Mid-Winter Meeting
THE MID-WINTER MEETING

The mid-winter meeting of the Indiana State Bar Association was called to order at ten o'clock January 19, 1934, in the Assembly Room of the Claypool Hotel, Indianapolis, President Eli F. Seebirt of South Bend presiding.

The Hon. Frank C. Daily, president of the Indianapolis Bar Association, opened the meeting with an address of welcome.

President Seebirt introduced three speakers to report upon the meeting of the American Bar Association at Grand Rapids in August, 1933. Mr. James R. Newkirk of Fort Wayne reported on the selection of judges as discussed at the Grand Rapids meeting. Mr. Frank C. Olive of Indianapolis reported upon the discussion of the proposed amendments to the bankruptcy act. Mr. Francis A. Shaw of Muncie reported upon the discussion at the Grand Rapids meeting of the Constitution. These reports are set forth with some condensation necessary to conform to the space limitations of the Journal.

SELECTION OF JUDGES

The subject of selecting judges was one of the most interesting parts of the program of the American Bar Association at its annual meeting last August, in Grand Rapids, Michigan. Mr. Julius Henry Cohen, of New York, advocated the appointment of judges by the governor, subject to the approval of the legislature. Mr. Cohen gave three reasons for the appointive system, as follows:

First: The federal or appointive system concentrates attention upon one man who is directly responsible to the people.

Second: Governors are more receptive to organized professional opinion than the leaders of political parties.

Third: The people can not and do not control the election of judges.

Mr. Paul Lamb, of Cleveland, stated that their Bar Association operating through a representative committee of forty or fifty members, conducts a primary, counts the ballots, and offers to the voters the considered opinion of the profession. The
newspapers usually indorse all the Association candidates. Mr. Lamb said that the committee expressed itself very frankly in its public statements concerning the qualifications of candidates. One judge seeking re-election was credited with "courtesy, diligence, judicial temperament and legal ability", but the charge was made that a lack of confidence existed in the Bar "in his intellectual honesty". Another candidate was credited with legal ability and success as a trial lawyer, but "the answers to the questionnaire reflect widespread lack of confidence in his judicial temperament and his capacity to administer his office with fairness and impartiality". Another, although having some good qualities, was criticized for "lack of patience and courtesy" and was regarded by many as not possessing legal ability and not being an able judge. As a whole, according to Mr. Lamb, the Bar Primary in Ohio has done some good, but is not entirely satisfactory.

Mr. Joseph O'Connell, of Boston, adhered to the method of selecting judges by popular election, although he urged the bar associations to use their influence in some way so that more competent men can be elected to the bench. Mr. O'Connell asserted that the appointive method would not eliminate politics in the selection of judges and that the people were as well qualified to select judges as they were to select their executive and legislative officers.

Mr. E. Smythe Gambrell, of Atlanta, Georgia, outlined other methods of selecting judges which he thought would result in getting more competent men upon the bench.

Many other members of the association were permitted to express their views and the general opinion of all who spoke might be summarized as follows:

First: The selection of judges by popular vote in other than rural districts is very unsatisfactory.

Second: The bar associations should hasten to take some action to influence the selection of more competent judges.

Although this report is necessarily short, the subject of selecting judges is a matter upon which this association should take some action. The public at large has charged our association, and I think rightfully so, with two important duties.

First: To see that only those who are qualified and competent are permitted to practice law.
Second: To see that only those who are qualified and competent are permitted to occupy the bench.

Our association has recently assumed its responsibility of seeing that only competent and qualified persons are admitted to practice law, but it has done nothing toward ridding the bar of those who have proven themselves unworthy to continue in the practice of law. Neither has our association done anything to bring about the selection of properly qualified and competent judges.

I have often heard it said by able lawyers that the Bar Association has no power to regulate the conduct of lawyers or to influence the selection of judges. That may be true, but I have never observed any real effort upon the part of the bar to acquire such power and I know the politicians are unalterably opposed to an impartial and unpolitical judiciary. The Association can never hope for such power as long as it continues to have an apathetic and indifferent attitude toward its own responsibilities.

