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# Due Process and Lay Judges

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**Due Process and Lay Judges**

Is it a denial of due process for a defendant in a criminal trial, facing a possible jail sentence, to have his trial presided over by a non-lawyer judge, i.e., a lay judge? This question was answered by the Supreme Court of California in *Gordon v. Justice Court of Yuba City, Sutter County*.[1] The competency of one not an attorney to hold the office of judge has been challenged many times in the past. The few cases that have met the challenge based on a due process argument have held that it is not a denial of due process to be tried by a non-attorney judge.[2] The Supreme Court of California held in *Gordon* that this practice does violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution, and that henceforth defendants in such courts are entitled to have an attorney judge preside over all criminal proceedings involving charges which carry a possibility of a jail sentence, unless such right is waived by the defendant or his counsel.[3]

In *Gordon*, the defendants were accused of misdemeanor crimes. Gordon was brought before a non-attorney judge in the Yuba City Justice Court for disturbing the peace and failing to disperse. Arguijo was brought before a non-attorney judge of the Grover City Justice Court for driving under the influence of alcohol. Motions were made by both defendants to disqualify the judges on the grounds of lack of qualification. The motions were denied.

Suit was then filed as a class by petitioners in behalf of themselves and others similarly situated, against the respondent courts and judges thereof and all other justice courts and their judges similarly situated, i.e., having and being non-lawyers judges.[4] Petitioners claimed that any non-lawyer judge presiding over their trial would be a denial of due process.

Petitioners based their claims on the constitutional right of every defendant to a fair trial. Their contention was that it is a violation of due process to be tried before a lay judge because his inadequate training does not permit him to grasp complex constitutional issues. It was further argued that he is more susceptible to advice from law enforcement people, is unable to educate himself due to an inadequate law library, and is more apt to be swayed by his own personal prejudices

1. 12 Cal. 3d 323, 525 P.2d 72, 115 Cal. Rptr. 632 (1974).

2. Ditty v. Hampton, 490 S.W.2d 772 (Ky., 1973); Crouch v. Justice of Peace Court of the Sixth Precinct, 440 P.2d 1000, 7 Ariz. App. 460 (1968); Melikian v. Avent, 300 F. Supp. 516 (D.C.N.D. Miss. 1969).

3. 12 Cal. 3d at 324, 525 P.2d at 73, 115 Cal. Rptr. at 633.

4. Gordon v. Justice Court of Yuba City, Sutter County, 33 Cal. App. 3d 230, 235, 108 Cal. Rptr. 912, 917 (1973).

as well as local pressure.[5] Many examples were presented in the plaintiff's petition of non-lawyer judges' misconduct in handling cases. The petitioner contended that since the United States Supreme Court has guaranteed them a right to counsel[6] this implies a right to a trial by an attorney judge.

The California Court of Appeals in upholding a trial court decision that this was not a denial of due process stated:

> We affirm the conclusions of the trial court that the use of non-lawyer justice courts, as provided by the Legislature under the permission of the state constitution conforms to procedural due process; and that the use of non-attorney judges does not offend some principle of justice rooted in the traditions and conscience of our people as to be ranked as fundamental.[7]

The appellate court felt that if the requirements for a judge were to be changed it should be done by the state legislature.

The Supreme Court of California said the test to use to determine in advance of trial whether a particular proceeding or procedure comports with the demands of due process is whether in the absence of relief a *reasonable likelihood* exists that a fair trial cannot be had.[8] "Reasonable likelihood of prejudice does not mean that prejudice must be 'more probable than not', a defendant is entitled to relief when he has shown a reasonable likelihood that he will not receive a fair trial."[9] The court thought that the reasonable likelihood of the petitioners receiving a fair trial would be substantially reduced because of the inability of the judges, due to inadequate training, to comprehend the constitutional and procedural issues of the criminal trials.

The court concluded by saying the defendants' right of appeal from a lay judge court cannot satisfy the due process requirement of a fair trial as argued by respondent. An appeal is an inadequate remedy due to the expense, delay and burden on the defendant.[10] "Since our legal system regards denial of counsel as a denial of fundamental fairness, it logically follows that the failure to provide a judge qualified to comprehend and utilize counsel's legal arguments likewise must be considered a denial of due process."[11]

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5. *Id.*

6. Argensinger v. Hamlin, 407 U.S. 25 (1972); Gideon v. Wainwright, 372 U.S. 335 (1963).

7. Gordon v. Justice Court of Yuba City, Sutter County, 33 Cal. App. 3d 230, 244, 108 Cal. Rptr. 912, 926 (1973).

8. 12 Cal. 2d at 326, 525 P.2d at 75, 115 Cal. Rptr. at 635 (1974).

