

THE AMERICAN JUDICATURE SOCIETY

1913-2014

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The American Judicature Society is a nonprofit, nonpartisan membership society that, for more than 100 years, has worked to improve America's state and federal courts. Its membership has included the public, lawyers, and judges. Until September 2014, the Society operated the nation's pre-eminent judicial ethics center that provided services to forty-five state judicial disciplinary entity subscribers. The Society also published *Judicature*, a bi-monthly peer-reviewed journal that provided a forum for scholarly discussion regarding all aspects of the administration of justice and the improvement of America's courts. The following chronology identifies many of the Society's activities and achievements as well as the historical contexts in which they occurred.

- 1906 Bar groups expressed concern about growing disrespect for law and the courts, and about the inconsistency between partisan influence in judicial selection and decision-making on the one hand and the image the legal profession was endeavoring to project on the other.
- 1906 Roscoe Pound, St. Paul, MN, addressed the ABA on "the causes of popular dissatisfaction with the administration of justice."
1. [T]he necessarily mechanical operations of rules, and hence of laws. . . . Justice, which is the end of the law, is the ideal compromise between the activities of each and the activities of all in a crowded world. The law seeks to harmonize these activities to adjust the relations of every man with his fellow to accord with the moral sense of the community. When the community is at one in its ideas of justice, this is possible. When the community is divided and diversified, and groups and classes and interests, understanding each other none too well, have conflicting ideas of justice, the task is extremely difficult. It is impossible that legal and ethical ideas should be in entire accord in such a society. . . .
 2. [T]he inevitable difference in rate of progress between law and public opinion. "In order to preclude corruption, to exclude the personal prejudices of magistrates, and to minimize individual incompetency, law formulates the moral sentiments of the community in rules to which the judgments of tribunals must conform. These rules, being formulations of public opinions, cannot exist until public opinion has become fixed and settled, and cannot change until a change in public opinion has become complete. It follows that this difficulty in the judicial administration of justice, like [the operation of rules and laws] may be minimized, but not obviated. . . .

3. [T]he general popular assumption that the administration of justice is an easy task, to which anyone is competent.
4. [P]opular impatience of restraint. Law involves restraint and regulation The very fact that [law] is a compromise between the individual and his fellows makes the individual, who must abate some part of his activities in the interest of his fellows, more or less restive.

1911 After President Theodore Roosevelt left office, he criticized judges for, what he referred to as, obsession with mechanistic jurisprudence that ignored social reality.

“When a judge decides a constitutional question, when he decides what the people as a whole can or cannot do, the people should have the right to recall that decision if they think it wrong.”

“The decision of the state court on the constitutional question should be subject to revision by the people of the state.”

“If courts have the final say-so on all legislative acts and if no appeal can lie from them to the people, then they are irresponsible masters of the people.”

In TR’s view, the judiciary appeared to be biased in favor of big business and the wealthy and against the poor and working class.

Many in the public viewed the judiciary with distrust, anxiety, and fear. The courts were inefficient. A fatal Chicago steamboat explosion took 23 years to resolve.

Roscoe Pound expressed concern that there were interests that wanted to put courts into politics and compel judges to become politicians.

1912 Herbert Harley wrote “The Circular Letter Concerning the Administration of Justice” in which he summarized Pound’s comments about the dissatisfaction with the courts and suggested that a specialized organization be created to address the causes of the dissatisfaction. He sent the Circular Letter to 250 lawyers, judges, and others in 28 states & DC.

The mission of the organization would be to disseminate information about the existing situation and to motivate judges, lawyers, law students, legislators, business people and others to change it.

