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President's Annual Address

Wilmer T. Fox
Indiana State Bar Association

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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

PRESIDENT'S ANNUAL ADDRESS

By WILMER T. FOX*

The By-Laws of this association require that the president shall at each annual meeting deliver an address, but are silent as to its length and subject. As to the former, the admonition of the minister's wife to her husband that his sermons "should be like a woman's dress,—long enough to cover the subject, but short enough to be interesting" should be acceptable. As to the latter, I have read the title of the annual address of each president since our association held its first meeting in 1897. While more than half were learned discussions of propositions of law, a goodly number have dealt with its concrete and practical problems. The first annual address was delivered by Hon. Benjamin Harrison, then a past president of the United States, and his subject was "Promoting the Administration of Justice". For the past four years my predecessors have taken no specific subject, but have emulated the example of presidents of private corporations in their annual reports to their stockholders by giving a history of the year's work and the problems of the ensuing one. The selection of some proposition of law for an address would have been easier and less controversial, but for the good of the order I shall take the harder course selected by my immediate predecessors, adopting as my subject that last specifically used in 1898,— "Our Association". Before discussing this subject I take this opportunity of expressing to the officers and committees of this association my appreciation of their loyalty and support; what we have accomplished working together has been possible only because of the cooperation of the individual members. To you also I express my debt of gratitude. In

* Address of Wilmer T. Fox, president of the Indiana State Bar Association, delivered at the annual meeting of the association, September 6, 1935.

return for this loyalty and confidence I have worked hard and have evaded nothing that has come up for attention although it has entailed many hours of work late into the night, the writing of almost a thousand letters and the devotion of the equivalent of more than seventy-five days of eight hours each to the affairs of the association. The utility of these efforts is not for me to appraise.

OUR ASSOCIATION

Our association has very definite purposes and it is appropriate to pause and read its object as expressed in Article II of the constitution:

"This Association is formed, not for pecuniary profit, but to cultivate the science of jurisprudence; to secure the efficient administration of justice; to promote reform in the law; to facilitate proper legislation; to effect thorough legal education; to uphold and advance the welfare of the profession of law; and to encourage social intercourse among the lawyers of the State of Indiana."

One of the brightest spots in my year's work, brought about after many contacts in person and by correspondence, is the realization that almost every member knows and wholeheartedly approves not only these purposes of our organization as stated by its founders almost four decades ago, but also that nearly every member is sold on the merit of the specific concrete methods of attaining these objects that have crystallized in recent years and that are yet in large measure to be brought into effective operation.

I am sounding no note of pessimism; it is true that a prodigious amount of work lies before us if the administration of justice is to be as speedy, as efficient, as honest and as fair as human agencies can make it. But it is also true that the founders of this association builded perhaps better than they knew and that at the end of thirty-eight years the accomplishments of the association are greater than we realize. One of the members of our present Board of Managers expressed the hope that sometime he could

write a history of all the contributions to date of our association in the improvement of our profession and the administration of justice. He pointed out that in the aggregate the bills carefully studied, sponsored and enacted at the request of this association are very considerable; but, that greater in number are the contributions to the administration of justice not specifically sponsored by this association, but which in most instances are the outgrowth of contributions to the science of jurisprudence made on the floor of this association or through the pages of the Indiana Law Journal. Examples are the numerous laws on criminal procedure passed by the recent and former sessions of the General Assembly; that these will materially aid law enforcement officers is obvious; but none of them were specifically sponsored by this association. They were, however, discussed by speakers and recommended by committees of this association and without the forum provided by this association and its Journal, would doubtless be unenacted at this time.

It should be noted, however, that the progress made in improving criminal procedure is to a considerable extent nullified so long as the anachronism remains in Article 1 Section 19 of the Constitution of Indiana that in all criminal cases whatever the jury shall have the right to determine the law. Time was turned back a century when this archaic provision was read into the fundamental law of the State. The decision in the case of *In re Todd* makes possible by 1940 the enactment of an amendment that will correct this mistake made eighty-four years ago.

