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BENCH AND BAR

JUDICIAL COUNCIL BILL BECOMES LAW

The Judicial Council Bill, sponsored by the West Virginia Bar Association, was passed by the Legislature at its recent special session, and was signed by Governor Kump, becoming a law on the 30th day of March, 1934. The Act is effective from its passage.

The bill, in the form approved by the Association, was introduced in the Senate early in the session by Senator Hodges, and under his capable guidance it passed the Senate early in March. Among the friends and supporters of the measure who helped to put it through the House were Speaker Hiner and Delegates Doring, McCoy and Schimmel, of Marion County. President Lon H. Kelly and Chairman Frank C. Haymond of the Executive Council devoted much time and effort in securing the enactment of the bill.

It is the firm conviction of the sponsors of this new legislation that it will do much to promote the administration of justice in West Virginia, and the Bar Association is to be commended for its successful support of the measure. The Council, if the proper personnel is appointed, can do much to further reform in judicial procedure and to lessen the cost and the delays of litigation.

The new statute, which was known as Senate Bill No. 22, is quoted in full below and reads as follows:

AN ACT creating a judicial council for the continuous study of organization, rules and methods of procedure and practice, of the judicial system of the state; prescribing the duties and powers of such council; providing for the manner of appointment and terms of office of the members of such council; and constituting the faculty of the college of law of West Virginia university a bureau of research on legal problems and legal aspects of industrial problems.

Be it enacted by the Legislature of West Virginia:

Section 1. There is hereby created a judicial council for the continuous study of organization, rules and methods of procedure and practice of the judicial system of the state. It shall be composed of one judge of the Supreme Court of Appeals three circuit judges, and four practicing attorneys and one member of the faculty of the college of law of West Virginia university, who shall be appointed by the governor.

Not more than two judges and two attorneys shall be members of any one political party.

Sec. 2. The executive council of the West Virginia bar association may recommend to the governor at least one name for each position or vacancy to be filled from the respective class or classes of persons eligible to serve on said council, which recommendation the governor shall consider before making any appointment to said council. °

Three members shall be appointed to said council for a period of two years, one of whom shall be a judge, another a practicing attorney, and the third, a member of the faculty of the college of law of West Virginia university; three members shall be appointed for a period of four years, one of whom shall be a judge and two of whom shall be practicing attorneys, and three members shall be appointed for a period of six years, two of whom shall be judges and one a practicing attorney. All appointments made thereafter shall be for a period of six years, except that in a case of vacancy the appointment shall be made to fill the unexpired term. The president of the Supreme Court of Appeals shall designate the time and place of the first meeting.

Sec. 3. The judicial council shall from time to time (1) meet at the call of the chairman who shall be selected by the council from its members;

(2) Survey the conditions of business in the several courts of the state with a view of improving the administration of justice, and submit such suggestions to the courts as it may deem advisable;

(3) Report to the governor and to the legislature at the convening of each regular session, such recommendations as it may deem proper;

(4) Hold public hearings, administer oaths and require the attendance of witnesses and the production of books and documents. The circuit courts shall have power to enforce obedience to summonses issued by the council and compel the giving of testimony.

Sec. 4. The council shall have the power to organize a bureau of statistics for the purposes of gathering information relating to civil and criminal litigation. Judges, prosecuting attorneys, sheriffs, and attorney general, clerks of the circuit and other courts of record, justices of the peace, superior officers of penal institutions and asylums and other county and municipal officers, boards and commissions, shall render such council such reports as it may request on matters in the scope of its powers. The clerks of the circuit courts and justices of the peace of the state shall prepare statements semi-annually showing the cases filed and their disposition and such other information regarding litigation in their respective courts as may be required under a method of arrangement

and upon forms to be furnished them by the said judicial council, which statement shall be forwarded to the judicial council.

Sec. 5. The judicial council of West Virginia shall propose to the Supreme Court of Appeals such changes in the practice and procedure of the state as it shall deem expedient. It shall also file with the governor an annual report of its proceedings and recommendations and results thereof, together with such proposals for legislation as it may deem necessary for making the administration of justice more efficient.

Sec. 6. The faculty of the college of law of West Virginia university shall constitute a bureau of research on legal problems and the legal aspects of industrial problems, in so far as funds may be conveniently made available by West Virginia university for work in the summer time, and for diminishing the teaching load of those members engaged on said work during the school year. In so far as it may be possible, without interfering with the teaching schedule of the college of law, the faculty or members thereof designated by the dean, shall prepare reports on matters within the scope of the powers of investigation by said council.

Sec. 7. All members of the council shall serve without compensation.

INTERIM REPORT OF COMMITTEE ON LEGAL HISTORY OF THE WEST VIRGINIA BAR ASSOCIATION

Pursuant to the resolution of the West Virginia Bar Association, adopted at its annual meeting, in Clarksburg, on October 19, 1933, a special Committee on Legal History has subsequently been appointed and duly organized. The objectives of the Committee may be characterized succinctly as the locating, inventorying and preserving of source-materials in the development of West Virginia law. It is anticipated that a careful survey will ultimately in the future be undertaken, for the purpose of collating and safeguarding the older and more important legal records and archives.

The Committee will co-operate with the endeavors of the Institute of Legal History of West Virginia University, to promote the study of the growth of legal doctrines and institutions in the counties that now make up the state. Effort will be made to encourage the scholarly editing and publication of valuable source-materials. In general, the Committee intends, wherever possible, to assist in the accomplishment of the aims of the recently-formed