, the Adamson Law, the Federal Trade Commission Law, the Clayton Act, the Federal Employers' Liabili-

ty Law, the Pure Food Law, the White Slave Law, and other acts, and finally the Eighteenth Amendment and the Volstead Act, have expanded the civil and criminal jurisdiction of the Federal Courts of first instance, to such an extent that unless something is done, they are likely to be swamped—and delay is a denial of Justice. An increase of the judges in the Federal System is absolutely necessary. The existing arrangement of courts and districts in nine circuits is a matter of long standing. The arrangement has really been outgrown and ought to be changed.

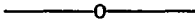
The second step that should be taken is a simplification of the procedure in all cases in the Federal trial courts. There still exists that distinction between actions at law, and suits in equity and suits in admiralty. There is no reason why this distinction, so far as actual practice is concerned, should not be abolished entirely, and what are now actions in law, in equity, and in admiralty, should not be conducted in the form of one civil action, just as is done in the Code States. Of course the right of jury trial secured by the Constitution is civil cases involving over \$20. must be preserved and can be without much difficulty, and can be reconciled with the right of a man under equity procedure to certain forms of more satisfactory remedy, preventive and otherwise. What can be done in Great Britain in this regard can certainly be done here, and the simplicity of the practice there reflects on the enterprise of the lawyers on this side of the water.

The third step to be taken is a change in the jurisdiction of the Supreme Court. In the first place the jurisdiction of the Supreme Court is defined in a great many different

statutes and special acts, and it has really become a trap for the unwary. Some are now working on a proposed bill to simplify the statement of the jurisdiction of the Supreme Court and have it embraced in one statute.

The three reforms, therefore, are, first, an increase in the Judicial force in the trial Federal Courts, and an effective distribution of the force by a council of judges; second, simplicity of procedure in the trial Federal Courts; and third, a reduction in the obligatory jurisdiction of the Supreme Court and an increase in the field of its discretionary jurisdiction by certiorari. It thus will remain the supreme revisory tribunal, but will be given sufficient control of the cases which come before it, to enable it to remain the one Supreme Court and to keep up with its work.

B. V. P.



COLLEGE EDUCATION FOR LAWYERS.

A certain learned Jurist has aroused considerable comment over his proposal that no man should be admitted to the Bar unless he can show a degree in the liberal arts or its equivalent. There is a great deal to be said on both sides of the proposition. An education in the liberal arts broadens the mind of the student and renders him more able to grasp the profound maxims of the law. It gives him a more extensive knowledge of history and science. It enables him to better appreciate the nice distinctions of pleading. It prepares him to know more about humanity and by this increased knowledge to better analyze the motives prompting certain acts that he will be called upon to judge. Surely these things are good and desirable. However, there is another aspect to the problem. If compulsory college

training became a necessary part of the requirements for admission to the Bar, many men would be forced to throw aside their ambitions and aspirations and be content with another profession. In all probability, a great amount of valuable talent would be lost to the legal profession. The practice of the Law would become a pastime for the rich. The poor would be forced to be content with other branches of learning which would be less exact in their requirements. Throwing the reins of the law into the hands of wealth would be one way of making the line between rich and poor more distinct and pronounced. Another objection to the proposition is that during his college career, a student is apt to become hardened to study and when he takes up the threads of the law, he would not be inclined to weave them into a strong cable. The scattered strands would fade in his grasp and the result would be that he would not finish his legal preparation with the knowledge that is possessed by a man who comes fresh and eager to this mighty stream of knowledge. Given the ideal student and there is no doubt but that he will make a better lawyer if he is equipped with a degree in the liberal arts and a degree in Law than he would be if he were trained only in the Law. However, we are inclined to think that with the ordinary man, a thorough course in law bolstered by some academic study is more desirable than two entire college courses. We would advise that no student be given a degree until he finished his professional course for once a degree is obtained, the student is apt to become hardened to his task and the ultimate goal is lessened because it has been half won. Surround the objective with

the glamour that can be had only when a man approaches it for the first time.

J. J. B.

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SERVICE: HONEST AND FAITHFUL.

Military men have a wonderful knack at phrasing curtly and clearly and completely. Long explanations are not considered. They speak and in a few words tell a story that cannot be misunderstood. At the close of the war, most of the discharges from military service bore the inscription: "Service: honest and faithful." This phrase told a great and wonderful story. It spoke of labor and sacrifice. It told of danger and hardship. It bespoke a spirit ready to serve and a service that was true to the spirit which prompted it. Today, the men who won this military honor are laboring in fields afar. Some are in the work-shop; some are in offices. Others have sought the soil as producers while many are engaged in professions. How many of those men who won the phrase of distinction are carrying on in the spirit that won it? How many of those who never had a chance to win it in military work are striving to achieve it in civil life? It can be won now as it was then. Perhaps it will not take the same form. Perhaps it will be in a more substantial form. However, it can be won by every man and woman in the world if they will merely labor to win. Work is the means by which it can be won and the spirit to work honestly and faithfully is the only spirit that will bring the much desired reward. As George Ade has said:

"The man who does the best he can
Whatever be the field of his endeavor,
Will find life full and sweet.

And when he leaves this place of
mortals

With face turned toward the golden
portals,

He'll get there with both feet."

Put your shoulder to the wheel and keep up your spirit. Then, when life's troubles are over some sage will write your reward with the phrase: "Service: Honest and faithful."

J. J. B.

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UNDERSTANDING MEN

Man is the biggest problem of mankind. The solving of this problem is difficult because each case presents a different phase of the same subject. It is impossible to build principles or enact laws that will give each man the greatest amount of justice possible. However, laws are enacted not so much to protect the individual as for the benefit of society. But society is composed of a sum total of individuals and if the individual is disregarded, the effect of such neglect will invariably reflect on society as a whole. Therefore, while Courts are enforcing laws, they should strive to make allowances for individual differences. They should not overlook the human element. Up to the present, society has been more concerned over the safety of property than it has over the safety of its parts. This has led many who are not property owners to disregard laws and this disregard has led to a great portion of the crimes committed. We do not recommend laxity in the enforcement of laws nor do we recommend babying criminals, but we do recommend that some consideration be given to the things that go to make up character—namely environment, education, and heredity. Each of these is responsible for some