

December 2019

Report of the President

Edward E. Murane

Follow this and additional works at: <https://scholarship.law.uwyo.edu/wlj>

Recommended Citation

Edward E. Murane, *Report of the President*, 8 Wyo. L.J. 1 (1953)

Available at: <https://scholarship.law.uwyo.edu/wlj/vol8/iss1/1>

This Special Section is brought to you for free and open access by Law Archive of Wyoming Scholarship. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Law Archive of Wyoming Scholarship.

REPORT OF THE PRESIDENT

EDWARD E. MURANE

Serving the lawyers of Wyoming this past year has been a privilege I highly esteem. My principal regret is that I have been able to accomplish so little when there was so much to be done. Normally this report would be the first order of business, but due to the request of the members of our Trial Panel who had other commitments, we put their program on first and conclude with annual report of the President.

It has been my pleasure to meet with the lawyers of five judicial districts. It was my personal loss that I was unable to meet with the other two district groups. Through these contacts I have been able to meet the finest men in the state—leaders of the Bar—who are also leaders in the civic activities of their respective communities. It is with regret that I advise you that the general public—the so-called “man in the street”—does not share that high regard for the members of our profession. This condition has arisen primarily through our own failure to realize the seriousness of this widespread attitude and our apathy and unwillingness to grapple with the situation.

My comments on this subject are not original, and many of them are taken from the American Bar Association PUBLIC RELATIONS book. Despite the indispensable contribution of the legal profession to our American society and economy, lawyers are too often regarded by laymen as experts in sharp practice and legal legerdemaine. There is no lawyer so indifferent to public opinion as not to chafe under the burden of latent ill will which he must carry.

The American Bar Association Public Relations Committee has determined that the following are the causes of this general condition:

1. Failure of some lawyers to fulfill their professional and civic obligations and the reluctance of bar organizations to press disciplinary action against offending members of the Bar.
2. Lack of efficient administration of many courts and the consequent loss of confidence in them as desirable tribunals for the settlement of disputes.
3. Failure of the profession, except in scattered localities, to provide no-cost and low-cost legal services to those entitled thereto.
4. The evident misunderstanding by a large part of the press and the public as to the character and place of courts and lawyers under our system of government.
5. The continued lack of knowledge on the part of the general public of the services a lawyer performs and what it is likely to cost.

6. The aggressive competition which the lawyer encounters from lay agencies and laymen.

The average man must be made aware of the true meaning and significance of law, court, and lawyer. He knows what it is to save life and health, and almost worships the medical profession for preserving them for himself and his loved ones; but he does not understand the incalculable service of the lawyer in making not only life, but the GOOD, FREE LIFE possible. A prescription for bar associations could include the following antidotes:

1. Education and re-education of the public as to the significance of law, lawyers, and courts, and the indispensability of each to the preservation of the American form of society and government.
2. Educate the lawyer as to his own individual responsibility to the community, to his clients, and to fellow lawyers, and afford him the opportunity to continue his legal education.
3. Improve the administration of justice, so as to insure fair and impartial adjudication of cases and their speediest disposition consistent with justice.
4. Establish and publicize lawyer referral service, to assist those who need legal guidance and *can* afford to pay reasonably for it, but who do not know how to go about getting such service.

Lastly Handle all grievances against lawyers promptly and efficiently, and impose disciplinary action, including disbarment where such action is warranted.

This is not a task that can be undertaken with enthusiasm and discontinued after a brief burst of activity. On the contrary, to obtain results it must be undertaken with avowed and accepted purpose of continuous and cooperative application. The effort must be specifically planned and carried out on a broad basis and a long-range program. We should all keep in mind what one expert said:

“winning public confidence is a difficult achievement;
holding it is a twenty-four-hour a day job;
losing it is a swift debacle in which no man is any better
than the last impression he leaves.”

