

2-1942

Board of Managers Meetings

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Recommended Citation

(1942) "Board of Managers Meetings," *Indiana Law Journal*: Vol. 17: Iss. 3, Article 9.
Available at: <http://www.repository.law.indiana.edu/ilj/vol17/iss3/9>

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BAR NEWS

BOARD OF MANAGERS MEETING

In accordance with the program of The Indiana State Bar Association to cooperate in every effort toward the furtherance of the war, a meeting of the Board of Managers was held on January 3rd, 1942 in the Claypool Hotel at Indianapolis. The Committee on Entertainment and the Committee on Public Relations also met with the Board of Managers. There were present as special guests Col. Hitchcock and Major Dunkel of the Indiana State Selective Service Headquarters and Commander Mathews of the United States Navy.

The Hon. Clarence A. Jackson, State Director of Civilian Defense, spoke briefly concerning defense problems in Indiana. Jeremiah L. Cadick, chairman of the Association's Committee on National Defense, reported that representatives of the Association were active in advising selectees, members of the armed service, and their families of their rights and interests under the Soldier and Sailors Civil Relief Act and the War Insurance Act.

Following the general meeting, the Committee on National Defense held a meeting to perfect its organization and to enlarge its plans for cooperation and helpfulness in the national emergency.

The Board of Managers also held a meeting for the discussion of the budget of the Association and to plan for the midwinter meeting.

Mr. Verne G. Cawley, chairman of the Budget Committee, reported on the present state of finances and recommended a budget for the current Association year. The report was approved by the Board of Managers which also determined that the fiscal year for the Association should be fixed from July 1, to June 30 of each year. It is the intention of the Board to adhere strictly to the budget so that the finances of the Association will be placed on a sounder foundation than has heretofore been possible without the guidance of a budget.

March 14, 1942 was selected as the date of the midwinter meeting. The Board agreed that this later date was desirable in order to escape the hazards and inconveniences of icy roads.

A legal institute to be held in conjunction with the midwinter meeting was also agreed upon by the Board of Man

agers. The subject of the institute will be the proposed Code of Evidence of the American Law Institute. Professor Edmund M. Morgan, Harvard Law School, will lead the discussion. The date of the institute will be March 13, the day preceding the midwinter meeting. Both meetings will be held at the Lincoln Hotel in Indianapolis.

The morning session begins at 10 o'clock. Professor Morgan will give a general discussion of the changes in the hearsay and opinion evidence rule and the discretion of trial judges. Professor Alfred Evens will discuss the effect of the changes in Indiana.

The afternoon session will consist of a round table discussion by Professor Morgan, Judge Herbert E. Wilson, Marion Superior Court, Eli Seebirt of South Bend, Phil M. McNagy of Fort Wayne, and Telford Orbison of New Albany.

The Committee to hold the referendum to be conducted in accordance with the motion of Judge O'Byrne passed at the last annual meeting of the Association, met following the Board of Managers meeting. A ballot was prepared and each member is urged to submit his views in order that the widest and most representative expression of opinion on the subject may be obtained.

The Indiana State Bar Association announces that the dues of all members of the Association engaged in active military service are suspended.

THOMAS C. BATCHELOR, *Secretary*

Under authority from the Board of Managers, President Wilde appointed two new committees. A committee to consider HR146, an act to provide for trials upon the issue of the good behavior of federal judges. The committee is composed of the following:

Wilmer T. Fox, Chairman, Jeffersonville
Louden L. Bomberger, Hammond
Albert H. Cole, Peru

The second committee is known as the Committee on Cooperation with the American Law Institute. It consists of the following members:

Alan W. Boyd, Indianapolis, Chairman
Dean Bernard C. Gavit, Indiana University School of Law
Dean Clarence Manion, College of Law, University of Notre Dame
Dean Addison M. Dowling, Indiana Law School
Charles C. Fox, Jeffersonville.

A CONSOLIDATED BAR ROUND TABLE.

Dramatis personae: *Stayput Standpat*, an ultra-conservative lawyer; *Judge Precedent*, suspicious of novelty; *Tittlebat Titmouse*, an ambulance chaser; *Oily Gammon*, an unethical practitioner; *John Forthright*, an advocate of consolidation.

Stayput Standpat: I don't like this consolidated bar. It smack too much of regimentation. It is a glorified C.I.O., a composit photograph of Hitler, Mussolini and Stalin; a medley of fascism, communism and socialism.

John Forthright: What do you mean by "regimentation"? If you mean *regulation*, then you must disapprove of rules regulating admission to the bar, rules prescribing the orderly procedure of courts, and rules governing the practice of law. In fact, you must disapprove of all law, for law, as Blackstone says, is a "rule of action, commanding what is right and prohibiting what is wrong." That is simon-pure "regulation." Every lawyer consents to regulation in his profession when he enters practice, and he never avoids it until he finally retires from the bar.