9. Frazier v. Superior Court, 5 Cal. 3d 287, 486 P.2d 694, 95 Cal. Rptr. 798 (1971).

10. Brown v. Superior Court, 34 Cal. 2d 559, 212 P.2d 878 (1949).

11. 12 Cal. 3d 329, 525 P.2d at 78, 115 Cal. Rptr. at 638 (1974).

The competency of non-lawyer judges is a long-running debate. In the early part of the fourteenth century King Edward III created the justice-of-the-peace system. The system has continued in England until today and the early British colonists brought the system to America.[12] The system has served a very useful purpose in this country. In the early part of our history there were few lawyers and the laws were simple. In addition, because of slow transportation between the communities spread out across the thinly populated states, it was impractical and almost impossible for the few attorney judges to travel to rural areas.

The issue of whether a judge had to be an attorney was decided as early as 1890 in *Little v. State*[13] when the court held that the State Constitution of Texas did not require one to be an attorney. The system has been under heavy attack for several decades in this country. Constitutional questions have been raised against the lack of judicial qualifications of the justices and the fee system of compensation.

Traditionally, defendants charged with misdemeanors were tried in justice of the peace courts in which a justice collected his fee only upon a defendant's conviction.[14] This was declared unconstitutional by the United States Supreme Court in *Tumey v. Ohio* in 1927.[15] Tumey was convicted in a major's court of unlawful possession of liquor, a misdemeanor. If he had not been convicted, the justice would not have received any compensation. The Court said the pecuniary interest factor alone constituted a fatal denial of due process of law.[16] The *Tumey* decision has been narrowly construed by most state courts who normally hold that where a defendant had a right to a jury trial or a trial *de novo* on appeal to a higher court, procedural due process requirements are satisfied.[17] Although courts have not held it a denial of due process where a lay judge presides over a trial, courts have held it a violation of due process when justices are paid a salary out of a fund consisting of fines collected.[18]

In recent years the strongest criticism of lay judges has been because of an inadequate legal education background to handle the complex constitutional and procedural questions. Stark[19] raised two constitu-

12. Smith, *The Justice of the Peace System in the United States*, 15 CALIF. L. REV. 118 (1926-27) [hereinafter cited as Smith].
13. Little v. State, 75 Tex. 616, 12 S.W. 965 (1890).
14. Stark, *Constitutional Challenge to the Justice of the Peace Court in Mississippi*, 44 MISS. L. JOUR. 996, 1000 (1973) [hereinafter cited as Stark].
15. 273 U.S. 510 (1927).
16. Stark, at 1001.
17. *Id.*
18. State v. Chinn, 146 W. Va. 610, 121 S.E.2d 610 (1961).
19. Stark, at 1005.

tional questions: (1) Is a defendant guaranteed "due process" in a court where the judge is ignorant of judicial procedure? (2) Are the requirements of due process satisfied by a trial de novo in circuit court on appeal?

There are two schools of thought about the necessity of legal training for judges. One theory is that the judge cannot be competent unless he is licensed to practice law. This position considers legal training to be the base upon which sound legal judgments are built and which contends that the public image of justice courts can only be improved if and when lawyers sit as justices of the peace as they do at all other levels of the court system.[20]

The opposing theory is that the application of common sense to legal questions should be at the heart of the justice court system and that the acquisition of such an attribute does not depend upon a law degree. This approach is acceptable only when the justice has sufficient knowledge of the law to temper the harshness of the law with equity and common sense.[21] A lack of legal training for judges has come under attack in many states and has resulted in statutory changes in the court system in many states.