Some years ago the association, on the recommendation of its Committee on Jurisprudence and Law Reform, decided not to sponsor any specific laws (no matter what their merit) until its major legislative program had been enacted. At first blush, it appears that one-third of this three-fold program has now been accomplished, but when the full program is studied, almost half will be found to now be a reality. The program consisted of a bill to restore to the Supreme Court the power to make rules of procedure; this bill was not enacted at either the 1931, 1933 or 1935 sessions of the General

Assembly. Its importance in the administration of justice can not be doubted and need not here be emphasized, but why it again failed of enactment this year will be told in the report of the Legislative Committee.

The next bill in the program is the one creating a research and fact-finding body known as a Judicial Council. This bill, with an annual appropriation of \$2,500.00, is now a law, exactly in the form endorsed by this association. While the appropriation is not adequate, it is all that was asked and all that could be expected when budgets must be so carefully pared, and will insure the committee working funds. The character of the men appointed on the Council and their interest in the administration of justice, give it an auspicious start. The newly created Judicial Council will be given an opportunity to be heard on this program, if their organization has proceeded sufficiently for them to take advantage of the offer. It is obvious that the council will have the support and cooperation of our association, and that its field of usefulness is almost unlimited.

At the outset the Judicial Council will be confronted with the use of the power now vested in the Legislature to increase the Supreme Court to not more than eleven members under the amendment to the constitution proposed by the 1897 and 1899 sessions of the General Assembly. The wise solution of this problem is not so simple as it appears at first blush; and whether this association should merely tender its services to the Judicial Council, or, whether through its Committee on Jurisprudence and Law Reform or through a special committee the association should make an independent study and recommendation is an important question of policy confronting you during the next year. Believing that the expression of the members of this association through the Indiana Law Journal would be of value, you were in the April issue invited to use the pages of the Journal to express your opinion on increasing the size of the Supreme Court, but if any took advantage of the invitation, your contribution to the solution of this problem has not been called to my attention.

The last in the program is the integrated bar movement. This consists of more than the bill sponsored by this association and known as the Integrated Bar Bill. The movement consists of three distinct, but related parts: The creation and enforcement of standards whereby only adequately prepared lawyers of good moral character may hereafter enter the profession,—the enactment of a workable procedure whereby lawyers (no matter what their education, position or local influence) may be disciplined or disbarred if they are unfaithful to their trust,—and the enactment of a law requiring all lawyers, for the common good, to be members of and contribute moderate dues to an all-inclusive state bar organization. The first practical solution in the United States of this three-fold problem was contained in a model Bar Act proposed in 1919, and afterwards adopted in many states. In Indiana, because of the constitutional provision heretofore existing entitling every person of good moral character, being a voter, to admission to practice law, it was deemed best to avoid constitutional difficulties by dividing the program into two divisions. The first one has been attained, thanks to the exhaustive study of the proceedings of the constitutional convention of 1851 made by Dean Bernard C. Gavit and delivered at the Bloomington meeting in 1930, which laid the foundation for the enactment of Chapter 64 of the Acts of 1931 whereby the Board of Law Examiners was created by rule of the Supreme Court. The constitutionality of this act was challenged, but as the result of an article written by former president Frank N. Richman and published in the April 1934 issue of the Indiana Law Journal and a brief in behalf of this association as *Amici Curiae* prepared by Fred C. Gause, Frank N. Richman, Remster A. Bingham and Bernard C. Gavit, not only the constitutionality of the act of 1931 was established, but also the proposition that Article 7 Section 21 is no longer a part of the Constitution of Indiana. This decision in the case of *In re Todd* now makes it possible to complete this particular phase of the integrated bar movement. Accordingly, the Legal Education Committee of this association,

the Board of Law Examiners and your president had a long conference with the Supreme Court on May 23rd, in obedience to the command of Article XXII of the By-Laws adopted at the last annual meeting, and requested the Supreme Court to adopt educational requirements as a condition precedent to the taking of the State Bar examination. The committee recommended the standards adopted in 1921 by the American Bar Association, which in substance require that each applicant shall have the equivalent of two years college training and three years in a Class "A" Law School or four years in a Class "A" Night Law School. The court gave the committee more than two hours of its time, went into the subject from every angle, but has not yet announced its decision.

