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News of Bench and Bar

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NEWS OF BENCH AND BAR

FIRST DISTRICT

The Vanderburg County Bar Association adopted resolutions on Saturday, January 15th opposing a bill which has been introduced in the general assembly for the creation of a criminal court in Vanderburg County. It was stated that the effect of this bill would be to deprive Circuit Judge Charles Bock of his present position in handling criminal cases in that county. Probate Judge Lockyear and Attorney A. W. Funkhauser made addresses before the association in opposition to the bill on the ground that it was backed by the criminal element who wanted to get rid of Judge Bock. After discussion the Vanderburg County Bar Association adopted resolutions opposing the bill.

On January 5th, the *Evansville Journal* printed an editorial giving vigorous endorsement to the recent proposals of the Indiana State Bar Association for the improvement of criminal procedure in this state.

The *Evansville Press* conducted an inquiry among prominent attorneys of Evansville in regard to the proposal of the State Bar Association to permit an acquittal of a conviction in all felony cases except murder which would require a unanimous verdict and also the proposal which would permit six men to try misdemeanor cases with only five votes required for a verdict. Of the twelve prominent attorneys of Evansville who were consulted on these points, nine voted in favor of them and three voted against at least one of them. The attorneys consulted were: Benjamin Buente, E. L. Craig, Russell Judd, John Sanders, Phil Gould, Frank C. Gore, Winfield Denton, Frank H. Hatfield, S. H. Ireland, A. J. Vineman, Walton Wheeler, and Paul Schmidt.

The Southern Indiana Bankers Association in session in Evansville on December 23rd passed resolutions in favor of the proposal of the Indiana State Bar Association for the establishment of a Bureau of Criminal Investigation and Identification in each county in the state. In the opinion of the Bankers Association, such a bureau would do much to equalize the contest between the trained and able criminal lawyers and the inexperienced, politically chosen prosecuting attorneys.

The *Evansville Courier* printed an editorial on December 23rd in support of the proposals for the reform of criminal procedure in Indiana. The editorial also commended the local bar association for its efforts in maintaining a high standard of criminal ethics in Evansville. The editorial also favored a new constitution for Indiana.

James Enсле, the new president of the Vanderburg County Bar Association, presided at the first meeting of that association in the new year on January 3rd at the Chamber of Commerce in Evansville. Committees for the coming year were appointed by the president. The association voted to sponsor the Constitution Oratorical contests in the public schools.

The Constitutional Preservation Club was organized at Evansville on Wednesday, December 29th, with Clarence E. Benadum as President. The purpose of this organization is to oppose the efforts of the Indiana State Bar Association in furthering reforms in criminal procedure in this state.

SECOND DISTRICT

James A. Van Osdol, Vice-President of the Indiana State Bar Association, and general counsel for the Union Traction Company of Indiana spoke before the School of Commerce at Indiana University on Tuesday, January 11th. The subject was "Home Rule and Public Utilities". Mr. Van Osdol explained that while the element of home rule was to be furthered in so far as it was practicable it remained true that there must be a central regulation of public utilities if the best service is to be secured to the people of Indiana.

The *Spencer Leader* published an editorial on December 22nd in favor of the abolition of the Pardon Board.

THIRD DISTRICT

The annual banquet of the Clark County Bar Association was held on Thursday, January 6th, in the American Legion Building at Jeffersonville, Indiana. The principal speaker was Frank M. Drake, President of the Louisville Bar Association. The guests of honor were Judge James W. Fortune who has just retired as Judge of the Fourth Judicial District after a service of many years, and Judge George C. Kopp who succeeds Judge Fortune. A considerable musical program was also arranged for the banquet. Resolutions in honor of Judge Fortune and in commendation of his many years of able service were passed by the Clark County Bar Association. The committee that drew these resolutions consisted of George A. Heaton, New Albany, and James A. Taggart, Jeffersonville.

