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# PROCEEDINGS

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## THE ANNUAL MEETING

The Annual Meeting of the Indiana State Bar Association was called to order at 2:15 o'clock in the Assembly Room, Claypool Hotel, Indianapolis, Indiana, President Carl M. Gray, presiding.

The sections on Property and Taxation, Insurance, Criminal Law, and Utilities reported that they had held section meetings, conducted programs and elected officers.

### RESOLUTION ON PROPOSED RULE 71-A

MR. COLEMAN: Some time since, the Department of Justice undertook to secure the passage of legislation to speed up condemnation proceedings, and in that legislation they sought to be enabled to make parties defendant only those persons who happened to be known without provision for search of the records, affidavits and the like. They were unsuccessful in obtaining that legislation, and are now seeking the rule of the Supreme Court to be known as Rule 71-A which in substance accomplishes what the legislation would have accomplished if passed.

Different members of the bar interested in titles have been canvassed with respect to it, and this morning the Real Property Section adopted a resolution which I now offer as a resolution of this meeting.

RESOLVED, that it is the sense of this body that proposed Rule 71-A would be detrimental to the interests of owners and lien holders of real estate and should not be adopted by the Supreme Court, that a copy of this resolution be forwarded to the Supreme Court and a copy be furnished to the American Bar Association.

The motion to adopt the resolution was seconded, put to vote and was carried.

PRESIDENT GRAY: Mr. Newkirk, do you have your resolution?

MR. NEWKIRK: Your committee submits the following new By-Law:

## XXV—SECTIONS

1. For the purpose of advancing the objectives of this Association and to enable more members to actively participate in the meetings of this Association, the Board of Managers is hereby authorized to sponsor and to approve the organization of such Sections as it considers advisable and is hereby further empowered to discontinue any Section so approved and to combine any such approved Section, excepting the Judicial Section hereinafter referred to, with any other section.

2. Each Section when so organized and approved shall have the power to adopt its own By-Laws not inconsistent with the Articles and By-Laws of this Association but no By-Laws of any Section or any amendment thereof shall become effective until submitted to and approved by the Board of Managers.

3. The By-Laws of each Section shall provide for the election by the enrolled members of such Section of a Chairman, Vice-Chairman, Secretary and a Council which Council shall consist of the aforesaid officers and such additional members as may be prescribed by the By-Laws of such Section.

4. Each Section shall be entitled to such assignment of time and place for its part of the program of each meeting of this Association as may be allotted to it by the Board of Managers and shall incur no obligation in excess of the amount previously appropriated to such Section by said Board.

5. The Chairman of each Section shall prepare and submit a written report to the Secretary of this Association at least fifteen days before each regular meeting of this Association, which report shall summarize the work of such Section and conclude with the Section's recommendations, if any. No action, report, resolution or recommendation of any Section shall be binding upon this Association or be considered a part of or included in the proceedings of any meeting of this Association; provided, however, that the Board of Managers may transmit to this Association for its consideration any recommendation or resolution of any Section which said Board deems advisable and said Board may cause the whole or any part of the reports to be printed and circulated among the members of this Association.

6. Except for a Judicial Section which has been organized to include the Judges of the State of Indiana, there shall be no qualification for membership in any Section other than membership in this Association and enrollment in such Section.

Your Committee recommends, first, the Amendment of the Association's By-Laws by adding thereto a new section to be numbered XXV being the one submitted as a part of this report, and, second, the discontinuance of this Committee.

Respectfully submitted,

(Signed) James R. Newkirk  
A. H. Huguenard  
Russell S. Harker  
Charles A. Lowe  
Lloyd McClure  
Chase Harding

Mr. Newkirk moved the adoption of the By-Law, the motion was seconded, put to a vote, and carried.