The other two phases of the integrated bar movement failed of enactment in 1935, as they did in 1931 and 1933, and as did also a bill sponsored by the Indianapolis Bar Association giving the Supreme Court the power to discipline attorneys under such rules as it may from time to time adopt. It seems possible at this time to attain half of this remaining part of the bar movement without legislative sanction, inasmuch as several courts have held that the power to discipline unfaithful attorneys is inherent, and cannot be taken away or restrained by legislative enactment. One of the leaders of the Indianapolis bar will tomorrow morning address you on the Inherent Power of the Judiciary, and if he confirms my view that the Supreme Court of Indiana has the inherent power by rule to provide the procedure for the discipline of attorneys, then this object of the association is that much nearer of attainment. Courts have even gone so far,—Missouri for example, as to hold that the court has the inherent power to compel all lawyers to belong to a state bar organization and contribute dues for administering the work of the organization. While the Supreme Court of Indiana may have this inherent power, you should consider carefully whether this solution of the remaining phase of bar integration should be pressed at this time. The inclusion of all practicing attorneys in a state bar organization is so sound, both in theory and in its actual working as now

exemplified in many states, that it may be well to have patience and continue the plan of education of the lawyers of the state as to the merits of such an organization and continue to seek legislative permission for this phase of the movement. There seems no good reason, however, why the Supreme Court should not at once be asked to provide by rule of court a fair and workable method whereby the profession may be purged of the few who are unworthy of the franchise conferred upon them by the court that admitted them to practice.

The realization of so many of the objects of the association together with the probability that soon the solutions of some of the vital problems in improving the administration of justice in Indiana will be put into actual operation, is a matter of gratification to me as it must be to my predecessors and to all of you who have worked so many years and so faithfully to make this progress possible. That it has been accompanied by a healthy increase in membership and a reduction in the number delinquent in the payment of dues, as you have already been informed through the reports of the secretary-treasurer and the vice-president, and the payment of the long-standing indebtedness of the association augurs well for our future program. The indebtedness of more than \$5,000.00 with which the association entered the depression has been a mill-stone around its neck, but the association has none the less managed not only to function with decreased revenues, but, for all practical purposes, at last to wipe out this indebtedness. Last year the association carried over a debt of \$900.00; this year it carries over none, and has approximately \$140.00 more in the treasury than a year ago.

Until the time comes when we can have an all-inclusive bar, the association must continue to waste energy and some expense in acquiring new, and collecting from and holding, present members. Many lawyers subscribe to the view that the association can be made so valuable to the lawyers of Indiana that membership will to a considerable extent sell itself to a fair proportion of those not now members. I have

long held the same view and have studied the activities of the voluntary state bar associations of other states to discover what they are doing for the practicing lawyer that we are neglecting. No state has exhausted this field of opportunity, but two of our neighbors have gone quite far in their aid to the practicing lawyer. In Ohio, the annual dues of \$8.00 (as compared with our \$7.00) provide the members with the following:

A weekly Journal,—52 copies per year, containing the complete decisions of the Ohio Supreme Court and Ohio Court of Appeals, Syllabi of Opinions of the Attorney General, Cumulative Citations to opinions previously published, and news of the association and of the bar;

The proceedings of the annual and winter meetings and all addresses;

Free Supplementary Information Service, consisting of the furnishing of any brief or record or information about any case pending or disposed of in the Supreme Court of Ohio, the Court of Appeals of Franklin County and of the U. S. District Court at Columbus;

Free copy of any opinion digested in the Weekly Paragraph Digest;

Free information as to any matter pending before the Industrial Board, State Tax Commission, Secretary of State, Auditor of State, Treasurer of State and Attorney General;

Free information about proposed legislation or the passage of any bill, about the State Highway Department, State Insurance Department, State Banking Department, State Building and Loan Department and State Department of Education;

In addition to the foregoing free reports, copies where necessary are furnished at the minimum cost of copying.

