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## 1951 Annual Report of the President

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## 1951 ANNUAL REPORT OF THE PRESIDENT

A. G. McCLINTOCK

The achievements of the past year can be summed up in one sentence. We have operated within our income; all legislation sponsored by the Bar was enacted; and the law institute program presented this year should continue the high level that was set last year.

The matters left undone, our failures and omissions, could not be related in the time allotted for the whole business meeting. Yet it is with those failures and omissions that I am most concerned and shall dwell upon more fully later in this report.

It has been and is my feeling that cooperation with and study of the activities of other bar associations is most important. During the year, A. M. Pence of Laramie, John S. Miller of Cheyenne, and I attended the annual meeting of the Interstate Bar Council held at Denver, Colorado. This council, made up of representatives of the Bar of the eleven western states was attended by the president or representative of eight of the eleven states. The meeting was most enlightening and through the discussion I was able to get a glimpse of the many, many ways in which the Bar Association may serve its members and be of value to the community. I am of the definite opinion that this group is entitled to every support that we can give it and its meetings are well worth attending. Our participation in this organization gives us an excellent opportunity to exchange ideas and learn easily many things that other associations may have learned the hard way. It is also with considerable pleasure that I report that Mr. Pence is now the president of this group. This I consider a singular honor to our Bar.

It was at this meeting that I had impressed upon me the many and various forms of activity that are open to bar associations. The most valuable of these has resulted from the realization by attorneys that changes in the practice of law are taking place with which our law school training did not deal and with which we have not kept pace. For this, law institutes, so-called workshops and other forms of continuing education or refresher courses have become very popular. We first participated in this last year when Mr. Williams gave his first lectures on federal tax matters. We are able to present a slightly longer institute this year with Mr. Williams and Mr. Johnson principally because of the interest and hard work of George J. Millett of Laramie and the fortuitous circumstance that these two fine tax men love the West and welcomed the opportunity to come out and hunt an antelope. We are also indebted to Oliver and Sally Steadman of Cody for taking charge of this hunt and seeing to it that our visitors have a good time in their pursuit of game.

Since the institute was presented last year I have heard nothing but

praise for it. By taking the same subject this year we are hopeful that a real impression of the importance of tax matters will be made on all practicing attorneys and that continued interest will be shown by county groups in this field. But we can only scratch the surface in the short time we have. I should very much hate to see an attitude that the institutes we have had are fine but we really do not need any more. I hope and earnestly recommend that the institute program be made a real part of our Bar activity and that a program can be devised whereby we may have district or regional meetings so that all lawyers over the state will be able to benefit. There are many subjects besides taxation that warrant our continued attention.

Our legislative program was 100% successful with every bill endorsed by the Bar being enacted into law. Credit for this success is due the Legislative Committee, virtually all of whom were pressed into a second term by me because of their experience in the previous year. Mr. Charles M. Crowell, the chairman of the Committee, though loud in his protests that someone else could do the job much better, was present at Cheyenne throughout the greater part of the session and personally shepherded the bills through the various Committees of the Legislature to final passage and approval.

One difficulty of Bar associations is to maintain a continuity of work, to begin a certain program and pursue that activity until it is an established and recognized part of our program. I have felt somewhat like a small boy in a candy shop with only a penny to spend. The myriad attractions present such a difficult choice that my penny—the necessarily limited time that I have been able to give to the office—may have been ill spent and many important phases of the work ignored. Many subjects of vital interest to lawyers are occupying the attention of other Bars and I believe should get more attention from us. Some of these are:

The matter of unauthorized practice of law and the use of preventive agreements between groups of lawyers and groups of realtors, or accountants, to avoid conflict by definition of the respective spheres of operation. This activity is chiefly one for work on the county level but I feel that virtually every county bar association in the state should be interested in it.

In this day of increasing demand for state supported medicine and the threat of socialization of the professions it well behooves us to examine the situation in our own communities, to recall that we are primarily a service profession and to make sure that no person is going without legal assistance because of inability to pay the customary and standard fees. One approach to this problem, the Lawyers Reference Plan, is attracting a good deal of attention and will be briefly discussed for us by our neighbor, Mr. Clarence A. Davis, of Lincoln, President of the Nebraska Bar.

The question of whether the public is getting a proper picture of the attorney is one worthy of attention from the Bar. One way of properly

telling the lawyer's story will be demonstrated here this afternoon.

Truly, there are many things going on in Bar Association work that should interest all of us. Many of these activities can and should be carried on by the County Bar Associations. The function of the State Bar is to stimulate interest and assist in the development of a good local program. If from this meeting you carry back to your county association the desire and intention to get your local group working on these matters, your state officers will then consider that the present meeting has been a good one and that we have partially justified your confidence in us.

The American Bar Association continues to be increasingly active and I hope that this Bar will continue to be actively represented in that group and cooperate with its program. Active membership in that Association by representatives of our Bar cannot help but bring ideas to us and stimulate our own organization. Activities in which we can participate are the conference of State Bar Presidents and the regional meetings. Plans are now under way for a regional meeting in Yellowstone Park next June. I hope that this meeting will be well attended by Wyoming lawyers and that the Wyoming State Bar will give the meeting its full support.

I have spoken of continuity of work. The small contributions that can be made by Committees that change every year I believe could be greatly increased if a scheme were devised whereby those Committees would have a three year term, eventually with a staggered membership so that plans in process of development would not die because of radical changes of personnel. Others who have served before me have been most helpful with suggestions during the course of my presidency. Some way of using their experience to assist in the formulation of long range policy would be beneficial in my judgment.

