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Announcements

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ANNOUNCEMENTS

HARRISON BURNS

Judge Harrison Burns, of Indianapolis, died January 7, 1926. When the news of this bereavement and great loss to the bar of Indiana was received THE JOURNAL was just going to press. Only a brief comment is possible now.

Judge Burns was in his ninetieth year when he died, being born December 11, 1836, of pioneer Indiana stock. Almost all of his long life was spent in Indiana, in the practice of the law or in judicial service on the bench or—perhaps most important of all—his thirty-five years of consecrated labor in editing *Burns' Indiana Digest* and four different editions of *Burns' Annotated Indiana Statutes*, the first one appearing in 1894. Subsequent editions were in 1901, 1908, and 1914. It is from his work as an author and editor that Judge Burns has been known to the legal profession throughout the United States as well as in Indiana for more than thirty years. In his earlier life, however, he held important judicial offices, first as Judge of the old Court of Common Pleas for the Ninth District, and then by appointment of Governor Hendricks he was made a Judge of the Superior Court of Marion County in 1876. One of his most distinguished services is not generally known. During a short sojourn in Montana while that state was not yet organized as a separate territory, Judge Burns was called upon to prepare the entire body of statutory enactments for the carrying on of the territorial government and the regulation of private rights. Using a copy of the compiled Missouri statutes as his basis, Judge Burns prepared an entire system of statutory provisions which with very slight changes were enacted into law at the first meeting of the territorial legislature of Montana. These statutes continued in force when Montana was admitted to the Union and they are the basis of Montana statutory law today.

The personal loss which is felt by the many friends of Judge Burns is the most poignant consideration at this time. His loss to the profession of the law both as a lawyer and a judge is felt by the state at large. There should be some consolation at this time in the knowledge that he had completed his main works and that he did not have any additional writings left unfinished.

THE NEW JOURNAL

Members of the bar of Indiana will notice that some things are attempted in the January issue of their journal which have not been undertaken hitherto. The service of securing news of legal interest throughout the state and particularly about the work and organiza-

tion of all bar associations in Indiana has been continued, and it is hoped will be increasingly interesting and useful to the legal profession with succeeding issues. In addition to this, however, THE JOURNAL this month has articles dealing with questions of law which are important and timely for the practicing lawyer in his professional work as well as for the sound development of legal processes and the advancement of the administration of justice. There are also the *Comments*, *Recent Case Notes*, and *Book Reviews* which are so valuable and serviceable a part of the older law journals of the country. It is hoped that our journal will render a somewhat unique service in printing the *Indiana Docket* each month, which contains an abstract of each decision handed down by the Supreme and Appellate courts of the state for the previous month. The cases will appear in alphabetical order according to the names of the parties, while the number of the case, the date of the decision, and the name of the judge writing the opinion will also be given. It is considered that this docket should prove a useful reference for the lawyer in his office since its information will be accurate and complete for each preceding month, and the facts which it covers can not be found elsewhere in this complete and usable form.

The INDIANA LAW JOURNAL is perhaps unique among all law periodicals in this country in that its real editors and contributors are to an extraordinary degree the individual members of the State Bar Association. It is to be hoped that this large board of editors, which is responsible for the law journal, will soon be co-extensive in membership with the active bar of the state. This journal was undertaken by vote of the State Bar Association. It is published by them and it is dependent in a most intimate and immediate way upon the active coöperation of every member. What, then, are the purposes of the journal and what is the actual work which you have undertaken?

First, it is a journal of bar association affairs and is the medium through which news and announcements touching not only the Indiana State Bar Association, but also all the district, county, and city bar associations is conveyed to the members. Instances of this will be seen in the *Announcements* and the *News of Bench and Bar* in this issue. Next, the journal deals with legal news of general interest to the profession of the state; addresses and communications on legal subjects will be found in its columns; significant changes among the judicial and prosecuting officers of the state will be announced. Third, the journal aims to be a forum which is continually in session and can be reached and addressed by every lawyer in Indiana without expense or inconvenience to himself. This forum shall be open for the full and frequent discussion of all matters touching bar association affairs and problems that affect the interests of the legal profession. In the future, it will be imperative for the lawyers of this state to deal effectively with the question of higher standards for admission to the

bar and higher standards for the retention of the right to practice law.

The economical and efficient handling of the professional work of a lawyer requires that he have thorough training to fit him for his responsibilities. It is unfair to the people of Indiana to authorize incompetent men to do their work in legal affairs, just as all concede that it would be a shameful thing to have untrained men practice medicine to the great injury of defenseless people who trust in them. Whether in the trades, the business world, or the learned professions, the most efficient work and the most economical work in the long run is always done by trained men. The true democratic spirit requires that each be judged by his services to all; it is surely not in the interest of democracy to have the people of the state trust their intimate and important affairs to lawyers who are not trained or equipped to serve them. And, similarly, it is not just to the vast majority of the bar who are competent and honorable men to have their reputations lowered and their profession defamed because of the reprehensible conduct of a few. The economical and efficient service of the public and the improvement of the administration of justice require that the bar shall deal with these two questions effectively.

These are all purposes which affect our interests as members of the legal fraternity and the advancement of our own profession. But the old truth which is proved in our personal lives is equally applicable in our concerted professional efforts: we may be sure that if as an association we undertake to live for ourselves alone, we shall narrow and injure our own accomplishment as well as fall short of the standard of service which lawyers and legal associations have rendered in the past. How, then, may the bar of the state use the *INDIANA LAW JOURNAL* in the development of the substantive and procedural law, as well as in the improvement of court organization and the enforcement of the law?