Many of our sister states have developed and carried on programs of public relations that have produced fantastic results. Public Relations is the one program that is receiving serious consideration and attention by practically ever Bar association in the United States. Colorado has allocated several thousands of dollars this year on its public relations program. All of our neighboring states have active and productive public relations programs. With their much larger memberships they have funds for this purpose. Various mediums have been used to accomplish this most desirable result.

Moving pictures depicting preventive law in a lawyer's office—distribution of pamphlets on the making of Wills—pamphlets on the transfer of real property—newspaper articles on everyday aspects of the law as it affects the layman—radio talks—panels and round table discussions on legal matters of general interest to Mr. Average Man. I call your specific attention to the recent publication of the American Bar Association book on Public Relations which carries excerpts of these mediums of contact with the layman.

The program is two-fold: First: it helps to create better feeling toward the lawyer, one of higher respect. Secondly: it has been most remunerative to the individual lawyer in his daily practice.

In one city a bar association had all of the local banks distribute with each bank statement a pamphlet designated: "Have You Made A Will?" and in sixty days' time over two thousand new wills were made. This was good preventive law, good public relations, and an increase in fees—all of which were most desirable.

Time will not permit even a short review of the tremendous benefits to our profession that can be accomplished by an active, forceful and courageous public relations program. Such a program takes money and time. I urge your serious consideration of adopting such a program, and financing it by an assessment of at least ten dollars per lawyer in Wyoming. I normally would not attempt to guess nor forecast results—especially of what a jury or, at times, a court might do; but I would not hesitate to go on record that once such a public relations program were financed for just one year, not one single attorney would vote to discontinue it one year later. It would be necessary that the Legislature amend Section 2-401 which provides that "the annual fees shall not exceed the sum of ten dollars," and permit the Supreme Court to set the annual fee on the recommendation of this Bar, made at any annual meeting. No one wants to pay more dues unless he can see a good return for such an investment. Let's compare our ten-dollars per year dues as a lawyer to the medical profession: in Wyoming they pay \$25 to their state association and \$25 to the American Medical Association. We could compare our dues with others—for instance, the common laborer pays \$30 per year; the waitress who serves your lunch pays \$36, and so does the carpenter, the painter, and the female retail clerk, while the male retail clerk pays \$48 a year; an iron worker pays \$66; an electrician, plumber and fitter pay \$9 per month, or \$108 per year. Surely, we as professional people, should not complain of an additional \$10 per year payment to strengthen our own standing and increase our income. Even with such additional payment we would still be paying \$10 per year less than a common laborer pays to support his union. I suggest a voluntary contribution until such time as the matter can be put to the Legislature.

We can look with some pride on our accomplishments this year. Our

Committee on Unlawful Practice and Unethical Conduct has been most active. Last year this convention instructed me to file suit against Mr. Appleman in case he returned to Wyoming on his estate planning activities. John Lomis will report on that matter and the other related subjects, so I will not steal his thunder.

We presented to the Supreme Court a request for a new rule and a clarification of present rules in the practice of law before all Boards and Commissions whose rulings were subject to review by any court of record. The practice of law was defined to include such activities so that now any out-of-state attorney must associate with a Wyoming attorney in order to appear before the Public Service Commission, the State Land Board, the Insurance Commissioner, and other such Boards.

Last January we had a well attended legislative meeting in Cheyenne. Under the able leadership of Jim Wilson, Charlie Crowell, Ed Magagna, and other members of our Legislative Committee we were able to accomplish a great deal before the Legislature. We had a 100% record and our advice was also sought on several matters not directly dealing with Bar Association activities. Through the efforts of our association we were able to secure an increase in salaries for our Supreme Court judges, and our District Court judges. Also we were able to get two more districts established, and in the short time they have been functioning they have justified our sponsorship. In this regard, our next objective will be a constitutional amendment so that all judges of the Supreme Court and District Bench will receive the same salary.