The public demands us to assume our responsibilities and we can no longer close our eyes to the many abuses in the administration of justice. The delays, the technicalities, and the inefficiencies in our courts reflect directly upon the bar, and who knows better how to correct these abuses than the Bar Association? It is time for our Bar Associations to assert themselves in the selection of judges and in other reforms if our courts and our profession are to survive the tendency toward the administration of justice through boards, bureaus and commissions.

We resent criticism directed against courts and lawyers, yet we know that in most instances the criticism is well founded. We are too much inclined to rest upon our laurels rather than lead in the elimination of the evils which prevail in the administration of justice. Our judges could and would correct many of the bad practices now indulged in if they were encouraged to do so by the bar associations. It is, therefore, the duty of the Bar Association first to formulate a standard of qualification and conduct for the judiciary which will win the approval and commendation of the public and then see to it that men are chosen for the judiciary who will maintain that standard. If judges are to be measured by a standard formulated by our association, they will acquit themselves differently than they will if measured by a standard formulated by a political party. Politics should be eliminated from the court rooms. A judge should
be chosen because of his ability and willingness to administer justice rather than because of his ability to extend the "glad hand". The majority of lawyers and practically all laymen feel that judges should be free and above political influence and practices. This association, therefore, should go on record and stay on record as favoring and demanding the selection of judges at an election when no other officers shall be voted for, as our Constitution provides may be done.

It seems to me that the legislature has the power to take our judiciary out of politics and our association is derelict in not constantly prevailing upon the legislature to do so. If separate elections were held for judges, I am sure the bar associations would be able to influence the selection of more efficient and more competent judges. Able lawyers would then look with greater favor upon the office of judge and the people would have more respect for the courts.

We may differ on executive and legislative policies, but there is only one policy in the administration of justice. The judiciary is an independent department of our government and there should be no political issues between men seeking judicial honors. Our association should lead the way in eliminating the political odium from our judiciary by advocating the selection of judges at elections exclusively for judges.

PROPOSED AMENDMENTS TO THE BANKRUPTCY ACT

You are all familiar with the Hastings Bill which was introduced in the Senate in February, 1932, which embodied the ideas of an Assistant Attorney-General, who, I fear, had not practiced much in bankruptcy courts, and who failed to take the advice and counsel of those who had.

If that bill had been enacted into law practically all of the court decisions construing nearly every phase of the Act of 1898 handed down during a period of more than 33 years would have been scrapped, and another bureau would have been created under the supervision of the Attorney-General providing for a vast number of jobs for worthy politicians as administrators, examiners and clerks.

However, representatives of a great many groups interposed such opposition to the measure that it failed to come up for passage.

When the proposed legislation was being opposed by Chairman Lashly of the American Bar Association's Committee of
Commercial Law and Bankruptcy, Senator Hastings asked whether the present act could or should be amended; and on receiving an affirmative reply to the effect that basically the present law is sound but that it could be amended so as to expedite procedure and to stop gaps which had appeared after many years of experience, the Senator requested that such amendments be prepared and submitted to Congress.

In pursuance thereof, about May 1, 1932, at Washington, there was a conference composed of conferees from every section of the country representing the American Bar Association, Commercial Law League of America, Referees' Association, National Association of Creditmen, the Chamber of Commerce of the United States, American Bankers' Association, authors of books on bankruptcy and professors of bankruptcy law.

Since then this group has held numerous other conferences, and what is hoped to be the last conference will be held at Washington next week. Shortly thereafter it is expected that a final draft of amendments that can be agreed upon by the representatives of all of the various groups can be put in shape to offer to Congress with a recommendation on behalf of all of the groups that the same be enacted.

The extreme conditions of economic depression and the change of administration combined to make the 73d Congress conscious of the necessity of immediate relief to debtors, and the administration program took the form partly of a five point bankruptcy program for the relief of debtors. Of the five points, three were enacted into law at the last session of Congress:

First, the provision for the relief of debtors;
Second, agricultural compositions and extensions;
Third, reorganization of railroads engaged in interstate commerce.

