President's Annual Address

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Indiana State Bar Association

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Recommended Citation
Hill, William H. (1939) "President's Annual Address," Indiana Law Journal: Vol. 15: Iss. 1, Article 1. Available at: https://www.repository.law.indiana.edu/ilj/vol15/iss1/1

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PRESIDENT'S ANNUAL ADDRESS

By WILLIAM H. HILL*

The by-laws of our Association require that at each annual meeting the President shall deliver an address. In presenting this address today I shall in no wise attempt to equal many inspiring and scholarly addresses of my distinguished predecessors, but rather make a report of the Association's activities during the past year and take a glimpse at the present and future problems of the Association as these problems relate to the lawyers of Indiana in their united effort to advance the administration of justice. After all is said, the real yard stick for measuring the success or the failure of this Association is to be found in the accomplishments of the Association, in its service to the profession, and in its promotion of a more adequate and efficient administration of justice to the end that all men may stand equal before the law, and that our government shall be a government of law and not of men.

I acknowledge with deep appreciation the wholehearted support of the officers and members of the committees of the Indiana State Bar Association during the past year. The members of the Board of Managers have answered every

call made upon them and, at their own expense, have attended almost one hundred per cent. five meetings of the Board. It is remarkable that of approximately one hundred twenty-five lawyers asked to serve on committees not a single refusal was registered. This is a record seldom equalled by any organization. Such willingness to serve indicates that the lawyers of Indiana will not be remiss in upholding the standards and ideals of the profession; that the bar of this State will not lag in shaping a course in the administration of justice which will adequately meet the complex requirements of present day social, political and economic problems.

The outstanding effort of the Association during the past year was the attempt to integrate the bar of this State. For several years the Indiana State Bar Association has advocated an all-inclusive bar. At the last annual meeting and at the last mid-winter meeting of the Association it was determined that a positive effort be made to urge the passage of an enabling Act by the Legislature, authorizing the Supreme Court of Indiana to integrate the bar under rules of court. At your direction we appointed a special committee on integrating the bar and placed the responsibility of initiating legislative action in the hands of this committee together with the Legislative Committee.

After a careful survey of the situation and several joint meetings of the two committees a Bill was prepared almost identical with that of the Michigan enactment and it was introduced in the House as House Bill No. 155.

For a time it seemed that we were to be successful but the Bill had the antagonism of several lawyer members of the House. We are now led to believe that the opposition to the integration of the Bar of Indiana which developed in the House was largely because many lawyers, both in and out of the Legislature, did not really understand nor appreciate the virtues of an all-inclusive bar. In fact, many lawyers totally misapprehended the purpose of the movement. Your President is glad to believe that if the lawyers of Indiana thoroughly understood the benefits to be derived by the profession from an all-inclusive bar, there would be very little opposition.
We are also led to believe that the State Bar Association has not measured up fully to its responsibility and its opportunities. We have passed resolutions approving integration of the bar. There, in the main, we stop. We have not carried through. We must not forget that only about one-third of the lawyers of Indiana are members of this Association, and only a small percentage of the members attend our stated meetings. What the Association really needs is an aggressive organized campaign of education among the lawyers, and also among the laymen of Indiana on the real purposes and real need for an all-inclusive bar.

During the Legislative session we had the fine cooperation and support of many newspapers in the State, especially those in Indianapolis, but this was not enough to overcome the fears of many lawyers that such a movement was an attempt to regiment the lawyers of Indiana. We were never able to get over to the lawyers that such a bar was wholly democratic, governed and controlled by its own members. The opposition did not even undertake to make a study and a survey of the successful experiences of more than a score of states who have all-inclusive bars in operation.

Again, we are impelled to the conclusion that many of us during the past year in our advocacy of this forward step, unduly emphasized the disciplinarian features of an all-inclusive bar when we probably should have emphasized more its cooperative and coordinating features.