It is significant that the Ohio State Bar Association enrolls a much higher percentage of the lawyers of the state than we do in Indiana; the added service furnished them may be the reason.

On the west, the Illinois State Bar Association renders many similar, and some additional, services to its members.

The following are concrete examples. A member trying a case in which his opponent cited a recent Illinois Supreme Court decision seemingly against him (and not yet published in any form) telephoned the secretary's office and the next morning received the abstract and briefs in the case showing the inapplicability of the opinion to the question raised. Another member was furnished a copy of all of the jury instructions in a case decided over twenty-five years ago and of which only one appeared in the Supreme Court opinion. A frantic member had discovered an additional authority he wanted added to his brief in the Supreme Court and within an hour after his telephone call the amendment to the brief had been prepared and filed by the secretary's office. The Illinois State Bar Association also furnishes an Experienced Lawyer's Service and indexes and makes available to the lawyers of the state the names of those who have had experience in the more than two hundred different fields of law; incidentally, the survey made in establishing this service showed that the average lawyer was experienced in only about twenty of these fields and often did not know where to find an experienced associate in the unusual cases in the remaining one hundred eighty fields. Perhaps the outstanding services, at least from a financial standpoint, of the Illinois State Bar Association to its members have been the marked reduction in the cost of revision of the Illinois Statutes that it has effected and its new venture requiring law book publishers to submit publications for approval. This eliminates poorly edited and practically worthless law books which every lawyer had theretofore unwittingly purchased, often on misleading representations of salesmen or circulars. In the case of one local work the value of the endorsement to the publisher, the decreased sales cost and the increased number of copies sold enabled the lawyers of Illinois to purchase the book for half the usual cost of such a book. The Illinois State Bar Association even has a modest pension fund for penniless lawyers. Part of the meetings of the Illinois Association are divided into sections where the members may select the subject most interesting to them or of greatest value in their

particular field of practice. The section meetings are each one hour long, so that a lawyer may attend a total of three out of the fifteen sections. At the recent annual meeting at Decatur the following sections held meetings:

State Civil Practice and Procedure; Federal Civil Practice and Procedure; Criminal Justice; Law Office Management; Admission to Legal Profession; Professional Relations; Corporation Law; Patent and Trademark Law; Real Estate Law; Taxation; Junior Bar; State Statutes; Aeronautical Law; Public Relations; and Probate and Trust Law.

Of great utility also is the elaborate survey of fees and charges that has been made and which has been graduated on the basis of counties of less than 25,000 population, those of 25,000 to 500,000 and those over 500,000. The fees thus recommended are advisory and not mandatory on any lawyer.

Do the lawyers of Indiana want these valuable services that their neighbors on the east and west are already enjoying? If so, the difficulties of securing them are probably no greater in this state than in the other two. Such increased services will require an increase in the budget of the secretary's office and some changes in the budget of other departments. Article IV Section 1 of the By-Laws provides that the secretary's "compensation shall be fixed by the Board of Managers at not exceeding \$600.00 per annum and the Board shall reimburse him for the expense of such stenographic and traveling expenses as may to them seem proper". I have not had the time to make a study of what salary would be adequate, but it is so evident that the secretary's office must increasingly become the center of activity of this association and all its work that we can well leave the question to the Board of Managers by adopting an amendment which takes out of this By-Law the words "at not exceeding \$600.00 per annum".

One of the problems this association should thoroughly investigate and then decide, is whether it is not devoting too large a percentage of its income to its Law Journal. The

income and disbursements of the association for the past year were as follows:

RECEIPTS—Dues \$6,214.10; Miscellaneous \$65.66; Total receipts \$6,279.76.

DISBURSEMENTS—Printing and mailing Journal \$2,377.87; Salary and allowance to Editor \$1,200.00; Total \$3,577.87; Less advertising and sales of Journal \$960.40; Net Total \$2,617.47; Journal expense of former years \$638.37; Secretary-Treasurer salary and allowances \$1,027.00; Stationery and postage \$552.94; Expense of meetings \$874.45; Legislative expense \$356.80; Miscellaneous and check tax \$77.27; Total disbursements \$6,144.30.

