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## News of Bench and Bar

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## NEWS OF BENCH AND BAR

For the first time in a number of years the Indiana State Bar Association held a mid-winter meeting in addition to the annual meeting that is held during the summer months. Over 300 persons composed of members and their families and other guests attended the annual mid-winter dinner in the Riley room of the Claypool Hotel at Indianapolis. The standing committees of the Bar Association met for luncheon at the Claypool Hotel afterwards and following this general meeting of the committee the several committees met separately to discuss the matters that pressed for consideration at that time. These committee meetings lasted through most of the afternoon with great advantage to the work of the Association. The contribution of the judges of the Supreme and Appellate Courts in conference with members of the active bar was of the first importance. Indeed it was felt by those who attended that this innovation in bringing about more active co-operation between the bench and bar especially with reference to court organization is of great significance. It is through such co-operation as this that the fullest usefulness of our Association can be realized.

The Indiana State Bar Association was fortunate in holding its meeting jointly with the Indianapolis Bar Association. Emsley W. Johnson, President of the Indianapolis Bar Association was the toastmaster. Roy P. Wisehart, State Superintendent of Public Instruction, spoke briefly upon the work of the State Board of Education in furthering the efforts of the Indiana State Bar Association in promoting oratorical and essay contests on the constitution. Mr. Wisehart referred especially to the admirable essays dealing with the background of the federal constitution which President James A. Van Osdol had written and which the State Bar Association had arranged to distribute among all the State High Schools in the furtherance of the work and in aid of both the High School teachers and the students in preparation.

After presenting Mr. Wisehart, the Toastmaster, Mr. Johnson, introduced President James A. Van Osdol, who presided during the balance of the evening and who first introduced Dean Paul V. McNutt of Indiana University School of Law. Dean McNutt spoke briefly in regard to the financial needs of the *Law Journal*, pointing out that the *Law Journal* needed more advertisements in its pages and that the nature of the *Law Journal* justified advertisers in using it as a medium of reaching the lawyers of the state. Dean McNutt also suggested that money might also be raised by the *Journal* indirectly through the printing of cards by lawyers in the *Journal*. Thus there would be a charge of \$5.00 to print the name of a law firm and the town where it was located. This brief card would appear for eight issues in the *Law Journal*. In this way the members of the bar could give their financial aid to the *Law Journal* and at the same time they could list their individual names and firm names in a manner to bring them to the attention of their fellow lawyers and others in a favorable way. We must remember that the *Michigan Law Review* and other legal periodicals carry several pages of such lawyers' cards and that the

practice is regarded favorably by the lawyers in other states. It has proved a considerable source of income to legal periodicals in several instances. Members of the Association were urged to write to the Secretary, at 518 North Pennsylvania Street, enclosing \$5.00 and indicating the name and address which they want to appear in the next eight issues of the *Law Journal*.

President Van Osdol then introduced the guest of honor, President Silas H. Strawn, of the American Bar Association. The subject of President Strawn's address was "The Lawyer's Job." President Strawn referred to the great amount of necessary work that the practicing lawyer does under the present economic and social organization of this country. He showed that the function of the lawyer was a necessary part of the business and social order of society and that the lawyer had a part in economic and legal engineering to perform which, in its way, was as necessary as the manual labor of the employee or the executive ability of the business *entrepreneur*. President Strawn also pointed out the extensive and useful service of the Indiana Bar Association. He complimented it especially upon the work of its committee on Citizenship in the promotion of oratorical and essay contests on the Constitution. He deplored the present provision in the Indiana constitution which precludes any examination for applicants to the bar of such character as to test their professional training. President Strawn urged the members to join the American Bar Association. He pointed out that the percentage of the Indiana lawyers who belonged to the Association was somewhat smaller than this percentage in neighboring states. He called to the attention of our members that the *Journal* of the American Bar Association was a very interesting and valuable periodical for them to receive and that it alone justified the payment of the small annual dues, \$6.00.

While the standing committees of the Association were meeting in the afternoon, the Board of Managers of the Indiana State Bar Association also held a meeting and transacted business which may be the basis for announcements later.

All of those who attended the meeting felt that it was a great success and that it should be regarded as a precedent for similar meetings in each succeeding year. The attendance of the Indianapolis Bar Association was an important factor in the success but our members were happy to note that there was a strong representation of the members from the Indiana State Bar Association from all parts of the state.

#### FIRST DISTRICT

The Gibson County Bar Association held its regular monthly meeting on Saturday, February 4th, at Princeton, Indiana. Wives and guests of the members of the Association also attended. After the dinner there were two vocal solos. The main address of the evening was by Judge Roscoe Kipper of Boonville who spoke on the life and character of Abraham Lincoln. Miss Virginia Knaub and Harold Rich of Princeton gave the orations which won them prizes in the district Lincoln oratorical contest.

