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Announcements

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CONTRIBUTORS OF LEADING ARTICLES

Hugh Evander Willis: A. B., Yankton College, 1897, A. M. 1899, LL. D. 1925; LL. B. University of Minnesota, 1901, LL. M. 1902. Professor of Law, Indiana University School of Law.

Albert Stump: A. B. Indiana University 1912, J. D. *cum laude* University of Chicago 1917; veteran of World War; entered the practice of law in Indianapolis in 1919 as a member of the firm of Claycombe, Givan & Stump. At present a member of the firm of Claycombe & Stump, Indianapolis, Indiana. Democratic candidate for United States Senator in 1926 and in 1928.

James W. Noel: B. S. Purdue University 1892, LL. B. Indiana Law School 1895; admitted to the bar 1895; member of Indiana General Assembly 1899; general counsel, Indiana Coal Commission 1920-1921; trustee Purdue University 1907-; member of Indianapolis, Indiana State and American Bar Associations. At present Mr. Noel is engaged in the practice of law as a member of the firm of Noel, Hickam, Boyd & Armstrong, Indianapolis, Indiana.

THE PROPOSAL TO HOLD A CONSTITUTIONAL CONVENTION

Shall Indiana call a constitutional convention? In view of the importance of this question President Ogden and the Board of Managers decided to devote most of the afternoon session of the Mid-year Meeting of the State Bar Association to a discussion of the advisability of holding a constitutional convention in 1931. Two excellent papers were read, one by the Hon. Albert Stump favoring, and the second by Hon. James W. Noel opposing the holding of a convention. These two papers, and a third by Professor Hugh E. Willis on "Revision of the Indiana Constitution," appear in this number of the Journal. The paper by Professor Willis was written some time ago for publication in the Journal and without reference to the discussion at the meeting of the association, but as a matter of convenience to the readers it was decided to publish the three papers together.

COMMITTEE ON APPOINTMENT, NOMINATION AND ELECTION OF JUDGES

A written report by the committee was submitted to and adopted by the State Bar Association at the Mid-year Meeting. The full text of the report is published in this number of the Journal as a part of the mid-year meeting proceedings.

Inasmuch as the effective carrying out of the recommendations embodied in the report will depend largely upon the action of local bar associations, the committee urges that the recommendations embraced in the report be given immediate and careful consideration by all local associations.

MID-YEAR MEETING

The Indiana State Bar Association held its annual mid-year meeting at the Columbia Club in Indianapolis on Thursday, January 16, 1930. The morning session was devoted to a discussion of the recommendations of the Indiana Crime Conference. The meeting was opened by President James M. Ogden, who spoke briefly before introducing James A. Van Osdol, chairman of the Committee on Observance and Enforcement of the Law. Mr. Van Osdol stated the purpose and plans of the Indiana Crime Conference. (See *V Ind. Law Jour.* (Jan. 1930) p. 288 for full statement). A general discussion followed. A resolution was adopted commending Governor Leslie for calling the Crime Conference, the resolution pledging the Indiana State Bar Association to support "every agency that has for its aims the creation of a higher respect for law."

The members of the association were guests of the Indianapolis Bar Association at a luncheon served in the Columbia Club.

The afternoon program consisted of committee reports and a discussion of the proposal to call a constitutional convention for Indiana in 1931.

The Hon. James Bingham of the Indianapolis Bar, chairman of the Committee on Appointment, Nomination and Election of Judges, presented the following report:

Mr. Chairman:

The Committee on Appointment, Nomination and Election of Judges begs leave to make the following report:

The committee, pursuant to call of the chairman, met at the Columbia Club at 9:00 o'clock A. M. this January 16, 1930, with the following named members present and participating:

Wymond J. Beckett, John M. Rawley, Emerson E. McGriff, Thomas E. Davidson, James Bingham.

It is the sense of the members present that an effort should be made on the part of the committee and of the members of the Bar Association to encourage lawyers generally and particularly the local Bar Associations throughout the state to become

active in encouraging the candidacy of the ablest, best fitted and qualified candidates possible for nomination for judicial positions on both the leading political party tickets in the respective judicial circuits of the state, where judges are to be elected at the next general election, and in event of appointments to fill vacancies to engage in the same activity with reference to encouraging the candidacy of candidates for such appointments, and likewise to encourage the candidacy of candidates of pre-eminent qualifications and fitness for the nomination for judges of the Supreme and Appellate Courts of the state on both of the leading political party tickets.

