University of Missouri Bulletin Law Series

Volume 31 *December 1924* Article 7

1924

Bar Bulletin

BAR BULLETIN

Editor.....KENNETH C. SEARS
Associate Editor for Bar Association.....JOHN B. PEW

OFFICIAL PUBLICATION OF MISSOURI BAR ASSOCIATION

WORK OF A GRIEVANCE COMMITTEE

Many lawyers have been heard to question the value of Bar associations. The report of the grievance committee of the Kansas City Bar Association which was in office from October 1923 to October 1924 is printed below. A fair reading of this report should convince the most skeptical that a Bar association properly organized can do much good.

Kansas City, Mo., June 21, 1924.

KANSAS CITY BAR ASSOCIATION AND HON. WM. C. MICHAELS, Its President.

Gentlemen: Your Grievance Committee has the honor to submit the following report covering the period since its appointment last October to the present date.

During the period named the Committee has held 24 sessions; it has held regular weekly sessions and numerous special sessions *ad interim*. The present personnel of the Committee is: Messrs. Roy B. Thomson, Wendell H. Cloud, Justin D. Bowersock, Frank P. Barker and the Chairman. Mr. Landry Harwood resigned early during his term of office on account of a necessary absence abroad, and was succeeded by Mr. Barker. Mr. Ellison A. Neel found it

necessary to resign last April, and was succeeded by Mr. Cloud. Your Chairman has had from the outset the earnest co-operation of all members of the Committee, and acknowledges their tireless devotion to duty and faithful and punctual attendance. Your Committee has also had throughout the unstinted support and co-operation of your President and Executive Committee, the Judges of our various courts and of Hon. Clarence A. Burney, Prosecuting Attorney.

STATISTICAL:

Number of complaints filed.....175
Number of complaints heard or investigated and disposed of.....160

DISPOSITION:

Complaints heard by Committee in which disbarment proceedings are being prosecuted or will presently be filed, involving six attorneys.....27
Complaints of illegal practice of law by unlicensed attorneys heard by Committee, presently to be presented by Committee to grand jury..... 8
Accused dismissed with reprimand and warning in Committee.....12
Cases heard by Committee in which investigation incomplete..... 4
Cases heard and dismissed as without merit.....22
Cases dismissed after investigation but without formal hearing.....87

Total.....160
Cases pending in Committee.....15

Total.....175

The Committee regrets to report that after the hearing of proofs and deliberate consideration it has found it necessary to direct the institution of disbarment proceedings against six attorneys, in whose cases five suits for disbarment are now pending in court, and in one case, after conviction by the Committee, and after being informed he would be proceeded against, the accused attorney appeared in the Supreme Court, procured a cancellation of his license, and left the State. In three other cases the accused were found guilty of practicing law without license or authority; of these, one was given two weeks to leave the State or be prosecuted criminally for illegal practice of law, and has since closed up shop and left the State; the cases of the other two attorneys have been ordered presented to the grand jury.

DISBARMENT CASES:

(1) Offense charged, deceit, withholding of client's funds, and other unprofessional misconduct. This case was heard by the preceding Grievance Committee, and under the constitution is being prosecuted by and in its name. Petition to disbar pending; counsel for Committee, Mr. Theo C. Sparks.

(2) Offense charged, deceit and withholding client's money. Pending in court; counsel for Committee, Mr. W. F. Woodruff.

(3) Offense charged, illegally withholding client's money. Pending in court; counsel for Committee, Mr. A. Stanford Lyon.

(4) Offense charged, collecting fees from defendants in criminal cases and then allowing their cases to go undefended, and other professional misconduct. Petition to disbar pending in court; counsel for Committee, Mr. A. P. Nugent.

(5) Offense charged, wilfully participating, as attorney, in a series of fraudulent real estate transactions. Disbarment petition pending in court; counsel for Committee, Mr. David Dabbs.

ATTEMPT OF FRED E. BURROUGHS, DISBARRED IN 1904, TO OBTAIN REINSTATEMENT:

Late in the afternoon of June 12th one Fred E. Burroughs served notice on the Chairman of your Committee that he would, on the 16th, apply to Judge Lucas, in Division No. 2 of our Circuit Court, for reinstatement as an attorney-at-law. We learn that Judge Lucas had declined to entertain the application unless same was served upon your Committee's Chairman.

Attached to the notice was an application by Burroughs for reinstatement as an attorney, alleging as follows (Italics ours):

"On June 11, 1904, in Division No. 2 of the Circuit Court of Jackson County, Missouri, at Kansas City, there was an order and judgment entered disbarring your petitioner from practicing law in the State of Missouri, *by default*, and while your petitioner was out of the State of Missouri; said decree being entered by a Special Judge, who was holding court *in Division* 2 in the absence of Judge Slover, who was in Colorado for his health; and that more than one year has elasped since said decree was entered, and that your petitioner is over the age of 21 years, is of good moral character, and a resident of the State of Missouri; that since the aforesaid disbarment your petitioner has kept up his legal reading, and is qualified to resume the practice of law. Wherefore" etc.

