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Indiana Bar

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INDIANA BAR

A Message from the President

The Board of Managers met in Indianapolis on March 30th, and the time and place of the annual meeting presented a difficult problem. The date usually selected conflicted with the time of the meeting of the American Bar Association, which is being held much earlier than usual. Earlier dates were eliminated because of the large number of trial courts in session during June, while later dates were objectionable because of the vacation period for most lawyers and the heat of midsummer. By elimination, Friday and Saturday, September 6th and 7th, were finally agreed upon.

The place of the meeting also presented a problem, as the members of the Association who attended the mid-winter meeting were so nearly evenly divided in their choice of meeting place (as indicated by their answers on the questionnaire) that their vote was not of controlling influence. Inasmuch as the annual meeting for the last four years has been held in the northern part of the state (Lafayette, South Bend and twice at Lake Wawasee), the Board definitely decided to hold the 1935 sessions at some point in Southern Indiana. Final choice between Evansville and French Lick will be made later.

For some time there has been a feeling among some of the members of the Association that the annual meeting should not be held in mid-summer. Through necessity, this plan will have a trial and its merit can be determined.

The character of the program is contingent on so many factors, that its announcement must come later.

WILMER T. FOX, President.

A Message from the Secretary.

Your Secretary has just received an interesting communication from a special committee of the Cleveland Bar Association, appointed to inquire into the practice of retaining the names of deceased or former partners in the names of law firms.

This committee is apparently making a nation-wide investigation of this practice and will doubtless incorporate its findings in a comprehensive report. The letter asks specifically for any judicial decisions in this state or action taken by bar associations relative to the matter.

The committee calls attention to Canon 33 of the American Bar Association's Canons of Professional Ethics which permits the retention of the name of a former or deceased partner where no imposition or deception is practiced through that use, and where the use of the name of a deceased or former partner is permitted by local custom.

Inquiry is also made as to whether there are any instances of a lawyer who, after the decease of another lawyer who during his life time had never been his partner, incorporating the deceased lawyer's name into a firm name under which he then proceeds to operate.

The subject to which this communication from the committee of the Cleveland Bar Association calls attention is one which, so far as your Secretary is informed, has never attracted either judicial or bar association attention in this state. However, it is quite possible that there are some instances where a name has been incorporated in a law firm in Indiana with the intent of imposition or deception. Members of the Association having knowledge of such a situation can assist this inquiry by forwarding the information to the office of the Secretary.

THOMAS C. BATCHELOR, Secretary.

*Reasons Why the Appellate Court Should be Abolished and the Supreme Court Increased as Provided in Senate Bill 343**

(JUDGE POSEY T. KIME, Appellate Court of Indiana)

It is believed by the publishers of the Indiana Law Journal that other lawyers and judges may have different ideas on the reorganization of the Supreme Court than those expressed in the following article. The Law Journal, therefore, will appreciate receiving contributions from other members of the Bar on this important subject to be published in subsequent issues of the Law Journal. Such articles should be confined to approximately one thousand words.—Editor's Note.

There are now 11 judges in the two courts. There was, on the first day of March, 1935, 101 cases pending in the clerk's office, for the Supreme Court, fully briefed and undistributed. This makes a total for both courts of 313 cases. This means that 11 judges would only have to write 29 opinions each per year to dispose of the cases now pending.

Granting that the same number of cases would be filed during 1935 at expiration of 1936 with the 11 judges the docket should be clear. With a permanent chief justice, who would have authority to distribute cases and otherwise generally supervise the business of the court, this could easily be handled by 9 members. It must be remembered too that many cases are now filed for the purpose of delay which, if the court was up in its work, would not be filed as delay could not then be accomplished.

A reduction of the number of judges from 11 to 9 would mean a saving of \$20,000.00 per year in judges' salaries. The elimination of overhead of the present appellate court of \$14,000.00 which would mean a yearly saving of \$34,000.00. Included in this figure is the nominal rental value of eight rooms which would be released in the State House, which we believe a fair rental value therefor would be at least \$50.00 per month per room. The largest saving would be in time saved to litigants. The final adjudication of their law suits would be accomplished within some 18 months to six years less than it is at the present time and has been in the immediate past. The reports of the Supreme Court would be gotten to the lawyers of the State three months sooner than they are at the present time.

There is no other state in the union that has the appellate system that we have in Indiana and this was only created by reason of the fact that the constitution limited the number of judges of the Supreme Court to five. Now that the Supreme Court has said that the constitution has been amended, it is possible for this legislature to accomplish something that will be of inestimable value to the people of the State of Indiana.