It is doubtful if either of the first two of these measures have made or will make any appreciable contribution toward the program of debt reduction for which they were designed. Very little is added to the powers already existing under the composition section of the present bankruptcy law by the so-called provision for the relief of individual debtors, except that the court is given power to deal with secured, as well as unsecured debtors. In other words, practically everything that is designed to be done under the new legislation could be accomplished under Section 12 of the old act.
Precise interpretation of much of the phraseology of the new act is so difficult that it will surely require numerous court decisions before its meaning in some respects becomes clear. It is questionable as to whether the power which the act appears to give to unsecured creditors to determine by a majority vote the fate of secured creditors as to the enjoyment of their securities is constitutional.

So far reports from the large centers indicate that proceedings under this section are seldom being resorted to.

A person who availed himself of that act was known as a "debtor" instead of a "bankrupt", but it has been found that persons who can not pay their debts do not like to be called debtors any more than they like to be designated as bankrupts.

Similarly, it is believed that the agricultural composition and extension act will prove to be even more disappointing to farmers, in whose interest it was enacted. Although it was intended to simplify bankruptcy and extension proceedings for farmers, in reality it seems to be very complicated; besides, there are questions relating to the constitutionality of some of its provisions and reports indicate that very few have sought relief under its provisions.

The Railroad Reorganization Act undertakes to provide a plan by which the railroads of the country may reorganize their capital structure and bonded indebtedness to comply with actual conditions and values. The principal purpose was to enable railroads to reorganize and scale down their liabilities, both secured and unsecured, without having to go through the expensive and very troublesome foreclosure proceedings in Federal courts.

Considerable doubt has arisen as to the constitutionality of some of the provisions thereof and it has been taken advantage of by only a few railroads. It is expected that the procedure involved in its application will be particularly difficult in view of the uncertainty of jurisdiction as between the court and the Interstate Commerce Commission at various steps in the proceedings.

The fourth point in the bankruptcy program is that of general corporate reorganization. This measure failed of passage in the 72nd Congress and was reintroduced in various forms in the 73rd Congress.

We all know that there are many corporations which are overcapitalized and which are unable to pay their debts. Many of these corporations have various kinds of bonds, stocks and de-
bentures outstanding. The collapse of the earning powers of corporations has made it manifestly impossible to keep up the interest and pay the amounts due upon principal upon such obligations, with the result that many corporate bonds have lost their value as collateral and have become powerless to perform their part in the refinancing and rehabilitation of industry.

Reorganization of such corporations could be effected in the course of time through the slow and expensive process of foreclosure, receivership, private reorganizations and adjustments and normal bankruptcies. The object of the administration is to speed the process by means of a proposed corporate reorganization act as a part of bankruptcy legislation.

The Committee on Commercial Law and Bankruptcy reported to the meeting at Grand Rapids that the Corporate Reorganization Bill which appears now about to be enacted seems to combine more than any other which has yet been propounded the elements of facility upon one hand and protection upon another.

After Mr. James R. Morford, of Wilmington, Delaware, read to the Association a very ably prepared paper, the Bar Association adopted a resolution disapproving in principle a proposed corporate reorganization provision as being, in so far as it attempts to affect the rights of stockholders, an unwarranted and unconstitutional encroachment by the Federal Government upon the sovereignty and reserved powers of the states.

The fifth bankruptcy point in the administration's program represents an attempt to relieve cities and other taxable districts from their present bonded and other indebtedness through the devise of a bankruptcy proceeding in the United States courts entitled, "Municipal debt readjustments".

A very serious situation exists with regard to defaults of municipalities and other governmental instrumentalities. As of November 14, 1933, 300 counties, 574 cities and towns, 270 school districts and 60 other taxing districts, making a grand total of 1,532 of all classes, had defaulted in the payment of their obligations, and the State of Arkansas was also in default in the payment of its obligations. Florida, North Carolina and Ohio lead in the number of such defaulting districts. A tremendous agitation has been carried on with a view to the passage of this bill and it would not be at all surprising to see such a measure pass in the present session of Congress. The American Bar Association has taken a firm stand against the passage of any such legislation.
Such a great amount of interest developed with respect to corporate reorganizations and legislation regarding municipalities that the Committee on Commercial Law and Bankruptcy of the American Bar Association held an open meeting at Grand Rapids, which was largely attended, and at which both sides of the controversy were discussed by able lawyers.

Proponents contend that Federal legislation is a necessity because of the ability of small minorities to bring action in Federal courts to overthrow agreements negotiated between a municipality and a majority of its creditors, even though such agreements are not in fact prejudicial to the rights and interests of creditors as a whole, and have the sanction of the state government.

