

College of William & Mary Law School
William & Mary Law School Scholarship Repository

1962–1969: Joseph Curtis (Acting Dean
1962-1963)

Law School Deans

1968

Appellate Courts Held Unable to Avoid Making Some Law

Richmond Times-Dispatch

Repository Citation

Richmond Times-Dispatch, "Appellate Courts Held Unable to Avoid Making Some Law" (1968). *1962–1969: Joseph Curtis (Acting Dean 1962-1963)*. 6.

<https://scholarship.law.wm.edu/jcurtis/6>

Copyright c 1968 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

<https://scholarship.law.wm.edu/jcurtis>

Appellate Courts Held Unable To Avoid Making Some Law

Times-Dispatch News Bureau

WILLIAMSBURG — Chief Justice Roger J. Traynor of the Supreme Court of California said Saturday that appellate courts "cannot avoid making judicial law" because sometimes there is no existing legislation covering cases brought before them.

He said that appellate courts are not interested in making law, but that sometimes difficult cases, not adequately covered by statutes, put the courts in that position.

The courts welcome the criticism they receive from law school professors writing in law reviews and other journals, he said. "There should be more of this critical help from scholarly watchbirds."

The chief justice said that few of the criticisms of judicial decisions by law professors were as sharp and harsh as the criticisms of judges by other judges.

Traynor, chief justice of the California Court since 1964, addressed about 150 persons attending a luncheon of the Alumni Association of the Marshall-Wythe Law School at the

College of William and Mary. The luncheon was a part of the school's Law Week observance. Other events were an open house at the law school, a panel discussion on problems of juvenile delinquency, a faculty seminar and a meeting of the law school association.

The chief justice was presented the school's second Marshall-Wythe-Medallion, which is conferred periodically on an outstanding member of the legal profession. In presenting the award, Dean Joseph Curtis of the law school de-

scribed the recipient as "one of the most renowned and esteemed justices of our time."

Justice Traynor said that most states were in desperate need of law revision commissions that would review legislation and revise statutes. Such commissions, working closely with professors of law schools, would be of invaluable help to courts and lawyers, he said.

The chief justice was making his second appearance here in two years. He spoke at the mid-winter meeting of the Virginia State Bar Association in 1967.