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Report of the President

J. O. Spangler

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REPORT OF THE PRESIDENT

J. O. SPANGLER*

Members of the Wyoming State Bar, distinguished guests, and visitors:

For your information, and my protection, may I remind you of the provisions of Chapter 2, Article 507 of the *Wyoming Compiled Statutes, 1945*, which reads as follows: "The order of business of each annual meeting of the State Bar shall be substantially as follows: 1. Reading of minutes of last preceding annual meeting and special meetings, if any, unless dispensed with on motion. 2. Address of the President . . ."

Therefore, in compliance with the law and not to be in contempt of court, I shall attempt to fulfill my duty as President and deliver to you at this time the address of the President.

I wish to express my sincere appreciation and thanks to the officers of the Wyoming State Bar, who have so ably assisted me during the past year and who have performed every task assigned to them; namely, Edwin V. Magagna, President-elect, of Rock Springs; Oliver W. Steadman, Vice-President, of Cody; and Daniel C. Rogers, Jr., Secretary-Treasurer, of Casper. I wish to emphasize the fine job that has been done by Dan Rogers. He took over the office of Secretary at a very difficult time, following Robert Laughlin who had been our Secretary for many years and who was a most able and competent person. Dan has carried out his duties very efficiently and has been a worthy successor to the office. And, our Commissioners, namely, Carleton A. Lathrop, of Cheyenne, Eph U. Johnson, of Rawlins, Vincent A. Vehar, of Evanston, William J. Kirven, of Buffalo, Joseph Cavalli, of Thermopolis, Edward S. Halsey, of Newcastle, and Arthur E. Oeland, of Lander, have likewise performed the duties of their office with diligence and full cooperation.

The Park County Bar Association has taken full charge of the arrangements for this convention, and its members are entitled to all the credit for the many fine events that have been arranged for our entertainment and pleasure while in Cody, and personally and on behalf of those attending the meeting, our gratitude to them.

There are several out-of-state guests and speakers on our program, and we welcome them to Wyoming and to our meeting, and I ask each member to show them true Wyoming hospitality and sincere appreciation.

May I also again express my gratitude to the members of the Laramie County Bar Association for the very able manner in which they acted as our host during the legislative meeting in January of this year.

*J. O. Spangler of Greybull, Wyoming, received his A.B. and LL.B. degrees from the University of Wyoming, the latter degree from the College of Law in 1935. Mr. Spangler was elected President of the Wyoming State Bar 1954-1955. Mr. Spangler has his offices in Greybull, Wyoming.

During the year I have called upon many of you for assistance and advice, and no one has failed me. In fact, at this time I wish to extend my blessing and gratitude to the entire membership of the Wyoming State Bar and to the membership of all committees for the support given me.

Now, I wish to report some of the activities of the Wyoming State Bar, some of its accomplishments, and some of its shortcomings.

Preceding the November, 1954, general election, the State Bar, local bar associations, and most of the membership took an active part in informing the voters and people of Wyoming concerning the merits of Amendment No. 2 to the Wyoming State Constitution. It is my belief that as a result of these efforts such Amendment was adopted. This Amendment, you will recall, provided for uniform compensation for comparable positions in our Supreme and District Courts.

At our legislative meeting a program was adopted and presented to the Legislature. Practically all of this legislation was passed through your efforts and those of our legislative committee. However, we failed miserably in one respect, in that the Legislature failed to pass the bill which we recommended to increase the dues of members of the Wyoming State Bar from \$10.00 to \$20.00. This bill failed because it was not properly presented to the Legislature, particularly to the members of the Judiciary Committee, and because most of the lawyer members of the Legislature were not in accord with the previous endorsement of the Wyoming State Bar. I am not being critical of the lawyer members of the Legislature or of the Judiciary Committee, but I am being critical of ourselves, in that we took it for granted that this matter would be accepted and passed without any appreciable effort on our part. Because of our complacency, the proper time and effort were not given to explain this to the Legislature and the Judiciary Committee, and the bill failed. It is my recommendation that the Bar Association again urge the passage of a bill for the increase of our dues from \$10.00 to \$20.00 at the next session of the Legislature, and that we profit by our mistakes of the past. Toward this end and as recommended at the January legislative meeting, a committee has been appointed to study and set up a procedure for the presentation of legislation and other related matters to the legislative committee. The report of this committee will be presented to you at a later business session.

You will recall that the primary purpose in increasing dues was to finance and enlarge a more active public relations program, as this program has been restricted in its activities by lack of funds. The chairman of the public relations committee will make a complete report to you later, and considering the amount of finances available, it is believed that the accomplishments of this committee have been worth while and beneficial to all of us.