Those who are against such legislation say that it is against business policy that governmental debts incurred upon the faith and credit of public tax collecting agencies should be abrogated; that it is unwise policy for the Government to point the way to evasion or postponement of payment of public obligations for the reason that the practice may become a political issue; that the prospect of escape from municipal obligations through bankruptcy or moratoria laws is nearly certain to encourage tax delinquencies; that the placing of the financial control of cities and other taxable districts in the power and jurisdiction of the United States courts is an unwarrantable surrender of the rights and privileges of local self-government; that the inevitable results must be to depress the market for municipal securities and seriously impair the credit of cities in sound financial condition; and that it is very doubtful whether such legislation can be successfully defeated on constitutional grounds.

It is expected that the present Congress will take some action on both the corporate reorganization and municipal bankruptcy questions.

A NEW DEAL FOR CONSTITUTIONAL GOVERNMENT

In the time allotted we can state, only in part, our impressions and reactions to the constitutional discussions at Grand Rapids. The first subjects, namely: "The Growth of the Impotency of the States," "Is the Constitution Passing?" and "The Growth of Federal Executive Power," by President Martin, Justice Parker and Senator McCarran, respectively, relate to the
present welfare, reaffirm faith in the familiar and sound constitutional doctrines, present stability, vitality and efficacy of the constitution to solve all emergencies of the times. The subjects, recitals and exhortations show unmistakable signs of the anxiety of the speakers, shared by most of us, for the safety of constitutional government. These addresses, together with that of Attorney General Cummings and extracts from others are published in the October Bar Journal.

All speakers graphically described present trends and conditions in government, industry, finance, and other associations and seem to agree that because of our grievous burdens, as a people, we have fallen into the "Slough of Despond". The debates arise and continue over methods of getting out on the side of the "Slough" nearest the "King's Highway" leading to the "Promised Land." The lawyer, the jurist, and the legislator all advocate the return to constitutional government, or as we would put it, for a New Deal for Constitutional Government.

The views of those in Executive authority, expressed at the meeting, and since broadcast to the nation, may be summed up about as follows:

That we are in the midst of a social revolution out of which there is to emerge a new order—a new structure—"to be built upon the ruins of the past" and "designed better to meet the present problems of civilization." The new structure is to include industry, finance, agriculture, the individual citizens and the relations between all to be dominated, supervised and controlled by Executive authority. In its establishment all old methods are to be discarded. The advocates of the new structure say, we are not to stand still, or go backwards, but to move forward at all times by these new methods which are not described with clarity. At Grand Rapids, we were informed the new methods to be adopted were only for the period of the emergency but now we are informed they are to be permanent; that these methods would require new legislation, further expansion of executive powers, and "that all clauses in the constitution and decisions that would make any part unlawful should be stricken and the constitution made responsive to the new order." They further say that representative government is a failure; that ours is no longer a government of laws (as we have been taught) but that it has in fact now become a government of men, of classes, of groups, and the subject of collective bargain-
Practically all defenders of the constitutional system, as well as speakers at the Grand Rapids meeting, admit that there is a lack of faith in this system. How has this come about? We are convinced it is not because of any defects in the constitution, or in the basic principles that ought to govern society, or the individual, or in the moral code.

No one can deny that the illicit relations of long standing existing between politics, industry, finance and other relations, the subjection of public interest and the common good to personal interest is the contributing cause for the lack of faith and break-down in the constitutional system. Let us place the responsibility where it belongs and not on the constitution or the basic laws of the land. Newspapers daily, legislative and congressional enactments, records of commissions, ordinances, bank records, etc., furnish the evidence supporting the above conclusions. Our troubles all come from disobedience to our fundamental laws. The field of legislation, executive conduct, class and group action is replete with illustrations of the consequences of such disobedience. On the other hand, the pages of history are full of honorable mention for those who have fought for the maintenance of correct principles and motivated their lives and conduct in accord therewith and hold up in infamy those who are disobedient to their mandate. We mention but a few other causes for this lack of faith in constitutional government. One is the “Spoil System.”

