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## Indiana Bar

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## INDIANA BAR

### *A Message From the President*

At the time this message is written (February 2nd) the decision of the Supreme Court on the validity of the Bar Admission Act of 1931 and the method of amending the constitution of Indiana is but a few days old. The removal of the provision of the constitution providing that "every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice" gives the lawyers of Indiana an opportunity to raise the standards of the profession free from the limitations of this unwise restriction. It will not be necessary to change the legislative program of the association by reason of the decision, and the three bills approved by the association have been introduced as follows:

H. B. 142, Procedural Bill restoring rule making power to Supreme Court

H. B. 141, Judicial Council Bill

H. B. 128, Integrated Bar Bill

The usual opposition has developed, but the endorsement by all three of the Indianapolis newspapers as well as by many others in the State, the approval of the bills in the Governor's message to the General Assembly and his explanation and endorsement of them over the radio, and friendly gestures from other sources have greatly encouraged the Legislative Committee.

The president was directed by vote of the mid-winter session of the Association to appoint a committee of at least three year tenure to study and from time to time report to the Association on the best method of handling the much needed revision of the Indiana statutes. The following committee was recently appointed: Alfred Evens, Bloomington; John B. Randolph, Lafayette, and Frank N. Richman, Chairman, Columbus.

The recent announcement of Callaghan & Company that it had discontinued the publication of the Indiana Advance Reporter brought a number of letters expressing fear that the competing Northeastern Reporter would lapse into the dilatory methods of reporting that were criticised in the report of the special committee made to the Association in 1933. Accordingly, your president wrote the following letter to the West Publishing Company on January 17th:

"Since Callaghan & Company have announced that they will cease the publication of the Indiana Advance Reporter, I have received so many letters from lawyers expressing the fear that your company will lapse into the slow reporting methods that existed before competition entered the field, that the matter cannot be ignored. Whether a special committee will be appointed to make a survey and a recommendation as to the feasibility of one of the plans already proposed will depend in part on your attitude in the matter. That competition did spur your company to a marked improvement is indicated by the impartial and comprehensive report to the association made by Mr. John Randolph; your attention is especially directed to that part of his report found on pages 61 and 62 of the October, 1933, issue of the Indiana Law Journal.

"May I have your views on this matter? I shall refer to this situation in the February issue of the Indiana Law Journal, and this letter and your answer will probably be published."

Very promptly the Editor-in-Chief, Mr. Harvey T. Reid, answered:

"For a period of fifty years the North Eastern Reporter has been publishing without interruption or omission the opinions of the Indiana Appellate Courts, along with those of the highest courts of Illinois, Massachusetts, New

York and Ohio. During this period we have been privileged to co-operate closely with the highest courts in Indiana, to insure the most complete and accurate reporting possible. We are keenly alive to the opportunities and responsibilities of service in Indiana.

"I am glad to assure you, and through this letter the profession in Indiana, that the present service which we are rendering to the bar through the prompt publication of opinions will be continued, and, wherever opportunity occurs, improved.

"The permanency and reliability of the North Eastern Reporter has been frankly recognized in Indiana, and we are very desirous of receiving any suggestions or criticisms which will afford a basis of checking up our service to the profession."

Later in the year your president will assign some member to make a check and report through the Journal as to the promptness with which the decisions are being reported. It is the belief of many members of the profession that major matters such as improvement in the administration of justice, higher standards of the bar and the like should not overshadow practical matters in the every-day practice of the profession such as the promptness with which decisions of the Indiana Courts reach the desk of the lawyers. An ever increasing effort will be made by the Association to serve those needs.

Sincerely,

WILMER T. FOX, President.

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*Message from the Secretary*

A number of the outstanding lawyers in the United States have expressed their gratification to the Indiana State Bar Association over the recent Supreme Court decision in the Todd case, which in effect removes the constitutional restriction against higher requirements for admission to the Bar.

Attorney General Homer Cummings, Dean Roscoe Pound, John W. Davis, and Scott M. Loftin, President of the American Bar Association, were among those sending messages expressing their pleasure over the decision.

Dean Pound in a telegram said: "Congratulate people of Indiana that way is now open for requirements of adequate training of those seeking to practice law. Whether old economic order goes on or new one develops all programs call for more laws and laws are futile without lawyers. A well-trained, well organized responsible legal profession is a sine qua non of effective law and efficient administration of justice."

Homer Cummings, Attorney General of the United States, wired as follows: "I assume that the decision opens the way for constructive legislation to strengthen and improve the standards of admission to the practice of law and will be welcomed by all good citizens who are interested in the effective administration of justice. It is an opportunity to take a forward step in a highly important matter involving not only law enforcement but the good name of the legal profession. Congratulations and best wishes."

John W. Davis, famed New York lawyer and long active in the affairs of the American Bar Association, of which he was once president, sent the following message: "I learn with pleasure that the way is open in Indiana for advance legislation concerning qualifications for admission to the Bar. The country is entitled to the best the Bar can give it and I hope all the states will keep step in advancing the requirements of education and of character necessary to make a lawyer."