The Commissioners saw fit to pay the expenses of Al Pence, of Laramie, and me to the Interstate Bar Council Meeting held in Phoenix, Arizona,

February 25, as representatives of the Wyoming State Bar, for which Mr. Pence and I wish to thank you. I would like to tell you something of the activities of the Interstate Bar Council, particularly in view of the fact that this group will undoubtedly hold its next meeting in Cheyenne sometime in February of 1956. I urge each of you to attend this meeting if at all possible. The Council consists of representatives from eleven Western States. During the current year the President is H. Cleveland Hall, attorney at law, of Great Falls, Montana. The purpose of the Council is to exchange ideas common to the Western States and to assist each other in mutual problems. At the meeting in Phoenix, each State reported upon its outstanding activities. The Arizona State Bar, which has a membership of some 1,300, increased its annual dues to \$25.00 per year; it has instituted an action against title companies for the unauthorized practice of law; and it appropriated the sum of \$10,000.00 for the study of its court system, as a result of the delays they were experiencing in the early trial of their cases.

The States of Oregon and Washington reported upon their very fine legislative programs. They have representative groups of lawyers in attendance throughout the full session of their legislatures, which act as committees on behalf of the Bar Association to assist and help the legislature and the members thereof in any way possible, and at the same time they look after and sponsor legislation recommended by the Bar Associations. This is a matter that could very well be considered by Wyoming, and I hope that the committee I have just mentioned on legislative matters will have something further to report on these programs. The Washington Bar Association secured the passage of a bill whereby a judge may appoint special judges, by and with the consent of counsel on both sides of the case, the result being that the work load of the permanent judges has been relieved and speedy trials have resulted. This may or may not be something we should consider in Wyoming. I merely mention it to show the active part of the lawyers of Washington in their court system.

Mr. Pence and I gave to the delegates copies of our *Canons of Legal Ethics and Title Standards*, and they were very well received. The representatives thought they would follow a like practice in their respective States. However, it was suggested that there should be included therein the *Canons of Judicial Ethics*.

The State of Montana advanced the idea, and it was concurred in by practically all of the representatives, that membership in the respective State Bar Associations should be a "package deal," that is, a member would pay dues of, say \$35.00 or \$40.00 a year which would entitle him to membership in the local bar association, the State bar association, and the American Bar Association. It was reported that this plan was being advocated in many States throughout the Nation.

Some of the States have a Junior Bar Association, but it seemed to be the consensus of opinion that instead of having a Junior Bar Association

it would be much better if the Senior Bar, so called, would be sure that the junior members of the Bar were fully recognized and appreciated, particularly in the appointment of at least one or two members thereof on every committee. I heartily concur in this suggestion and recommend it for your further consideration. Wyoming, as you know, does have a Junior Bar Conference which is sponsored by the American Bar Association. During the past year the Wyoming State Bar has given some assistance to this Junior Bar Conference. Its President is Frank L. Bowron, of Casper.

The State of Oregon issues a handbook for jurors as part of their public relations program; and, in connection with jury trials, many of the States have adopted, or are considering, patterned or uniform jury instructions. These have been well received by attorneys and judges alike.

Some of the States have had considerable difficulty in handling applications to the bar. The State of Arizona, in particular, has just revised its application forms. Many of the States now require finger prints of the applicants, and these are sent to the Federal Bureau of Investigation for processing before admission is approved. One State handles its applications for admission through its law school; that is, they use applications for admissions to the law school, which applications are similar to the subsequent applications for admission to the bar, so that something is known of the prospective member at an early date. At the same time these applications are processed by both the faculty members of the law school and the officers of the state bar. However, the state bar does not tell the law school whether it should or should not admit the student. They do, however, make their recommendations, and have gone so far as to say, "You may admit this student, and if he is successful in graduating and then applies for admission to the state bar, we will probably reject his application and refuse him admission."

In the matter of public relations, the State of Oregon has a high school program of social and legal studies, which is participated in by members of the bar on a rotating basis. Selected lawyers appear in the various high schools and lecture to the students on these subjects, and they feel that the program has been very helpful.

The State of Washington by constitutional amendment and legislative action now has a compulsory retirement age for all judges; that is, the judge must retire at the age of 75, but the legislature has the power to reduce this to the age of 70. This did not affect the term of any judge then in office.

By far the most active public relations program is carried on by the Colorado Bar Association. I understand that just last week at the American Bar Association meeting the State of Colorado received an Award of Merit for its work. They sponsor radio and television programs for the purpose of improving public relations between laymen and members of the Bar. The Secretary of the Colorado Bar reported that in his opinion the

money thus expended had been returned to the lawyers' pocketbooks ten times over.