The system has affected all parties and in these times victory at the polls is a sufficient mandate to turn from office all incumbents of the opposite party, and sometimes of the opposite faction in the same party, without regard to the public service from the office boy to the highest appointive position, heads and trustees of nonpartisan institutions not excepted. That is not all but new places are created daily for political workers regardless of the need of the public service.

We believe that it would generally be admitted that the elimination of the “Spoil System” and unnecessary bureaus, from all governments would save sufficient billions to take care of all of the distress of unemployment.

Another contributing cause to the present conditions described and the loss of faith in our constitutional system by the citizens
is the mass mental attitude towards the public service. Is it not, generally speaking, the policy of individuals and groups to get all that is possible out of government instead of putting all they could into government?

How many of our citizens seeking official position have in mind the rendition of a public service? Is it not rather the emoluments of official position, or the satisfaction of personal ambition of the individual, or a group to which the individual holds allegiance the primary object? Then again, are not campaign contributions from groups seeking the favors of government, to those aspiring to public place, thereby obligating the successful candidate to the group, a contributing cause to the conditions described?

Political leaders we will always need but such leaders should be actuated with a love of the republic and be motivated with a desire always to seek the public good. The great need of the nation today is not the treatment of the effects produced by the violation of the constitutional principles and the basic laws of society and government but the change in the mental attitude towards public and private service, thus removing the causes which have produced the effects.

No new and successful social order can be established in this nation founded upon the "ruins of the past", or upon the present state of society and government brought about by violated law. Any new social order made workable must be founded upon the solid rock of constitutional principles and respect for the rights of individuals guaranteed by the constitution. When so established it will not be a new order but simply a revival of the old order established by the founders of the constitution.

Mr. Wilmer T. Fox moved that the president appoint a special committee to consider the matter of the selection of judges on a non-partisan ticket and that this committee be instructed to report to the Association at the summer meeting. The motion was carried.

President Seebirt called for a report from a committee of which Mr. Wade Free of Anderson was chairman, which had been appointed during the year to investigate the matter of several proposed publications of Indiana Statutes. At the conclusion of the report it was moved, seconded and carried that the report be received and placed on file. The report of the committee is as follows:
REPORT OF COMMITTEE ON PUBLICATION OF INDIANA STATUTES

Your Committee appointed for the purpose of investigating the merits of the respective revisions of the Indiana Statutes proposed to be made by the Banks-Baldwin Law Publishing Company of Cleveland, Ohio, and Bobbs-Merrill Company of Indianapolis, Indiana, begs leave to report as follows:

Said Committee met at the Claypool Hotel in Indianapolis, Indiana, on the 22nd day of December, 1933, at the hour of 10:30 o'clock A. M. Representatives of the Banks-Baldwin Law Publishing Company of Cleveland, Ohio, and of the Bobbs-Merrill Company of Indianapolis, Indiana, respectively, appeared before said Committee; and your Committee proceeded to advise itself as to the conditions and circumstances under which said two proposed publications were about to be made, insofar as it could procure information from the representatives of said Companies who appeared before said Committee.

With reference to the proposed publication of the Banks-Baldwin Law Publishing Company of Cleveland, Ohio, your Committee finds the following facts:

(a) Banks-Baldwin Law Publishing Company is an Ohio Corporation with its principal office in the City of Cleveland, Ohio, but if the proposed Indiana Revision of the Statutes is published, the printing and binding of said publication is to be done by the R. R. Donnelly & Sons Company of Crawfordsville, Indiana.

(b) The Baldwin publication of the Statutes is to be offered to the legal profession of the State at the price of $27.50, upon which a credit shall be allowed of the sum of $7.50 for the return of the Banks-Baldwin supplement which has been purchased by some of the members of the Bar of the State of Indiana.

(c) The Baldwin revision would be a one volume work of approximately pages, printed on thin paper and with the Statutes numbered in a numerical system to be adopted by the Banks-Baldwin Company.

(d) The Banks-Baldwin Company proposes to prepare and issue to its subscribers a printed loose-leaf service about twice per year, which will include all revisions and annotations, and at such time as said service sheets accumulate to the extent
that it would be impractical to carry them as such, this Company proposes to revise its one volume set to include the material contained in its service sheets. For the service sheets the subscriber is to pay $10.00 per year, but for each revision of the one volume set made to include the service sheets, the regular price is to be charged and your Committee was unable to ascertain definitely as to the price of each new revision or the amount of credit, if any, which would be allowed on the old revision to be surrendered.