First, we have the *Comments*, and, next, the *Recent Case Notes*. In the *Comments* some principle of the law is fully and carefully considered, and its application in the light of recent Indiana cases is indicated. In the *Recent Case Notes* significant decisions that have recently been rendered by the Indiana courts are analyzed and criticized in the light of decisions on the same or similar points in other jurisdictions. It is hoped that these *Comments* and *Recent Case Notes* will serve the practicing lawyer by way of current and authoritative analysis of important points that have just been considered in our courts, and at the same time that they will affect the actual growth and development of the law in so far as their reasoning is sound and their premises and conclusions are true.

Second, there will be leading articles dealing with the problems in substantive and procedural law that are now pressing for solution. It was well pointed out by the late Albert M. Kales, of Chicago, that

for better or for worse we have in large measure forty-eight different bodies of law in this country. The Uniform State Laws are remedying these divergencies in large measure, and it may well be that very great elimination of differences and corrections of error will flow from the work of the American Law Institute. At the present time, however, it is difficult for one to say that he is familiar with the real property law of Indiana, or any other jurisdiction, simply because he is familiar with the common-law principles of real property as modified by the statutes that obtain generally throughout the country. There is a great service to be rendered in brief or longer commentaries upon each one of the different subjects of substantive law in this state. These articles will treat Indiana law in the light of judicial decisions elsewhere, with the possible result that certain unfortunate decisions will not be followed in the future. Such a task must be done by the leading lawyers and judges in this jurisdiction. Especially in the criminal law is there a moral duty on the profession to overhaul much of its doctrine and procedure which were not designed in modern times. And, apart from the substantive law, there is a peculiar need at this time for reform in procedure. This is a problem which the practicing lawyer faces every day, and it is to him, as well as to the judges and the law teachers, that we must look for some escape from the many expensive and inefficient anachronisms which we have now.

Third, there is the more general question of court organization and law enforcement. The main structure of court organization in Indiana was created in the Constitutional Convention of 1851. During the intervening period of over seventy years there have been many makeshift changes and readjustments. In several instances a change which was adopted at the time for purely emergency and supposedly temporary needs has been retained, until now we regard it as an integral part of the system. In view of the extraordinary increase of work that our courts are required to do, and the many new forms of business and social organization that are involved in the complicated life of today, it is inevitable that the courts must be reorganized from time to time to serve present needs, just as they were organized in the past to serve the needs of that time. Likewise our provisions for law enforcement, while adapted to rural conditions of 1850 and well calculated to meet the needs of that time, have been proved seriously deficient in the maintenance of law and order today. These are fundamental questions fraught with consequences of great importance to the welfare of the people of the state. They are problems that are not simply to be answered on the basis of one's opinion on a single issue. The problems are exceedingly complicated, requiring expert knowledge, wide experience, and sound judgment for their full and practical solution. Surely if our journal can act as a forum, particularly in this field, it will render a great service. These questions must be investigated with skill, and a large body of accurate information col-

lected. The evidence and conclusions can then be presented in our columns, and the problems discussed freely but in a definite and purposeful way.

MATERIAL FOR FUTURE ISSUES

If the purposes outlined in the preceding *Announcement* are to be carried out, the work must be done by the members of this association. It has been said that every competent lawyer has two or three good legal articles in him, but it does not necessarily follow that every such lawyer is sufficiently articulate to express his ideas. If those judges and lawyers in this state who have the ability to write articles and notes for THE JOURNAL will only do so in fact, the full achievement of our ends will be assured. In keeping with this the following requests are made:

(1) That members of the bar write to the editor suggesting articles or notes which they will write for future issues;

(2) That the secretary (or other officer) of every bar association in the state, whether it be district, county, or city, send in to the editor at once (a) a list of the officers of his association and of members of committees, if any, (b) a brief note on the form of organization and plans for meetings and activities in the near future, and (c) any legal news items that he may have.

In the next issue it is planned to have a directory of new professional addresses and law firms or associations that have been recently changed or newly formed. These will be indexed under counties in alphabetical order. It is hoped that members will also send in this information either for themselves or their friends.

It is intended to publish a list of all officers of all bar associations throughout the state in succeeding issues of THE JOURNAL. We have a list of officers for many of the bar associations now, but it is requested that all bar associations send in this information at this time, even though they have reported before. There will doubtless be some new information or correction of our records in any case. It is requested that every member send in items of news and any suggestions or criticisms that he may have. As far as possible, it is planned to have all matter signed by the writers. Thus all articles, notes, reviews, and communications should be signed by the writers. The material is arranged and the *Announcements* written by the editor.

NEW MEMBERS

It is reported that on December 31, 1924, only eight new members had joined the Indiana State Bar Association between that date and the time of the annual meeting in the previous summer when the Bar Association year began. For the corresponding period in 1925, Joel A. Baker, Esquire, secretary of the association, reports that our records show 217 new members. This is a most extraordinary and heartening achievement. A list of all those who have applied for mem-

bership during the current Bar Association year will be published in the February issue. William A. Pickens, Esquire, chairman of the membership committee and vice-president of the State Bar Association, has given his untiring efforts to increase the membership, with the splendid results already noted. Mr. Pickens hopes to have over 300 applications for membership by the first of February.

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1925-1926

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