Your President has been a very active member of a committee appointed by the Conference of Bar Association Presidents in the campaign to raise the salaries of the Federal Judiciary. This committee has met several times—twice in Washington, D. C., however I could attend only one of the Washington meetings. In January a committee will be given forty-five days to report to the Legislative Branch on this increase of salaries, and we hope by early spring to have the bill passed by the House and Senate. I recommend the adoption of a resolution by our Bar supporting this campaign.

Some two years ago we adopted a plan of group accident and health insurance. The report last year was not as satisfactory as had been anticipated. I am advised that a number of lawyers had been rejected solely because the required percentage of members had not joined the group so as to provide automatic coverage for any member who applied, irrespective of his insurability. The plan is a good one; costs are considerably less than individual insurance. There will be an active solicitation of the membership and I urge a sincere consideration of its benefits, if you are interested in such a plan of protection. I have no personal axe to grind. This association adopted the idea of group insurance two years ago, how-

ever due to personnel changes in the agency no individual solicitation has been made. A number who are not otherwise insurable are hoping that the plan will gain sufficient members to make them eligible for this coverage.

Your President regrets to report that he has been unable to obtain any satisfactory results in his efforts to convince the Supreme Court to adopt the new Rules of Procedure. It has been a keen disappointment to me, and I believe to a great majority of the active practitioners in the State. Acting under specific instructions of this Bar in assembly last January in Cheyenne, a motion for adoption of the rules was promptly filed before the Supreme Court. Shortly thereafter your President appeared before the Supreme Court in support of this motion. After this formal presentation the matter was taken under advisement by the Court; two separate meetings were then had with the members of the Court in informal session. Shortly following the last of such meetings, our great friend and sympathizer, the Honorable Harry P. Ilsley died. Since the untimely death of Judge Ilsley the matter has not again been discussed, and I assume that my motion is still under advisement. What concerns me greatly is the fact that for several years this matter has been before the Court. The original Advisors Committee of capable lawyers made their recommendations to the Court. These recommendations were concurred in by the annual meeting of this Bar in Rawlins in 1949, in Buffalo in 1950; in Laramie in 1951; and at Torrington in 1952; but to no avail.

I honestly feel that our members are loyal to the Bench, both the Supreme Court and the District. They are jealous of the good reputation of our courts and of our system of jurisprudence, as are the judges. As officers of the Court, we feel we are suggesting and advocating a contribution that will be an improvement to the administration of justice. We do strenuously urge that our collective thoughts and recommendations be received with the same respectful attention that we give to the judicial opinion of the members of the Bench. Year after year we seem unable to reach a basis of understanding. The final word, by statute, rests with the Supreme Court, but we respectfully urge that the unanimous voice of this Bar be given consideration in deciding what is or is not the desirable system of procedure. We not only feel that the adoption of the new rules would improve the administration of justice, but we honestly feel that the delay in streamlining our court work has actually hurt our members financially. Big Business and modern small businessman daily compare the delays of our state court procedure with the dispatch available in federal courts, to our dismay, chagrin and financial loss. The adoption of a piecemeal set of rules would not be practical because so many of the rules are inter-related. I urge my successor to continue on behalf of this Bar in its efforts to get the rules adopted. I sincerely trust that this next year we may be able to reach a basis of mutual understanding between the Court and the members of this association.

Wyoming has a great many members of the American Bar Association. It is an organization for lawyers that has accomplished many, many worthwhile things and will do great things in the future. We have been honored by having the President of the American Bar Association, William J. Jameson of Billings, with us in our convention. He has very briefly outlined some of the accomplishments of the American Bar Association, and a few of its many objectives. The sections of the American Bar Association, such as the Tax Law, Insurance Law, Mineral Law, etc., are of great benefit to the individual members of these sections. In unity there is strength. I urge membership of every Wyoming lawyer in the American Bar Association, and I am positive each member will benefit individually and collectively by active participation in the American Bar Association.