Tittlebat Titmouse: I hate consolidation because it interferes with my right to get business as I please. I won't let anybody boss me when it comes to acting as a touter and drumming up business for my firm of Quirk, Gammon and Snap.

John Forthright: Men like you have brought the bar into disrepute. You have a perfect right to earn a living in a lawyerlike way, but you have no right to get more than your share of business by resort to high-pressure methods of solicitation. The consolidated bar has machinery which can eliminate your breed, unless you mend your ways.

Judge Precedent: I question the advisability of anything which does not have unanimous consent of the legal profession. I hear there are lawyers who do not advocate a consolidated bar.

John Forthright: You would doubtless disapprove of examinations for admission to the bar; non-partisan selection of judges; rule-making power of the Supreme Court; uniform statutes on negotiable instruments, trustees, sales and ware-

houses; and public health and safety laws, for each of these has its opponents. If we wait until 100% of the bar wishes to move forward on any proposal, we shall remain mired in our tracks.

Oily Gammon: I am opposed to consolidation because I would feel humiliated at being required to pay a fee for practicing law, after practicing for twenty years, free from such an imposition.

John Forthright: Other occupations are asked by the state to pay a license fee; why should lawyers consider themselves immune. Life insurance agents pay annually from \$1.00 to \$10.00; collection agencies pay \$2.00; certified public accountants, \$3.00; dentists, \$3.00; pharmacists, \$5.00; engineers, \$5.00; architects, \$25.00; live stock buyers, \$125.00. The fee is the only practical method for raising funds sufficient to carry on the broad and valuable activities of the consolidated bar. The lawyer who pays receives many times more than he contributes, in professional prestige, protection from unfair and unethical competition, bar association benefits, legal institutes, opportunities for bar and public service, a fairer chance to obtain legal business and improved courts in which to practice.

Judge Precedent: But I have doubts about the constitutionality of such a licensing system.

John Forthright. These license fees do not take property without due process of law, nor deny the lawyer the equal protection of the laws, for the practice of law is not an inherent, constitutional right, but a vocational privilege or franchise, suitable for regulation in the public interest. Every lawyer, on admission to the bar, voluntarily becomes "an officer of the Court." As such, he may justly be required to contribute reasonably to facilitate the operation of the courts wherein he practices. Such assessments are not taxes, but regulatory measures, whereby the court's control over its own officers is rendered effectual.

Stayput Standpat: I still don't like this idea of having any dictation exerted against me in my profession. I practiced law fifty years without it, and I don't propose to be coerced now.

John Forthright: A consolidated bar is not a coerced bar. Each member is free to take part in its activities or abstain therefrom. He need attend no meetings, cast no ballot, subscribe to no policy. He may criticise and attack anything the bar proposes. He may help elect or defeat a candidate for the Board of Managers, or seek election thereto himself. His only positive obligation is to pay a trifling annual fee as incidental to his membership in an organization created by law, and which has been held to be a "body politic." Membership in a body politic, whether county, city, park district, drainage district or consolidated bar, is not dependent upon the individual citizen's consent.

Tittlebat Titmouse: I am still against consolidation, for it is the child of the capitalist, and I am for the poor man, always. He is my oyster.

John Forthright: If consolidation is the tool of big business, it is passing strange that where big business is biggest, consolidation has made least headway, namely, in New York, Chicago, Philadelphia and Boston. None of the states where these cities are located has adopted it. It has spread rapidly in the West and South, where capitalism is not powerful. If it is an offshoot of Wall Street, it should have entered the United States through New York. In fact it began in North Dakota in 1921, in an agricultural region not partial to capitalism.

Stayput Standpat: I don't see that consolidation is necessary. Don't we have the State Bar Association to serve the bar as a whole, and disbarment statutes to take care of the wrongdoers?

John Forthright: Only 45% of the lawyers and judges of Indiana belong to the State Bar Association. Its revenues are inadequate to carry on more than a fraction of the good work it might do. No better plan for raising funds for financing bar association activities has ever been suggested than that which the consolidated bar affords.

Indiana disbarment statutes are obsolete, being unchanged for 60 years. Experience proves that unworthy lawyers in Indiana are seldom disbarred or even disciplined. The State Bar Association has no power in the matter; courts and juries are reluctant to act. Consolidation provides a

method, which, in other states, has proved successful in coping with situations now a disgrace to the Indiana bar.

Stayput Standpat: The good old days and the good old ways are good enough for me.

Judge Precedent: I withhold judgment until 47 other states have tried and approved it.

Tittlebat Titmouse: Ambulance chasing and consolidation don't mix. I, as a hearse hound, vote for ambulance chasing and against this consolidated bar.

Oily Gammon: I am a conscientious objector against anything as ethical as a consolidated bar.

John Forthright: (addressing himself to Tittlebat Titmouse and Oily Gammon): "The thief ne'er felt the halter draw with good opinion of the law."

John Forthright: (addressing himself to Stayput Standpat and Judge Precedent): "None are so blind as those who will not see."

By the Committee on Consolidation
of the Bar, of the Indiana State
Bar Association