We express our appreciation and gratitude to members of the committee on Integrated Bar and the Legislative Committee, and to a number of lawyer members of the House for their untiring and devoted service in the attempt to bring about the enactment of House Bill No. 155.

Another complication was the efforts of a certain group in Indiana to destroy by legislative enactment the requirements for admission to the bar. Indiana has taken a long step forward in raising the standards for admission to the bar, both as to educational and character qualifications, largely through the efforts of the Indiana State Bar Association. We no longer apologize to the lawyers of other states. The
State Board of Bar Examiners, appointed by the Supreme Court, has done a magnificent work, and as a result of its work, a number of persons desiring admission to the bar failed on examination. Naturally they blamed the system rather than their own lack of qualifications and as a result a considerable movement was initiated to do away with the system of examinations and the present standards of qualifications for admission to practice law. This was reflected in House Bill No. 46 introduced at the last session of the Legislature. Our Legislative Committee and many other lawyers did yeoman service in opposition to this Bill and as a result the Bill failed of passage.

At the mid-winter meeting of the Indiana State Bar Association, upon recommendation of the Committee on Legal Education, a resolution was adopted suggesting that the Supreme Court appoint a committee to make a complete survey and study of the present system of examinations for admission to the bar, hoping thereby that such committee might, through a re-study of the entire problem, be able to suggest such changes as to remove any inequities of the present system. The Supreme Court gladly accepted the recommendation of the Association and appointed such a committee. This committee of outstanding lawyers of Indiana made a careful study and survey of the entire system of examinations and made its report to the Supreme Court. This report is indeed an outstanding work. The Supreme Court has put into effect the recommendations of the committee, and this has been done without lowering the standards of qualifications required of those who desire to practice law in Indiana.

To many of our members it may seem that we have failed in accomplishing the objectives of the Association in integrating the bar. May I submit, however, that there are very few lawyers in Indiana today who are not conscious of the movement as a result of our efforts during the past year, and especially during the last session of the Legislature. While we did not accomplish our ultimate purpose, yet I take some satisfaction in the fact that our Association during the year
has taken an aggressive attitude in this matter. Indiana will eventually have an all-inclusive bar. The day is not far distant when our efforts will be crowned with success. We may take comfort in the fact that in the majority of the other states it has taken from eight to ten years of effort on the part of the lawyers to accomplish the establishment of an all-inclusive bar. The foundation in Indiana has been laid upon which this Association can now move forward in a real campaign of education to a much greater advantage. We most earnestly urge the Association to find the means and the methods by which the lawyers and laymen of Indiana may thoroughly understand and appreciate the value to the profession and to the public of an all-inclusive bar. We can have the support of the newspapers for the asking. A large part of the thinking public will support us if we give it the opportunity. The dignity of the profession demands that we move forward toward our goal. The young men who have come to the bar during the past ten years are almost without exception earnest advocates of this movement. Our Association cannot afford for one moment to take a backward step. We must push on to victory.

In the efforts of the Association to bring to the lawyers and to the public the virtues of an all-inclusive bar, may it not alone emphasize the disciplinarian features of such a bar but give greater emphasis to its value in service to the lawyers themselves and to the public in establishing higher standards in the administration of justice.

I have already referred to the fact that only about one-third of the lawyers of Indiana are members of the Indiana State Bar Association. It is very difficult for the State Association to speak for the lawyers of Indiana when only about one-third are members. I recognize that lawyers have from time immemorial been extremely individualistic, but in this day and in this generation it becomes necessary to have organization. An organized bar is necessary for the protection and well-being of the lawyers themselves. We cannot expect to have all the lawyers as members of our Association so long as we do not give them something that is well worth
their while and until we give the lawyers a service that they will appreciate as being of value to them individually. In other words, our Association must bring something worth while to each individual lawyer in the State. If we are able to do this we are convinced that the lawyers generally will be glad to affiliate themselves with the State Association and until we do give them some real service that is of value to them individually we cannot expect to build up a large membership in a voluntary Association. We can have our annual and our mid-winter meetings at which two or three or four hundred attend out of the four thousand lawyers in the state; we can adopt resolutions; we can have committees who will devote much time and thought to the best interests of the Association and the public, but such is not enough.