The American Bar Association received the news of the decision with great interest and President Scott M. Loftin sent the following telegram from Jacksonville, Florida: "The American Bar Association is very vitally interested in raising the standards for admission to the Bar and on that account I am extremely gratified to know of the decision of the Indiana Supreme Court removing the constitutional restriction against higher requirements for admission to the Bar in your state. I sincerely trust that your Legislature will enact legislation requiring college training and law study as a prerequisite for admission to the Bar."

Prof. Edson R. Sunderland, Secretary of the Michigan Judicial Council, issued the following statement: "The power of the Legislature of Indiana to safeguard the administration of Justice by raising the standards for admission to the Bar which has just been recognized and confirmed by the Indiana Supreme Court will doubtless be used promptly to give Indiana a leading place among the states which are demanding better trained lawyers. The decision just rendered is an event of major importance not only in Indiana but in the nation at large. It will remove one of the most serious obstacles to a united effort by the American legal profession to improve the quality of the American Bar."

R. Allan Stephens, Secretary of the Illinois State Bar Association, who has long been familiar with the conditions in Indiana arising from the constitutional restriction, made the following comment: "Congratulations on advance step taken by your Supreme Court on admission requirements. It will give future applicants an even break with those of neighboring states and result in benefiting the citizens of Indiana."

Eli F. Seebirt, former President of the Indiana State Bar Association and a member of the General Council of the American Bar Association, said, "Am pleased that the legal profession has now been given the status of a learned profession and that it is now possible to reorganize our courts of appeal."

Very truly yours,

THOMAS C. BATCHELOR, *Secretary.*

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### *Local Bar Associations*

Attorney Alex Pendleton has been elected president of the Gary Bar Association for 1935. Hershel Davis, vice-president, and Everett J. Fletcher, secretary-treasurer, were re-elected to their respective offices.

The Dearborn County Bar Association held a six o'clock dinner at the Country Club, Lawrenceburg, for its members and guests, Wednesday, January 9, 1935. Judge Roscoe C. O'Byrne was the principal speaker.

Joseph Mosny has been elected president of the East Chicago Bar Association. Other officers of the association include W. E. Roe, vice-president; Casil Freidman, secretary; and Winslow Van Horne, treasurer.

Officers elected for the Fayette County Bar Association for the current year are Clarence Roots, president; Lon Conner, treasurer; and E. Ralph Himelick, secretary.

Clair Smith entertained the members of the Rush County Bar Association with a turkey dinner at his country home west of Arlington Monday night, December 17, 1934.

A banquet was given at the Hillside Hotel, Madison, Monday evening, January 7, 1935, by the Jefferson-Switzerland County Bar Associations

in honor of retiring Judge Edward S. Roberts and the incoming Judge, Hon. Curtis Marshall.

Members of the Knox County Bar Association have elected the following officers: Ewing R. Emison, president; John M. Grayson, vice-president; James R. Lewis, secretary; Ralph Alsop, treasurer; John Ramsey, sergeant-at-arms; and Harry Lewis, usher.

Members of the Michigan City Bar Association held their seventh annual Christmas party at the Spaulding Hotel, Thursday night, December 20, 1934.

A luncheon was given in honor of Judge Thomas J. Wilson at the English Hotel, Saturday, December 22, 1934. After the dinner was served each of the attorneys gave a short talk and Judge Wilson responded.

At the annual election by the DeKalb County Bar Association former Judge Dan M. Link of Auburn was elected president, with W. W. Sharpless of Garrett, secretary-treasurer.

The Morgan County Bar Association had a banquet meeting at the Martinsville Country Club, Tuesday night, December 18. An informal meeting was held at the close of the banquet. J. E. Sedwick, president of the association, presided during the meeting. Gilbert W. Butler is secretary. Eighteen members of the association were present.

At the annual meeting of the Marshall County Bar Association January 3, Lee M. Lauer was re-elected president and Alvin F. Marsh was re-elected secretary.

The Jefferson County Bar Association has elected the following officers for the ensuing year: Joseph M. Cooper, president; Harry Cope, vice-president; and Miss Mildred M. Perry, secretary-treasurer.

Thirty-seven members of the Monroe County Bar Association, their wives and guests, met at a tavern in Ellettsville Wednesday evening, December 19, to enjoy their annual turkey banquet. Prof. J. J. Robinson, of the I. U. Law School, was the principal speaker of the evening.

Members of the Madison County Bar Association held their annual election Thursday evening, January 3, following a banquet at the Grand Hotel. The following officers were elected: Bartlett H. Campbell, president; Sid M. Cleveland, vice-president; and Russell E. Stewart, secretary-treasurer.

At the annual dinner and meeting of the Henry County Bar Association Tuesday noon, January 8, the officers of 1934 were re-elected. They are Franklin George, president; William O. Barnard, vice-president; Robert S. Hunter, Jr., secretary; and N. Guy Jones, treasurer.