The work of the Wyoming State Bar in the matter of a Law Digest and the possible revision or compilation of the statutes received favorable comment by the delegates to this Interstate Bar Council meeting. At a later business session, the chairman of this committee will bring us up to date on our Law Digest and other matters in connection therewith.

During the past year the Wyoming Bar has adopted a recommended schedule of minimum fees, and a copy has been distributed to you. However, if you desire additional copies of this pamphlet or of the *Title Standards and Canons of Legal Ethics*, the Secretary has them available and will be glad to deliver them to you upon request.

On June 23 and 24, I was the guest of the Utah State Bar at its annual convention held in Salt Lake City, and as a result of the observations made at this meeting, I believe the Wyoming State Bar should be represented at all such meetings of the surrounding States, because it is through the exchange of ideas and the use of programs and policies which have proven satisfactory in other States that all of the bar associations can be made more worth while.

On the 7th of July it was my privilege and pleasure to attend a session of the Annual Conference of the Tenth Judicial Circuit, held at Estes Park, Colorado, and to be present at one of the outstanding events held in connection therewith. This was a banquet which honored, among other Federal judges, the Honorable T. Blake Kennedy, Judge of the United States District Court for the District of Wyoming, for his thirty-four years of distinguished service on the Federal bench.

The Wyoming State Bar has contributed much to the State of Wyoming, to its own members, and to the public generally, and particularly has this been true since its integration in 1939. But if we are to continue making these contributions we must continue our endeavors, and to accomplish this we must keep abreast of our changing times. We all know that we are undergoing a period of transition and rapid change. This is the age of atomic and hydrogen power, and of space and satellites, and we may be called upon to solve legal problems and try lawsuits involving these subjects. I read the other day that 200 years ago in the United States that of all the power produced, man put forth 40% of it and animal 60%; at the present time man produces only 4%, animal 4%, and machine 92%; and it is predicted that by 1960 man will produce still 4%, animal 1%, and machine 95%. What does this mean to the lawyers and members of the Wyoming State Bar? In my opinion, it means simply this, that we must streamline our legal procedures to meet the changing needs and times. Incomes have increased, living standards are higher, industrial technology trends are up. By 1970 it is estimated that we will have a national population of 200 million compared with the present 165 million.

We must improve our system of legal procedures, and I suggest and recommend that you earnestly consider and take further action upon some of the following matters. Civil Rules of Procedure, modelled upon the Federal Rules of Procedure and as already compiled by the Bar Association, should be adopted. I regret to report to you that again the Wyoming State Bar has failed in its repeated efforts to have this accomplished, although every reasonable and proper effort has been made to secure the adoption of these rules. An attempt was made to secure advice and suggestions from our Supreme Court as to what might be done by the Wyoming State Bar in this respect; that is, something that would be well received by the Court. I know that the President-elect is personally interested in this matter and that he will not neglect his duty in this regard.

It is believed that we can profit by the adoption of the so-called standardized or patterned uniform jury instructions which have proven so advantageous in many of our neighboring States, particularly in Nebraska.

Our public relations program should be expanded, and in order to finance this program it is necessary that our dues be increased. In order to secure the passage of this law, together with other legislative matters that we might present from time to time, we must improve our legislative procedure; that is, in the manner of submitting proposed legislation to our legislative committee, in the discussion and adoption of such by the Bar at its legislative meeting, in the presentation to the State Legislature, and in the indoctrination of the lawyer members of the Legislature and the Judiciary committees.

We should continue working upon special subjects of the law; for example, our corporation law, for which a committee has already been appointed, as it should be modernized to meet present corporate needs. Each of us will admit that our municipal law is most confusing and inadequate, and that a revision is in order. The same is true of our election laws. An examination of our various election laws reveals that there is a different means of expressing the vote or desire of an elector for practically each and every type of election. We have one means for a primary or general election, another for school elections, and still another for bond elections. The most absurd means I ran into recently was in the matter of the election for the creation of a high school district, wherein the law provides that those in favor of the creation and organization of a high school district shall write or print on their ballots the words "For High School District." Those opposed to the question shall write or print on their ballots the words "Opposed to High School District." The inconsistencies and confusion which exist in our election laws should and could be corrected.

I concur in the recommendation of our immediate past president, Dwight Wallace, on a subject which has been discussed many times and upon which very little has been done. That is the adoption of a County

court system, which would result in the elimination of our Justice of the Peace courts and set up a modern and efficient County court system. And, as Mr. Wallace says, such a judicial arrangement would certainly speed up the administration of justice and be a benefit to the public and to practicing attorneys.

