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SUGGESTIONS

EXPERT WITNESS. The problem of the expert medical witness is one which has occupied not only the legal and medical profession, but has concerned the public as well. In civil cases, medical experts for the plaintiff are balanced by an equal number of medical experts for the defendant. In criminal cases, the alienists for the state are not only balanced but frequently out-numbered by the alienists for the defendant. Assumedly reputable physicians on both sides testify as experts, basing their connections on the same set of facts and reaching diametrically opposite results. The reputable physician as well as the reputable lawyer feels keenly that this is not as it should be. A suggestion has been made that if physicians had to defend before a body of their medical brethren the views and conclusions expressed by them in court the present evil would be minimized. A proposition has been made that by suitable legislative enactment it be provided somewhat as follows.

Court reporters would be required to make certified copies of the examination, direct, cross, and redirect, of all medical witnesses testifying in all cases; a copy of such testimony would be filed with the secretary of the state medical board and a copy with the medical society, if any, of which said physician is a member. Then the board of medical examiners would be authorized to hold hearings with reference to such testimony, if in their opinion the testimony given did not fairly represent the conclusions which reputable physicians might reach on such a statement of facts as were the basis of such testimony.

QUALIFICATIONS FOR LICENSE TO PRACTICE LAW This is a day of high standards. Many qualifications have been suggested with reference to raising the standards of members of the Bar. Lawyers being officers of the court, it is assumed by some that such matters are vested solely in the sound discretion of the court itself. Others claim that the legislature has power to define the qualifications of those entitled to practice law. In most all instances, a license to practice law based upon the recommendation of the Board of Bar Examiners is issued by the Supreme Court.

In many large cities local bars have grievance committees and much is heard of the "shyster lawyer." The various qualifications suggested are ostensibly for the purpose of raising the standards of the bar, not only intellectually but morally. It is suggested that because of the inactivity of grievance committees and because of the apathy of local bar associations, and even, at times, of the courts themselves, the desired result might be accomplished by licensing lawyers in the same manner as school teachers are licensed. That is, on passing the bar examination and sustaining the usual preliminary qualifications, that a temporary license to practice be issued for, let us say, two years, at which time it would be necessary for the attorney to make regular application for another license, let us say, for three years. At the end of such three-year period, the attorney could then make application for a permanent license. The suggestion is that under a method such as this, there would be four times when the attorney would be an applicant for a license, and the burden would then be upon him to make a showing of his fitness, rather than as now, when the burden is on the bar association or similar body, to make proof of any unfitness.