

One item 7/6/71

New Guidelines Adopted For Trial Judges

New York (AP)—The nation's trial judges today were advised to remain cool and reasonable while dealing with unruly defendants and lawyers.

If a lawyer misbehaves, censure him; if a defendant carries on, order him out of the courtroom.

But even when the disruptive tactics are deliberate, keep cool.

This is the nub of guidelines for judges put before the American Bar Association's House of Delegates and adopted today without discussion or dissent. They are part of an overhaul of courtroom standards.

Suppress Predilections

"The trial judge should be the exemplar of dignity and impartiality," the 297 delegates at-

tending the ABA's 94th annual meeting here were told.

"He should exercise restraint over his conduct and utterances. He should suppress his personal predilections, and control his temper and emotions.

"He should not permit any person in the courtroom to embroil him in conflict, and he should otherwise avoid conduct on his part which tends to demean the proceedings or to undermine his authority in the courtroom."

The guidelines were produced by a committee headed by Judge Frank J. Murray, of the United States District Court in Boston. Part of a large study still under

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ABA Offers New Guidelines

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way, they were pushed ahead for adoption by the policy-making House "because of their propriety nature."

The judge's power to keep order is recognized. In fact, he is encouraged to use it, beginning with "a gentle correction" to barring errant lawyers from the courtroom for six months and tossing out defendants, spectators and newsmen who won't keep quiet.

"The right to a public trial is no way infringed by excluding unruly persons, who ever they may be, and those whose conduct tends to menace the participants," the committee said.

And yet, when it becomes necessary for the judge to crack the whip, he "should do it in a firm, dignified and restrained manner, avoiding repartee, limiting his comments and rulings to what is reasonably required for the orderly progress of the trial."

Appeal Correction

Moreover, he should refrain "from unnecessary disparagement of persons or issues."

The committee notes that a judge sometimes will fail in his "responsibility." If he does, his decision will be corrected or possibly censured by an appeals court and, if he serves a set term, his career could be ended then.

Also, he is subject to criticism through the press and censure by the organized bar.

"While none or all of these may appear wholly satisfactory, adoption of alternative measures must be approached with considerable caution," the committee commented.

"Mechanisms which diminish the independence of the entire judiciary could have more harmful consequences than the occasional transgressions of a judge."