We must give to the rank and file lawyer advanced legal education; we must present to him that which will be helpful in his every day practice; that which will be of profit to him in his office and in the court room. The Legal Institute furnishes the means to do this very thing and thus brings the State Bar Association into intimate touch with the lawyer, be he a member of the Association or not. The institute will provide an effective method of vitalizing the Association itself and will increase its membership most assuredly. Such has been the experience of other State Bar Associations and no doubt it will be the experience of our own Association. We advocate that the State Bar Association sponsor legal institutes over the entire state. These institutes are really post graduate courses giving advanced legal education to the active practitioner. Such institutes, sponsored by the State Bar Association, and open to every lawyer whether a member of the Association or not, can be conducted by experts in any number of fields of the law. They have become very popular over the country in large centers of population. By many it was thought almost impossible to conduct such institutes in the smaller communities, but now the experience in a number of states has indicated their great value in these smaller communities.
Recently the Indiana State Bar Association and the Indiana University School of Law sponsored an institute at Evansville, Indiana, on Oil and Gas Law. Invitations were sent out to the lawyers in several counties in southwestern Indiana. We engaged an outstanding authority on Oil and Gas Law to conduct the institute both morning and afternoon and another for the luncheon and the dinner meeting in the evening. The institute was well attended and a number of lawyers, who are not members of the State Association, expressed very forcibly that such an institute was a real service rendered by the State Association and that it was bringing the services of the State Bar Association down to the individual lawyer.

We do not desire to lay out any program for the incoming administration of your Association, but we would most earnestly urge that a policy be adopted that will bring real service to the individual lawyer in the State, and we know of no better or more effective way of making popular the work of the State Bar Association than through legal institutes sponsored by the State Association.

At the mid-winter meeting of the Association an amendment to the by-laws was adopted authorizing the organization of the young lawyers section. This is the first movement in Indiana to adopt the section idea of organization. The organization of the young lawyers section has proved very successful in the short time since the mid-winter meeting. It makes possible a cohesive organization of the young lawyers of the State which can accomplish real results. We hesitate to recommend a radical change in the organization of the State Association but our experience during the past year has convinced us that we might, with profit, adopt the section organization similar to that of the Illinois State Bar Association. In that State they have sixteen sections in two groups. The section organization would provide a means whereby the lawyer could take an active part in the constructive work of the Indiana State Bar Association in the field of his choice, working with kindred minds on problems of common interest.
Section membership would be open to every member of the State Association on registration with the Secretary. This would be without additional dues and any section member might attend any or all of the meetings of the other sections. This plan of organization is the one followed by the American Bar Association and by a number of state associations.

I recognize that in order to effect such a section organization of the State Association a great amount of additional work would fall upon the executives of the Association, especially the Secretary. I would, therefore, advocate that the Indiana State Bar Association move out into the field of service to individual lawyers of the State by establishing as soon as it has the financial facilities, a full-time executive secretary with offices in Indianapolis. The individual lawyers of the State could then have the services of this secretary for the asking. We merely suggest that some cooperative arrangement might be effected with the Indianapolis Bar Association under which both Indiana State Bar Association and the Indianapolis Bar Association could each have the advantages of one full-time executive secretary.

We have only mentioned a few of the means that in our judgment should be used by our Association in bringing to the individual lawyer throughout the State a service that will be of benefit to him in the active practice of the law and help him with his individual problems. The relationship of the State Bar Association to the individual lawyers of the State and the benefits to be derived by the lawyer from active participation in the Association activities is of prime importance if we expect to have a virile organization. We should make the Association activities so valuable and so interesting to the lawyers of the State that they will of necessity feel the importance of close affiliation with the Association and its work.