With reference to the proposed publication of the Bobbs-Merrill Company, your Committee finds as follows:

(a) That the Bobbs-Merrill Company proposes to issue and sell a 12 Volume set of the Indiana Statutes following the numerical system of the Statutes heretofore used by the Bobbs-Merrill Company in the Burns Revisions, and the price at which said Statutes are to be sold is the sum of $60.00 per set. Each Volume of said set is to contain a pocket arrangement similar to that used in the United States Code, Annotated, in which pockets may be inserted from time to time the supplements proposed to be issued by the Bobbs-Merrill Company containing new Acts, amendments and annotations. These supplements are proposed to be issued approximately twice each year and for this service the subscriber is to pay the sum of $10.00 per year.

(b) Your Committee was further advised that when the Bobbs-Merrill Publications had accumulated so much material that it could not be conveniently placed in a pocket arrangement that a new volume would be published. The new volume to cost $5.00.

(c) The Bobbs-Merrill Publication sets out in full the title of each legislative enactment. Another feature of this publication and the annotations is that the publisher shows what states have similar enactments.

Your Committee was not advised as to any definite date at which the completed Banks-Baldwin Revision would be available, nor was it advised as to any definite date at which the 12 volumes of the proposed Bobbs-Merrill Publication would be available.
Your committee was not advised and it could not determine the length of time which would probably transpire between the completed publication of the Bobbs-Merrill Revision and the necessity for a revision on account of the accumulation of new legislative enactments and annotations. Nor was your Committee advised as to the frequency with which the Baldwin Publication would be revised in order to include new legislative enactments and annotations.

The only information which your committee has as to the necessity of frequent revision of the proposed Baldwin Revision is from the experience of the Ohio Bar. The Banks-Baldwin Company published a one volume revision of the Ohio Statutes. Your Committee is advised that the Banks-Baldwin Co. published a revision of the Ohio Statutes in 1926, one in 1929, and one in 1930, and has in preparation a revision to be issued as of 1933. Your committee is informed that these respective revisions were sold to the members of the Ohio Bar at $45.00 each, though this Company proposes to have its Indiana Revision available at the price of $27.50 per volume. The Banks-Baldwin Company was unable to give your committee any assurance that future revisions of the Indiana Statutes would be made available at the same price at which the initial revision is proposed to be marketed.

The State of Indiana has no official recognized system applicable to the various Acts of its legislatures and the proposed Burns Revision to be published by the Bobbs-Merrill Company would probably carry the numbering system heretofore adopted and used in the Burns Revisions and the Banks-Baldwin Company would use a different numbering system.

Your committee desires to call your attention to the fact that in many states by legislative enactment a system for numbering the statutes has been carried out. The authority is vested in the Attorney General of these states or in the Legislative Reference Bureau to number the legislative enactments. If this system prevailed in the State of Indiana no great hardship would be placed upon the members of the Bar if we had more than one publication of the statutes in this state.

It is the opinion of your Committee that the Bar Association should sponsor a bill in the next session of the legislature adopting a numerical system for the statutes.

Your committee desires to call your attention to the fact, that in the event there are two publications of the statutes in
the State of Indiana, the sections of which are numbered differently, that the Supreme and Appellate Courts will be compelled in handing down their decisions to adopt one of the publications or to cite both publications. And if the Courts are required to cite both publications an additional burden will be placed upon the courts.

It is the opinion of your Committee that the publication of the statutes by two different publishing houses will lead to confusion and will result in and cause the bar of this state to purchase both publications.

It is the opinion of your committee that the Bobbs-Merrill Publication from the lawyers' standpoint is the better of the two publications. And in view of the experience of the Ohio Bar will in the end be less expensive than the Banks-Baldwin Publication.

And while your Committee appreciates that under the present economic conditions $60.00 per set is a large amount to be called upon to pay for a revision of the Indiana Statutes, yet it believes that it would be to the financial interests of the Lawyers of the State of Indiana to avail themselves of the proposed Burns Revision than to encourage the publication and general use of the proposed Banks-Baldwin Revision with the resulting necessity of being compelled to maintain both revisions.