In principle this bill is endorsed by every forward thinking lawyer in the State of Indiana. Many bar associations throughout the state have endorsed this in principle as did the governmental economy committee in its report.

Senate Bill No. 343

A Bill for an Act concerning the supreme and appellate courts, reducing the number of members of and abolishing the appellate court, increasing the number of judges of the supreme court to nine, fixing their qualifications, making provision for a chief justice, creating new supreme court judicial districts, fixing the times at which judges from the respective districts

* Senate Bill, No. 343, which, if it becomes a law, will abolish the Appellate Court is printed immediately after Judge Kime's article.

shall be elected, transferring all cases pending on appeal in the appellate court to the supreme court and repealing all laws or parts of laws in conflict with this act.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the appellate court shall be and is hereby reduced to four members, effective on the thirty-first day of December, 1936, and no judge shall be elected as a judge of the appellate court for a term to take effect after the thirty-first day of December, 1936; no judge shall be elected or appointed to the appellate court, and no vacancy shall exist on the appellate court after such date; after such date and until the complete abolishment of such court is perfected, the number of judges shall never exceed four and, as provided in succeeding sections of this act, may be less than four.

Sec. 2. The judges whose elective terms expire on the thirty-first day of December, 1938, shall fill out the remainder of their terms, unless they resign or are removed by reason of death, impeachment or operation of law, and on the thirty-first day of December, 1938, the appellate court shall cease to exist.

Sec. 3. In the event that one or more of the present judges of the appellate court shall be removed from office by reason of death, resignation, impeachment or operation of law, no vacancy shall exist by reason of his or their removal, and an opinion on an appealed case, by a majority of the remainder of such court shall be the opinion of the appellate court. In the event there remains but two members of such court, the concurrence of said two members shall be necessary for the rendition of an opinion by such court.

Sec. 4. In the event there remains but one judge of the appellate court, by reason of death, resignation, impeachment or operation of law, the appellate court shall cease to exist as of the day the number of judges is reduced to one, and such one judge shall, throughout the remainder of his elective term, prepare opinions for submission to the supreme court of Indiana.

Sec. 5. The supreme court be and is hereby increased to consist of nine members, any five of whom shall constitute a quorum.

Sec. 6. There shall be nine supreme court judicial districts, and the counties of Lake, Porter, LaPorte and Newton shall constitute the first supreme court judicial district.

The counties of St. Joseph, Elkhart, Starke, Marshall, Kosciusko, Pulaski, Fulton and Cass shall constitute the second supreme judicial district.

The counties of LaGrange, Steuben, Noble, DeKalb, Whitely, Allen, Adams, Miami, Wabash and Huntington shall constitute the third supreme court judicial district.

The counties of Jasper, Benton, White, Warren, Tippecanoe, Carroll, Clinton, Boone, Fountain, Vermillion, Parke, Montgomery, Madison, Hamilton and Putnam shall constitute the fourth supreme court judicial district.

The counties of Howard, Tipton, Grant, Wells, Blackford, Jay, Delaware, Randolph, Henry and Wayne shall constitute the fifth supreme court judicial district.

Marion County shall constitute the sixth supreme court judicial district.

The counties of Hendricks, Morgan, Johnson, Hancock, Shelby, Rush, Fayette, Union, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Ohio, Jefferson and Switzerland shall constitute the seventh supreme court judicial district.

The counties of Vigo, Sullivan, Knox, Pike, DuBois, Davies, Martin, Greene, Clay, Owen and Monroe shall constitute the eighth supreme court judicial district.

The counties of Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Orange, Washington, Scott, Clark, Floyd and Harrison shall constitute the ninth supreme court judicial district.

Sec. 7. Judges shall be elected from the first, third, fifth, sixth, eighth and ninth supreme court judicial districts at the general election to be held in November, 1936, and shall commence their term of office on the first day of January following their election. Judges shall be elected from the second and fourth supreme court judicial districts at the general election to be held in November, 1938, and shall commence their term of office on the first day of January following their election. The judge from the seventh supreme court judicial district shall be elected at the general election to be held in November, 1940, and shall commence his term of office on the first day of January following his election.

Sec. 8. No person shall be a judge of the supreme court unless he be a citizen of the United States, a lawyer in good standing, a resident of the state for at least five years preceding his election or appointment, in case of an appointment to fill a vacancy, a voter and engaged in the practice of law for a period of ten years prior to his qualification as such judge. Any time spent in a judicial position shall, for the purpose of this act, be considered as time spent in the practice of law.

