

December 2019

Report of the President

Oliver K. Steadman

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

Recommended Citation

Oliver K. Steadman, *Report of the President*, 12 Wyo. L.J. 77 (1958)

Available at: <https://scholarship.law.uwyo.edu/wlj/vol12/iss2/1>

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

OLIVER W. STEADMAN*

Members of the Wyoming State Bar, distinguished guests and visitors: First, I would like to point out that it is mandatory under the rules of the Wyoming Supreme Court as set forth in Section 2-507, Wyoming Compiled Statutes, 1945, in subdivision 2, that the President of the Wyoming State Bar made an address. As I recall, in years gone by, the Presidents of the Wyoming State Bar used to make learned addresses on legal subjects of current interest. In more recent years, my recollection is that the Presidents have confined their remarks to a report on the activities of the Wyoming State Bar under their leadership. Perhaps this is due, at least in part, to the fact, as pointed out by the late Arthur Vanderbilt, Chief Justice of New Jersey, last February in Chicago, that in the last twenty years Bar Associations have made more progress than had been made in all of the years before that time. Certainly, my experience has been that each year Bar Associations are more active, doing more worthwhile things, and of greater value to the profession.

It has been a great privilege for me to serve as President of the Wyoming State Bar during the year 1956-1957, and I certainly want to express my sincere thanks and appreciation to all of the officers and commissioners for their most helpful cooperation. Without exception, every officer, every committee chairman, and every commissioner of the Wyoming State Bar has responded wholeheartedly to any request that I have made and has promptly and efficiently discharged every duty that has been assigned to him.

The Wyoming State Bar is deeply indebted to the Carbon County Bar Association for the arrangements for this convention. I am sure that they have done as Eph Johnson said they would do at the meeting in Sheridan last year when we were invited to Rawlins. Eph told us that they would leave no "Stone" unturned to see to it that we had one of the better conventions in the history of the Wyoming State Bar.

We have among us today, and we will have with us from time to time as the meeting progresses, a number of distinguished guests and speakers from outside the State of Wyoming. I charge each and every one of you with the responsibility of showing them our sincere appreciation for their efforts on our behalf and extending to them a warm welcome and true western hospitality.

It has been my privilege to serve as your President during a very busy year when we had both a legislative meeting in Cheyenne in January of

*Oliver W. Steadman of Cody, Wyoming, received his A.B. and LL.B. degrees from the University of Southern California. Mr. Steadman has his offices in Cody, Wyoming.

1957, and also a joint meeting of the American Bar Association and the British Bar in New York and in London. The Laramie County Bar, under the chairmanship of your able Vice-President, Jimmy Wilson, as usual, showed us a wonderful time and helped us to have a very profitable meeting in Cheyenne in January. We are greatly indebted to the members of the Laramie County Bar and to Jimmy Wilson.

With respect to the activities of the Wyoming State Bar during the past year, I am very happy to report that the subject which occupied a very considerable portion of our time and attention at the annual meeting at Sheridan, was rather effectively disposed of by the Supreme Court of Wyoming early in the year. I feel most fortunate in this regard because we have been able to devote our time and attention to more worthwhile things. I refer, of course, to Mr. J. Norman Stone. However, I would like to caution the membership of the Wyoming State Bar that in my opinion, although this matter appears to have been effectively disposed of, the experience with Mr. Stone, together with the decisions of the Supreme Court of the United States in the cases of *Konigsberg v. The State Bar of California*, and the case of *Schware v. Board of Bar Examiners of the State of New Mexico*, point up a weakness in our system which may in the future cause us a great deal of difficulty. I believe that the Wyoming State Bar should have a committee to study our situation, consider the rules for admission and the questionnaires required of applicants for admission, consider carefully the opinion of the Supreme Court of the United States in the *Schware* and *Konigsberg* cases, and make recommendations to the Wyoming State Bar and through it to the Wyoming Supreme Court and the State Board of Law Examiners as to what we can and should do to prevent like situations from occurring in the future. I further believe that in the event the *Konigsberg* case shall again be appealed to the Supreme Court of the United States, or in the event that other similar cases may be pending before the Supreme Court of the United States, that the Wyoming State Bar should interest itself in such litigation and possibly ask leave to file a brief in the Supreme Court of the United States as *amicus curiae*.