Your Committee therefore recommends that the proposed publication of the Banks-Baldwin Revision of the Indiana Statutes be discouraged.

Your Committee in making its recommendation desires to assure you that no member of that Committee has any interest whatever in either of the proposed publications and that it makes its recommendation solely in what it thinks is to the best interest of the members of the legal profession of the State of Indiana. And your committee realizes that in making these recommendations that it will probably be subjected to severe criticism, but each member of the Committee desires to take a position in this matter representing his views thereby submitting a report that would be of some assistance to the profession in this state rather than straddle the issue.

Mr. Wilmer T. Fox of Jeffersonville introduced the following resolutions which were adopted by vote of the association.

Be it resolved that Section XIII of the By-Laws of the Indiana State Bar Association be amended to read as follows:
DUES

Each member (except as hereinafter provided) shall pay to the Association for annual dues the sum of Seven ($7.00) Dollars, payable on January first of each year, in advance, which sum shall include the subscription of the member to the Indiana Law Journal. A newly elected member shall pay in advance such dues pro rata for the balance of such year in which he is elected, computed on a quarterly basis, beginning with the quarter of the year in which his nomination or application for membership is made.

During the first five years from the date of his admission to practice, the annual dues of each member heretofore or hereafter admitted to membership shall be Two ($2.00) Dollars, save that there shall be no refunding of dues paid prior to January 1, 1934.

The annual dues of student members of the Association shall be One ($1.00) Dollar.

No person shall be in good standing or be qualified to exercise or be entitled to receive any privilege of membership who is in default in the payment of his dues for one year.

Be it resolved that Article VIII of the Articles of Association of the Indiana State Bar Association be amended by the addition of the following section:

Section 5. Any student attending a law school requiring a three year course of study for the degree of Bachelor of Laws may be admitted to associate membership in the manner and upon the conditions prescribed by the By-Laws; the status of a person as a student shall continue for six months after he ceases to attend law school unless he is sooner admitted to practice law in this state. Such associate members shall receive the Indiana Law Journal and shall have all the privileges of membership in the Association except the right to vote and to participate in the discussions.

On motion of Mr. Wilmer T. Fox, chairman of the Membership Committee, the following persons were elected to membership in the Association: Charles E. Smith, Anderson; Howell Ellis, Indianapolis; Leslie Wardschuck, Indianapolis; J. Roland Duvall, Indianapolis; W. W. Armstrong, Indianapolis; and Morris T. Harrold, Indianapolis.
Dean Bernard C. Gavit of Indiana University Law School read a prepared paper entitled "Can Indiana Constitutionally Impose Educational Prerequisites for Admission to the Bar Examination?" This article is published in its entirety at page 357 of this issue of the Indiana Law Journal.

Mr. John Randolph, chairman of the Committee on Legal Education, rendered the following report of the committee which was adopted by vote of the Association.

REPORT OF THE COMMITTEE ON LEGAL EDUCATION

In keeping with the policy and program of the American Bar Association, and pursuant to the action of the Indiana State Bar Association at its July meeting, recommending amendment to the rules of the Supreme Court by requiring both general and legal educational qualifications of applicants for taking the bar examination, your committee on Legal Education recommends the adoption of the standards set by the American Bar Association and its Council on Legal Education and Admissions to the Bar as a qualification for admission to the Indiana State Bar Examinations, which standards are as follows:

(1) Every candidate for admission to the bar should give evidence of graduation from a law school complying with the following standards:

(a) It shall require as a condition of admission at least two years of study in a college.

(b) It shall require its students to pursue a course of three years duration if they devote substantially all of their working time to their studies, and a longer course, equivalent in the number of working hours, if they devote only part of their working time to their studies.

(c) It shall provide an adequate library available for the use of the students.

(d) It shall have among its teachers a sufficient number giving their entire time to the school to ensure actual personal acquaintance and influence with the whole student body.

(e) It shall not be operated as a commercial enterprise and the compensation of any officer or member of its teaching staff shall not depend on the number of students or on the fees received.
Graduation from a law school should not confer the right of admission to the bar, and every candidate should be subjected to an examination by public authority to determine his fitness.

