

## The Legal News.

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### HOW JUDGMENTS ARE PREPARED.

The *American Law Review* supplies some notes about the manner in which judges do their work in the chambers of the Supreme Courts of the several States. We give a *resumé* below:—

“If our readers have any curiosity to know the manner in which the judges of appellate courts consult and assign causes for the writing of the opinions of the Court, we can gratify it to a limited extent. The information which we give below is authentic. It is not as recent as it might be; but it will be found an accurate statement of the facts it purports to give, unless changes have been introduced in particular Courts within a recent period. It is not likely that many such changes have been made, and we shall, therefore, make the following statements in the present tense.

“In the Supreme Court of the United States all cases are decided in consultation before they are given out for an opinion. To this rule there are no exceptions. No opinion is delivered or filed until read in consultation and approved by the judges who agree to the judgment. This, however, applies only to opinions of the Court. The record in every case is examined by each judge before it is taken up in consultation. It is to be borne in mind that the record is printed, that each judge has a copy, and if this were not done, this practice would not be possible. It is not done in Missouri. On the contrary, the Supreme Court of that State is prohibited by statute from requiring it to be done. Therefore it is not practicable for the judges of that Court to make separate, independent, and simultaneous examinations of the record of each cause, seasonably after the argument and submission. In the Supreme Court of the United States a case is never, under any circumstances, referred to a judge to examine and report previous to its decision. Each judge must examine the case for himself and vote in judgment, upon his own responsibility. If, when a case comes up in consultation, any judge asks further time to

examine it, it is laid over as a matter of course; if not, it is discussed and decided. After that, it is given out for the opinion. Ordinarily, the cases are assigned by the presiding judge for the preparation of the opinion of the Court; but this does not prevent other judges from expressing their individual opinions, and delivering them in writing. There is no rule of rotation observed in assigning causes, and no judge has a right to make his selection. There is no rule of practice determining the number of opinions to be written by the several judges. The chief justice, or the presiding judge for the time being, has no powers different from those of other judges, except such as pertain to the ordinary duties of a presiding officer. He has no special control over the order of business; neither does he, more than any other judge, direct or control the record entries. He is charged with the duty of auditing accounts, and, in mere matters of form, sometimes acts without consulting the other judges. Except in mere routine matters, however, the sense of the judges is usually taken before action on his part. He usually takes charge of matters of practice. Some motions may be orally argued; others must be submitted in print. All this is regulated by rule. One hour on a side is allowed for the oral argument of motions, and two for the argument of causes. Additional time may be had if application is made before the argument commences.

“In the Supreme Court of Pennsylvania, the final disposition of a cause is always determined upon before it is assigned to one of the judges to write the opinion. After the argument is heard, each judge examines the case thoroughly. It is then passed upon in consultation, and agreed to be affirmed or reversed. The chief justice assigns it to one of the judges for an opinion. The opinion is read in consultation, discussed, if any one chooses, and then accepted or rejected, and sometimes revised. There is no rule regulating the assigning of causes to the judges to write the opinions of the Court. According to established custom, the chief justice assigns, keeping in view the nature of the case and branch of learning to which it belongs, and the experience and knowledge of the justice to whom he assigns. He endeavors to preserve an equality of labor as far as possible. His right to select and as-