Of course the Supreme Court of the United States has been severely criticized for its decision in the *Schware* case, and particularly for its decision in the *Konigsberg* case by able and outstanding members of our profession. While I believe that members of the legal profession should be careful about hasty criticism of the Supreme Court of the United States, still I believe that that Court should not be considered sacrosanct or above criticism. To me this is a subject of the utmost importance to each and every one of us and it is deserving of our continued interest and study.

Having had the benefit of being designated as President-Elect of the Wyoming State Bar for a period of one year while Ed Magagna was serving as President, it was decided, before we took office, that a major project of our administration during the year 1956-57 would be to try and get something done with respect to the proposed Rules of Civil Procedure.

As you know, the Wyoming Supreme Court, on September 23, 1947, appointed a Rules Advisory Committee in accordance with the provisions of Section 4 of Chapter 53, Session Laws of Wyoming, 1947. This Committee, under the Chairmanship of Bill Wehrli of Casper, did a great deal of work, and on date of June 1, 1948, made a report to the Supreme Court, which said report was published in the Wyoming Law Journal, Volume 2, No. 4 in August of 1948. During the period of almost ten years, following the appointment of this committee, very little progress had been made toward the adoption of the report of the Rules Advisory Committee, or for that matter toward the adoption of any rules of Civil Procedure.

Hoping that some action might be taken to obtain for the benefit of lawyers and litigants, the advantages of a streamlined modernized Court procedure, the officers and commissioners of the Wyoming State Bar asked the members of the Wyoming Supreme Court to meet with us at Sheridan immediately following the adjournment of the 1956 annual meeting, when we took office.

All of the members of the Supreme Court, consisting of Chief Justice Fred H. Blume and Associates Justices Harry S. Harnsberger and Glenn Parker, were present at the meeting in Sheridan and expressed great interest in reactivating the Rules Advisory Committee and trying to bring up-to-date the work that was done by the Committee in 1947 and 1948 and get some Rules adopted.

Accordingly, action was taken to replace the members of the Rules Advisory Committee who had resigned, or moved away, and the Committee, still under the able leadership of Bill Wehrli, had a considerable number of meetings, both as a Committee and jointly with the Supreme Court. Judge Blume made available to the Committee the notes which he had made with respect to the Rules as a result of his long and detailed study of the earlier report, and I am sure that these notes of Judge Blume were very helpful to the Committee and contributed much to the work of the Committee.

It is difficult for me to express my sincere appreciation and gratification to the members of the Supreme Court, and to the members of the Rules Advisory Committee for the work that they have done during all of this time. Suffice it is to say that in my opinion every member of the Wyoming State Bar is deeply indebted to the Court and to the members of the Committee for their work. The spirit of willingness and helpful cooperation that has been prevalent has resulted in the adoption of the Rules by the Supreme Court on July 2nd of this year to be effective December 1, 1957. These Rules are, of course, to be the subject of much consideration and discussion at this 1957 convention of the Wyoming State Bar here at Rawlins, and I feel sure that every member in attendance at this convention is going to profit greatly by these discussions.

The Wyoming State Bar has undertaken to pay for the printing and

dissemination among the members of the Wyoming State Bar of the new Rules as adopted by the Supreme Court through the Law School and in the form of a special issue of the Wyoming Law Journal. They are now in your hands. The officers and commissioners of the Wyoming State Bar, for the past year, are gratified at the successful accomplishment of this, their main project for the year.

I expect that the work of the Wyoming State Bar at the legislative session in January 1957 will be covered by a report of the chairman of the Legislative Committee, Vincent A. Ross of Cheyenne. I would like to say, however, that as a result of the legislative session and the cooperation of the members of the Bar who were members of the Legislature this session, and the work of the Legislative Committee, our legislative program was most successful. Among other things, the Legislature adopted original Senate Resolution No. 1, which, if ratified by the voters at the next general election, will result in increasing the membership on the Supreme Court of Wyoming to four Justices.

