

January 1941

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### Recommended Citation

Fred E. Neef, Current Events of Bench and Bar, 18 Dicta 18 (1941).

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## Current Events of Bench and Bar

# **Current Events of Bench and Bar**

By FRED E. NEEF

## *Difficult Period Ahead for Lawyers*

In a current issue of the *Commercial Law Journal*, Herbert V. Feibelman of the Miami Bar predicts a dark future for the legal profession. If Hitler wins the war, he sees the American Bar grovelling on the hillsides, planting and digging potatoes, perhaps begging for clothes. His advice to young persons desirous of studying law is to learn to do something useful for the army or navy, and after the war be prepared for whatever type of service America may need, for America may then need farmers and cowpunchers more than she does lawyers.

## *Stringent Examinations for Notaries*

In an effort to protect the public against unqualified and unscrupulous notaries, judges of Cuyahoga County Common Pleas Court of Ohio hereafter will require all applicants for notary public commissions to state under oath the facts about their education, experience and personal records.

Applicants must also undergo an examination by members of a joint committee of 30 lawyers to be named by the Cleveland and the Cuyahoga County Bar Associations.

## *Deferment for Lawyers*

Induction into military service of young lawyers will be deferred in two situations, according to instructions issued by Selective Service Director Clarence A. Dykstra to local draft boards throughout the country.

First, when their removal would disrupt a vital community service, as when the young lawyer in question is the only attorney in a small community.

Second, when extraordinary individual hardship would result from the induction of the young lawyer into the army.

In the first case, Dykstra recommends that military service be deferred until some arrangement can be made for professional services in the community, and in the second a temporary deferment giving the drafted lawyer sufficient time in which to arrange his affairs.

## *More Young Lawyers Needed as G-Men*

There is still a big demand for qualified young lawyers as special agents for the FBI. The department is offering an entrance salary of

\$3,200 per year. These jobs are not temporary, and the young lawyer has the assurance of a lifetime career with prospects of advancement to \$3,800 a year and higher.

*Briefing Service for Lawyers*

The State Bar Association of New Jersey plans the establishment of a briefing service for the lawyers and courts of New Jersey. Service will be rendered to:

1. Lawyers who are in need of it either because they have not the time to do the work themselves and cannot afford full-time assistants or because large libraries are not easily accessible.
2. The courts, in which case the association would appear as *amicus curiae*.
3. Legal aid societies.

Compensation will be paid by members of the first group on an hourly basis.

*Dues Remitted for Lawyers in Draft*

The Pennsylvania Bar Association has adopted the following resolution:

RESOLVED, that members of this association inducted into active military service of the United States shall be relieved from the payment of dues to this association during such period of active military service and six months thereafter.

*Blood Test Cannot Be Used to Prove Adultery*

In the New Jersey case of *Bednarik vs. Bednarik* it was held that a blood test of the husband and the child showing a lack of paternity was not admissible in a divorce action to prove adultery on the part of the mother. The court limits the use of blood tests to paternity proceedings.

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**Some More Administrative Absolutism!**

The latest effort on the part of the administrative agencies to restrict the attorneys from appearing before such tribunals appears in Rule 369 of the Selective Service Regulations under the Selective Service and Training Act of 1940. This rule provides that a registrant may appear in person before the local draft board for the purpose of presenting his arguments and introducing evidence in support of his claim for reclassification. At that hearing the evidence "must be in writing in the form of documents, affidavits, or depositions and shall be included in and made a part of his file." The rule then continues: "*No registrant may be*

*represented before the local board by an attorney."* And yet governmental officials throughout the nation have called upon the bar to lend every support to the Selective Service Draft and lawyers have responded by volunteering their services in every county in the nation!

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### **Pueblo Bar Elects Officers**

O. G. Pope, who has served as secretary-treasurer of the Pueblo County Bar Association since 1924, was named president of the organization at a meeting held in the District Court chambers of Judge Harry Leddy. Pope succeeds District Attorney Ralph L. Neary.