The Cass County Bar Association had a luncheon in honor of Frank M. Kistler, retiring judge, at the Elks Club, Monday evening, January 7.

The Howard County Bar Association had its annual guest-night banquet at the Hotel Courtland, Tuesday evening, January 8.

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### *Legal Directory*

Colonel C. Sawyer, attorney-at-law, Newport, Indiana, announces that the firm of Aikman & Sawyer has been dissolved by mutual agreement of the partners, and that he is now engaged in the general practice of the law with offices in the Hoosier State Building on the northeast corner of the public square. Attorney Aikman will continue the practice in the same office formerly occupied by the firm in the Aikman Building.

James H. Blackburn and William O. Wilson have formed a legal partnership and have their offices in the Odd Fellows' Building, Evansville, Indiana.

Judge B. H. Campbell and James A. Van Osdol, veteran attorney, have formed a law partnership, with a suite of offices at 601-603-605 Citizens Bank Building, Anderson, Indiana.

Attorney Robert G. Estill announces the formation of a new law firm to be known as Estill, Vance, Stilley & Havran.

Ralph S. Feig and Irving A. Hurwich announce the removal of their law offices to Suite 208-9-10 First National Bank Building, Mishawaka, Indiana.

Fred E. Hines, former judge of Hamilton Circuit Court, has re-entered the practice of law in Noblesville, Indiana.

Francis C. Jones has become a member of the legal firm of Jones, Obenchain & Butler, South Bend, Indiana.

John F. Kelton has moved his law office to the old Union Trust Company Building, North Manchester, Indiana.

William C. Kern has opened law offices at 524 Insurance Building, 8 East Market Street, Indianapolis, Indiana.

Judge Robert F. Murray has opened a law office at 109½ West Main Street, Muncie, Indiana.

Allen Parr has been taken into partnership with his father, Judge W. H. Parr, and his brother, Willett H. Parr, Jr., for the practice of law. The firm will be known as Parr, Parr & Parr, Lebanon, Indiana.

Arthur R. Robinson has begun the private practice of law in the firm of Robinson, Symmes & Melson, Indiana Trust Building, Indianapolis, Indiana.

James B. Wallace has become the junior member of the law firm of Wallace & McGaughy of Veedersburg, Indiana.

Judge William C. Wait has entered the private practice of law with his nephew, John W. Carithers. They have their offices in the rooms occupied by Mr. Carithers, Dana, Indiana.

George L. Denny, Robert A. Adams, Charles C. Baker and Telford B. Orbison announce that they have formed a partnership for the general practice of law under the firm name of Denny, Adams, Baker & Orbison, at 115 North Pennsylvania Street, Indianapolis, Indiana.

The law firm Hatfield, Roberts & Hatfield has been dissolved. Frank H. Hatfield and Joe S. Hatfield are continuing as partners under the firm name Hatfield & Hatfield, with offices in 804-806 Citizens National Bank Building. Louis L. Roberts will practice alone with offices 807-809 in the same building, Evansville, Indiana.

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### *Obituaries*

William Espenschied, age 58, senior member of the law firm of Espenschied & Espenschied, died at St. Mary's Hospital in Evansville, Monday, January 14. His home was at Mt. Vernon.

D. D. Nemeth, prominent South Bend attorney, died at his home Friday, December 28, 1934.

Franklin Dickey, 62, Indianapolis attorney, died at his home Friday, December 29, 1934.

Mahlon E. Bash, 54, judge of Marion County Probate Court sixteen years, died at his home in Indianapolis, Thursday, January 3, 1935.

*Recent Circuit and Superior Court Decisions*

ST. JOSEPH SUPERIOR COURT No. 2

J. ELMER PEAK, JUDGE

The following decision made in the case of State of Indiana ex rel. Verdis C. Fox, Deputy City Clerk of South Bend, plaintiff, v. Ernest J. McErlain, City Controller of South Bend, defendant, on December 28, 1934, may be of interest to readers of the Indiana Law Journal:

The County Board of Tax Adjustment approved a levy of 54 cents appropriated for the general fund of the City of South Bend by the Common Council and then revised the schedule of salaries of city employees. Action brought by a Deputy City Clerk to mandate City Controller to pay salaries as ordered by the Council.

Court held that the act of the Board of Tax Adjustment in attempting to revise salaries of city employees without having first reduced the levy rate of the general fund of the city was null, void and beyond the scope of its powers under the statute creating said Board of Tax Adjustment.

LAKE CIRCUIT COURT

T. JOSEPH SULLIVAN, JUDGE

The following decision made in the case of Emil Rola, plaintiff, v. Edward J. Eder, Receiver of the Peoples State Bank of Crown Point, defendant, on November 26, 1934, may be of interest to readers of the Indiana Law Journal:

Guardianship funds in bank closed after adoption of preference act of March 11, 1931, held to be preferred against all general assets in bank, whether such general deposits were placed there before or after passage of act, following and elaborating Union Trust Co. v. Ralston, (Ind.) 191 N. E. 94.

The words "contracts executed" in the excepting clause of the act held not to include general deposits.

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