However, there is another distinct field that we must not overlook, that of public service. In an address before the American Bar Association, its then president, Arthur T. Vanderbilt, used this language: "I take it, that any measure that is not for the best interest of the public is not for the
best interest of the Bar, or to state it affirmatively, those measures which are for the best interest of the public are for the best interest of the Bar. This fundamental proposition, I submit, is not debatable in any bar association. To question it, to seek to put the interest of the Bar above the interest of the public, is to reduce ourselves from the high level of a profession, to the grade of a trade or occupation. More than that, it would be selling our birthright for less than a mess of pottage. It would mean self-destruction. Just as the standing of the individual lawyer is dependent on his good reputation, so is the standing of the American Bar Association dependent on its good reputation with the public. And how shall we maintain our good reputation with the public save by putting the public interest foremost?"

The Indiana State Bar Association must be measured by this standard. In bringing a service to the lawyers of the State we must at the same time not forget that in bringing this service to the lawyer it is only that he may be equipped, and that the profession may be equipped, to discharge his and its duties and responsibilities to the public.

In 1937, Mr. Frederick H. Stinchfield, President of the American Bar Association, in an address to our Association, had this to say: “Lawyers find themselves greatly superior to almost all people with whom they associate. They have better weapons, both of the mind and of the tongue, their influence is great.”

If this statement is to be taken as generally true, the responsibility of the lawyer in service to the public and to the state is heavier than that of almost any other class of citizens. The profession owes to the public intellectual honesty and an advocacy of those fundamentals in both the fields of substantive law and adjective law that will make for an efficient and an adequate administration of justice.

We submit that the great danger to our profession and to the public in our system of jurisprudence is not so much in the field of substantive law but rather in the field of procedure. The practice of law must be lifted above the idea of a game or a contest or a clashing of wits through the use
of antiquated rules of procedure. Rules of procedure are important and absolutely necessary but such are only of value in so far as they assist in determining the truth and in administering justice. The profession should remember that procedure is not an end in itself but only the means to an end and that the end is that the litigant shall be entitled to have his cause heard by an impartial, trained mind, speedily and without burdensome or undue cost. The profession of law owes, not only to itself, but to the public an eternal vigilance in promoting adequate and efficient administration of justice. Our profession must be held responsible for procedural inefficiency. Naturally the public does not clearly understand procedure or procedural reform. Legislative bodies do not have a clear conception nor the ability to properly determine procedure. We of the profession are required to understand and the courts should determine the rules of procedure. If we do not correct abuses and inequities and causes of delay, the public may not know why, but the public will know that the profession has not measured up, and through our failures the profession will be brought into disrepute.

The judicial arm of our government is, in the final analysis, the bulwark of democracy. Let it fail in its purposes and all is lost. We will become a government of men and not of law. Men then would have to bow the knee not to the law but to the edict and proclamation of a totalitarian dictator. It is, therefore, of utmost importance that our profession meet its responsibilities and duties in the field of judicial administration as it relates to procedure.

To accomplish substantial results in procedural reform the individual lawyer can do little. He must throw off his individualistic tendencies and attitude and join with other lawyers in a united, organized effort to do the thing that is necessary. An organized bar devoted to the efficient administration of justice can accomplish results and can solve this problem.

During the past few years the Indiana State Bar Association has to a great degree measured up to its responsibilities with only about forty per cent. of the lawyers as members of the Association. It has lifted the profession in this State
from the low point where it was the laughing stock of the lawyers of the entire country to a point where it now measures up to the very highest standards in the requirements for educational and character qualifications for admission to the practice of law. Largely through the efforts of our Association, through legislative enactment, we have returned to the courts that which inherently belongs to them—the rule-making power. In the last few years we have seen the establishment of a judicial council, the work of which has been of great value to the public and to the profession. We could enumerate a number of advance steps in procedural reform initiated and finally brought to fruition largely through the efforts of our State Bar Association. However, there remains a great field in which we can make much improvement.

