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January 31, 1931.

Honorable Benjamin Martin
C/o House of Representatives
Capitol Building
Oklahoma City, Oklahoma

Dear Judge:

Mr. Rigsby has forwarded me two letters from Judge Robert L. Williams. One objecting to the creation of a Judicial Council and the other in reference to a change in the judicial system. In regard to his suggestion relative to supreme court to be divided into three divisions, I also would suggest that the same thing would obtain under conditions of that kind as we find in other States; that is, we would find the divisions continually conflicting in opinions. It strikes me that an intermediate court with complete jurisdiction over certain appeals and limited as to others would be a much more efficient manner of taking care of the appellate business. You remember that in the circuit courts of the Federal Government none of the circuit courts' opinions were taken as authority except in that particular district and it just appears to me that any division of our court might result in the same unsatisfactory condition.

As to his objection to the creation of a Judicial Council, I can appreciate the fact that it will incur an added expense and I also agree that it would be continuing the practice that has grown so rapidly in the various States and the United States Government of creating Boards, Bureaus and Commissions. But this matter of rule making for the procedure in practicing in the courts is so peculiar in its nature as to demand a commission, board or council in order to proceed to do that work. As a matter of fact, this work is a part of and should be done by the supreme court but that court is over worked and unable to attend to any such added duty. If the Judiciary Committee of the legislature were to undertake this work, which would be more or less satisfactory, it would necessitate just as much expense and probably more and not as much efficiency as the means and manner the district judges have recommended. It seems to me that if efficiently and intelligently performed, the work of such a council would be, in the end, of greater savings to the citizenship of the State than it would be an expense. These at least are the reasons that come into my mind without more than a cursory investigation of the same. Adopting any other State's procedure along this line is going to be of no material assistance because the researches of the various committees of the American Bar Association has demonstrated that no State can boast of a system of practice and procedure that would not be highly benefited by the work of a judicial council. I have every respect for Judge Williams' opinion in these matters and you know sometimes after long years of practice and judicial experience one is loath to

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take a step in the direction of a departure from that which he has been used to and from the suggestion of Judge Williams one might be justified in concluding that such is the case with him. I know that is the case with me but I feel that this Judicial Council step is one in the right direction. We must trust these reforms in the hands of someone and it strikes me as being placed in the best hands when the judges and the lawyers themselves are handling it. As to the court, I have always felt that this State should have an intermediate court at least for such time as the great volume of business now in the appellate courts demand.

We want to thank you very much for calling our attention to these matters and if we can be of assistance in any way or I can brief or have briefed for you any questions that might come up in your service in the legislature, I want you to feel free to command me.

Yours respectfully,

CGC:ZVR



BENJ. MARTIN
MUSKOGEE COUNTY
MUSKOGEE, OKLAHOMA

HOUSE OF REPRESENTATIVES

STATE OF OKLAHOMA
THIRTEENTH LEGISLATIVE SESSION

February 9, 1931.

VICE-CHAIRMAN COMMITTEE ON:
JUDICIAL AND SENATORIAL
REDISTRICTING

MEMBER COMMITTEES ON:
APPROPRIATIONS
BANKS AND BANKING
CRIMINAL JURISPRUDENCE
ELECTIONS
JUDICIARY NO. 1
LOCAL BILLS
MUNICIPAL CORPORATIONS
STATE AND SCHOOL LANDS

Honorable C. Guy Cutlip,
Wewoka, Oklahoma.

My dear Guy:

Your letter of the 31st ult. came duly to hand and I appreciate the same.

I will give due consideration to what you say. I wish also to especially thank you for your offer to brief or have briefed any question that might come up in any legislative service. So far we have called on the Attorney General's office for such help but I can assure you that your kind offer is very much appreciated.

With every good wish and hoping that I may be of some service to you while I am in the Legislature, I am

Very truly yours,

Benj. Martin

BENJ. MARTIN, Representative
Muskogee County.

BM/MJ

February 16, 1931.

Honorable Benjamin Martin
c/o House of Representatives
State Capitol Building
Oklahoma City, Oklahoma

Dear Martin:

Yours of February 9th received and noted. I understand you have not been feeling very well for which I am sorry. I also wish to call your attention to House Bill No. 62 by Jones. This Bill is rather ingeniously drawn and if it can get by the Constitution it seems to me it would be of a great deal of benefit to both the bench and the Bar of this State. I had my serious doubts that a court of this kind could be constructed but since reading the Bill over more or less carefully and doing the same thing with the Constitution I am rather inclined to believe that the Bill is constitutional and, if so, it would grant much more relief than any Clerk to the Supreme Court or Commission that might be created.

I just wonder how strong Judge Jones has briefed this matter and am this morning writing him in regard to that and if he has briefed it I am asking him to send me a copy if it is not too much trouble. So, if you see him soon tell him I was inquiring about it and may be this matter can be worked out to all our advantages.

Wishing you the best success, I am,

Yours respectfully,

CGG:ZVR