President Jonas G. Howard of the Clark County Bar Association presided. Over forty members with their guests attended the banquet. Judge Thomas Wilson of the Harrison circuit court and Judge John M. Paris of the Floyd circuit court were among the speakers on the program. Short talks were also made by Judge James W. Fortune, Judge George C. Kopp, Claud McBride, L. A. Douglas, Wilmer T. Fox, George Hester, Walter Bulleitt, Warren Allison, Elmer Frank, James L. Bottorff and Charles A. Hunt.

FOURTH DISTRICT

Judge William D. Ricketts of the Seventh Judicial Circuit took the oath of office at noon, January 3rd in the court room at Lawrenceburg. The oath of office was administered by Morris McManaman, circuit court clerk. Charles A. Lawrence, retiring judge, received a handsome present from the Ohio County Bar Association in recognition of his services. After the morning session of court Judge Ricketts entertained the members of the Dearborn and Ohio County Bar Associations at luncheon. Twenty-nine persons were present.

Julian Sharpnack, Judge of the Bartholomew County circuit court, has discovered an old law passed before 1852 and never repealed which requires that the circuit judges shall inspect the books and records in the county clerk's office after each term of court and report their findings to the Board of County Commissioners. Judge Sharpnack has requested Lawrence Orr, chief of the Indiana State Board of Accounts, for his opinion as to whether circuit court judges should now comply with this old law.

FIFTH DISTRICT

In looking over the abstracts in the county clerk's office at Terre Haute, A. L. Miller, attorney for that city discovered that certain property was held in trust until the named children were of age and then the trust was to be dissolved and the property distributed to them. This distribution has never occurred. Mr. Miller is anxious to get in touch with the beneficiaries in order to secure their property for them. It is valued at several thousand dollars. The trust was created under a will that was filed about fifteen years ago. The beneficiaries are: Laura Stark, who married John Horton; Mary Stark, who married H. G. Murphy; and Grace Stark (who is not known to have married).

Judge Earl Mann assumed his duties as Judge of the Superior Court at Terre Haute on Saturday, January 1st. A number of floral tributes were presented to Judge Mann at the time he assumed office. Later in the day Judge Mann called on Judge Sidney B. Davis, who admitted him to practice law on December 5, 1917.

On Tuesday, January 4th the *Terre Haute Star* printed an editorial exhorting all lawyers to expedite criminal trials. The editorial took the ground that lawyers are officers of the courts and that their loyalty to their clients should not cause them in any way needlessly to delay the administration of justice.

SIXTH DISTRICT

William Dudley Foulke, attorney of Richmond, Indiana, and prominent author, gave his approval to all of the proposals suggested by the Indiana State Bar Association in its efforts to secure a reform of criminal procedure in this state. He also suggested that there were a number of other abuses which needed correction. He referred particularly to the "third degree", an illegal procedure by police officers for the purpose of securing admission of guilt by accused persons. Mr. Foulke pointed out that the "third degree" was usually employed against the weak and defenseless who might well be innocent while it was not employed against the professional criminal who had made arrangements for his lawyer to protect him in anticipation of a criminal act. Mr. Foulke suggested that there be an open examination in court of all accused persons soon after their arrest and that this be the only examination permitted so far as evidence to be used in the trial is concerned. In this way evidence that the state planned to use at the trial would have to be given by the accused in open court where his rights would be protected. In a proper case this would be an aid to the prosecution as well and would not hamper the expeditious enforcement of justice.

On January 6th the *Greenfield Republican* published an editorial in support of the proposals of the Indiana State Bar Association for the reform of the criminal law. The *Shelbyville Democrat* published an editorial in support of the same proposals on December 20, 1926.

SEVENTH DISTRICT

The *Indianapolis News* published a vigorous editorial on January 20th in support of the proposals of the Indiana State Bar Association for the reform of criminal procedure in this state.

The Thiel bill, providing for stringent regulations for admission to the bar in Indiana and placing the whole matter in the control of the State Supreme Court, was introduced in the legislature, and on January 18th had advanced to the second reading.

The fiduciary laws which have been approved by the commissioners on uniform state laws and are now enforced in many states have been passed by the Indiana state Senate. These uniform laws were approved by the American Bankers Association and American Bar Association. They aim to clarify the fiduciary relation and to describe the liability of banks in these matters.