Some months ago the United States Supreme Court adopted rules of civil procedure for use in all federal courts. These rules were the work of the Supreme Court with the help of an advisory committee of outstanding lawyers in the United States. These rules have been discussed before the bar associations and legal institutes throughout the country and very little criticism is heard with reference to them. The purpose back of these rules has constantly been that justice might be administered more efficiently, more expeditiously and with more certainty in the district courts of the United States.

I submit to you that if we could have substantially a uniform practice, in so far as rules of procedure are concerned, in all courts, both federal and state, it would make more for efficiency in the actual practice of law and would make it possible for the lawyer to give more of his attention and time in the study of rights of person and property and not so much as to how to get into court and how to conduct himself after he is in court. I believe that the members of the Indiana State Bar Association will welcome the adoption of the federal rules in so far as practicable as rules of procedure in our state courts. Many of these rules have already been anticipated in this State; a great many have not. If we had uniform rules of procedure in both state and federal courts, it would make for a more satisfactory practice of law to the lawyer who
practices in both courts. I know that the Supreme Court of Indiana is giving this subject much careful consideration and no doubt the time is not far distant when they will exercise, to the full, the rule-making power invested in that court and will promulgate rules in uniformity with the federal rules. I take it that uniformity in procedure between state and federal courts and among the courts of the various states would be a great step forward in the administration of justice. Of course, such uniformity would of necessity be qualified by situations made necessary by local conditions and by differences in jurisdiction between the state and federal courts. It is not the purpose of this address to discuss these rules, but we do call to your attention Rule 16 having to do with pre-trial procedure. If this rule, or a rule similar, was put into effect in Indiana and was carried out, it would clarify and simplify the issues in any litigation. It would brush aside the non-essentials and avoid much unnecessary proof upon the actual trial. It would have the tendency to limit the number of witnesses, both expert and lay. It would avoid trivial technicalities in the actual trial and bring before the court on the trial the real issue in controversy. It would shorten and make less expensive much litigation, and yet not require the parties to divulge evidence upon the pre-trial hearing which the parties believed essential in the actual trial of the case. Pre-trial procedure is not now an experiment. It is being used in many courts of the country and the experience is that it does much in its practical workings to the benefit of litigants and to clearing court dockets. We believe that this procedure is practical, not only in large centers of population like Indianapolis, but in smaller jurisdictions.

In my inaugural remarks, upon assuming the duties of my office I emphasized certain items of policy and program which we believed should be given serious consideration by this Association. In that address I said: "If we expect this State and Nation to remain a government of law and not of men and that justice shall be administered without fear or favor alike to men of low and high estate, alike to rich and poor, it is essential that we have a judicial system presided over by
capable judges, learned in the law, without commitments to any political group or class. The proper administration of justice in Indiana requires that our judges shall not be made a political football but that qualification alone shall be the determining factor in selection of judges.

"Personally, I favor a plan of selection that provides that those who are to preside over the courts of our State be selected without regard to political affiliation and that their selection shall not be as now, upon a political ballot at a general election."

I again at this time desire to emphasize the importance of reform in the selection of judges and to urge that this Association take a positive position looking to such reform. This we owe not only to ourselves but to our clients and to the public. Your Committee on Judicial Selection and Tenure has worked industriously and faithfully in a study of this problem. I feel that it is time that we not only had reports of committees on the subject but that we take a definite aggressive attitude and that we bring to the public, especially through the press and through addresses to civic bodies, the importance of taking the judicial offices, in so far as possible, entirely out of politics. We make bold to say that the public, generally speaking, will approve our position and we are sure that the press of Indiana will give our efforts its support.

In passing may we say that if the courts of Indiana are given adequate rules of procedure and the men who grace the bench are selected because of their learning and ability and their integrity, we can then move forward in our administration of justice where the judge of the court will at all times be in active charge of the trial and not merely an umpire. The court can then direct the trend of the trial in such a way as to bring to all litigants the feeling that justice will be done.