As a result of the splendid work done by the Committee on Unauthorized Practice of the Law under the chairmanship of Don Ogilbee of Casper, we were able to get the Legislature to adopt Chapter 61 of the Session Laws of 1957 defining the practice of law and making unlawful practice thereof punishable as contempt of Court.

Also, as you know, we were successful this time in getting an additional District Judge in each of the Second and Fifth Judicial Districts.

We, of course, interested ourselves in the necessary legislation for the compilation of the statutes, the legislation with respect to the retirement of Judges, and especially the legislation which resulted in increasing the dues of members of the Wyoming State Bar from \$10.00 per year to \$20.00 per year. The thought is that with more money available, the Wyoming State Bar will be able to finance a comprehensive and worthwhile public relations program. This same bill to increase the dues from \$10.00 per member to \$20.00 per member was introduced into the Legislature and endorsed by the Wyoming State Bar at the 1955 session of the Legislature, but it failed to pass. I don't know just how the Legislative Committee managed to get a more favorable result at this session of the Legislature. I have been told that at the 1955 session, when the members of the Committee were asked by the lay members of the Legislature the purpose of the bill they were told that its purpose was to raise more money for the Bar Association to carry on a public relations program, and that the Legislature seemed not to be sympathetic with the project and killed the bill. I am further advised that the Committee this year, profiting from the experience in 1955, when the same question was propounded by the lay members of the Legislature, told them that the purpose of the bill was to increase the tax on lawyers and perhaps that is the reason that the effort was so successful this year.

Sally and myself were guests of the Colorado Bar Association at their annual meeting at the Broadmoor Hotel in Colorado Springs last October, and of the Utah State Bar at their annual meeting in Salt Lake City in May. In addition to those functions, I attended the meeting of the National Conference of Bar Presidents in Chicago in February, and the meeting of the Interstate Bar Council at Santa Fe, New Mexico, also in February, and the Regional Meeting of the Mountain and Plains States of the American Bar Association at Denver, Colorado, in May. I also had the privilege of participating as a speaker on one of the panels at the National Conference of Bar Presidents in New York, and as many of you know, Sally and myself and our family went to London where we attended the meetings of the American Bar Association.

Personally, I believe that the National Conference of Bar Presidents and the Interstate Bar Council are two of the most worthwhile activities in which the Wyoming State Bar participates, and I would certainly recommend that the Wyoming State Bar continue to be represented and to actively participate in the work of both these organizations, as well as exchanging representatives with our neighboring states at annual meetings.

At the meeting in Cody two years ago, the Wyoming State Bar went on record as favoring the appointment of an additional Federal District Judge for the District of Wyoming. I have been especially interested in this matter and all of you will recall the remarks of the late Judge Kennedy at the Cody meeting. Judge Kennedy strongly urged the appointment of an additional Federal District Judge for the District of Wyoming, but he was opposed to the division of the state into two separate districts. The Omnibus Judge Bill was introduced into the present Congress in such a form that it would have provided a minimum of two Federal District Judges for each state, and in that form if the bill had passed, we would have had two Federal District Judges in Wyoming. However, the Committee on the Judiciary of the American Bar Association made an investigation of the matter and a number of Wyoming lawyers and judges expressed the opinion that there was no necessity for an additional Federal District Judge in Wyoming and accordingly, as I understand it, Wyoming was amended out of the Omnibus Judge Bill. There appears to be no chance at the present time that we will get an additional Federal District Judge in Wyoming. I presume that if in fact there is no need for an additional Federal District Judge in Wyoming, then all of us would agree that the Federal Government should not be put to the expense of providing an additional Judge where none is needed.

It is my personal opinion that with the adoption of the new Rules of Civil Procedure for the Courts of Record in Wyoming, and as those of us who live in the more remote areas of Wyoming become more familiar with the Federal Rules in this way, that the amount of litigation in the Federal District Court in Wyoming will be substantially increased and that many cases which are now filed in the State Courts and which should and could

be properly filed in the Federal District Court, will be so filed and that in the comparatively near future we will have need for and will get an additional Federal District Judge in Wyoming.