After crediting the Journal with the gross income from advertising and sale of extra copies and without charging to it some costs not easy of allocation, it will be observed that the net cost of the Journal is forty-two per cent of the gross income of the association; the preceding year it was over fifty per cent of the income. This high percentage becomes more significant when related matters are considered. Article V Section 4 of the By-Laws provides that committee members shall be reimbursed for actual traveling expenses in attending committee meetings not held in conjunction with the regular or special meetings of the association. Although some committees have well attended meetings several times a year and come long distances, and the Board of Managers meet at least three times per year and travel from the four corners of the state, there has been no allowance of traveling expenses to these committees or to the board for years. The expense of the Legislative Committee is so great that an exception has been made as to its expense for telegrams, postage and the like. Even its members have not been paid their traveling expenses. That busy lawyers year after year are willing to give their time and pay their expenses in order to serve their profession and improve the administration of justice is commendable, but organizations much smaller than ours pay the traveling expenses of their officers and committeemen, and also the expenses of their president or secretary (often both) to the national meetings of the organization.

Some people have a Ford income, drive in a Packard automobile but live in a home not as good as the Ford they should own. This association during the ensuing year should carefully consider whether its apportionment of its income to its Journal is not on such a disproportionate basis. That the association has a more pretentious Journal than the states of California, Illinois, New Jersey and Wisconsin is evident from the Journals of these state bar associations which I am holding up for your casual inspection. On the question of cost, you should know that the Illinois State Bar Association gives its members in ten issues almost as much reading matter in a year as we do in Indiana and delivers its Journal to almost three times as many members at a total cost of less than half the sum expended by our association. In Illinois the secretary edits the Journal and the University of Illinois furnishes ten pages of notes to decisions, for publishing which the University pays the Association \$1,000.00 per year. The net cost to the Illinois State Bar Association for more than 4,000 copies of its Journal is less than \$1,000.00 per year as compared to \$2,617.47 per year for approximately 1,500 copies delivered last year to the members of this association. I have sought unsuccessfully during the past year to have Indiana University either bear some part of the cost of the Journal or to relinquish the \$1,200.00 allowance made to the editor for salary and expenses. That there is some duplication of services and extra expense in the present editorial arrangement is certain. I am fully convinced that a survey of all the details can reduce the cost in the editorial department just as it was so effectively done this year in the printing and mailing cost. Many states,—among them, Wisconsin, Illinois and Massachusetts, use their secretary as editor.

The survey that I have just recommended as to the editorial cost of the Journal should go further and investigate and determine just what control the association should have over the Journal that it brought into being and to which it contributes so large a part of its income. There is no written contract between the Association and Indiana University

defining the respective rights and duties of the officers of the association and those of the editorial department. In view of the differences of opinion that have developed during the past year, I have asked Dean Gavit to submit the draft of a contract outlining his views on all features of the editorial work so that the incoming president and board may promptly come to an agreement. As Dean Gavit has been on his vacation almost continuously since the request was made, the draft is not available at this time.

The only agreement with respect to the editorial supervision of the Journal is rather vaguely stated in the October 1926 Indiana Law Journal at pages 50 and 51. However, in the next issue of the Journal (November 1926) at page 174 there appeared, and there has been printed in every succeeding issue of the Journal at the corresponding place, the following very definite statement:

"The complete management of the Indiana Law Journal is exercised by The Indiana State Bar Association through its officers. The Editor, Editorial Boards and other officers of The Journal are appointed by the President of The Indiana State Bar Association with the advice and approval of the Board of Managers. The Indiana State Bar Association founded the Indiana Law Journal and retains full responsibility and control of its publication. The participation of Indiana University School of Law is editorial."

I am unable to find any record showing a different agreement concerning the control of the Journal. As you are entitled to know how your association actually operates and functions, I am going to surprise many of you when I tell you that the editor, editorial boards and other officers of the Indiana Law Journal most emphatically are *not* appointed by the President of the Indiana State Bar Association with the advice and approval of the Board of Managers. The Student Board of Editors is, and very properly, appointed by the faculty of the Law School of Indiana University upon the basis of scholarship and aptitude for legal research. No change should be made in the method of appointment of these students, but the editorial page of the Journal should in future issues be changed to state the facts.