Attention is directed to the attempt by this application to make it appear: (1) that the judgment of disbarment was entered by default while the accused was out of the State, thus creating the implication that a good defense existed but was not availed of, or that some advantage was taken of him in the proceedings; (2) that the proceedings had taken place in Division 2, which would explain taking the matter up before Judge Lucas; (3) that the judgment of disbarment was not entered by the regular Judge, but by a Special Judge, not named by the petitioner, thereby attempting to create the implication that such Special Judge was not sufficiently experienced to render a correct decision.

Request was made by your Chairman for time to investigate the matter, and inquiry was made of the attorney for the petitioner for the original disbarment petition and other court files upon which the judgment was rendered.

It was thereupon claimed by Burroughs' attorney that he had made diligent search for the court files and that all of them had disappeared. Investigation by the Committee showed that the court files were in fact missing from the files, although the files in contemporaneous cases were found in their proper places.

Examination of the court record books shows that the petition for disbarment was filed April 17, 1904, by the State, at the relation of Burks L. Hamner, not in Division 2, but in Division No. 1. The reason for the false averment in Burroughs' petition for reinstatement, that he was disbarred in Division 2, will presently appear. The record entries further show that the judgment of disbarment, so far from having been rendered by default, was vigorously contested by Burroughs, both in person and by attorney, and only after various dilatory pleadings, motions and demurrers, had been overruled. The judgment of disbarment recites that at the trial Burroughs appeared in person and by the late W. F. Riggs, as his attorney.

The court record further shows that the cause was tried and the judgment rendered by Hon. J. McD. Trimble, sitting as Special Judge for Judge Gibson in Division I. As all older members of the bar know, Judge Trimble was one of the most accomplished and learned members of the bar, a man of wide experience and broad sympathy. The record shows that a motion for new trial was filed and overruled, that an appeal was taken by Burroughs to the Supreme Court, that a bill of exceptions was filed, and that by action of the Supreme Court judgment of disbarment became final.

It will thus be seen that so far from the judgment having been rendered by default, as falsely alleged in Burroughs' application, it was rendered only after resistance and every legal resource had failed. Judge Gibson, Judge Trimble, Judge Teasdale, at whose instance the complaint was filed by Mr. Hamner; Lucius Knight, the court reporter in Division No. 1, being all deceased, Mr. Hamner having removed from the State to a distant part of the country, and the papers being missing from the files, it became necessary for the Committee to resort to the files of the newspapers of that time for information as to the nature of the charge and the particulars of the trial and judgment. It was found that on June 12, 1904, the Kansas City Star published the opinion and findings rendered by Judge Trimble, from which we quote as follows:

"The courts have inherent power to remove any member of the Bar if he is guilty of conduct that involves base moral turpitude to such an extent as to justify the inference that he is unworthy of public confidence, and this power exists in the court independent of any legislative enactment, and in fact would exist if the legislature undertook to take away this right.

"The charges preferred against Burroughs are clearly established and no attempt was made by him to deny or explain them. They involve such a degree of moral turpitude as would render him unworthy to hold a place in an honor-

able profession in whose members the courts and the public must of necessity repose unquestioned confidence.

"If the charges proven in this case do not show moral turpitude it is difficult to imagine what charges would prove it. The conduct of the accused has been a crime against good morals, against the religious sentiment of the community, and against society."

Burroughs' petition for reinstatement came on for hearing before Judge Lucas today, and upon it being brought to his attention by the Chairman of the Committee that the judgment had not been rendered in his Division, but in Division No. 1, he promptly and properly declined to take jurisdiction, and the petition for reinstatement was withdrawn, this after the attorney for Burroughs had presented to the court testimonials from various reputable lawyers, the obvious result of diligent canvassing, recommending his reinstatement as an attorney.

It subsequently developed that a few months ago Burroughs attempted to appear as an attorney in Division No. 1, before Judge Buckner, who at that time inquired of him whether he had not been disbarred in that very courtroom, a fact which Burroughs at that time admitted under oath; whereupon Judge Buckner, with proper indignation, expecially considering the aggravated circumstances of the matter which was then being inquired into, reprimanded him and forbade his further appearance before him. The untrue allegation in Burroughs' petition for reinstatement, that he had been disbarred in Division No. 2, when in fact he was disbarred in Division No. 1, now presided over by Judge Buckner, could hardly have been made by mistake, but seems to have been a palpable effort to go around Judge Buckner and vest jurisdiction in Judge Lucas, apparently in the hope that the record would not be investigated and that he would thus obtain, if successful, colorable authority for again entering the practice.