As I remember, it has long been the custom for the outgoing presidents of the Wyoming State Bar to suggest or recommend projects for us for the future. I think that many of the projects which have been so recommended and suggested to us have not been carried out. I have such a project which I want to recommend, although it may of course share the same fate as have the others.

Wyoming has, of course, in its history many distinguished lawyers and judges. It has been my privilege to know and to respect a great many of these learned men. Suitable tributes and testimonials of various kinds have been had with respect to them, which is, I think, all together fitting and proper.

However, I think that perhaps one of the most distinguished jurists in the history of the State of Wyoming was Mr. Justice Willis Van Devanter who served with distinction on the Supreme Court of the United States for nearly 27 years, retiring in 1937.

Certainly many of the younger members of the Bar never had the privilege of knowing Judge Van Devanter. I had the privilege of meeting him and getting acquainted with him on the occasion of the Tri-State Bar Association meeting in which the Wyoming State Bar met jointly with the Montana Bar and the Idaho Bar at the Canyon Hotel in Yellowstone National Park in August of 1937, but he had only recently retired from the United States Supreme Court at that time, and he continued to live in Washington, D. C. until the time of his death on February 8, 1941. I suggest that a very few members of the Wyoming State Bar ever met Judge Van Dervanter after the meeting of which I speak in the Yellowstone National Park. I suggest to you that perhaps some of the younger members of the Bar are not even familiar with the fact that the Wyoming State Bar was ever represented by a member on the Supreme Court of the United States and of course if that be the fact then I think it is too bad. Many states have never had a member of their Bar selected for such an honor. For the benefit of those who are not familiar with Judge Van Dervanter, I would like to point out that he was born in Marion, Indiana, on April 17, 1859. He graduated from the Law School of Cincinnati University in 1881 and took up the practice of law in the office of his father who was a lawyer of high reputation and wide experience at Marion, Indiana. He moved to Cheyenne, Wyoming, in 1884 and after a distinguished career became associated with the Honorable Charles N. Potter, later Chief Justice of Wyoming, and with the Honorable John W. Lacy. He was appointed Chief Justice of the Supreme Court for the Territory of Wyoming in 1889 and the following year when Wyoming was admitted into the Union in 1890, Judge Van Devanter was elected Chief Justice and thus became the first Chief Justice of the State of Wyoming.

In a short while he resigned to return to private practice. In 1897 he was appointed as Assistant Attorney General of the United States by President McKinley. On February 18, 1903 he was appointed by President Theodore Roosevelt to the Circuit Court. At that time Wyoming was in the Eighth Judicial Circuit and it was on that Circuit that Judge Van Devanter served for almost eight years, prior to being appointed by President Taft as Associate Justice of the Supreme Court of the United States in 1910. He took his seat on the United States Supreme Court January 3, 1911 and served until the time of his retirement in 1937, as mentioned above.

I suggest to you that it would be entirely fitting and proper for the Wyoming State Bar to honor Judge Van Devanter by some suitable memorial or testimonial dinner, or both, on April 17, 1959, which will be the 100th anniversary of his birth, or at some other suitable time and place to be selected by a committee which might be appointed for the purpose. I feel sure that such a project would be eminently fitting and proper and very worthwhile insofar as the Wyoming State Bar is concerned.

There are, of course, a great many other equally worthwhile projects, one or two of which I have mentioned above, others of which have been discussed with the Board of Commissioners and I am sure many others that have not even occurred to me.

I have always been proud to be a member of the Wyoming State Bar, and after having served as your President and attended the meetings of the National Conference of Bar Presidents and thus learning something about the organized Bar in other states, I am even more proud of the Wyoming State Bar. We have an invaluable advantage in the smallness of our Bar and the fact that ours is one of the less populous states, thus enabling us to be better acquainted and to work more closely together. I am sure that the Wyoming State Bar has before it a brilliant future of worthwhile achievements and outstanding service to the members of the Bar and through them to the public generally.

In closing I want to thank you for what I consider to be a very high honor and privilege which you conferred upon me when you chose me as President of our organization. I hope to be able to continue to be an active member for many years to come, even after I join the others who are Past Presidents at the close of the present meeting.