The jury system is an integral part of our judicial administration. It is very frequently the case that a litigant may be right as to the law and the evidence and yet a jury, through prejudice or for other reasons, returns a verdict which does not reflect justice under the law. To our mind there is at this moment a need for reform in the method and manner of
the selection of jurors. I am not wise enough to outline the remedy but we do know that some remedy should be found. What justice is there, or what justification can there be, for selecting a jury of men picked up from the streets, or out of pool rooms, who frequently do not represent anything worthwhile in the community, and who have no convictions as to right or wrong, trying a cause that involves keen analysis or technical training, or that involves matters having to do with protection of personal and property rights. Why should the property rights of a litigant be jeopardized by a trial before a jury of men who have no respect for the rights of property? Why should the liberty or the personal civil rights of a citizen be determined by the throw of the dice before a jury of men who are prejudiced against the individual or his class? The present method of selection of juries does not tend toward a proper administration of justice. It does not tend toward efficiency in the administration of justice. It does not tend to decide controversies fairly. It is not uncommon to hear a layman say: "If I know I'm right, I want my cause heard by the judge, but if I know I'm wrong, I always want a jury."

We are not opposed to the system whereby a litigant can call for a jury but until we can find some means by which there may be a better selection of jurors, or until our state courts have greater authority and power in directing the trial of a cause before a jury, our courts will not be the instrument to promote justice which they should be.

Either litigant can demand a jury. The one who does not demand a jury trial is entitled to have his cause heard upon the real issues at stake and a true verdict rendered. He is entitled to have it tried by a jury composed of his peers—that is, men of honest conviction and principle who will not be swayed by every whim that a versatile lawyer may present, men who know right from wrong, men with a keen sense of discernment, men who can analyze a situation and arrive at a fair judgment—such, and such only should fill the jury box.

I submit, therefore, that in the field of judicial reform there is, indeed, a work for this Association in giving careful study to the present method and manner of the selection of
jurors and to find a remedy that will be an improvement in judicial procedure.

Allow me to refer briefly to the subject of Administrative Law. The profession of today in this field is faced with many very intricate and very serious problems—problems that threaten not only the lawyer, but that threaten much more our present constitutional system of government, especially as it relates to the separation of powers. In my remarks one year ago I stated that the profession should recognize that Administrative Jurisprudence is here and it is here to stay; that instead of the profession condemning its shortcomings and its failure to properly administer justice, the profession should take a positive attitude. If we are to maintain this as a government by law and not by men, then it is up to our profession to use its efforts and peculiar abilities to coalesce Administrative Law with equity and common law so that the entire fabric may produce a unified judicial system for the promotion of justice under the American system of constitutional government. It is my sincere conviction that in order to obtain an impartial administration of law, administrative law must be made to fit into our present system of jurisprudence in a way that will maintain the American conception that this is a government by law.

What is administrative law? I think the American Bar Association’s Special Committee on Administrative Law has defined the term quite accurately. “Administrative law,” it says, “means law in the lawyer’s sense. It includes: (1) the legal order, that is, the regime of adjusting relations and regulating conduct by a systematic and uniform application of the force of politically organized society; (2) the body of authoritative grounds of and guides to the judicial and administrative processes; and (3) the judicial process. Hence for us administrative law involves: (1) the place of the administrative process in the legal order, and particularly its relation to constitutional checks and balances the doctrine of the supremacy of the law; (2) the body of authoritative grounds of and guides to the administrative process; and (3) the administrative process in its relation to these grounds
of and guides to its operation—how far and how they govern, how far they ought to govern, how far if they ought to govern, they may be made to govern effectively."

