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## Current Events of Bench and Bar

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FRED E. NEEF Reports the

## ***Current Events of Bench and Bar***

### *Corporate Trustees in New York Lose Money on This Work—*

Finding that while a profit is made on executorships a loss is sustained by most New York Banks in handling testamentary and living trusts, the New York State Bankers Association is sponsoring legislation revising upward the fees to be allowed both corporate and individual trustees. The Association's research indicated that on the average in large, medium sized and small banks in this state, the cost of administering trusts during the years 1936 and 1937 was from \$1.08 to \$1.14 on every dollar of revenue.

### *Bill to Prohibit Advertising by Patent Attorneys—*

A bill has been introduced in Congress which will prohibit advertising by patent attorneys. This bill was introduced through the efforts of Jennings Bailey, Jr., Chairman of the legislative committee of the American Bar's patent law section.

### *Litigation Between Bar Associations—*

In what may be the first instance in the United States of litigation between lawyer organizations, a complaint of the Brooklyn Bar Association against the Kings County Bar Association based on the use by the latter of the words "Bar Association" was held good against demurrer. Trial of the case on its merits will take place in the near future.

### *Unified System of Criminal Law—*

A complete blue print for a sound practical and unified system of criminal law administration is being developed by the American Bar Association section of criminal law.

### *Minimum Fee Schedule—*

A minimum fee schedule designed particularly to cover that class of services which most lawyers now perform without any charge has been proposed by the Lawyers' Association, of the City of St. Louis. It is contended that if lawyers know that others will follow the practice they would not hesitate to make fair charges for their services, particularly if they felt sure that other competent practitioners would fix a like charge for the same work. Moreover, popular knowledge that expert legal advice cannot be had without adequate compensation will

result in a higher popular estimate of its value, and withal, a greater respect for and appreciation of the profession.

*Trust Busting May Affect Bar Association—*

Much concern is being expressed by lawyers over the recent decision of the District of Columbia Court of Appeals in the medical association case. The thought is that if the Anti-trust laws are effective to prevent a restraint by organized medicine on numbers engaging in lawful activities the profession considers unethical, then the same laws might prevent the organized Bar from disciplining members for providing legal service in a manner not now countenanced by the canons of ethics.

*Bill for Damage Claims Against Federal Government—*

A bill has been introduced in Congress which would confer concurrent jurisdiction on the Court of Claims and the District Courts to entertain suits against the Federal Government for amount up to \$7,500, arising out of property damage or personal injury or death caused by the negligence of any officer or employee of the government when acting in the scope of his employment.

*Inter-American Bar Association?—*

A resolution was adopted by the American Bar Association at its meeting in 1937 whereby cooperation with other national bar associations in North and South America was suggested with a view toward producing uniformity of law in this hemisphere. A meeting has now been scheduled by the American Bar Association to be held in Washington about May 15, 1940, at which time the presidents or representatives of the Pan-American countries, Canada, and the United States will sign a constitution and referendum for the organization of an Inter-American Bar Association. This undertaking has the unofficial support of the Department of State.

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**Gould Speaks at El Paso Meeting**

"Practical Tax Problems" were discussed by Albert J. Gould, of Denver, at a dinner meeting of the El Paso County Bar Association at the El Paso Club in Colorado Springs.

Mr. Gould discussed practical legal points in connection with Social Security taxes, Gift and Estate taxes, Capital Stock and Excess Profits taxes, and Federal and State income taxes, giving special consideration to recent developments and practical problems which the average attorney may expect to encounter in his practice.

CHARLES J. SIMON, *Correspondent.*

### Edward L. Oakes Dies

Edward L. Oakes, of 9301 West 32nd Avenue, Jefferson County, and a Colorado resident for more than sixty years, died Friday, March 15, 1940, in Colorado General Hospital, following a long illness.

Mr. Oakes was born August 25, 1876, in Worcester, Mass., the same year Colorado was admitted to the Union. He accompanied his parents to Colorado when he was a child. Oakesdale community, southeast of Denver, was named for his father, Mr. J. L. Oakes, a cattleman.

Edward Oakes was graduated from old East High School, Denver, after attending the old Broadway School here. He studied at Leland Stanford University and the University of Colorado, and completed his law training at Denver University.

He entered law practice at Telluride, Colorado, becoming county attorney there. Returning to Denver thirty-five years ago, he practiced law here, also holding a position as claim agent for the Burlington railroad, until last December, when he became ill.

Mr. Oakes is survived by his wife, Mrs. Blanche B. Oakes; a son, Edward L. Oakes, Jr.; and two step-daughters, Misses Betty Morton and Virginia Oakes.

Funeral services were held at All Saints church on Monday, March 18, followed by burial at Crown Hill cemetery.

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### Queer Statutes

In these days of Code Revision, committee members are finding some mighty queer laws on the statute books. For instance, the Code Commission of North Dakota found these three:

"In a justice's court the parties may appear and act in person or by attorney and any person may act as attorney, except a practicing attorney, or other person occupying the same room in which the justice has his office. . . ." Section 9028 of the 1913 Compiled Laws.

"No hotel, restaurant, dining room, or kitchen shall be used as a sleeping or dressing room by any employee or other person." Chapter 144 of the 1929 Session Laws, Section 6.

"The board of city commissioners shall have power: 57. To license, regulate or prohibit the running at large of dogs and injuries and annoyances therefrom and to authorize their summary destruction when at large contrary to any such prohibition or regulation." Section 3818 of the 1913 Compiled Laws.

## **Pre-Trial Conferences Prove Successful in Massachusetts**

Experiments with pre-trial procedure in Massachusetts have proved highly successful, according to the recent report of the Judicial Council of Massachusetts.

The system was first installed in Suffolk County (Boston) in 1935, and the result has been that it "shortens the trial of cases, and saves the time of attorneys, witnesses and litigants."

In the period of September, 1938, to July, 1939, 5,043 cases were docketed. Of this number 2,032 were settled either at the pre-trial conference or before trial, as compared with 1,734 cases which were tried. As a result of a pre-trial hearing 241 cases were either nonsuited, defaulted or dismissed. The remaining cases (1,036) either had not been tried or had been continued. In Middlesex County, 582 cases were pre-tried of which 169 were settled, 87 dismissed, nonsuited or defaulted, and the balance tried. The clerk of the Hampden County Court reported that "the benefits of pre-trial calls in this county is evidenced by the greater number of settlements which are reported."

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## **New Federal Reference Manual**

Of particular interest to attorneys, accountants and many business men who have occasion to appear before or transact business with the various administrative agencies of the Federal Government is the new "Federal Reference Manual" published recently by the National Law Book Company, Washington, D. C. Written by Theodore W. Graske, former counsel for the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation, this compact and completely indexed and tabulated work provides authoritative information on the origin, purpose, organization, function, publications and procedure of all the administrative boards, commissions and departments of the Federal Government, in addition to the federal courts, Congress and the White House. The price, which includes a pocket supplement showing the administrative changes made pursuant to the Reorganization Act, is \$8.50.

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Harlan Howlett has just been appointed County Secretary of the Democratic party for Boulder County. Mr. Howlett is associated with Ralph Newcomer in the practice of law in Boulder.