#### REPORT OF COMMITTEE ON JUDICIAL SELECTION AND TENURE

MR. BOMBERGER: The committee proposes the following amendment: That Sec. 13 of Article 2 of Indiana Constitution be amended to read:

Sec. 13. All elections by the General Assembly, or by either branch thereof, shall be viva voca; and all elections by the people shall be by ballot; provided that all ballots for the election of judicial officers, other than city judges and justices of the peace, shall be paper tickets separate from all other ballots and shall be without anything thereon to indicate any party, political or other affiliation of any judicial candidate, or group of judicial candidates; provided further, that all candidates for judicial office excepting only those for city judge and justice of the peace, shall be originated from among members of the bench and bar in a manner to be prescribed by law, but such manner shall be other than by political parties.

After an extended discussion, Mr. Bomberger offered the following resolution:

RESOLVED, that the report of the Committee on Judicial Selection and Tenure be referred to the membership at large by referendum ballot to be taken by mail under the direction of the Board of Managers, and that the Board of Managers shall commit the Association through its legisla-

tive committee or otherwise, as deemed appropriate, to the result of that referendum; that the committee be authorized to make the necessary clarification or consolidation or condensation of this amendment.

The resolution was moved, seconded and carried.

#### RESOLUTION ON SUMMERS-McCARREN BILL

MR. HACKER: Mr. President, I offer this resolution.  
Be it

RESOLVED: By the Indiana State Bar Association That we approve the Summers-McCarren Bill for the regulation of Administrative Procedure now pending before Congress, and that we strongly urge its careful consideration and enactment. Be it further

RESOLVED: that a certified copy of this resolution be forwarded the Indiana members of the Senate and House of Representatives.

I move the adoption of the resolution.

The motion was seconded, put to a vote, and carried.

#### REPORT OF MEMBERSHIP COMMITTEE

MR. HUGUENARD: During the past year there have been admitted to membership 115 lawyers and there have been dropped from membership 111. Twenty-nine have died.

Submitted herewith is a study concerning the Indiana Bar which is self-explanatory. It appears that only 27% of the lawyers in the First District and 31% of those in the Eighth District belong to the State Bar Association; that 75% of the lawyers in the Ninth District and 56% of those in the Fifth District belong to the State Bar Association. Approximately 40% of all lawyers in the state are members. It seems reasonable to believe that with concerted effort during the coming year at least 50% of the Indiana lawyers will assume membership in the Association.

The figures on the Bar in relation to population may be of some value to lawyers returning from military service. Indiana has one lawyer for approximately every 850 people. The First, Third, Fourth and Sixth Districts would appear to have an average number of lawyers. The Second, Fifth, Seventh, Eighth, Ninth and Tenth Districts have fewer lawyers than the state as a whole. The Eleventh District has one lawyer

for every 400 people. In this connection it would be extremely helpful if the Gross Income Tax Division would release figures showing county by county the average income of the legal profession.

Congressional District	Population (1940)	*No. of Lawyers	No. of Lawyers in service	Members of State Bar Ass'n (1942)	% of lawyers belonging to State Bar Ass'n	Population per lawyer
1	293,195	380	40	103	27%	772
2	253,952	242	29	97	40%	1,049
3	324,052	381	38	132	35%	851
4	288,062	326	47	141	43%	884
5	356,528	289	44	164	56%	1,233
6	281,124	314	33	114	36%	895
7	285,772	235	30	100	42½%	1,216
8	336,364	285	42	88	31%	1,180
9	241,323	160	17	120	75%	1,508
10	306,498	280	34	109	39%	1,094
11	460,926	1,152	192	442	38%	400
	<u>3,427,796</u>	<u>4,044</u>	<u>546</u>	<u>1,610</u>	<u>40%</u>	<u>847</u>

\* (Martindale, 1944) Including lawyers in service.

MR. HUGUENARD: It may be interesting to note here that in the Ninth District there is one lawyer for every 1500 of population. In the Fifth, one lawyer for every 1,233; whereas, as I have noted, in Marion County, the Eleventh District, one lawyer for every 400.

I take it in all likelihood this table will be published so there is no need to burden you with figures that may be dull and uninteresting at this time.

A motion to adopt the report was seconded, put to a vote, and carried.