Harrison White, of Indianapolis, filed in the United States district court on Monday, January 17th, an action against the Indiana State Bar Association and the Indianapolis Bar Association and the several officers of these associations asking damages for a million dollars on the ground that they conspired to prevent him from practicing law in Indiana as he was entitled to do under the constitution. The suit attacks the rule of the Indianapolis Bar Association which provides that applicants for admittance to the bar must pay a ten dollar fee previous to examination. The suit alleges that Circuit Judge Harry O. Chamberlin required the plaintiff to take a written examination covering his professional knowledge before he could be admitted to practice law in Marion County. In comment upon this action the *Indianapolis News* published an editorial on the same day commending the State Bar Association for seeking to regulate the admission of new members to the bar and suggested that some means must be found to prevent ignorant men from practicing a learned profession to the injury of their clients who trusted in their professional skill.

A bill has been introduced in the general assembly providing for the payment of fees and expenses to witnesses in criminal actions. The bill would use the money obtained from fines to cover these expenses. In support of the bill it has been said that justice is often defeated because witnesses who could aid the accused cannot afford to come to court.

A bill has been introduced in the state legislature designed to limit the present action of "kangaroo courts" and "speed traps." One of the proposed provisions is that any justice of the peace or any local officer who should make an arrest of a motorist must be wearing a prescribed uniform and a badge of office at the time he makes the arrest. It is also provided that no fee shall be exacted from the offending motorist for making the arrest itself.

Bills have been introduced in the general assembly which have received the support of the bankers association by which the penalties for robbery and burglary are greatly increased.

The Indiana Bankers Association has approved the proposal of the Indiana State Bar Association for a state bureau of criminal investigation and identification.

The new officers of the Indianapolis Bar Association were installed at the January meeting which was held at the Indianapolis Athletic Club on Wednesday, January 5th. The new president is Samuel Ashby and the new Vice-Presidents are Emsley W. Johnson and Michael E. Foley. In addition to the installation ceremony short talks were arranged by James M. Ogden, retiring president. Professional reminiscences were given by Martin M. Hugg, Charles Martindale, Samuel O. Pickens and Vinson Carter.

EIGHTH DISTRICT

The *Muncie Star* printed an editorial on December 22nd, 1926, in support of the proposal of the Indiana State Bar Association to qualify the present law under which the indeterminate sentence is imposed. The editorial referred to the present law as obsolete and declared that it was not adapted to present needs.

The Jay County Bar Association adopted resolutions at its meeting on Monday, December 20th, 1926, in opposition to the program submitted by the committee of the Indiana State Bar Association which was intended to remedy certain defects in the law of criminal procedure in Indiana. The general tenor of the resolution was to the effect that the proposals attempted to make fundamental changes and that this was a time of basic conflicts in the social order when lawyers should take a conservative attitude.

Lawyers in Portland and Anderson, Indiana, have shown a disposition to join with certain lawyers in Muncie, Indiana, in an organization called "The Constitutional Preservation Club" for the purpose of defeating the efforts of the Indiana State Bar Association to bring about certain reforms in the law of criminal procedure in Indiana, when those reforms have been submitted generally to the bar of the state and have been overwhelmingly approved by a referendum vote.

By the action of Judge Clarence W. Dearth, Delaware circuit court, no attorneys will be eligible as a bondsman in any action. The purpose of this rule is to prevent the bonds of attorneys in cases where they are interested.

The Madison County Bar Association at its regular meeting on December 30, 1926, appointed a committee to study the proposed changes in criminal procedure enunciated by the Indiana State Bar Association. This committee will report to the association its recommendations.

Oswald Ryan spoke before a meeting of the Madison County Bar Association on December 30, 1926. He spoke about the fascist regime in Italy. He declared that the fascist regime was a challenge to democracy and that it was a dangerous challenge since it offered more efficient government than democracy usually did. He declared that those who had labored for democracy would not want to give it up but that it was important for democratic governments to make itself efficient if it was to endure. The meeting at which Mr. Ryan spoke was held in honor of the incoming and outgoing judges of the Madison County circuit court. The incoming judges were Judge Kittinger and Judge Ellis, while the retiring judges were Lawrence Mays and Carl Morrow. The meeting was largely attended by members of the Madison County Bar Association.

