

Spring 1944

# Proceedings of the Mid-Winter Meeting

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## Recommended Citation

(1944) "Proceedings of the Mid-Winter Meeting," *Indiana Law Journal*: Vol. 19: Iss. 3, Article 5.  
Available at: <http://www.repository.law.indiana.edu/ilj/vol19/iss3/5>

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# PROCEEDINGS

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## MID-WINTER MEETING

The general meeting of the Indiana State Bar Association was called to order at 2:30 p.m., January 8, 1944, in the Assembly Room, Claypool Hotel, Indianapolis, Honorable Carl M. Gray, presiding.

### SPECIAL COMMITTEE ON AMENDMENT AND BY-LAWS OF THE CONSTITUTION

James R. Newkirk, chairman

It was the concensus of the committee that in organizing sections of the Association that the general by-laws should not limit the membership, should not require payment of dues and that the sections should not sponsor legislation.

The committee requested the chairman of the existing sections to submit suggestions and recommendations. The submission of a formal report was postponed until the Annual Meeting. The report was adopted.

### SPECIAL COMMITTEE ON CRIMINAL LAW SECTION

Howard Caughran, chairman

The committee reported that it held a meeting devoted to a discussion of the proposed rules of criminal procedure in federal courts and their applicability to practice in state courts. Both a morning and an afternoon session was held. The interest and attendance encouraged the committee to believe that a criminal law section of the Association was desirable. The report was adopted.

### SPECIAL COMMITTEE ON INSURANCE SECTION

Clarence E. Merrill, chairman

Approximately thirty members interested in insurance law met and after a discussion of the desirability of a section passed the following motion:

“. . . It is the sense of this meeting that an insurance section of the Indiana State Bar Association should be organize as a part of such Association and that a committee heretofore appointed by the President of the Association to

organize such a section be continued; and that it be requested to prepare necessary papers to effect such organization to be acted upon at the time of the regular meeting of the State Association in 1944, and that in connection with such meeting a program dealing particularly with insurance questions of interest to lawyers be arranged. . . ."

The report was adopted.

SPECIAL COMMITTEE ON PROPERTY AND  
TAXATION SECTION

A tax clinic attended by nearly 100 persons was held by the committee. The continuation of the section seemed thoroughly justified and the following were selected as officers until the next meeting of the Association:

Frank Olive, Indianapolis, Chairman  
Bruce H. Johnson, Indianapolis, Secretary  
Merle H. Miller, Indianapolis  
Leroy Sanders, Indianapolis  
Isadore Kahn, Evansville  
Woodson S. Carlisle, South Bend  
Walter B. Keaton, Rushville  
Members of the Council

The report was adopted.

SPECIAL COMMITTEE ON UTILITY SECTION

Russell P. Harker, chairman

". . . The Committee was of the opinion that a Utility Section should be established.

"The Committee was of the further opinion that the by-laws pertinent to this Section should be those common to all sections, and should be a part of the by-laws of the Association and should provide for the general functions, membership and organization of the Section. . . .

". . . It was the consensus of opinion of the Committee that the general by-laws of the Association pertaining to sections,

- (1) should not limit the membership,
- (2) should not require the payment of dues,
- (3) should provide that the section could not bind the Association without Association approval, . . .
- (4) should not sponsor legislation as a section. . . .

. . . (5) should limit its activities with regard to legislation to discussion thereof and to such action as might be taken by the individual members of the Section, or as an agency, and in the name of the Association after Association approval. . . .

. . . (6) should have such separate part in the program at the meetings of the Association as might be allotted to it, and . . .

. . . (7) should discharge any duty referred to it by the Association. . . .

. . . The section approved the prior action of the committee, continued the present chairman of the committee to form a utility section as chairman of the section and elected the following additional officers of the section:

Robert R. Batton, Marion, Vice-Chairman

Ralph W. Husted, Indianapolis, Secretary

The section authorized the chairman to appoint a committee to arrange a program for the regular 1944 section of the Association.

The chairman appointed as such program committee,

Albert H. Cole, Peru, Chairman

Milo N. Feightner, Huntington

L. L. Bomberger, Hammond

Donald Smith, Indianapolis

Ernest Scotten, Newcastle . . .”

The report was adopted.

#### SPECIAL COMMITTEE ON JUVENILE DELINQUENCY AND PROBATION

John Robb Emison, chairman

“. . . In brief and in general the section suggested and recommended:

1. Giving courts of juvenile jurisdiction power to commit children to any and all state rehabilitory and correctional institutions available to children, and provide institutions for children not habituals but who require correction.

2. That no authority be delegated to any person or agency or administrative body not appointed by and subject to the supervision of the court.