As a sovereign power, the state can create, organize and control its own judiciary. As a general rule, the legislature may determine the manner or method of selecting judges of inferior courts and, accordingly, it may provide for the election of such judges by the people or for the selection of such judges by superior judges or by local officials.[22] In the absence of constitutional or statutory provisions requiring it, it is not necessary that a judge shall be a licensed attorney at law; and the legislature cannot enforce such qualifications where it conflicts with constitutional provisions. Some constitutional and statutory provisions, however, require that a person be admitted to the bar to be eligible to be a judge in certain courts.[23] The state legislature may be given the power to change its court system by the state constitution. If this power is reserved in the constitution or the constitution permits non-attorney judges then it may require a constitutional amendment to release this power to the legislature.[24]

In 1915 the constitutions of 47 of the 48 states had mentioned the justice of the peace as a judicial officer and the constitutions of 28 of the states included him in the list of named courts vested with judicial

20. Holden, *Justice Court Reform in Montana*, 34 MONT. L. REV. 122, 133 (1973).
21. *Id.*
22. 48 C.J.S. *Judges* § 13 (1947).
23. *Id.* § 14.
24. Smith, at 137.

power.[25] Most states today require a judge to be an attorney. Although the states are steadily abolishing the office of justice of the peace or severely reducing the justices' power, many states still permit lay judges to serve on the bench. Each state sets its own qualifications for judges. Some states require attorney judges in heavily populated districts but do not require attorney judges in the districts with small populations. Many of the states require a lay judge to pass a qualifying examination or take training courses or attend schools or some combinations of all of these.

In 1961 North Carolina revised the Judicial Article of the North Carolina Constitution[26] and abolished the justice of the peace court and created a district court system staffed by magistrates and judges. These judges are not required to be attorneys nor take any type of qualifying examinations. At present there are 10 lay judges serving on the district court bench. The background of these 10 judges include policeman, clerk of court, recorder's court juryman, former state legislator, personnel manager, and highway patrolman.[27] Magistrates are relegated the duty of settling small claims, issuing warrants, setting bail, and accepting guilty pleas in minor traffic and misdemeanor cases.

The State of Washington in 1961 passed the District Justice Court Act, which was mandatory in the three largest counties and optional in other counties. Each district of a county with 20,000 or more population was required to have a full time judge. In districts of less than 10,000 persons an individual who is not an attorney or a "grandfather"[28] may take an examination and, if he qualifies, may file for the position of justice of the peace or district judge.[29]

On January 1, 1964, Michigan's new constitution of 1963 became effective.[30] The constitution declared that to hold the office of justice or judge in a court of record one had to be licensed to practice law in the state.[31]

In California each county is divided into municipal court and justice court districts with districts of more than 40,000 residents having a municipal court and those of 40,000 or less having a justice court.[32]

Justice courts have jurisdiction over various civil matters and criminal misdemeanors punishable by a fine of $1,000 or less or a maximum

25. Hennessey, *Qualification of California Justice Court Judges; A Dual System*, 3 PAC. L.J. 439, 465 (1972). [hereinafter cited as Hennessey].
26. N.C. CONST. art. 4, § 8.
27. Raleigh News and Observer, Jan. 13, 1975, at 1, Col. 1.
28. A person who was a lay judge at the time the act came into effect.
29. Hennessey, at 466.
30. MICH. CONST. art. 6, § 19.
31. Hennessey, at 469.
32. *Id.*

term of one year in a county jail or both.[33] The qualifications of justice court judges set by the California State Legislature are that a candidate must (1) be a member of the state bar or (2) have passed a qualifying examination prescribed by the Judicial Council or (3) have been an incumbent in a justice court or a predecessor court at the time that the Reorganization Act of 1950 became inoperative and have retained that position continuously.[34] In light of the *Gordon* decision these statutory requirements will have to be modified to avoid a denial of due process.[35]

These changes in the court system suggest a trend toward using the lay judges as commissioners and magistrates to handle small claims, set bail, issue warrants and accept guilty pleas in minor traffic violations. Courts that still use lay judges are beginning to require more training to improve their qualifications.

In the past, state courts have consistently held that, unless required by the state constitution or by state statute, that one does not have to be an attorney to be a judge.[36] Most states require that a judge be a practicing attorney or member of the state bar[37] or engaged in the practice of law for a certain number of years.[38] If a judge is required by statute to be an attorney at law, it is clear that he must necessarily maintain his privilege to practice law, i.e., his membership in the legal profession. It follows that an indefinite suspension from the practice of law works a forfeiture of the office of municipal judge and is grounds for removal.[39] A disbarred attorney is no more qualified to hold the office of justice of the supreme court or judge of the district court than any other lay person. By his disbarment, he is reduced to the status of a layman.[40]

The only split of authority in interpreting these cases is the interpretation of the constitutional requirement of being "learned in the

33. Gordon v. Justice Court of Yuba City, Sutter County 12 Cal. 3d 323, 325, 525 P.2d 72, 74, 115 Cal. Rptr. 632, 634 (1974).

