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Editorial Comment

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If the American way of life stands for anything today, it stands for the Rule of Law; and, in this, many would contrast our position favorably with other nations in both the East and the West.

Today however there are some who claim that they never obtain justice in this country and others who claim that they obtain it only after a struggle lasting several years or at a considerable financial sacrifice. There is concern therefore with the administration of law in this country today. Does it result in undue delays and confusion? Is it unfair in its operation and obsolete in its machinery?

In an attempt to answer these questions THE CATHOLIC LAWYER features a series of articles in this issue dealing with the administration of law in America. Judge Edward D. Re of the United States Customs Court examines into the adversary system in his paper "The Partnership of Bench and Bar" and cautions lawyers and judges of their obligations in that system.

Professors Cummings and Van Dyke deal with the jury system in their articles and pose solutions to problems which have arisen in that connection. To round out this analysis and critique of the administration of law in America today, the report of the American College of Trial Lawyers with respect to disruption of the judicial process is printed in its entirety.

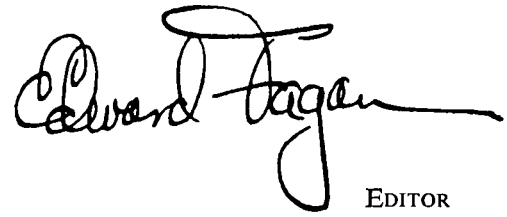
The report takes up where the landmark United States Supreme Court decision in *Illinois v. Allen* left off. That case, decided on March 31, dealt with disruptive conduct by defendants, and approved, among other sanctions, that they might be excluded from the courtroom until they agreed not to disrupt the trial proceedings. The report deals with a subject left open by the *Allen* case—disruptive conduct involving lawyers and judges, which may have even more serious implications. It recognizes that such conduct sometimes emanates from defense counsel, but that it also sometimes emanates from prosecutors; and that some judges, by overreacting, may themselves contribute to disorder in their own courtrooms.

The report recognizes the need and desirability of vigorous prosecution and defense in all cases as well as firm guidance by the trial

judge, but it points out that there are limits to what any of the three principal actors in a judicial proceeding may do.

It recommends use of the summary contempt power in appropriate cases, sanctions limiting a lawyer's right to appear in court, immediate appellate review, and reference to appropriate disciplinary bodies of improper conduct by either lawyers or judges for expedited action.

With respect to counsel from outside the court's jurisdiction, it recommends that if a lawyer not regularly admitted to practice in a particular court seeks permission to appear in a single case, such permission should not be granted indiscriminately, but refused where it is established that the lawyer has previously engaged in disruptive conduct. It also provides that such permission may be conditioned upon assurance of proper behavior, and that the judge may insist upon the appointment of local counsel prepared to step in and take control of the case in the event that the primary counsel should be removed for improper conduct.



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