Considering the long lapse of time since Burroughs' disbarment, and the opportunity thus afforded for repentance and reform, the Committee would not have been inclined to now revive this old matter, or to give currency from the grave of Judge Trimble's findings, but when it is considered that reinstatement was sought by what seems to us a disingenious attempt to deceive the court—an offense in itself deserving disbarment—we think that any effort on the part of Mr. Burroughs to become reinstated should be opposed, and, with the approval of the Association, it will be opposed. If there was ever an occasion when candor on the part of Mr. Burroughs with the court was called for, it was on this application for reinstatement, and this he signally failed to show.

CASE OF HOMER WEESE:

Charged with practicing law and maintaining an office in a house of ill-repute, obtaining license to practice law by wilful fraud on State Board of Law Examiners, and other misconduct. After expulsion from this Association, and after it had been publicly announced that disbarment proceedings would be

instituted against him, this attorney found it expedient to hasten to Jefferson City, filed a so-called "resignation" as an attorney-at-law, procure an *ex parte* order from the Supreme Court cancelling his license to practice law, and departed for a foreign state. This maneuver on Weese's part was obviously for the purpose of forestalling disbarment and at the same time leave himself free to reapply for admission to the bar in this State at such time as might seem to him most propitious. This petition in the Supreme Court and the **ex parte** order made thereon were wholly without notice to the Committee. Grave doubt is entertained of the power of the Supreme Court to make such an order; the Committee is aware of no precedent for it. The court, of course, was not advised by Weese of his motive in seeking cancellation of his license and had no purpose of obstructing disbarment, or any knowledge of cause therefor. The proceedings of this Association in Weese's case were studiously concealed by him from the court. A suggestion has been filed with the court by your Committee, requesting that its order be vacated, and this is now held by the court under advisement. It is manifest that if an attorney, guilty of a disbarable offense and to whom it has been made known that he will be proceeded against, may escape disbarment by the simple expedient of hurrying to the Supreme Court and there taking hold of the horns of the altar, others in like situation will seek the same asylum, and the disbarment statutes will become a dead letter. It is to be hoped the court will act favorably on the suggestion to vacate its order, so that petition for disbarment may be filed and proceed to judgment, permanently preventing this attorney from re-entering practice in this State.

GENERAL OBSERVATIONS:

If there be those to whom the above results seem disappointing, let these observations be made:

We know of no duty or responsibility more grave than that which falls upon your Grievance Committee in the wise exercise of its powers given it by our constitution, nor yet one which calls for greater industry, firmness, and moral courage. The Committee is now, under our constitution, endowed with the power to move to disbar, or, with the concurrence of your Executive Committee, to suspend or expel from membership in the Association, or to censure privately or to censure publicly. We do not regard the purpose of the Committee as merely punitive; its highest purpose is preventive and corrective. Furthermore, all lawyers must realize that the mere belief of the Committee that an offense, deserving disbarment, has been committed by an attorney, does not warrant the institution of disbarment proceedings; such proceedings, involving as they do the right of an attorney to practice his profession and earn his living, must be supported by proof and not be based on mere suspicion, surmise, or conjecture. In a number of instances the Committee, though convinced of guilt, has refrained from moving to disbar solely because it did not

deem the proofs were sufficient to meet the requirements of a judicial proceeding.

We repeat that our power to institute suit for disbarment is to be wisely, temperately, but firmly exercised, and only in a proper case. Your Committee has approached its duties with a solemn sense of its responsibility in these matters, realizing keenly how serious it is to the accused to publicly lodge and prosecute a charge of unprofessional and dishonorable conduct against a brother lawyer. It has not moved to disbar without patient and careful investigation and hearing, nor until convinced that no other proper course was open to it. It has endeavored to act with an open and impartial mind and with merciful consideration, where deserved. Hardly less grave than the power to initiate disbarment, is the power of public expulsion or suspension from the Association, an action which under our constitution, can be taken by your Committee, only with the concurrence of the Executive Committee. Happily thus far it has been necessary to take this action in only one instance, and that in a case in which the offense was flagrant and the proof clear. But however unpleasant the duty or grave the responsibility resting upon your Grievance Committee in these matters, no lawyer should accept service thereon unless prepared to firmly and fearlessly discharge it.

Attention is directed to the considerable number of cases heard by the Committee in which the accused attorney has been warned against a repetition of the offense and reprimanded by the Committee without further action. We have reason to believe and to hope that these warnings have not fallen upon barren soil. Such disposition has been made of various cases, such as first offenses, and particularly in the case of youthful practitioners, misled by a false standard of professional conduct, upon which they needed to be set right. It is in this class of cases that your committee has believed a wise forbearance will do far more good than drastic action. We find that often a timely warning given in a friendly spirit is far more helpful to the attorney and to the public than would be any attempt to invoke more severe processes. We are fully aware that in some of these cases our warning will go unheeded, but all such offenders should remember that, under our present system of records, the charge upon which they were let off with mere warning and reprimand is subject to be revived in case of further complaint, and will be available in any future proceeding.

