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EDITORIAL

DOMESTIC RELATIONS COURT

Those harbingers of disillusion intent upon hurling challenges condemning the present mechanism of law as antiquated have evidently overlooked certain movements of modern jurisprudence. The scholastics may now lift their critical eyebrows and rest from their excruciating labors a moment to murmur a fond "Amen" as a tribute to the advancement of domestic jurisprudence evidenced by a successful legal experiment in social justice by the state of Ohio.

Six counties in this state have established courts for the express purpose of hearing "all matters relating to the family in one court of exclusive jurisdiction, in which the same methods of procedure shall prevail as in juvenile court and in which it will be possible to consider *social* evidence as distinguished from *legal* evidence."

The jurisdiction of this new genuine domestic relations court is endowed with the power to render decisions in cases classified as

"involving delinquent, neglected, and dependent children; contributing to delinquency and dependency; desertion and non-support; mentally defective and insane children who are dependent or delinquent; offenses against children; establishment of paternity; divorce and alimony; mother's aid; crippled children; and school attendance cases." This series of cases, it can be readily seen, is a rather comprehensive and impressive list embracing nearly all types of family conflicts.

The evolution of the Ohio type of social court is interesting. Its history is not isolated but the result of a repeated agitation for a more humane and efficient social court of justice which would successfully cope with *all* family problems dealing with the family as a *unit.*

Early juvenile courts in the United States had jurisdiction limited to the trial of children's offenses exclusively. Experience indicated that the relationship of parent and child made inevitable some form of court dealing with the family as a unit. The juvenile courts dealt with few adult cases. Yet it was found quite universally true that child offenses were traceable directly or indirectly to the adult—often the parent. The major factor in such cases being the type of home life and environment or the utter lack of it.

New York state realizing the immediate need for a departure conservatively enough established a "domestic relations court" in 1910. Chicago followed suit a year later. *But neither of these new courts assimilated the various types of family cases!* A juvenile court heard child offenses while a distinct domestic court dealt with other types of family problems. There remained a breach—there was still an undesireable variance.

It remained for Ohio to bring about the most effective solution providing for a social court in 1913 which had jurisdiction over both types of problems. One of the nine judges of the Court of Common Pleas presided over the new court.

The Ohio court is perhaps the most radical departure from the old system of strict jurisprudence. It is a social court. And it is an informal court in which technical rules of procedure are abolished and discretion is coupled with law.

And to those who would scoff at the success of the new court it may be well to add that nearly every state in the Union contains some examples of the new trend toward social justice administration. The successful establishment of an efficient domestic relations court has been a gradual evolution in which cities and states in all parts of the nation participated. The Ohio system seems to have met the problem as effectively as any.

The success of this court should convince even the most skeptical conservatives and unmerciful critics that tempering justice with dis-

cretion and handling social problems by keeping social units intact is a step toward the progressive era of a more convincing and intelligent jurisprudence. Such corrective efforts tend to establish a greater respect for the profession as an integral element of social service rather than an erratic body of antiquated dogmatists clothed in the robes of impecable infalibility.

WILBUR A. SCHMIDT.

JUNIOR BAR!

At a recent meeting of a large and influential bar in an eastern state, a plan was devised by some of its members providing for the formation of a Senior and Junior Bar. The essential thought back of this movement is to require a period of probation after passing the bar examinations and before admission to full privileges, necessitated, it has been frequently suggested, by the inability of committees dealing with the character of candidates to devise any reliable method of ascertaining the character of prospective practitioners unless by actual observation of their conduct during a period of practice.

The absolute necessity of acquiring such information seems too obvious to require reason for support in so contending. However the subject is ably discussed in "Notes on Legal Education," published by the Section on Legal Education and Admission to the Bar of the American Bar Association. The report points out, "that while lay criticism of the ethics of lawyers may not be so severe as in the time of Peter the Great of Russia," who is supposed to have said on seeing the white-wigged barristers of England, "We have only two lawyers in Russia, and when I get back I am going to kill one of them," it is still very strong, unjustified as some of it may be. "A single knave," it says, "can do more damage to his clients and to the profession than a dozen dolts," nevertheless, character examinations have been neglected because of the practical impossibility of its determination. The practice in many states of requiring character affidavits from lawyers is denounced in this article as wholly inadequate to cope with the situation, since unscrupulous candidates might easily obtain them from equally unscrupulous practitioners, nor can committees, organized for this purpose, derive any better results merely by a system of inquiry, for no other reason than that individual investigation is practically impossible. This problem has been dealt with in the past and not without some success by raising the requirements for admission to the bar to include two years of college education in all approved schools, on the theory that a good college education develops in the prospective