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The President's Page

A M. Kvello

THE PRESIDENT'S PAGE

At the June 1930 Primaries there will be submitted to the voters of this state two proposed Constitutional Amendments which are of particular interest to the lawyers of the state. These are Chapters Ninety-seven and Ninety-eight of the 1929 Session Laws. The first, if ultimately carried, will extend the term of office of district court judges from four to six years. It would not take effect, however, until 1932. The judge of the district then receiving the highest vote would serve for six years, the second four years and, if there were three, the third two years. At every election after 1932 the term would be a full six years.

Chapter 98 in like manner affects the Supreme Court judges, raising their terms of office to ten years. This would not go into effect until 1934, when there are three judges to be elected. The judge receiving the highest vote would then serve ten years, the second eight years and the third six years, with the full term of ten years for all subsequent elections.

These are amendments that the Bar Association has been in favor of for many years. If defeated this year the opportunity may not come again for a long time. For this reason it is especially important that every attorney constitute himself a committee of one to see that every legitimate means is used to acquaint the general public with the advisability of supporting the amendments. We believe that laymen generally will gladly support the amendments when their importance is understood. Their passage will put North Dakota in line with the modern progressive movement partially, at least, to take the judiciary out of politics. Placing them on a separate non-party ballot was the first step; lengthening their terms of office so as to obviate the necessity of frequent campaigns for re-election will be another step forward. Our judges should in fairness be freed from the necessity of devoting their time, money and energy to frequent campaigns for re-election. Perhaps as we progress in political experience and wisdom even this may be done away with by means of special elections or appointments. Having been once elected to the bench the sitting judge is handicapped in campaigning for re-election against a member of the Bar who has not been so honored and who can without the same embarrassment vigorously canvass for votes.

Frequent elections mean that our judges must part of the time be what we call politicians or politician minded. A longer length of term would serve largely to eliminate this tendency. It would also have the result of influencing others to seek the honor who now keep aloof from entering the lists because of the short term of initial service.

When it is considered that a judge, when elected, must close out the practice of his profession, wind up possible partnerships and dispose of his equipment and his practice, always at a sacrifice, it takes a brave man to hazard doing this when he knows that in a short time, and that hardly long enough to establish his work as a judge, he must be a candidate again with a possibility of defeat. It is to the everlasting credit of the profession that there have been found such able men who now serve as our judges who have been willing to make these sacrifices.

The Bar of this state now has a splendid opportunity to demonstrate that team-work which is necessary for success. Each city, county and district association should at once appoint a special committee within its own organization to undertake the publicity campaign

necessary to carry this work through. The Cass County Bar Association is planning an active campaign to sell the amendments to the public. The State Bar Association Publicity and Legislative Committees, together with the officers and the Executive Committee of the Association, will co-operate and assist in every way possible.—A. M. KVELLO, President.

HOW CAN WE GET BETTER JURIES THAN WE DO?

Continuing the article in the April issue, Mr. C. E. Leslie, of Hillsboro, says:

We wish now to consider the second and third steps in the process of securing a jury to determine the facts in any particular action.

The Waiting List—Keeping it Filled

Our statutes require a waiting list of 200 names from which the panel for the term shall be drawn. Immediately after the close of a jury term of court, the clerk is required to notify the county commissioners how many names are needed to fill up the list. The commissioners apportion the number among the cities, villages and townships of the county according to the number of resident taxpayers.

The auditor or clerk is then notified to furnish the required number of names. The auditor or clerk is required to post a notice in each of three public places, stating when and where the board will select the names. The notice must be posted not more than ten, nor less than five days before the date for selection. The statute is silent as to what powers are given to, or what duties are imposed upon, any citizens who might attend such meetings. From the wording of Sections 820 and 821 it would seem that about all the citizens could do would be to look on.

Section 820 requires the governing board of each precinct to meet at the time and place mentioned in such notice, to select from the names of its "resident taxpayers" three times as many names as are apportioned to that precinct. It requires the auditor or clerk to write each name on a separate ticket, and record the names "in a book kept for that purpose." After satisfying itself that the names are correct, the board selects, by lot, the proper number of names, which must then be recorded in a book kept for that purpose.

Section 821 provides that those names, so drawn, shall be sent to the clerk of court in the county, who shall record them in a "book kept for that purpose".

As originally written, this article here dealt, at some length, with personal observations of the manner in which the provisions of the statute were followed, or rather disobeyed. Since the appearance of Brother Cupler's fine remarks in the February issue of Bar Briefs, I omit that and wish only that attorneys would read Mr. Cupler's remarks.

There is some excuse for the actions of the various boards, since the statute may be said to suggest that they need not be particular. (Note the last part of Sec. 821.)

I see why the legislature put in that provision, but I am sorry they did so, since the officials may be the more often led to fail to do their duty. There was as much need for the legislature to say that the provisions of Section 831, which is the one that requires the officials to see that "no person shall come on the jury the second time before all