#### SECOND DISTRICT

Professor Hugh Evander Wills of the Indiana University School of Law delivered an address in which he expressed opposition to capital

punishment on the ground that the main justification of capital punishment was that it acted as a deterrent in the prevention of other crimes. Professor Willis stated that statistics seem to show that capital punishment was not effective as a deterrent. He pointed out that perhaps its only justification was that of vengeance or some other form of retributive justice. In case capital punishment were abolished, Professor Willis suggested that criminals might be segregated, or subjected to medical treatment, or placed under regulations and influences that might lead to their reform. Professor Willis urged, however, that the first necessary object of criminal law was to protect society and that dangerous criminals should never be allowed to injure others.

The Knox County Bar Association has adopted a new fee schedule. The following minimum fee schedule was adopted:

Commercial Law: Collections 15 per cent on first \$500; 10 per cent on the excess of \$500 up to \$1,000; 5 per cent the excess of \$1,000; minimum fee \$7.50, except that of claims of \$15 or less, fee shall be 50 per cent; commercial reports, credit ratings, insurance reports, minimum fee, \$1.

Divorce cases: Where there is no appearance by defendant, minimum fee for plaintiff's attorney, \$35; where there is a contest and no property involved, \$50. For defendant's attorney where there is no property involved, \$25; for each application for citation or attachment, minimum fee of \$5; for advice on simple propositions that do not require investigation, \$2; for advice where investigation is necessary, \$5.

Drawing legal instruments: Writing deeds and mortgages, minimum fee, \$2; drawing wills in office, \$5; drawing wills out of office, \$10; drawing contracts, \$3; this to include leases and contracts of conditional sales and contracts for sale of real estate.

Civil causes: Appearance in civil causes in Circuit or Superior courts, except divorces, \$25; trials in civil causes not less than \$25 a day; on defaults in civil causes where statute provides for fees or where the instrument sued on provides for attorney fees, on notes, foreclosure or mortgage, or mechanics liens or other statutory liens, a minimum fee of \$10, plus a percentage commission on the amount due on such claim, except that in the foreclosure of mortgage or mechanics' lien or other statutory or created lien, the minimum fee shall be \$25.

Criminal cases: For defense in city court or justice of peace, of persons charged with misdemeanors, except for liquor law violations, \$10; for defense of persons charged with liquor law violations in these courts, \$50; for defense in liquor law cases in Circuit or Superior courts, minimum fee \$100, provided that if such cause began in city court or in justice of peace court and appealed therefrom, the minimum fee shall be \$100 for trial of such case in both courts; for defense of misdemeanor in Circuit or Superior, other than liquor law violations, \$25; for defense of persons charged with felony, in Circuit or Superior court, fee \$50.

Commissioners' court: Fee for appearance before commissioners or county council, \$10; for preparing and filing any remonstrance or petition there, \$15; for trial before commissioners, \$25 a day; fee for proceedings opening a new highway, \$25.

Justice of peace practice: In all civil cases, minimum fee, \$10.

Corporations: Preparing ordinary article of incorporation and filing and recording same, \$15; preparing minutes first meeting, \$15; prepara-

tion of by-laws, \$15; amendment articles of incorporation, \$15; writing minutes any meeting, \$5; preparing annual report domestic corporation, \$10; foreign corporation, \$25; attending meeting of legal adviser, \$10; preparing papers for bond issues, \$50; preparing papers under any Blue Sky law, \$50; dissolution, \$25.

Bankruptcy: Attorney in ordinary bankruptcy proceedings, \$100; bringing and prosecuting ordinary proceedings, \$50.

#### FOURTH DISTRICT

Dean Paul V. McNutt of Indiana University School of Law was the principal speaker before the Jackson County Bar Association held January 21st. The meeting was held at the Seymour Country Club and all but one or two of the members of the Jackson County Bar Association were present. Mr. T. M. Honan, President of the Jackson County Bar Association, presided. The other officers are O. B. Abel, Secretary; and J. Ross Robertson, Treasurer. Dean McNutt spoke on the work of the Indiana Corporations Survey Commission. Dean McNutt is the Chairman of the sub-committee of this Commission which is now at work in the preparation of material and the necessary work of research that is required for the framing of a new corporation act for Indiana. Dean McNutt stressed the importance of securing the adequate corporation act both for the advantage of business interests and for the advantage of the prosperity of Indiana generally since wise incorporation laws would lead to new business concerns locating in Indiana with consequent advantage to the prosperity of the state. Dean McNutt urged the members present to send to the commission any suggestions that they might have in the framing of the new incorporations act.