Sec. 9. One member of the court shall be designated by the governor, as chief justice, and such member shall serve as chief justice so long as he remains a member of the court, including all reelections. Such chief justice shall assign the cases pending on appeal, when the same are fully briefed, to the judges of the court for decision and he shall have control of the court's business generally, being the executive officer of the court.

Sec. 10. On the first day of January, 1937, or as soon thereafter as a chief justice is appointed under the preceding section, all cases then pending in the appellate court shall be deemed to be pending in the supreme court of the State of Indiana, and the chief justice of the supreme court shall distribute such cases as he sees fit, to the then remaining judges of the appellate court. All of the libraries, office supplies, furniture and fixtures belonging to the appellate court on the thirty-first day of December, 1938, shall become the property of the supreme court of the State of Indiana on that day.

Sec. 11. All laws or parts of laws in conflict with this act are hereby repealed.

Local Bar Associations

New officers of the Delaware County Bar Association are Ernest L. Myers, president; Arthur McKinley, vice-president; George Jewett, secretary; Earl G. Defur, treasurer; and Joseph H. Davis, John J. O'Neill, Fred McClellan and James Halligan, directors.

At a dinner of the Indianapolis Bar Association in the Columbia Club in Indianapolis, March 6, Prof. Hugh J. Willis of the Indiana University Law School spoke on "The Constitutionality of New Deal Legislation."

The St. Joseph County Bar Association held their annual banquet in the Oliver Hotel, Saturday night, February 23, at South Bend. The speakers were Frederick C. Crumpacker, prominent Hammond, Indiana, attorney, and Appellate Judge Ralph N. Smith of Laporte, Indiana.

The Boone County Bar Association held its annual meeting and dinner at the Ulen Country Club, February 22. Judge A. J. Stevenson of Danville

was the speaker. The following were chosen as officers for the ensuing year: Ben M. Scifres, president; Will H. Smith, vice-president; Joseph H. Bell, treasurer; and Guy M. Voris, secretary.

Howard Sommer was elected president of the Montgomery County Bar Association at the annual meeting February 12. William J. Sprow was named vice-president and Raymond O. Evans was named secretary and treasurer.

Legal Directory

In the February issue, page 309, the Journal carried an item stating that the firm composed of William C. Wait and John W. Carithers had opened an office at Dana, Indiana. The firm is not located at Dana but is located at Newport, Indiana.

Russell J. Ryan, former judge of superior court Room 5, has taken offices with the law firm of Baker & Daniels, 810-817 Fletcher Trust Building, Indianapolis.

The law firm of Lutz and Beavers, attorneys at Boonville, composed of Philip Lutz, Jr., and Addison M. Beavers has been dissolved.

Three Indianapolis attorneys have resumed their law practice together. They are Reginald H. Sullivan, Frank B. Ross, and Edward H. Knight. Their offices are located in Suite 835, State Life Building. I. Sidney Stein and Harry M. Stitle, Jr., are associated with them. Each will engage in the general practice of law independently and are not in partnership.

City Judge James F. Gleason and his son, Attorney James P. Gleason have moved their offices to Rooms 1 and 2, First National Bank Building, Michigan City.

Prosecuting Attorney Fred A. Egan and his chief deputy, Benjamin Schwartz, have opened a law office in the Union National Bank Building in Indiana Harbor. They will confine their practice to civil cases.

Lloyd McClure and George B. Shenk have formed a law partnership under the firm name of McClure & Shenk. The firm will be located in the suite on the sixth floor of the Armstrong-Landon Building, Kokomo, occupied for the last few months by Mr. McClure alone.

Roy C. Street has moved his law office to Room 57, Lafayette Loan and Trust Building, Lafayette, Indiana.

New Members of Indiana State Bar Association

Ralph M. Bounnell, Crawfordsville; Lawrence M. Busby, Anderson; Forrest C. Croddy, Auburn; John R. Curtis, Indianapolis; C. O. Davison, Anderson; Alonzo M. Gardner, Richmond; Ross Harrington, Richmond; Herman G. Hurst, Indianapolis; Kenneth J. Konop, Indianapolis; Dan M. Link, Auburn; Allen C. Lomont, Fort Wayne; O. R. Mann, Noblesville; Everett E. McDaniels, Anderson; James F. Miller, Edinburg; Milford M. Miller, Evansville; John B. Newlin, Crawfordsville; James R. Register, Bloomington; Delrue Thomas, Borden; Walter Vermillion, Anderson; Harold Wagner, Hammond.