First: The committee recommends that in densely populated circuits or otherwise where the merits of candidates are likely not to be well understood and appreciated by the electorate generally, such Bar Associations in their respective spheres of operation should cause fearless, impartial but just and fair investigations to be made of the facts bearing upon the fitness and qualifications of such candidates for the judicial positions sought by them and to cause full, complete and frank reports of such investigations to be made and published for the consideration of the electorate that will vote for such candidates. It is the firm belief of the members of the committee that the electorate generally is desirous of electing the very best fitted and qualified candidates for all judicial positions and that where the character and fitness of candidates have been under the observation and scrutiny of their associates in the practice of their profession, their qualification is of necessity well known to the other members of the profession in the respective localities involved and that where the circumstances are such that the electorate generally cannot possess such intimate knowledge thereof, the electorate will not consider it presumptuous on the part of members of the profession to give the electorate the benefit of an expression of choice of candidates on the part of the members of the profession, for its consideration, to enable it to act more intelligently, in passing upon the merit of the respective candidates. Such a plebiscite has been conducted by the Indianapolis Bar Association when there were numerous candidates for judicial nominations and in every instance, except and save one, the candidates who received the majority of the votes of the members of that association at such plebiscite were nominated, and in the single instance in which there was an exception, the candidate that was nominated was a close second in the vote of the

members of the Bar Association and the committee therefore suggests to such associations that based upon the experience of the Indianapolis Bar Association in this regard, it would not be inadvisable for such local Bar Associations to conduct plebiscites, under the circumstances described, whereby a secret ballot of the membership of such Associations will be taken, as an expression of the choice of candidates of such Bar Associations for such judicial positions, to be published for the consideration of the proper electorate. The committee does not however recommend a plebiscite on the part of the State Bar Association, to express choice of candidates for the nomination for the Supreme and Appellate judges, for the reason that the members of the State Bar Association generally cannot and will not be possessed of that intimate knowledge of the fitness and qualifications of all those who may become candidates for these judicial positions, that will justify the association in so seeking to influence the nomination of such candidates, and that it will not therefore, in the opinion of the committee, be just either to the electorate of the state or to those who may become candidates, for the membership of the State Bar Association to give such an expression of choice of candidates for these positions, but the committee does recommend that the same fearless and impartial investigation be made and published of the facts concerning the fitness and qualification of candidates for judges of the Supreme and Appellate Courts, as is recommended in this report to be made and published concerning the fitness and qualification of other judges.

Second. At the next general election two Supreme judges and four Appellate judges will be elected; that is to say, six of the eleven Supreme and Appellate judges of this state will be elected at the next general election. It is therefore considered by the committee to be extremely important that the State Bar Association and all of its members and all of the lawyers in this state, who are interested in the maintenance of the high standards of these courts, should immediately become active in encouraging the candidacy of the ablest, strongest, best fitted and equipped candidates, that can be found, for these high judicial positions on both the tickets of the leading political parties of the state of Indiana, and that the State Bar Association, its members and the lawyers of the state generally, should give every encouragement possible to the electorate of the state, to interest itself in selecting for these judicial positions the choicest

and best of all those who offer themselves as such candidates for these positions.

The committee further suggests that out of the eleven candidates for state office, to be nominated, upon the state tickets this year, six thereof will be candidates for judicial positions and that under such circumstances it will be eminently proper for lawyers to seek to be made delegates to the state conventions at which nominations for the respective state tickets will be made.

Third: It is the belief of the members of the committee that in nominating candidates for judicial positions, at the same sessions of the state conventions, at which candidates for executive and ministerial offices are nominated, there are often combinations formed, trading of support, general wire pulling and political log rollings indulged in, that not infrequently results to the disadvantage of the state judiciary. in the selection of candidates for its judges and since under the present state of our primary election law, it does not seem expressly permissible to hold a separate state convention for the nomination of judges, for the purpose of ridding the judiciary of these unfortunate influences and for the purpose of securing, concentrating and making eective, the influences that will bring out the best possible nominations of candidates for judges of our Supreme and Appellate Court, the committee recommends that a separate session of the state convention be held of both the leading political parties of the state, for the purpose of nominating the candidates for judges of our Supreme and Appellate Courts, at least thirty days in advance of an adjourned session thereof held for the nomination of the candidates, for the executive and ministerial offices of the state.