#### NOMINATING COMMITTEE

MR. JONES: The Nominating Committee of the Indiana State Bar Association has filed with the Secretary the fol-

lowing names for offices in the Association to be voted upon at the annual meeting:

For President—Aaron H. Huguenard,  
South Bend  
For Vice-President—Chase Harding,  
Crawfordsville

For Membership on the Board of Managers:  
(Two-year term)

Third District—Louis C. Chapleau,  
South Bend  
Fifth District—John O. Campbell,  
Marion  
Sixth District—Willett H. Parr, Jr.,  
Lebanon  
Seventh District—John Rabb Emison,  
Vincennes  
Eighth District—Louis A. Savage,  
Jasper  
Ninth District—Coulter M. Montgomery,  
Seymour

For Members of the House of Delegates of the American Bar Association:

Aaron H. Huguenard—South Bend  
Chase Harding—Crawfordsville

I now move that the report of the Nominating Committee be accepted, and that the officers as named be elected by acclamation.

The motion was seconded, put to a vote and carried.

#### REPORT OF NECROLOGY COMMITTEE

The report of the Necrology Committee showed that the deaths of the following members were reported during the year:

Glenn Van Auken, Indianapolis  
Donald P. Shinn, Columbus  
Claude A. Lee, Elkhart  
A. J. Veneman, Evansville  
C. G. Vernon, Martinsville  
T. B. Cunningham, Kentland

Vint D. Vaughan, Lafayette  
 Harold J. Titsworth, Rushville  
 Samuel Ashby, Indianapolis  
 Walter L. Forman, Indianapolis  
 Goldie Perry, Kokomo  
 Bertram Rosenstone, Knox  
 James W. Sweeney, Jeffersonville  
 Bruce Nichols, Dana  
 S. O. Pickens, Indianapolis  
 Fred C. Gause, Indianapolis  
 Fenton B. Culley, Evansville  
 Richard B. Langohr, Columbia City  
 James W. Noel, Indianapolis  
 Arthur C. Drynan, Scranton, Pa.  
 E. J. Boleman, Indianapolis  
 Mark W. Lyday, Clinton  
 Wilfred Jessup, Richmond  
 Abraham L. Miller, Terre Haute  
 Wm. H. Smith, Lebanon  
 Edgar A. Rice, Crawfordsville  
 Wymond J. Beckett, Indianapolis  
 Frank B. Ross, Indianapolis

### DISTRIBUTION OF LAWYERS IN THE STATE OF INDIANA

County	P O P U L A T I O N		N O . O F L A W Y E R S					NET Total Listed
	Estimated 1943	Census 1940	Full Time	Part Time	Pub. Off.	Mil. Serv.	In- act.	
Adams	20,135	21,254	9		4	5	1	19
Allen	154,597	155,084	156	2	11	23	10	208
Bartholomew	30,275	28,276	10		7	3	1	21
Benton	10,509	11,117	6		2	1		9
Blackford	12,340	13,783	9	2	2	2		14
Boone	20,967	22,081	21		3	4	1	28
Brown	4,988	6,189	3					3
Carroll	13,835	15,410	13		5	1		19
Cass	33,411	36,908	18		6	7	1	32
Clark	(a)	31,020	22		3	3	2	30
Clay	21,971	25,365	12		4	2		18
Clinton	26,394	28,411	15		3	2	1	21
Crawford	8,281	10,171	3				1	4
Daviess	26,659	26,163	15		2	5		22
Dearborn	21,540	23,053	6	1	4	5	1	27
Decatur	15,810	17,722	12		4	1		17
DeKalb	22,926	24,756	13		3	3		19
Delaware	75,043	74,963	52		8	12	2	74
Dubois	19,512	22,579	8		4			12
Elkhart	70,504	72,634	46		10	7		63