#### FIFTH DISTRICT

Due in large measure to the resolutions adopted by the Vigo County Bar Association at Terre Haute, Senator Arthur R. Robinson has revised his bill under which two Federal district courts are to be created in the state of Indiana which hitherto has had one Federal district court. Under the proposed revision the Terre Haute Federal court division will be preserved so that the administration of the Federal court business in western Indiana will continue at Terre Haute as hitherto. It was felt that Senator Robinson's bill as originally drawn might transfer this business to Indianapolis which would be the seat of one Federal district court while the other Federal district court would sit at South Bend. The bar associations of the state are very much in favor of the main features of the bill which involve two Federal courts for the state of Indiana and it seems likely that the bill will pass.

#### SIXTH DISTRICT

The Shelby County Bar Association held a business meeting on Tuesday, January 2nd. In this meeting a report was received covering plans for the annual banquet which is to be held on February 8th at the Strand Alcazar rooms. Dues to the Association were increased from fifty cents to one dollar. A committee was appointed to publish a new booklet which should contain the rules and regulations of the Shelby County Bar Association together with the names of the present and deceased members. New

members admitted to the Association at this meeting were: Ralph Adams, Paul K. Shepard, James A. Emmert, Walter R. Myers, Gordon, Thurston, Emerson Brunner, Virgil Brown, Spencer Harrell, Walter C. Reece and Arthur L. McLane. The officers of the Shelby County Bar Association are: Albert F. Ray, President; George P. Tolen, First Vice-President; Wilbur F. Pell, Second Vice-President; Gordon Thurston, Secretary-Treasurer. Will A. Yarling has served the Shelby County Bar Association as President for the past five years.

#### SEVENTH DISTRICT

Under the will of Mrs. Margaret Butler Snow, widow of Cepheus Henry Snow, the Indianapolis Bar Association is a joint beneficiary with the city of Indianapolis to the residue of her estate. The share of the city of Indianapolis is to go to the furnishing of medical attendance for those who are too poor to secure it themselves; and the share given to the Indianapolis Bar Association is in furtherance of a plan to secure an adequate home for the meeting and the business of the Indianapolis Bar Association. The gift to the Indianapolis Bar Association is in memory of Mrs. Snow's father, John M. Butler, once a prominent member of the Indiana bar.

It is not known how much is involved in this residuary estate. The gift itself is splendidly adapted to the needs of the city of Indianapolis and the part given to the Indianapolis Bar Association will greatly aid in the furtherance of the effective work of that body. It will constitute a splendid tribute to the memory of John M. Butler.

The Indianapolis Bar Association held its monthly meeting on Wednesday, January 18th, at the Columbia Club. The following officers for the coming year were elected: Emsley W. Johnson, President; Walter Myers and Russell Willson, Vice-Presidents; John W. Kern, Secretary; and Donald S. Morris, Treasurer. It was reported that the money willed to the Indianapolis Bar Association under the will of Mrs. Margaret Butler Snow amounted to \$70,000. A committee was appointed to consider its most effective use. This committee will be known as the library committee and is composed of the following: Thomas A. Daily, chairman; Irving M. Fauvre and Hugh D. Merrifield. The chairmen of the other standing committees of the club are as follows: William A. Pickens, amendment of laws; Albert L. Rabb, grievances; Othniel Hitch, entertainment; Ralph M. Spann, house committee; Harvey A. Grabill, employment bureau; Michael E. Foley, advisory; John K. Ruckelshaus, admissions; Earl R. Conder, judiciary; George L. Denny, legal education; Allan P. Vestal, legal ethics; Carl Wilde, auditing; Sidney S. Miller, American citizenship; Martin M. Hugg, memorial meetings; Louis B. Ewbank, admission to Marion county bar; James M. Ogden, interassociation conference, and Leo M. Rappaport, legal aid.

Martin M. Hugg of Indianapolis secured a photostatic copy of the original of the advertisement printed below. Albert L. Rabb kindly forwarded it to the *Law Journal* for use in its columns. This advertisement was read at the recent joint meeting of the Indiana State Bar Association and the Indianapolis Bar Association held February 8th. It is a delightful commentary on the law as practiced in former days, and it may contain some pertinent sidelights on certain phases of the profession now.

"(From the Indianapolis Gazette, March 15, 1923.)