34. *Id.*

35. Bills were introduced in the 1967 and 1971 California Legislature in an attempt to upgrade and change the California Court System. Either bill, if passed, would have permitted any lay judges to serve in some districts of the state.

36. State *ex rel.* Swann v. Freshour, 219 Tenn. 492, 410 S.W.2d 885 (1967); State v. Peck, 88 Conn. 447, 91 A. 274 (1914); Waggoner v. Castleman, 492 S.W.2d 929 (Ky., 1973).

37. Wills v. Monfort, 93 Wash. 4, 159 P. 889 (1916); Veterans Welfare Board v. Riley, 189 Cal. 159, 208 P. 678 (1922); *In re* Stolen, 193 Wis. 602, 214 N.W. 379 (1927). Annot., 55 A.L.R. 1355 (1929).

38. *In re* Storace, 291 N.Y.S.2d 416, 30 A.D.2d 220 (1968). Annot., 106 A.L.R. 508 (1937).

39. State *ex rel.* Saxbe v. Franko, 168 Ohio St. 338, 154 S.E.2d 751 (1958).

40. *In re* Candidacy of Jerome Daly and Gordon C. Peterson for associate Justice of the Supreme Court, and the Candidacy of William E. Drexler and Charles Thibodeau for Judge of District Court. 294 Minn. Rpts. 351, 200 N.W.2d 913 (1972).

law."[41] Some courts hold that the words "learned in the law" were intended as a direction to the voters. The legislators could have used the words "licensed attorney" if that is what they meant.[42] The opposing theory is that the phrase was inserted for a purpose, that it clearly indicates an intention to prescribe some sort of an educational qualification and should be given some practical effect. Under this theory one must be a practicing attorney or entitled to practice without examination when elected as judge.[43]

The denial of due process because of a lay judge presiding over the trial has been raised as an issue in *Ditty v. Hampton, Crouch v. Justice of the Peace Court, Sixth Precinct,* and *Milikian v. Avent.* The federal judge rejected the due process argument in *Melikan* and stated that "any prejudice to which plaintiff might have been subjected . . . is cured and due process is obtained by the right to a jury trial.[44] In *Ditty,* the Appellate Court of Kentucky reversed the Harlan Circuit Court which held it was a denial of due process for a judge in a criminal prosecution, whether for a felony or a misdemeanor and whether punishable by a fine, to not be a person learned and trained in the law.[45] The Harlan Circuit Court decided that since *Argersinger v. Hamlin*[46] held that due process requires that the accused in a criminal case be represented by legal counsel when imprisonment is possible, then it necessarily follows that due process requires that the court in such a case be presided over by a lawyer.

The Supreme Court in *Gordon* agreed with this rationale, but the appellate court in *Ditty* disagreed with it and set forth a string of United States Supreme Court decisions dealing with defendant's right of an attorney and pointed out that no right to a trial by an attorney judge was recognized by the court. In *Gideon v. Wainwright*[47] the right to have counsel in felony prosecutions in all state courts was recognized. Thereafter, at least as soon as *Duncan v. Louisiana,*[48] it became accepted that the right to counsel existed in prosecutions for serious misdemeanors. In 1962, in *White v. Maryland*[49] it was held that an accused is entitled to counsel at the examining trial. In 1966, *In re Gault*[50] held that a juvenile was entitled to counsel in proceedings in

41. Annot., 50 A.L.R. 1156 (1928).
42. Little v. State, 75 Tex. 620, 12 S.W. 965 (1890); Heard v. Moore, 154 Tenn. 566, 290 S.W. 15 (1926). Annot., 50 A.L.R. 1152 (1928).
43. State *ex rel.* Jack v. Schmahl, 125 Minn. 533, 147 N.W. 425 (1914); Jamieson v. Wiggins, 12 S.W. 16, 80 N.W. 137 (1888).
44. 300 F. Supp. at 518-19.
45. 490 S.W.2d at 774.
46. 407 U.S. 25 (1972).
47. 372 U.S. 335 (1963).
48. 391 U.S. 145 (1968).
39. 373 U.S. 59 (1962).
50. 387 U.S. 1 (1966).

