

Court Gets New Rules



Chief Justice Moore, above, receives the new rules of civil procedure from Chairman Wynne. In the center are Advisory Committeemen McClendon, Alexander, Burges, Calvert, and Clark. S. A. Philquist, standing left below, confers with Committeemen Van Zandt, Montgomery, and Scarborough.

Eight months of intensive study and work was climaxed Sept. 28 when Angus Wynne, chairman of the Supreme Court advisory committee, handed the revised rules of civil procedure to Chief Justice W. F. Moore. The report, containing 822 recommended rules and called by the Chief Justice the greatest work of jurisprudence in the State, was presented in a simple, business-like ceremony with a majority of the twenty-one committee members in attendance.

Praising his co-workers for devoting themselves wholeheartedly to the task en-

trusted in them in January, 1940, by the Supreme Court after authorization by the Legislature, Mr. Wynne also thanked the Court for its assistance.

"The Bar should be grateful for your cooperation enabling us to work with one ideal in view, to make the rules better for the citizens of Texas," Mr. Wynne declared.

Chief Justice Moore accepted the report and requested that the committee remain intact, and available for consultation.

Called to special session by the Supreme Court, the committee met Oct. 24 in Austin and accepted eleven changes in the rules suggested by the Court. With this action, the work of the advisory committee ended.

In a letter accompanying the report the committee urged liberal interpretation.

"With the utmost conviction, we assure this court that unless these rules are liberally construed to avoid technicality and delay, the tremendous contribution of time and energy made to them by the lawyers of Texas will have been wasted," it read.

Recognizing the fact that no set of new rules alone can work material change, the committee held that "The attitude of the judges who must interpret and apply the rules must in the final analysis determine the success of the entire program. Undoubtedly the vast majority of the trial and intermediate appellate judges of Texas anticipate the opportunity to interpret a new set of rules liberally to expedite the disposition of business and to decrease the number of technical reversals.

"But we should not be blind to the obvious if we did not recognize that there may be a small majority of judges who do not immediately evidence the broad outlook typical of their brothers on the bench."

The letter went on to say that the committee was assured that the Court would give the liberal construction essential to improvement in Texas procedure.

Tracing circumstances which led to the development of the new rules, the committee's letter stated that "With the five