Fayette	19,754	19,411	10		4	1		15
Floyd	(a)	35,061	13		3	7		24
Fountain	13,497	18,299	17		3			20
Franklin	12,967	14,412	10		2	1		13
Fulton	13,744	15,577	11		5	1		17
Gibson	27,843	30,709	21		3	3		27
Grant	54,596	55,813	38		7	3	1	49
Greene	32,375	31,330	13		5	1		19
Hamilton	23,313	24,614	18	1	4	3	1	27
Hancock	17,093	17,302	14		3	1		18
Harrison	15,073	17,106	10	2	1	1		13
Hendricks	19,323	20,151	7		4	2		13
Henry	39,127	40,208	24		5	2	2	33
Howard	45,828	47,752	14		5	8	1	28
Huntington	27,542	29,931	21		4	3		28
Jackson	24,769	26,612	6		3	2		11
Jasper	13,838	14,397	11		4			15
Jay	20,728	22,601	14	1	3	5		23
Jefferson	19,971	19,912	7		4	1		12
Jennings	12,563	13,680	5		3			8
Johnson	24,583	22,493	11	3	5	2		20
Knox	39,933	43,973	26	1	6	2		35
Kosciusko	27,176	29,561	17		3	5		25
Lagrange	12,959	14,352	7			1		8
Lake	310,219	293,195	297	9	29	39	5	375
LaPorte	67,961	63,627	34	1	9	5	3	52
Lawrence	31,884	35,045	10		2	2		14
Madison	89,824	88,575	43		7	16	1	67
Marion	498,094	457,591	783	21	121	189	35	1,139
Marshall	24,230	25,935	17		3	2	1	23
Martin	9,731	10,300	5		1			6
Miami	25,861	27,926	17	1	5	3		26
Monroe	36,178	36,534	20		7	2	1	30
Montgomery	24,857	27,231	18		4	1	1	24
Morgan	19,458	19,801	11	1	2	3	2	19
Newton	9,442	10,775	8		2	3		13
Noble	20,397	22,776	12	2	1			14
Ohio	3,457	3,782	2					2
Orange	14,723	17,311	10		1	1		12
Owen	10,413	12,090	1		3	2		6
Parke	14,672	17,358	6		2			8
Perry	15,015	17,770	7		2	1		10
Pike	14,492	17,045	6		1	2		9
Porter	29,517	27,836	23		4	3		30
Posey	18,293	19,183	5		2			7
Pulaski	11,135	12,056	9		1			10
Putnam	19,508	20,839	12		5	3		20
Randolph	22,984	26,766	9		5	5		19
Ripley	16,046	18,891	12	2	3	1	1	18
Rush	17,223	18,927	12		3	3		18
St. Joseph	165,621	161,823	194	6	13	18	10	238
Scott	9,802	8,978	5		1			6
Shelby	23,364	25,953	18	1	5	2	1	27
Spencer	14,219	16,211	10	1	1			12
Starke	14,291	12,258	6		3		1	10
Steuben	12,195	13,740	10		4	1		15
Sullivan	22,572	27,014	21		4	5	1	31
Switzerland	6,837	8,167	3		2			5
Tippecanoe	55,317	51,020	28		9	6	1	44
Tipton	13,075	15,135	8		3			11
Union	5,339	6,017	3		1		1	5
Vanderburgh	143,593	130,746	100	2	8	25	2	136



Vermillion	19,091	21,787	9	3	1	1	14	
Vigo	95,271	99,709	80	16	18	3	117	
Wabash	24,907	26,601	10	5	4		19	
Warren	7,861	9,055	5	3			8	
Warrick	17,985	19,435	12	2	4	1	19	
Washington	15,349	17,008	7	3			10	
Wayne	59,294	59,229	34	6	7	4	51	
Wells	17,134	19,099	11	3	4		18	
White	14,825	17,037	9	4		1	14	
Whitley	15,769	17,001	7	3	3	4	18	
<b>Totals</b>	<b>2,308,748</b>	<b>2,537,008</b>	<b>2,784</b>	<b>65</b>	<b>493</b>	<b>516</b>	<b>106</b>	<b>3,932</b>

(a) Bureau of Census groups Clark and Floyd Counties together as the Clark Metropolitan area with total estimated population of 78,461 as compared with the 1940 total of 66,009, for a net increase of 12,452.

#### CITIES WITHOUT LAWYERS

<i>Over 1500 population</i>	<i>County</i>	
Clarksville	Clark	2,386
East Gary	Lake	3,401
Mooreville	Morgan	1,979
West Lafayette	Tippecanoe	6,270
West Terre Haute	Vigo	3,729