3. Creation in each county of the state of a probation department, adequate for the needs of that county, responsible to the court, to handle matters pertaining to juveniles, and

make it mandatory for county courts and the State Tax Board to appropriate and pass favorably upon appropriations for such purpose.

4. Resistance to attempted encroachment by welfare agencies on the power and authority of courts in matters pertaining to juveniles.

5. Drafting of acts appropriate to present-day problem as it relates to juveniles.

It was the view of all present that the special committee should be continued for the purpose of drafting suitable action to be submitted to judges, prosecutors, Bar Associations, heads of State Institutions concerned with juvenile problems, not later than May, 1944, to the end that this association at its summer meeting in 1944 might formally approve same for presentation to and enactment by the General Assembly to meet in 1945. . . ."

The report was adopted.

#### SPECIAL COMMITTEE ON JUDICIAL SECTION

Judge Fitzgerald, chairman

" . . . Your committee appointed to form a Judicial Section of the Indiana State Bar Association is happy to report that a Judicial Section has been formed, and the following judges form the framework for the Judicial Section:

Judge James Botarp, Jeffersonville, Chairman

Judge John H. Morris, Newcastle, Vice-Chairman

Judge Frank Russell, Tipton, Secretary

Judge Raymond B. Rufus, Greensburg

Judge John W. Bowman, Brazil

Judge Edgar A. Rice, Crawfordsville

Judge John C. Brannon, Brownstown

Judge Mose O. Leopo, Renssalaer

Judge Charles E. Smith, Anderson

Judge William E. Wyler, Elkhart

Judge William H. Shannon, Fort Wayne

Judge Frank Banton, Mishawaka

Judge Harold Hendrickson, Boonville

Judge Frank Gilbickson, Shoals,

Members of the Council . . ."

" . . . PRESIDENT GRAY: Is there any new business?"

MR. NEWKIRK: . . . The legislature at the last session transferred the publication of the Indiana Appellate and Supreme Court reports from the Office of the Secretary of State to the reporter of the Supreme Court. . . .

. . . It was contemplated that the reporter would issue an advance sheet so that the decisions would be received promptly, and I understand that this was a service that we could expect from the reporter of the Supreme Court.

Now, I don't think anything has been done. . . .

. . . I, therefore, move that a committee of three be appointed, Mr. President, to investigate that matter and to report to the association with some recommendations at the annual meeting. . . ."

The motion was carried.

#### YOUNG LAWYERS SECTION

Floyd E. Harper, chairman

The section offered as a resolution and subsequently submitted as a report the following:

" . . . That the Indiana State Bar Association under the leadership of its Vice President, who is an ex-officio Chairman of the Membership Committee, institute as soon as possible a membership campaign in each county in the state, utilizing for that purpose the local bar association in the various counties and the membership of the association now existing in the various counties for that purpose. . . .

. . . That the Chairman of the Membership Committee call upon the Young Lawyers' Section of the Indiana State Bar Association for such assistance as it may be able to render in this connection. . . ."

The resolution originally included the recommendation that dues of members in the armed services be suspended but this was withdrawn when it was determined that this action had already been taken.

The report was adopted.

" . . . PRESIDENT GRAY: Now, is there any other new business? . . .

MR. FEIBLEMANS: Mr. President, I have the privilege of being Chairman of the Committee on Amendments to the Bankruptcy Law, and in talking with Frank Olive who has

been an efficient section chairman, it occurred to us that it might be well to form a section on laws for business, because we can all foresee that after the war, there is going to be much in the way of reorganization and readjustment in business conditions that are going to require serious consideration. Therefore, I make the suggestion that the Committee on Amendments to the Bankruptcy Law be merged in a section that shall have as its chief concern the law of business. . . ."

The suggestion of Mr. Feibleman was made a motion and was seconded and carried.

" . . . PRESIDENT GRAY: Any other new business?

MR. EMISON: On behalf of the Association, I want to express our thanks and appreciation to Mr. Gray for a most interesting and instructive section of the Indiana State Bar Association. . . .

PRESIDENT GRAY: I greatly appreciate your kindness, but I am not responsible for this program. For the Tax Section of the Program, Mr. Olive arranged that program, and the splendid gentlemen who assisted in the program made it possible. The Criminal Section, Mr. Caughran and Mr. Campbell, Judge Shake, and Judge Emmert arranged the part of the program in reference to the rules of procedure. I had nothing to do with that part of the program. Judge Emison and Judge Rhoades and the other members on the special committee arranged that part of the program.

This is a program of the Bar Association, arranged through the cooperation of the membership of the association, and I am delighted that we are working together harmoniously. I believe as a result of the harmonious spirit that has been exemplified in arranging this program and carrying it out, that great things lie ahead for the legal profession in this state. . . ."

The meeting adjourned at 3:45 p.m.