Under date of August first Dean Gavit wrote me as follows: "As you know Mr. Harper will not be here next year. We have selected Professor Evens to take over the work in connection with the Law Journal". Neither the president nor the Board of Managers has been asked to approve, much less to make, the appointment of an editor to fill this vacancy. The selection made by the undisclosed "we" may, or may not, represent the judgment of the Board of Managers as to the member of the faculty best fitted for editorial supervision of the Journal. That the Board should have been consulted seems to be the only logical interpretation of the statement carried in every issue of the Journal that "The complete management of the Indiana Law Journal is exercised by The Indiana State Bar Association through its officers". That the method of appointment used by Indiana University is in direct conflict with the next sentence, also carried in every issue of the Journal, which states that the editor is "appointed by the President of the Indiana State Bar Association with the advice and approval of the Board of Managers" is obvious. If it is your desire that Indiana University select the editor without confirmation by the Board of Managers, then the Journal should hereafter state the true facts.

In the control and management of the Journal there is yet another feature that should after careful study be decided by this association, and that is whether the association wants to retain "full responsibility and control of its publication". It does not have such control at this time. Taking these words,—*"The Indiana State Bar Association * * * retains full responsibility and control of its publication"*—at their face value, as your president I made a careful analysis of the leading articles in the Journal during the years 1932-1933 and 1933-1934 and laid the survey before the August 1934 meeting of the Board of Managers. In this survey I classified the articles under the heads of "Theoretical Rather Than Practical",—"Theoretical But Affecting A New Matter",—and "Practical". This analysis showed that in the year 1932-1933 the Journal devoted 154 pages to the

theoretical, 24 pages to the theoretical affecting a new matter and 46 pages to practical matters; the proportion the following year was more favorable to practical matters. The Board of Managers agreed with the classification in the main and the need for a change in policy and created a Bar Journal Committee consisting of Secretary Thomas C. Batchelor, Board Member James R. Newkirk, with your president as chairman, to work out improvements in a number of respects and to work with the Editorial Department in carrying them into execution. After a careful study of the matter the committee delivered to Dean Gavit and Editor Harper a detailed list of the changes desired. In substance they were as follows:

That from a mechanical standpoint, the lines of type on each page of the Journal should be one-half inch longer, the type should be reduced in size to that used in the American Bar Association Journal, the paper and cover should be changed to correspond with the grade used in that Journal and some minor waste of space eliminated. Secretary Batchelor saw that the printer carried this change into effect and as a result the 1934-1935 Journal contains approximately forty per cent more reading matter than during the preceding year, takes up half the shelf room and cost the association \$108.81 less for printing and mailing in the face of an average increase of approximately 200 copies made necessary by the increase in membership.

The committee requested that news items concerning Indiana lawyers be limited to those holding membership in the association; notwithstanding this request and the promise of the editor on the floor of the mid-winter meeting to respect it in the future, copy continued to go to the printer under the head of Legal Directory and Obituaries three-fourths of which concerned lawyers who did not think enough of the association to become members. Until February 1935 the first your president knew of the contents of the Journal was when he received his copy of the finished Journal in the same mail that carried the copy to you. Beginning with the February issue he requested the printer to furnish him

a copy of the proof which is run off a few days before the Journal is finally printed. This is still the first knowledge I have of the contents other than my own and the secretary's message. In the February proof I discovered that three-fourths of the news items were again about non-members and after conference with the secretary the printer was instructed to remove these. The editorial department did not see fit to take the hint that the association meant what it said when it asked that the personal items in the Journal be limited to members and for the March Journal again sent and the printer set up about the same proportion of non-member items. The non-members were again deleted but, in order to save the association useless cost of typesetting, the printer was directed in the future to set no copy until it had been approved by the secretary.