This committee does not desire to invade the province of the committee on judiciary and law reform of this association, but since it is the belief of this committee that a separate judicial convention composed of delegates separately selected therefor should be held to nominate candidates for judges of the Supreme and Appellate courts of this state, this committee recommends for the consideration of the Committee on Judiciary and Law Reform, the advisability of such amendments to the primary election law as will in the future expressly authorize the holding of such separately so constituted judicial conventions.

Respectively submitted,

JAMES BINGHAM,
Chairman.

On motion the report was adopted as read.

The program of the evening session consisted of a dinner at the Columbia Club followed by an address by the Hon. James M. Beck, former solicitor general of the United States and at present a member of the House of Representatives from Pennsylvania. President Ogden presided at the dinner meeting and introduced the speaker of the evening. Mr. Beck discussed "Changes in the Conception of the Constitution."

In addition to Mr. Beck and President Ogden the following persons had places at the speakers' table: Governor Harry G. Leslie; Judge Julius C. Travis, chief justice of the Supreme Court; Judge Charles F. Remy, representing the Appellate Court; Judge Robert Baltzell, representing the Federal bench; Judge Harry O. Chamberlin, representing the Marion County bench; James A. Van Osdol, past president of the State Bar Association; Albert Stump and James W. Noel, of the Indianapolis bar, and speakers on the afternoon program; Meredith Nicholson, writer and civic leader; Samuel O. Pickens, of the Indianapolis bar; William L. Taylor, president of the Indianapolis Bar Association; Mayor Reginald H. Sullivan; W. W. Miller of Gary, vice-president of the Indiana State Bar Association; Joel L. Baker, secretary-treasurer of the association; Dan Simms of Lafayette and George Dix of Terre Haute, past presidents of the Bar Association; M. E. Foley, retiring president of the Indianapolis Bar Association, and Rev. Virgil E. Rorer, who delivered the invocation.

THE BUSINESS OF THE APPELLATE COURT AS AFFECTED BY LEGISLATION IN THE LAST GENERAL ASSEMBLY

The act of the 1929 General Assembly (Acts Indiana General Assembly, 1929, Ch. 123, p. 429) giving temporary jurisdiction to the Appellate Court over criminal appeals in certain cases has increased the number of cases before the Appellate Court during 1929 both by increasing the number of appeals to the Appellate Court, and also by transferring a large number of cases "now pending." Another act (Acts of Indiana General Assembly, 1929, Ch. 121, p. 424) is now operating to decrease the number of appeals in criminal cases. This act limits the power of the courts to admit a defendant to bail, pending appeal, to cases where there is a showing of a probability of reversal of the judgment.

Despite the increase in the number of cases before the Appellate Court during 1929 an investigation of the record in the office of the clerk discloses that there were more cases decided for the year 1929 than were filed during the same period. The following statement, obtained by the Journal from the record in the clerk's office, is published for the information of the members of the association:

STATEMENT SHOWING NUMBER OF CASES FILED IN
AND DECIDED BY THE APPELLATE COURT FROM
JANUARY 1, 1929, TO JANUARY 1, 1930

Number civil cases filed from January 1, 1929, to January 1, 1930	289
Number criminal cases filed from January 1, 1929, to January 1, 1930	166
Total number of cases filed, both civil and criminal, from January 1, 1929, to January 1, 1930.....	455
Number civil cases decided between January 1, 1929, and January 1, 1930: 227 affirmed, 83 reversed, 17 dismissed, 4 transferred; total.....	331
Number criminal cases decided between January 1, 1929, and January 1, 1930: 126 affirmed, 20 reversed, 9 dismissed, 3 transferred; total.....	158
Total number of cases, both civil and criminal, decided from January 1, 1929, to January 1, 1930.....	489
Number civil cases undecided January 1, 1930 (37 fully briefed)	217
Number criminal cases undecided January 1, 1930 (2 fully briefed)	8
Total number cases, both civil and criminal, undecided January 1, 1930 (39 fully briefed)	225

The present judges of the Appellate Court are: Solon A. Enloe, of Danville; Charles F. Remy, of Indianapolis; Willis C. McMahan, of Crown Point; Alonzo L. Nichols, of Winchester; Elmer Q. Lockyear, of Evansville, and Noel C. Neal, of Noblesville. The first four were first elected in 1918, and re-elected in 1922 and 1926. Their present terms will expire December 31, 1930. Judges Lockyear and Neal were first elected in 1928, and their present terms will expire December 31, 1932.