NINTH DISTRICT

The Tippecanoe County Bar Association held a most successful dinner on Saturday, January 8th at which President W. C. Mitchell presided. The proposed changes in criminal procedure were discussed by the members and a special meeting for further consideration of these proposals was set for January 19th. The members enjoyed an excellent dinner and musical program.

TENTH DISTRICT

The bar associations of Marshall and Fulton Counties in joint meeting on January 12th unanimously recommended that the 41st judicial circuit be separated giving a circuit court to both Marshall County and Fulton County.

President Frank Cabit of the Lake County Bar Association appointed a committee to look into any action that the state legislature might take with respect to changes in the criminal law of Indiana. Those appointed to serve on this committee were Roy Green, Whiting; John L. Gabit, Hammond; Walter J. Riley, East Chicago; O. N. Greenlee, Gary, and Otto J. Bruce, Crown Point.

W. W. Miller, President of the Gary Bar Association, appointed a committee to take action in securing an additional superior court for the city of Gary. R. M. Davis was appointed chairman of the committee.

A special meeting of the Porter County Bar Association was held on January 1st in honor of Judge Grant Crumpacker upon the occasion of his taking office as circuit judge. After the ceremony Judge Crumpacker spoke to the assembled lawyers.

ELEVENTH DISTRICT

The Pulaski County Bar Association held a most successful dinner at Winamac Thursday, January 6th. Every member of the association was present.

The Cass County Bar Association held its annual meeting and banquet at Logansport, Indiana, on Thursday, December 30, 1926. The meeting was in honor of the incoming and retiring judges of the local courts. Judge Paul M. Souder is the retiring judge and Judge John B. Smith is the incoming official. Mr. A. G. Jenkins was toastmaster and paid tributes to Judge Smith and Judge Souder.

TWELFTH DISTRICT

The farewell dinner was tendered to Judge and Mrs. Dan W. Link, of Auburn, by members on behalf of the county bar association and their wives at the Auburn Country Club. Members of the Steuben County Bar Association also attended. The toastmaster was J. D. Brinkerhoff. All of the speakers expressed delight that Judge Link was moving from Auburn because his plan of advancement in his profession required it. They expressed sorrow at their personal loss. Judge Link was presented with a toy pistol which was thought to be appropriate for one undertaking to practice corporation law in Chicago, while Mrs. Link was presented with a lipstick which was thought helpful in her new social surroundings. In Chicago Judge Link will become counsel for a group of utility corporations.

The *Auburn Star* published an editorial on December 23rd in support of the proposals of the reform of the criminal procedure that have been submitted by the Indiana State Bar Association.

THIRTEENTH DISTRICT

At a meeting of the Elkhart County Bar Association on Saturday, December 18, a resolution was passed in favor of legislation which should

make a separate judicial circuit of Elkhart County now in the 34th judicial circuit and also to separate DeKalb County from Steuben County in a separate circuit and to join Steuben County and LaGrange County in the same circuit. The committee appointed to further this legislation is composed of L. L. Burris and G. W. Dausman, of Goshen, and W. E. Wider, R. E. Proctor and E. L. Arnold, of Elkhart.

The St. Joseph County Bar Association held a short organization meeting in the county court house on Friday, January 14th. Lenn J. Oare, former judge of the superior court was elected president; J. Fred Bingham, of Mishawaka was named Vice-President; D. D. Nemeth was named Secretary; and Andrew Hildebrand was elected Treasurer. A committee was appointed to arrange for a higher scale of legal fees in St. Joseph County on the theory that higher fees were allowed for the same legal work in adjoining counties.

The Michigan City Bar Association and the Laporte Bar Association held a joint meeting at the Spaulding Hotel on Thursday, January 6th. Herbert M. Lautmann, of Chicago, was the chief speaker.