Pope was unanimously elected to the office after he had been nominated by Judge Leddy. Charles F. Keen was named vice-president. John Marsalis was elected secretary-treasurer after he warned the association that he would serve in the office only one year.

At a memorial service at which Judges Leddy, J. Arthur Phelps and Hubert Glover sat en banc, the late Congressman John A. Martin, a long-time member of the bar, was eulogized in a resolution read by Harry Vories. Congressman Martin died in Washington a year ago.

Impromptu talks commemorating Mr. Martin were given by John B. Barnard, who for many years was his law associate, Sperry S. Packard and Judge Leddy.

Members of the memorial committee were J. W. Preston, chairman, Riley Cloud, L. E. Langdon, Benjamin F. Koperlik and Matt Kochevar.

—HARRY S. PETERSEN, *Correspondent.*

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### **Henry Tupper**

Henry Tupper, one of the older members of the Mesa County bar, died at his home in Grand Junction on November 25, 1940.

Mr. Tupper was born at Kaneville, Illinois, on June 22, 1875, and graduated from the University of Michigan in 1899. After teaching school for several years, he attended and obtained a law degree from the Illinois College of Law. He was admitted to the Illinois bar in 1907 and then moved to Colorado, where he was admitted to the bar in 1909. Upon first coming to Colorado he was associated with James W. Bucklin in the practice of law and, at the time of his death, he was senior member of the firm of Tupper, Smith & Holmes.

Mr. Tupper was City Attorney for the city of Grand Junction from 1911 to 1921 and during these years was instrumental in the formation and perfection of the charter form of government.

He is survived by his widow, Clara Mills Tupper, three sons, Dr. Harvey M. Tupper, Henry J. Tupper, and Thomas Tupper, and a daughter, Mrs. Clara Price.

## **Mesa County Bar Proposes Statute for County Law Libraries**

Inasmuch as some question has arisen as to the authority of the county commissioners to establish law libraries in each county, the Mesa County Bar Association is sponsoring an act which will give the county commissioners authority to establish such county libraries.

About a year ago a great many of the Mesa County Bar Association attorneys voluntarily agreed to donate all fees obtained from services as guardian ad litem and counsel for indigent cases toward the establishment of a county law library. While the revenue obtained from these sources is not sufficient to start a law library, it will go a long way toward maintaining one; and the Mesa County Commissioners have indicated a willingness to establish such a library if they have authority to do so.

In order to eliminate any question as to the authority of the counties to establish law libraries, the Mesa County Bar Association has drafted and is sponsoring the following act which is permissive in authority.

"AN ACT TO AMEND SECTION 9 OF CHAPTER 45, VOLUME II, COLORADO STATUTES ANNOTATED, 1935, AND PROVIDING FOR ESTABLISHMENT AND MAINTENANCE OF COUNTY LAW LIBRARIES.

*Be It Enacted by the General Assembly of the State of Colorado:*

Sec. 1. That Sec. 9 of Chapter 45, Volume II of Colorado Statutes Annotated, 1935, be and the same is hereby amended to read as follows:

Sec. 9. Levy for County Buildings, Roads, etc.—Any county may levy such rate as it may see fit for the erection, maintaining, repairing, leasing or renting of county buildings, roads and bridges, bonds and interest thereon, or judgment bonds and interest thereon, for school purposes, and for the purchase of books, furniture and equipment for the establishment of a County Law Library for the use of the Courts of the County, and for the maintenance of such library."

—John C. Banks, Correspondent.

## **Mesa County Bar Meets**

Eugene S. Mast was elected President, and John C. Banks was elected Secretary of the Mesa County Bar Association at a dinner meeting held in the La Court Hotel in Grand Junction on December 14, 1940.

Mr. Justice Norris C. Bakke was the guest of honor and gave a very interesting talk upon the life of Sam Houston, based upon the book entitled "The Raven" and supplemented by information he obtained on a visit to points of interest in Texas.

The Association also held a meeting on November 29, 1940, which was devoted to matters of local business.

—John C. Banks, Correspondent.