Another project which could be considered by the Wyoming State Bar is the matter of legal aid. To my knowledge, it has not been tried in Wyoming, but it has proven very successful in other States, both from the standpoint of the legal profession and the client in need. Legal aid, as you know, is simply the furnishing of legal assistance or legal advice, free of charge, to those who are unable to pay, or furnishing the same at a reduced cost within the means of the client. Without legal aid the burden falls with unequal heaviness on those lawyers who are willing to take such cases, and many people in need of help never succeed in finding a lawyer who will assist them. It is a further item of public education and public relations on behalf of the Bar Association.

While on the matter of Courts, let me add that during this convention there will be submitted to you for your consideration and action the question of whether or not it would be advisable to have two Federal Districts established in the State of Wyoming, or to maintain the one Federal District we now have with two Federal Judges in the State.

Membership in our Association is increasing each year to keep pace with our increase in population, and rightly so. We now have about 400 active members, plus approximately 90 members who live out of the State, and some 16 honorary members, making a total of over 500 members. I suggest to you that in order to have a more closely-knit organization that some officer of the Wyoming State Bar, such as the President, President-elect, or Vice-President, be required to visit each and every local bar association throughout the State sometime during the year, and if necessary that the expense of such visits be paid by the State Bar.

Undoubtedly many other subjects and matters will be presented to you during this meeting, which if adopted will result in the betterment of our Association. I know from the program which has been arranged for you, and the speakers you will hear, that you will be given additional food for thought and discussion relative to matters that are of vital and current interest, and that you will receive ideas which can be used not only in your daily practice but for the betterment of your respective communities. We must not forget the purposes and ideals of the Wyoming State Bar, and in carrying them out we must never overlook the ethics of our profession. We must always remember that it is our sworn duty at all times to protect and uphold justice. We must never overlook the fact that it is our solemn duty to see that justice is done in all instances, and we must dedicate ourselves to the cause of justice, and thereby make a lasting contribution to the spirit of justice. We should never refuse to take a case involving a

crime that is particularly odious at the time, because of fear of public opinion against the lawyer who defends a person charged with such a crime, because that is all the more reason and all the more important that justice be done.

While speaking of justice, I wish to call your attention to one other item of our program, being a film that has been sent to us through the courtesy of the American Bar Association, entitled, "Dedication to Justice." It is considered an outstanding feature by the American Bar Association, and I urge every one of you to make a special effort to be present at the time it is shown.

Our Wyoming State Bar is the means by which the individual lawyer can contribute to the cause of justice for all, and it is my belief that as a result of visiting with other State bar associations, that we are indeed fortunate in Wyoming in our courts and judges, in having a fine, fully accredited law school, and in having a State Bar Association that is second to none in percentage attendance at its meetings, in the quality of its membership and in its accomplishments. With your continued effort and the leadership you will have in future years, the Association should continue to develop and advance, and the individual lawyer continue to be a leader in his community, and the Wyoming State Bar become still more respected in our State. Thus, all of us uphold the highest traditions for which the legal profession is famous.

In Wyoming all lawyers are substantially "country lawyers," and I would like to read to you what the firm of Dun and Bradstreet has to say about the country lawyer, which appears on a picture recently put out by that firm. It is as follows:

"He could have gone to the city, but his roots are deep in his community. He chuckles a bit over the comparison of the "little fish in the big pond" and the "big fish in the little pond," but he likes his small town "listening post" where he is more of an arbiter than a lawyer because he frequently finds a way of patching up quarrels, both family and commercial, without cluttering up the court calendar. He serves on the school board, heads the charity drives and is the man of action whenever the community needs leadership. He makes a living, and a good one considering the resources of the community, but no fellow citizen with a problem stays away because he's afraid of the legal fee. Lawyer he is, and philosopher too, who loves the community he serves beyond the measure of money or personal honors. His principal compensation comes from the love and praise of his fellowmen.

"In its 113 years of service to business, Dun & Bradstreet has observed the unselfish attitude of the country lawyer in his community. He is a source of information who often helps worthy merchants get goods on credit terms and occasionally uses his persuasive skill to help clients collect delinquent accounts. His work, legal, social, and cultural, brings honor to his name and his profession."

Again, I thank the lawyers of Wyoming for what I consider the highest honor you could have bestowed upon me, that is, the presidency of a group in my chosen profession, and I shall at all times continue to give my best efforts and my help and cooperation to my successors, and to the Wyoming State Bar.