juvenile court. Never, on the occasion of any of these decisions, was it even suggested that the right to counsel carries with it the right to be tried by an attorney judge.[51]

In *Ditty*, the court defined due process as embodying those "fundamental principles of liberty and justice which lies at the base of our civil and political institutions."[52] The court further concluded that due process only meant that the judge had to be fair and impartial and that the reason for the accused having counsel was because of the adversary system. Since the judge is not one of the adversaries, he does not have to be an attorney judge. Traditional concepts of fundamental fairness do not require an accused to be tried by an attorney judge. In the event of a mistake the right of appeal will correct any error which might have been made.

In *Crouch*,[53] the question was raised as to whether it was a denial of due process for a lay judge to give instructions to a jury in a criminal misdemeanor case. The Appellate Court of Arizona held that it was the expressed intent of the State Legislature that a justice of the peace is not required to be an attorney, that a justice court has jurisdiction in criminal misdemeanor matters, and that a justice of the peace has the power to instruct a jury as to the law in a criminal misdemeanor proceeding and that this does not deny a misdemeanant due process of law. The court said there is no more nebulous and indefinable concept in law than "due process of law." The fact that a judicial error may be made in a proceeding does not necessarily imply denial of due process.

The *Crouch* decision held that a lay judge presiding over a criminal misdemeanor tribunal was not a denial of "fundamental fairness shocking to the universal sense of justice" nor does it "offend some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental."[54] The court relied on a United States Supreme Court case that held:

> a state is free to regulate the procedure of its courts in accordance with its own conception of policy and fairness unless, in so doing, it offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental. Its procedure does not run afoul of the Fourteenth Amendment because another

51. By examining these cases the court in *Ditty* rationalized that since the United States Supreme Court had not on its own recognized the right to have these cases tried before an attorney judge that no such right existed. Little weight can be placed on this rationalization due to the Supreme Court's policy of only answering the questions presented to the Court in a narrow sense.

52. 490 S.W.2d at 774.

53. 7 Ariz. App. at 465, 440 P.2d at 1005.

54. 7 Ariz. App. at 466, 440 P.2d at 1006.

> method may seem to our thinking to be fairer or wiser or to give a surer promise of protection to the prisoner at bar.[55]

In *Argersinger*, the United States Supreme Court recognized that the legal and constitutional issues in a misdemeanor case may be as complex as the issues in a serious offense. In *Gordon*, the Supreme Court of California expressed concern that the background of a non-attorney judge would not be sufficient to reorganize and resolve these issues pursuant to the law. The court felt the examination that the lay judges were required to pass was not sufficient to ascertain whether the judge had adequate knowledge to make the correct decisions. The court pointed out that even if the non-attorney judge would recognize the relevant first amendment issues, he probably would have difficulty determining whether Gordon had engaged in protected activity.[56] The non-attorney judge is required to rule on procedural matters and on the admissibility of evidence. He is required to conduct preliminary hearings and to set bail. He is expected to make an "objective" determination of "probable cause" when he issues search warrants and arrest warrants; he is not supposed to serve as a rubber stamp for the police. And when he conducts a trial, he is expected to instruct the jury in the law.[57]

Given all these responsibilities, a judge with more than an adequate background of formal legal training and practical experience at times will make a mistake. But is it not the object of our court system to afford the accused a trial that is as fair, impartial and competent as possible? Can this be done by using lay judges? The court in *Ditty* and *Crouch* and the appellate court in *Gordon* thought that it could be done. They held that the due process clause does not insure against judicial errors. The judge satisfies due process when he is fair and impartial. The fact he may commit error, be he a lawyer or non-lawyer, does not negate these qualities.

The *Gordon* court maintained that the conditions which forced the creation of our non-attorney judge system in the United States have since ceased to exist. We live in a complex industrial and commercial age which has developed a highly technical and specialized body of legal concepts. The court held that long-standing practices must meet the advancing standards of due process. The court quoted the *Wolf v. Colorado*[58] decision which stated:

> Due process of law thus conveys neither formal nor fixed non-narrow requirements. It is the compendious expression for all those rights which the court must enforce because they are basic to our free society. But basic rights do not become petrified as if any one time,

55. Snyder v. Commonwealth of Massachusetts, 291 U.S. 97 (1934).
56. 12 Cal. 3d at 328, 525 P.2d at 77, 115 Cal. Rptr. at 637.
57. Stark, at 1005.
58. 338 U.S. 25, 27 (1949).

