


April 1929

Should the Jury System be Abolished

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Recommended Citation

T. W. A., *Should the Jury System be Abolished*, 35 W. Va. L. Rev. (1929).
Available at: <https://researchrepository.wvu.edu/wvlr/vol35/iss3/6>

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the alumni. We do not know what they are doing, whether they are practicing law or in business, and in the past have made no effort to find out. Other law schools have published alumni legal directories which have been of some practical service to lawyers graduating from other schools. All things else being equal, any lawyer prefers to forward business to a fellow alumnus rather than to some attorney whom he does not know. In the past two months two matters of legal business have been forwarded to the office of the dean from West Virginia alumni located in the West, with the express desire that it be referred to some graduate of West Virginia located in this state. An alumni directory can facilitate these friendly and profitable relations. It should have been published in the past.

We are attempting to make up for past deficiencies in this respect by getting a complete list of alumni, finding out what they are doing and eventually publishing an alumni directory. We hope in this way to build up an organization which will be interested in us to the extent at least in which we are interested in them. However the response has been somewhat disappointing. Over fifty per cent of the alumni who were asked to give this information gave us no reply. We are not, however, discouraged. We are sending out a second letter enclosing more return post cards.

We wish those alumni of the Law School who read this and have not answered our first request, would give the matter further thought and send us the needed information as to what they are doing. Circularizing the alumni costs money and consumes a great deal of time. We hope that we will have better success with our second circular letter which we are about to send out, and that the alumni of this school will realize that there is nothing to lose but everything to gain by close co-operation between the College of Law and those whom it has trained for the profession.

—T. W. A.

SHOULD THE JURY SYSTEM BE ABOLISHED?—It is interesting to note the amount of discussion which is going on concerning the jury system among persons not acquainted with the law in any other way except by observation of its processes. The debating teams of West Virginia University are engaged in a discussion of this problem and the law faculty receives letters every week

from many of the high schools of the state, and from high schools of other states indicating that they too are investigating the utility of the jury system. Debating coaches generally are informing themselves on the jury system and constructing the elaborate arguments used as a basis for high school and college debates.

Certainly it is necessary to undertake at the present time a comprehensive study of the jury system. Nevertheless, it is unfortunate that so technical and complicated a problem should be presented before college debaters and before high schools for discussion by students unacquainted with the law. Such students invariably approach the question in an awkward and arbitrary manner. They have no conception of the historical development of the system and the series of compromises necessary to effect a change of any legal machine.

The question which is now being debated in West Virginia and elsewhere is put in such a way that intelligent discussion is impossible. It is stated as follows: "Resolved, that the jury trial should be abolished." The affirmative treats the jury system as having a fixed and definite form and existence just like a rather large and troublesome elephant, which is vicious and apt to kill women and children and should therefore be slaughtered by the legislature, by order of the governor. The negative relies largely on sentiment and indulges in beautiful language on the liberties of the common man and his protections against the rich and powerful. The public gets its impressions of the jury system from these debates under the belief that the question has been studied by competent instructors and that the results of these studies have been passed on to the students who are discussing the question.

The results of such lay discussion of the question, put in the impossible form which is indicated above, confuse the students in their attitude toward legal problems, and further confuse the subject. They tend to divide the lay public into two camps, the pro-jury camp and the anti-jury camp. Such an alignment is an obstacle to a process or to any hope of real understanding and reform.

It is apparent from the questions which have been showered upon the faculty by colleges and high schools in this section of the country who are interested in this particular debate that neither the coaches nor the debaters are making any differentiation between the jury in civil trials and the jury in criminal trials. Nor is there any attempt either to study or discuss questions as to the judges' power to comment on the evidence, the use of special interrogatories, the elimination of juries by various selective rules

or the very sensible adaptation of the jury system found in England. According to these debaters the jury system is the jury system and it is either good or bad. The public who hear these learned debates become partisans one way or the other.

How much legal reform is hindered by creating an emotional and partisan attitude toward legal problems and confusing their real complexities by the application of simple formulae, it is difficult to say. However, if such uninformed discussion does hinder legal reform in any case, it probably does so in this particular one.

Years ago a common subject of debate was "Resolved that rum has caused more human misery than war". We prefer this type of question to the debate on the jury system for the reason that, while its outlines are vague, nevertheless the public realizes the vagueness of the outlines and are not misled. The present debate is just as vague but no one but the lawyers know it. It induces a partisan atmosphere about the jury problem which is not helpful to either the debaters or their audiences.

We make these observations, however, completely without expectation that any attention will be paid them by debating coaches.

—T. W. A.