1913 Herbert Harley, Albert Kales and others founded the American Judicature Society in Chicago.

- 1914-1917 Bulletin VI – AJS proposed unifying state courts under the authority of the state supreme court. All judicial power of the state should be vested in a single organization with an administrative head who has the power to control all judges. Divisions of this one great unified court system should be made for convenience, but all divisions should be parts of one organization with one head.
- Bulletin VII – AJS published a model “Act to Create the General Court of Judicature and to Provide for the Practice and Procedure Therein.”
- Bulletin VIII – AJS proposed Model Rules of Civil Procedure. At the time, many state courts were administered independently and had different procedural rules, even from one county to the next.
- 1917 AJS published Volume I of the “Journal of the American Judicature Society”
- 1918 AJS presented a Model Bar Association Act in the Journal
- 1919 Bulletin XIV, AJS published Model Rules of Civil Procedure
- 1921 North Dakota was first state to unify its courts
- 1929 Charles Evans Hughes became the first President of AJS
- 1931 AJS moved from Chicago to Ann Arbor, Michigan
- 1937 ABA endorsed the Society’s idea of merit selection
- 1940 Missouri adopted merit selection (the Missouri Plan)
- 1954 AJS moved into the ABA center in Chicago
- 1959 AJS conducted a National Conference on Judicial Selection & Court Administration
- 1960s – 1970s With AJS assistance, more than 20 states adopted merit selection of some or all judges
- 1961 AJS published the first edition of the *Handbook for Judges*
- 1962 AJS conducted its First Citizens Conference
- 1962-1971 AJS conducted 81 Citizen Conferences
- 1963 AJS helped establish the National College of State Trial Judges
- 1971 AJS helped establish the National Center for State Courts
- 1971 AJS increased its research efforts
- 1973 AJS conducted its first educational program for nominating commissioners
- 1974 AJS published *The Key to Judicial Merit Selection: The Nominating Process*

- 1975 Second edition of the *Handbook for Judges* published
- 1977 AJS established its Center for Judicial Conduct
- 1979 AJS began publishing the Judicial Conduct Reporter
- 1980 AJS published *American Trial Judges: Their Work Styles and Performance*
AJS published *Making Jury Instructions Understandable*
- 1984 AJS published *Beyond Reproach: Ethical Restrictions and Extrajudicial Activities of State and Federal Judges*
Third edition of the *Handbook for Judges* published
- 1985 AJS conducted Workshops for Journalists
- 1987 AJS conducted a conference on Child Abuse and the Courts
- 1987 AJS conducted its first National College on Judicial Conduct and Ethics
- 1990 National Program for Reporting on the Courts and the Law
The Future of the Courts
- 1991 AJS formed its Elmo B. Hunter Center for Judicial Selection
- 1994 Model Provisions for Judicial Selection revised
- 1997 AJS conducted a Symposium on Sentencing
AJS formed its Center for Judicial Independence
- 1998 AJS conducted a Journalists' workshop on Judicial Independence
- 1998 *Meeting the Challenge of Pro Se Litigation—A Report and Guidebook for Judges and Court Managers* published
- 1999 National Conference on Pro Se Litigation Issues
Ethics Standards for Judges published
- 2001 Judicial Independence at the Crossroads
- 2003 AJS moved to the Opperman Center at Drake University in Des Moines, Iowa.
AJS conducted a National Conference on Preventing Convictions of Innocent Persons
- 2004 Fourth edition of the *Handbook for Judges* published
- 2006 AJS formed the Center for Forensic Sciences and Public Policy in Greensboro, North Carolina

- 2008 AJS created the website “Judicial Selection in the States”
- 2011 *Report on the National Eye-Witness Identification Field Studies* released
- 2012 AJS published *Inside Merit Selection*, a national survey of judicial nominating commissioners, written by Rachel Paine Caufield, Ph.D.
- 2013 AJS moved to Nashville, Tennessee, and affiliated with Vanderbilt University Law School
- 2014 AJS published *Merit Selection and Judicial Diversity Revisited*, written by K.O. Meyers
- AJS ceased national operations and relocated to Honolulu, Hawai’i. The National Center for State Courts assumed operation of the Judicial Ethics Center. Duke University Law School assumed publication of *Judicature*.
- 2015-present AJS has conducted activities in Honolulu, planned a national conference that will be held in November 2021, and is exploring resumption of national activities.