Your Committee further recommends that the Board of Managers of this Association be directed to file and present a formal petition to the Supreme Court requesting the adoption of the necessary rules.

Professor Edson R. Sunderland of the University of Michigan read a prepared paper on "The Benefits to the Public and to the Bar Derived from a State Judicial Council", which paper will be published in a forthcoming issue of the Indiana Law Journal.

Mr. John Biel of Terre Haute, Chairman of the Young Lawyers' Committee, read the following report of the committee. At the conclusion of the report, the chairman at the suggestion of the President amended the report so that the matters therein dealt with should be referred to the Board of Managers of the Association, in which form the report was adopted by the association.

REPORT OF THE YOUNG LAWYERS' COMMITTEE

Your committee has had two meetings since it last reported to the Association. The majority of the committee members were present at both meetings.

Members of your committee have been called upon frequently both by law students and by beginning practitioners for service and council along ethical and practical lines. Your committee feels that its efforts along these lines have proved helpful and feels it is performing a distinct service, which is both needed and appreciated.

Your committee has had under serious consideration for some time the advisability of conducting an examination for all beginning students of law in the state with the object of determining the probable fitness and aptitude for legal study. Such examination would prove of dual benefit:—a benefit to student submitting to the examination, and a benefit to the profession as a whole. To this end your committee has determined to conduct the Ferson-Stoddard Law Aptitude Examination with the assistance of the various law schools in Indiana in the event the
Association sees fit to permit such examination in the name and under the auspices of the Indiana State Bar Association. Your committee therefore recommends that the Association, by proper resolution, sanction and give authority to the committee to conduct the Ferson-Stoddard Law Aptitude Examination in the name of and under the auspices of the Association.

Your committee has further considered and discussed various plans for carrying out the objectives for which it was created. It has definitely decided upon two lines of procedure in addition to the Aptitude Examination.

From a study of the problems of the law student and the beginning practitioner, your committee has arrived at a conclusion which has long been held by many older members of this Association, namely, that one of the essential needs of the young lawyer is a knowledge and familiarity with the ideals, traditions, courtesies, and standards of professional conduct of the Bar. Your committee feels that these matters are of such character that they cannot adequately be taught to the student in formal courses of study in the law schools. It feels that the only adequate method of obtaining this much needed knowledge is from intimate contact with reputable members of the legal profession and from actual participation in the function of the law. The committee is of the opinion that the modern method of legal education is defective in this respect, and that in spite of its obvious inadequacies in practically all other respects, the older system of training for the Bar whereby the student read law in the office of some active practitioner, had a distinct advantage on this point. The committee therefore feels that some system should be devised whereby a young person preparing for the practice of the law could have the opportunity of obtaining this sort of training from active contact with the experienced members of the profession. This contact should come before he is admitted to the practice and should be regarded as an integral part of his legal education. The committee has discerned two possible methods of meeting this problem. It feels that one method is so superior to the other that there is no choice between them. Since, however, the better method would require a certain period of time before it could be put into operation, whereas the less desirable method could be started immediately, the committee has decided to recommend both methods: One to be put into immediate operation, the other to be put into operation as soon as possible.
Your committee, therefore, begs leave to submit the following two recommendations:

1. Your committee recommends that the Association, by proper resolution, recommend to the Supreme Court of the State that it require as evidence of the good moral character of all candidates for the admission to the practice of law in the State of Indiana, presentation before examination of a certificate from a reputable practicing attorney that the candidate has served an apprenticeship of six months in his office, during which time the candidate has devoted his entire time to the work of the office as a law clerk and that such attorney, from actual knowledge of the candidate obtained during such period, is satisfied of the moral fitness of the candidate to engage in the practice of law.

2. Your committee further recommends that the Association place at the disposal of this committee the sum of $200.00 with which to sponsor and provide a series of lectures to the law students of the various law schools in Indiana by distinguished practicing attorneys, who are members of this Association. It is the opinion of this committee that such lectures should be continued until such time as the Supreme Court of this State adopts such a system of apprenticeship as that suggested in recommendation number one.

On motion of Mr. Frank Hatfield of Evansville the Association adopted the National Bar Program of the American Bar Association as a part of the program of the Indiana State Bar Association.

The meeting adjourned at four p. m.