I have another suggestion to make in the interest of continuity of our efforts for a long-range program to build our association, to improve the standards of our membership, and to create public relations. That is the election of a President and at the same time a President-elect for the following year. Colorado and many other states follow this procedure, and have it most beneficial. Under such a plan the President-elect would attend all District meetings with the President, work on all of the programs, and be thoroughly familiar with the ideals, aims, and objectives of our association when he takes office as president the following year. Such action would require an amendment to Rule 7, but I feel confident that the Supreme Court would give quick consideration to such a request from this Bar. I urge the adoption of a resolution to that effect, so that in 1954 we may elect not only a President but also a President-elect, in the interests of creating a stronger and more effective organization.

In line with this thought of continuity, I also suggest that our committees be appointed for a three-year period, with staggered membership of one, two, and three years, so that our association would gain the benefits of a long-range plan and a continuity of action. With such a committee membership the work of the association could be carried forward without interruption.

Judge Orie Phillips had planned to address you on the subject of inter-office ethics and sharp practice; however a last-minute change in his plans made his appearance here impossible. His subject is quite timely, and I urge the appointment of an active committee to consider these matters at once. As your President I have cooperated with various Commissioners who have handled several complaints by laymen of questionable conduct by some of our members. Fortunately we have been able to handle these complaints to the satisfaction of all concerned and have avoided any publicity or disbarment actions. However, recently there have been complaints that some of our members have not conducted themselves with proper decorum in public. These complaints have dealt with charges that these lawyers were under the influence of liquor while attending their duties in police court and justice courts, as well as appearing on the streets

in an intoxicated condition. Such a situation is deplorable and one that demands immediate action by the Grievance Committee. I will submit my report to the new committee to be appointed, and hope that the committee and the District Commissioners can call on the members involved and accomplish the desired results without disbarment proceedings. However, I do feel that if such conditions are not corrected promptly that it will react to the detriment of our Bar, the Courts, and the individual members.

We have had numerous complaints of lawyers soliciting business. This is in direct violation of our Canons of Ethics, and should be dealt with promptly and forcefully. In this regard I suggest a streamlining of our Grievance Committee procedure. At the present time it is cumbersome and impracticable. I suggest the appointment of a special committee to study this problem and report back to the 1954 convention with their recommendations toward making this procedure more workable. We must take the necessary steps to police and discipline ourselves in the interests of our profession and for the protection of the general public. One member who falls by the wayside can do more damage to our Bar than a host of public relations programs can overcome. Once we put our own house in order we will find our public relations have improved tremendously.

As your President, but without cost to the association, I have had the honor to represent the Wyoming lawyers at several annual conventions. I enjoyed attending the COLORADO BAR in Colorado Springs last October; in November, I was a guest of the NEBRASKA STATE BAR in Omaha; in May several members took part in the Regional meeting sponsored by the American Bar Association at Omaha. In June I was privileged to attend the annual meeting of the UTAH BAR at Ogden. Last month it was a pleasure to visit the MONTANA BAR meeting at Great Falls. It was stimulating to learn of the great work being done by our neighbors in the profession in the interests of their members and in creating fine public relations. It was a little disheartening to realize that with our small membership and limited finances we are unable to attempt the outstanding programs of these other associations, but in a smaller way I feel we can proportionately accomplish as much. I do know from personal experience that our meetings, although on a smaller scale, are just as instructive and productive as the others. I am proud to advise you that, proportionately, our attendance is much higher than many of the other associations I visited.

In my contacts with lawyers in Wyoming this year I have been amazed at the unbusinesslike operation of many of their offices. Dick Bostwick touched upon this matter yesterday in his remarks. We daily give advice to clients on business procedure and operations, yet we as a group are abysmally unbusinesslike in the conduct of our own offices. In this regard I recommend the appointment of a committee to report back next year on the question of a state-wide minimum fee schedule. Many states have

adopted such a schedule and to my knowledge no state has ever reversed itself once such a minimum fee schedule was adopted. It has become very apparent to me that Wyoming lawyers generally do not have any idea of the value of their services. Possibly a state-wide study of fees would be of material assistance to all of us.