> even though, as a matter of human experience, some may not too rhetorically be called eternal verities. It is of the very nature of a free society to advance in standards of what is deemed reasonable and right. . . .

The court in *Ditty* recognized the *Wolf v. Colorado* decision but held that due process was those "fundamental principles of liberty and justice which lie at the base of our civil and political institutions." One test we apply to determine whether due process has been accorded in a given instance is to ascertain that were "the settled usages and modes of proceedings under the common and statutory law of England before the Declaration of Independence . . . having been followed in this country after it became a nation."[59]

The *Ditty* court maintained that advancing standards or changing conditions have not yet made the attorney judge a condition of fundamental fairness and that traditional concepts of fundamental fairness do not require that an accused be tried by an attorney judge. The *Gordon* court held that allowing a layman to be judge in a criminal proceeding must be scrutinized in the light of modern standards and conditions. The increased complexity of a criminal tribunal has greatly enhanced the probability that a layman will be unable to deal effectively with the complexities inherent in a criminal trial.[60]

The court in *Crouch* did not deal directly with the due process issue but said that this is not a denial of due process, because, traditionally, justice has been served by lay judges. The *Melikian* court thought the issue was unique and of no merit. It appears that only in the *Ditty* court did the judges give the issue of denial of due process any serious thought.

The *Gordon* court felt that neither the *Ditty* nor the *Melikian* court adequately explained the inconsistency of allowing a defendant an attorney and not providing an attorney judge to preside over the trial. The court decided that if fundamental fairness required a counsel that it logically required someone who could understand the counsel's technical arguments.[61] The *Ditty* court had decided that the right to appeal was a sufficient guarantee of due process. The *Gordon* court was against this argument because of the inconvenience to the defendant and because there is usually no record made of a non-attorney judges' court.

## CONCLUSION

The *Gordon* holding is contra to the long line of cases that have held that where the state constitution or state statute does not require that

59. 490 S.W.2d at 774.
60. 12 Cal. 3d at 326, 525 P.2d at 75, 115 Cal. Rptr. at 635 (1974).
61. 12 Cal. 3d at 329, 525 P.2d at 78, 115 Cal. Rptr. at 638.

to be an attorney one must be a judge, then he does not have to be. The effect of this decision will be to change the Justice Court System in California. Henceforth, all criminal tribunals where there is a potential jail sentence, will have to be presided over by an attorney judge. This decision does not affect the lay judge in deciding civil cases or in criminal cases where there is not a possibility of a jail sentence. The decision does permit a defendant or his counsel to waive the requirement of an attorney judge. To meet these requirements, the California court system will have to be changed to docket the criminal cases that this decision covers under attorney judges. New attorney judges may have to be elected to meet this demand.

The most distinguishing characteristic of the *Gordon* case is that the court has decided that time and the perplexity of criminal trials have changed the requirements of due process in criminal trials. The complexity of criminal trials today requires a judge to be able to understand and differentiate among the fine points of law which may distinguish one case from another. The ability to make this determination comes from a combination of common sense and formal legal training.

Due process requires more than common sense determinations of legal questions. Due process requires a judgment pursuant to the law. A common sense judgment that is not pursuant to the law is arbitrary and violates due process. Some non-attorney judges through personal research and learning may acquire the expertise necessary to conduct a trial that meets constitutional requirements. However, there should be some safeguard against non-attorneys without these capabilities. This can be done only by requiring judges to meet higher standards as the court has done here. This court has taken a positive step forward in refining the law and assuring the accused that, in the future, he will receive a fair, impartial and competent trial from a tribunal that is in step with the requirements of modern day due process.

JULIAN T. PIERCE

**Photographic Evidence: or, Is a Picture Really Worth a Thousand Words in North Carolina Courtrooms?**

A recent case handed down by the North Carolina Supreme Court may have a profound impact on the law governing admissability of photographs for other than illustrative evidence. In *State v. Foster*[1],

1. State v. Foster, 284 N.C. 259, 200 S.E.2d 782 (1973).