#### LAW FOR SALE

C. Fletcher & J. A. Breckenridge,

As Attorneys and Counsellors at Law, will perform any business in their profession, even that which comes under the denomination of pettifogging, if they are roundly paid for it, in any court in the fifth judicial circuit. They are not desirous of having any professional calls, unless well compensated therefor, either in cash in hand or approved assurances. Their office is situate on Washington street a few paces below Major Carter's tavern.

March 15.

N. B. They do not pledge themselves to those who employ them, to perform their business with correctness, diligence and punctuality, but, like most of the profession, they will do it as well as they know how."

A special committee of the American Association of University Women, Indianapolis branch, has undertaken the study of probation work in the four municipal courts of Indianapolis.

Salaries of bailiffs and court reporters in the Marion County courts, with the exception of the Juvenile and municipal courts, were increased \$600 a year, effective January 1, 1928. This action was taken at a conference of the judges held on Wednesday, January 11th.

Arrangements for a study of crime and its causes and treatments were made on Thursday, January 5, by a committee of the Indiana State Conference of Social Workers which held its annual meeting at Elkhart October 8th to 14th. This committee is to be known as the Indiana Committee on Delinquency and is composed of the following members: W. H. Eichhorn, Chairman; William H. Remy, prosecuting attorney of Marion county; W. A. Hacker, social service director of the Indianapolis public schools; James A. Collins, judge of the Marion county criminal court; Frank J. Lahr, judge of the Marion county juvenile court; M. E. Foley, of Indianapolis, a member of the board of trustees of the Indiana State Prison; Amos W. Butler, former secretary of the Indiana board of state charities; J. A. Van Osdol, of Anderson, president of the Indiana State Bar Association; C. Oliver Holmes, of Gary, state senator and president of the Indiana State Bankers' Association, and Donald DuShane, superintendent of the Columbus (Ind.) schools.

This committee in turn authorizes Charman Eichhorn to appoint separate committees on children's work, institutions, probation, causes and prevention of crime and legal procedure.

#### EIGHTH DISTRICT

The Madison County Bar Association held its regular meeting on Tuesday, January 15th, at Anderson, Indiana. The following officers were elected: President, Charles T. Sansbury, Vice-President, Conrad S. Arkens; Secretary-Treasurer, Philip O'Neill. The chief speaker of the evening was Attorney General Arthur L. Gilliom. He gave a "lawyers' talk" which did not involve political issues. The present officers of the Madison County Bar Association also served the association in the same offices last year.

The attendance at the meeting was excellent, nearly every member of the Madison County Bar Association being present.

"Search and Seizure" was the subject of an address by William H. Bales before the Muncie Bar Association held on Friday, January 13th.

#### NINTH DISTRICT

Kokomo, Indiana, has been guilty of giving birth to an honest lawyer. Gavin McNabb, prominent attorney of California, recently died leaving an estate of approximately \$600,000. In his will, Mr. McNabb bequeathed \$4,000 to two clients who had made investments on his advice by which they later lost money. Mr. McNabb was a native of Kokomo, Indiana, and once worked as a clerk in the Occidental Hotel of that city. Whether this state of honesty and unusual interpretation of professional ethics was learned by Mr. McNabb while a resident of Kokomo or whether he acquired these attributes after moving to California, does not appear from the record.

#### TENTH DISTRICT

Members of the Lake County Bar Association held a most successful meeting on Wednesday, January 4th. Ray C. Thomas, President of the association, presided.

The Tippecanoe County Bar Association passed a resolution opposing the provisions of the bill for two Federal district courts in Indiana. This bill has been introduced in the Senate by Senator Robinson and it is expected that it will pass. The Tippecanoe County Bar Association opposes the provisions of this bill which include Tippecanoe in the territory for the southern district court of Indiana rather than the northern district. Copies of this resolution were sent to the United States Senators and Representatives from Indiana.

#### ELEVENTH DISTRICT

John W. Eggeman, president of the Allen County Bar Association, and Leigh L. Hunt, Chairman of the Entertainment committee, announced that Nicholas Murray Butler, President of Columbia University, will be the speaker at a meeting of the Allen County Bar Association this year.

#### THIRTEENTH DISTRICT

On Monday, January 2, a report was received from Washington stating that the bill introduced by Senator Robinson which provides for two district courts in Indiana had been reported favorably by the Senate Judicial Committee. It was expected that the bill would pass the Senate and the House when it was voted upon.

The monthly meeting of the St. Joseph County Bar Association was held at South Bend on Wednesday, January 24th. Frank Gilmer, President, presided. Andrew Sheriff, member of the Chicago bar, spoke on "The Importance of Professional Identity," and Charles P. Wattles, member of the Northern Indiana Abstract Company, spoke on "The Effect of Federal Judgments as Liens on Real Estate."