I heartily endorse the remarks of Past President Al Pence which he made in 1950 when he stated that the obligations of the office of President should not be taken lightly. It is a signal honor to be President of this Bar, but it also carries with it responsibility to the Bar that requires the untiring efforts of the President. We do not have the finances to be able to pay anywhere near the expenses incurred by a president, and therefore considerable personal funds must be expended in the discharge of his duties. One should not aspire to this office solely for its honor and prestige, but should seriously weigh the responsibilities it entails.

Your officers and the convention committee have worked diligently to make this meeting bigger and better. We have received excellent cooperation from the merchants of Casper in donating merchandise orders for attendance prizes. Also we acknowledge the assistance of the Casper *Tribune-Herald*, the Casper National Bank, the Wyoming National Bank, and the Casper *Morning-Star*. Numerous law book publishers have donated various volumes for attendance prizes, and we are grateful to them for their assistance and cooperation. The advertising on our program, tickets and note pads paid for the printing charges, and we gratefully acknowledge this assistance given by Firemen's Fund Indemnity Company.

It is a great personal pleasure and also one enjoyed by all in attendance to have Larry Williams of Omaha with us again. He appeared on our first Institute Program in 1950 and also was instrumental in giving us an outstanding program in 1951. He always gives us food for thought that can be used in our everyday practice. I am sure I express the appreciation of the entire Bar for his interesting and instructive program on Taxation yesterday. We have also heard from President William Jameson of the American Bar Association. We are all proud of him, and though from our sister state of Montana, we still claim him as being from the Rocky Mountain area. This noon we will also be privileged to hear Frank Holman, Past President of the American Bar Association, discuss Treaties and how they will effect each one of us. I am indeed delighted to have had a hand in bringing these outstanding leaders of our profession before us in our convention.

I anticipate continued growth of these annual meetings. These panels and discussions of special subjects are refresher courses for all of us. Other professional men go back to college, or hold seminars; we can accomplish the same thing at these annual meetings. We must constantly strive to make these meetings so outstanding and so beneficial to the individual lawyer that each one will feel he cannot afford to miss attending. This is the

largest meeting, in point of attendance, in the history of our Bar. I thank you for your time and sincerely hope the programs have justified your attendance.

In conclusion, permit me to say that I have greatly enjoyed being President of this Bar. There is no other honor that could have meant so much to me.

THE ORGANIZED BAR—WHAT LIES AHEAD

W. J. JAMISON

During the past few months I have received many questions and suggestions concerning the program and objectives of the American Bar Association. I presume the question asked most frequently, both by the Press and members of the Association, is, "What is your program?" Or, "What particular project or activity are you going to emphasize?", with the emphasis on "your" and "you". The answer to that question is simple: I have no personal program. I have no personal project to advocate or emphasize. It is my function to assist as best I can in the program of the Association as determined by the House of Delegates. We should bear in mind also that this is not simply the program of the 50,000 members of the American Bar Association, but rather the program of the entire organized bar, representing all state and many local bar associations, as well as many affiliated legal groups. As most of you know, prior to 1937 the American Bar Association was a purely autonomous organization. Since the beginning of the so-called era of federation in 1937, state and local bar associations have participated in the formulation of the policy and program and actually have more representatives in the House of Delegates than those who directly represent the members of the American Bar Association. The Association today is truly representative of the American lawyer.

Among my friends in the Association, the advice I receive most often is, "Don't make too many speeches". That is excellent advice, but exceedingly difficult to follow. One distinguished New York lawyer suggested, half-seriously, a nation-wide broadcast with advance notice to the lawyers. That would, of course, afford a simple, but I fear impractical solution. The next suggestion is this: "When you do speak, be brief and talk about the accomplishments and objectives of the American Bar Association". Particularly in connection with the campaign for the American Bar Center, it has become increasingly clear that the lawyers generally, and even members of the Association, have little conception of the breadth and magnitude of the activities undertaken by the organized bar for both the public and the legal profession. This is understandable. With 27 standing committees, 25 special committees, 17 sections with 270 committees, and over 1500 com-