Our most notable omission during the past year has been with respect to the proposed new rules of Civil Procedure. No review of past events is necessary but on the record as it now exists it seems that the active members of this Bar favor the adoption, as a body, of the rules as proposed by the Rules Advisory Committee in December of 1948. At Buffalo a full report of the activities of the Bar in connection with the rules was made and this organization reaffirmed its stand for the adoption of the rules. A copy of this resolution was duly forwarded to the Supreme Court of Wyoming and received by it without response. It therefore appears that at the present time the matter has reached an impasse.

I hope that the Bar will not lose interest in these Rules. Should it be the decision that partial adoption of the proposed rules should be sought I am sure that the officers of the Bar and the members of the Advisory Committee will cooperate in every way possible. I believe my listeners will agree that interest in the Bar took a sharp upward trend with the initiation of the project to examine and if necessary revise the rules. The failure to secure any action concerning these rules has been a matter of keen disap-

pointment to me, and, from the record, to the great majority of lawyers in this state who concern themselves with these meetings. If we consider that there is need for changes of the type we suggested, we must not let the matter die.

I accept as a basic premise the proposition that practicing lawyers are interested at all times in the improvement of justice. For my part, I shall concede that the members of our Supreme Court are equally interested. Why, then, have two groups of minds, of I think equal sincerity of purpose and thoughtfulness, arrived at such diametrically opposed views as to the merits of these rules? Why does each group persist in a course that to the other must appear little short of ridiculous?

There is no doubt in my mind that I am delivering this presidential report today because at the Rawlins meeting two years ago, as a member of the Rules Advisory Committee, I made certain comments in favor of the adoption of the rules that were characterized as "antagonistic" to the court. It was not then and is not now my intention to be antagonistic or critical. Nor is it my purpose to debate the relative merits of the Federal Rules and the Ohio code. What deeply concerns me is the apparent lack of understanding between the Supreme bench of this state and the Bar and failure of those two groups to cooperate in the fundamental objective, an intelligent and dynamic approach to the practice and procedure in our courts.

I believe the lawyers of this State are sincerely loyal to the bench, both supreme and district, and that they are as jealous of the good name of our courts and the reputation of our system of jurisprudence as are the judges. We ask of the court only that we be treated as officers of the court, making our contribution in the administration of justice. We ask that our suggestions be received with the same respectful consideration that we give the judicial opinions of the members of the bench. To criticize or disagree is not to condemn. Agreement may not be possible in all cases and the final word must rest with the court but is it too much to ask that the lawyers have a decent voice with the judges in what is or is not the desirable system of procedure?

During the month of July it was my pleasure to attend the annual meeting of the Judicial Conference of the Tenth Circuit. This Conference, attended by almost all of the federal circuit and district judges and by lawyers from every state in the circuit, spent considerable time discussing matters of practice in the courts. In these discussions judges and lawyers both participated. Reports of committees made up of both judges and lawyers were made. Motions and resolutions were submitted to vote and Judges and lawyers put up their hands to vote aye or nay and all were counted. At the close of the Conference it was a real thrill for me to hear the presiding judge of the circuit thank the lawyers for taking the time to attend the conference. I only wish that those remarks had been reported so that I could quote them.

I could not help but conclude that the judicial conference is something that is vitally needed in the State of Wyoming. Here, as in the federal courts, the judges and lawyers must sit down together and discuss the ways and means of improving justice—a problem which I assume has always been and always will be with us. There must be give and take at such meetings, the lawyers assuming the burden of making the suggestions and the judges finding the flaws in the suggestions if any there be. The results may be compromise but results and benefits there surely must be.

If lawyers cannot participate in the improvement of the administration of justice, if we must accept the practice and procedure as it exists, if the participants in the contest may not themselves make suggestions for changes in the rules, then our judicial system must of necessity become strait laced and inflexible. By decision we tend to establish what cannot be done. By rule we may be able to provide what should be done. With all humility and with full realization of our human weaknesses and ability to err but with absolute conviction as to our sincerity of purpose I ask only that the lawyers be given a responsible part in this great work.

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PRESENTATION AND UNVEILING OF A PORTRAIT  
OF JUDGE T. BLAKE KENNEDY  
“OUR HONORED GUEST”

E. J. SULLIVAN\*

Once again the membership of the Wyoming Bar are showing their affection for me in permitting me to function tonight in the presentation to the United States of America, through Judge Orie L. Phillips, Chief Judge, U. S. Court of Appeals for the 10th Circuit, of a very delightful picture of our beloved Judge T. Blake Kennedy of the U. S. District Court of Wyoming. I assume I was chosen to do this because of my long acquaintance with Judge Kennedy and the very high affectionate regard in which I hold him.

We, Judge Kennedy and I, arrived in Wyoming about the same time. The population of Wyoming at that time was not as large as it is now and the area seemed to be larger. I suppose that was because we didn't have the counties of Platte, Goshen, Park, Washakie, Hot Springs, Teton, Sublette or Lincoln. It was a period in Wyoming when those of us who were active seemed to be closer. The man living in Cheyenne knew the man living in Casper or Sheridan about as well as he knew his neighbors.

My first contact with Judge Kennedy was when I was chosen a member of the House of Representatives. I recall very vividly what seemed to

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\* Of Casper, Wyoming, member of the Wyoming State Bar.