Book Reviews were limited by the Journal Committee to those books likely to be purchased by the average lawyer; this, on the theory that the association cannot afford to pay for half a page or more of Journal to review a book that will not be purchased by its readers, merely that the reviewer may receive a free copy of the book for his trouble in writing the review. This request has been respected.

The Journal Committee requested that leading articles be largely of a practical nature and went into considerable detail in illustrating their idea. There has been a great improvement during the past year in this respect. What material from members of this association and from others the editorial department had available during the year that was rejected the committee does not know, for its advice was asked only as to the printing of the Report of the Indiana State Committee on Governmental Economy on the Administration of Justice and the substance of Judge Treanor's opinion *In re Todd*. A request of the committee for a list of the titles and authors of material available for publication was ignored, although receipt of the letter was acknowledged and other matters in it discussed. Whether articles offered by members of this association have been rejected because they did not meet the viewpoint of the

editorial department cannot be determined by the officers of the association without a knowledge of what was offered. It is incredible that an association should at great expense publish a Journal, specifically herald in every issue that it "retains full responsibility" for its Journal, and then its officers be denied all advance information of what will be published and all information as to what articles have been rejected. Such are, none the less, the facts as to the Indiana Law Journal. That there should either be a change or the statements as to responsibility and control be changed in future editorial pages admits of no denial.

When the proof of the March issue was received a new feature was included of such practical moment to the lawyers that it seems that the judgment of the Journal Committee should first have been obtained. This was the publication of the title (and in most instances the substance) of every act of the recent legislature approved to February 11th. As a news item it was stale inasmuch as the legislature had adjourned two weeks before this issue of the Journal reached you; moreover, the summary covered only 96 pages out of the 1586 pages already bearing the Governor's approval. I will ask you to decide whether you want the association to spend approximately \$5.00 per page to advise you about March 25th of the exact title of Chapter 1 of the Acts appropriating money for the 1935 session of the General Assembly, or of the title and substance of the act prohibiting you from buying skunk hides without first securing a license, or dealing in minnows without a license, or of similar acts. A quorum of your committee, believing that the association did not care to become the laughing stock of every member reading the March issue, deleted the title to the appropriation act and the pungent acts as to buying furs and hides and the like. The judgment the Journal Committee used may be weighed by each of you through comparison of those printed on pages 350 to 353 of the March Journal with the first 96 pages of the Acts of 1935 which will show what was deleted.

I asked the University for an explanation of the failure to consult the Journal Committee as to this innovation and the editor justified their action in these words:

"It was not my idea; it was suggested to me by several members of the faculty and by several members of the association."

Just why the committee consisting of your president, secretary and Mr. Newkirk should not also have been consulted about this innovation and also about the material being offered for publication I have never been informed and I know of no satisfactory explanation, especially in view of the letter written by the editor under date of September 5, 1934, in which he acknowledged receipt of the suggested changes in the Journal and added:

"I think that a permanent committee which will be in frequent and close touch with the editor of the Journal will be of great value."

Such is the situation as to the Journal. I have but one recommendation to make, and that is that you take no hasty action in solving this problem, and that Indiana University continue the editorial work until the results of a careful study can be reported to either the mid-winter or the next annual meeting. I do want to pay tribute to the many splendid services the Indiana University School of Law has rendered this association. The practice of law can profit much from the theoretical knowledge of law instructors, albeit I disagree with the policy of placing such men in absolute control of the Journal of an association of practicing lawyers without some supervision from the practical side of the profession. I want also to pay tribute to the brilliant legal mind of Fowler V. Harper,—our former editor now on leave of absence from Indiana University. Notwithstanding differences in opinion with the faculty as to the management of the Journal, our relations have been cordial; he has worked diligently on the Journal and should receive an acknowledgment from the association for his five years of hard work.

This is your association and the Journal is yours also; I have endeavored to keep them so during my tenure in office, even though it has added to my work and has caused me to bring into this address matters that it has not been pleasant to discuss. Because these things are yours, I have refrained from making recommendations as to how you should solve these problems called to your attention. It is for you to decide these matters and the program at every session provides for your participation in the solution at the time allotted for Unfinished and New Business.