It should be observed that the definition states that administrative law involves the administrative process in the legal order, and is related to the doctrine of the supremacy of the law. This is as it should be, for if we are to achieve a better adjustment between administration and judicially enforced law, the administrative process must be at least on a par with judicial administration of law. One of the greatest benefits that resulted from the fusion of the two systems of equity and common law in England was the elimination of conflicting systems of administering justice. If we are to achieve a more efficient and just administration of law, we must consolidate and make uniform administrative procedure. We have in the Federal Government over 130 separate and distinct agencies, and countless more in the 48 states. There is no uniformity in the rules and regulations among these agencies that are intelligible or understandable. The overlapping of functions on the part of these bureaus and offices, and the love for power and importance, has increased the number of separate regulations and rules that could just as well be eliminated in many instances.

The multiplicity of agencies dealing with practically the same subject-matter in both the federal and state governments is appalling. The administration of law on the part of the various agencies and officers concerned has produced conflicting interpretations of law enforcement. In some cases, the elementary requirements of due process and fair play have been overlooked and concentration of effort made toward quick administration.

I do not think that we should overlook the suggestions and advice of those who have had experience as to the problems encountered in administrative procedure. If we make uniform as much as possible administrative proceedings upon a sound basis of experience and with due regards to our cherished concepts of impartiality and fair play, we shall have taken a great stride in the improvement of administrative law and
maintain our conception that this is a government by law and not by men.

Closely connected with this tendency is one to act upon second-hand statements of general repute, opinion and gossip without opportunity on the part of the person adversely affected to cross-examine the sources of opinion. Legislation abrogating the legal rules of evidence as to administrative agencies is frequent and increasing. For example, as recent as 1935, when the National Labor Relations Board was created, an express provision was inserted in the Act to the effect that in any proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling. This tendency and belief on the part of some is based on the idea that the atmosphere of an inquiry before such agency is not contentious. But it may be and often should be quite as contentious as the same inquiry before the court of equity if both sides are heard and counsel are employed on both sides. Who indeed would say that an inquiry before the National Labor Relations Board is not heated? In the second place, this tendency and belief is based upon the idea that an administrative inquiry is inherently scientific. But can this be true, for example, of a National Labor Relations Board hearing or inquiry if all the rules of court procedure are inapplicable and the decision is left to the discretion of a trial examiner?

We all know that in many administrative agencies the politics of the day is quite paramount in being closely followed or else unfortunate circumstances might result if action of a certain nature is not carried out regardless of the legal consequences. Administrative discretion in the formulation of findings of fact and the ultimate decision based upon such facts without regard to the usual and customary concepts of impartiality and fair play produces not administrative law but what is more popularly known as administrative absolutism. If we are ever to secure the administration of law in accordance with our present system of jurisprudence, we must get at the core of the problem of evidence and a guarantee of tenure of office by those who are charged with the formulation of determinations on the facts found.
Our profession as a patriotic duty should undertake not only a study of this problem but out of that study there should come constructive remedies, all to the end that we may have a unified judicial system with rules of procedure and rules of evidence that experience has proved best calculated to produce dignified hearings and accurate findings and judgment protecting personal and property rights, thus maintaining democratic institutions.

I believe that every state should have a group of high-minded lawyers who will give their time and talents in the field of administrative jurisprudence, working in cooperation with the American Bar Association and other groups, to the end that we may not lose the spiritual quality of American independence and American liberty.

This somewhat ambitious program which we have outlined may seem to you somewhat idealistic. I grant you that this program cannot be approached or successfully carried out if we maintain our old-time individualistic attitude, but if the lawyers of our day will cooperate one with another in the maintenance of virile organization, we can do much in the fields I have casually covered in this address.

We therefore most earnestly urge that the Bar of Indiana be thoroughly organized; that it study and understand its problems; that we recognize that as American citizens in a peculiar way we are destined to lead either for weal or woe. As individual lawyers going our own separate way, we can do little, but organized and working in a cooperative spirit, we can make of the profession a great instrument in the administration of justice among all people in all walks of life.

May we of the profession determine that the task of maintaining democratic institutions, insofar as the judicial process relates, shall be accomplished with "malice toward none and with charity for all."