The majority of the complaints which reach the Committee come from the poor and lowly; these are, and justly should be, the special objects of our solicitude. The well-to-do and powerful are better able to take care of themselves. Mistreatment by unscrupulous practitioners of clients of small means is by very reason of that fact, all the more reprehensible, and to these latter this Committee has not, and we hope never shall turn a deaf ear.

Considering the large number of complaints heard and disposed of by your Committee, we think it gratifying that the Committee has not found it necessary to take severe measures in a larger number of cases. Generally speaking,

lawyers are honest and well deserving the confidence of the public, and when it is considered how vast are the interests and responsibilities entrusted to and imposed upon them, the measure of confidence necessarily reposed in them, the delicacy of the counsel and advice which they are called upon to give, and the fidelity with which these duties are, except in rare instances, discharged, it is not surprising that, in the main, they enjoy the public confidence and exercise the influence they do in public affairs. It is the preservation of that just public confidence that is the special aim of your Committee. There is no occasion for pessimism; the unworthy practitioner can and will be rooted out, and his evil practices exposed.

EDUCATIONAL NEEDS TOUCHING STANDARDS OF PROFESSIONAL PROPRIETY:

It is the observation of your Committee that many of the cases which are brought before it are due to a false standard of professional propriety on the part of attorneys, or to an utter ignorance of a proper standard. This is lamentably noticeable in the case of younger attorneys, not long out of law-school, accused before the Committee; the canons of professional ethics seem to be a closed book to many of them. Conditions at the bar today seem to make it highly desirable that all law-schools should include in their curriculum adequate instruction on the subject of professional ethics, so that the student upon entering the profession shall have been educated not only in the body of the law, but in those standards of propriety which should govern his relations with brother-lawyers and the public. He should be furnished this guide and compass, not left to search such matters out for himself. We believe the law-schools of the country should include in their course of study at least one lecture each year on professional ethics. Such lecture should be delivered, not by cloistered college professors, unfamiliar with the attritions of the bar, but by active practitioners familiar with conditions as they are. We think the time has come when if lawyers are to go astray, it shall not be because of inadequate information and instruction as to proper standards of conduct. If the above recommendation meets with the approval of the Association, the adoption of a suitable resolution to that effect, for transmission to the law-schools of the State Universities of Missouri and Kansas, the Kansas City School of Law and other law-schools of this state, would not be inappropriate at this time.

We now call attention to certain specific matters:

SOLICITATION OF DAMAGE SUITS AND OTHER LITIGATION BY LAWYER'S "RUNNERS" COMMONLY CALLED "SNITCHING":

The Committee has set its face against this reprehensible and corrupting practice. It deserves the condemnation of all right-thinking lawyers; it tends to bring the whole profession into disrepute and to justly cause the public to lose confidence in it and in the administration of the law. One of its worst

consequences is its degrading influence upon the young practitioner, who sees this practice slyly conducted by older lawyers pretending to eminent respectability and escaping exposure or condemnation, so that the young lawyer, spurred by his necessities, comes to regard the offense as a conventional one and to set up for himself a false professional standard. It is needless to expatiate further on the evils which follow in its wake. You who have dealt with the problem of detection and punishment of this offense on the part of attorneys must realize this is not as simple as it seems, but your Committee gives you the assurance that it has devoted and will continue to devote its time and attention to the solution of this problem, and hopes to give you a report of more tangible results of its labors before the expiration of its term of office.

IN THE MATTER OF JOHN FREED AND CLAUD WILLIAMS, INDICTED JUNE 18, 1924, CHARGED WITH COMMON BARRATRY:

In connection with the matters touched upon in the last preceding paragraph, we have to report that after investigation by the Committee it requested the present grand jury and Hon. C. A. Burney, Prosecuting Attorney, to make a thorough investigation of the activities of these two men so far as they might concern the solicitation and stirring up of personal injury damage suits and the brokerage of such cases among attorneys. True bills were returned against Freed and Williams by the grand jury, and they are now under bond, awaiting trial. The charge against them is common barratry, an offense which under our statutes is classified as an offense "against the administration of justice," and on conviction is punishable by imprisonment in the county jail, not exceeding one year, or by fine not exceeding $300.00, or both.

ILLEGAL AND COERCIVE COLLECTION METHODS:

The Committee has been caused a vast amount of trouble and annoyance by complaints of this character. In the main, the offenses have been committed by collection concerns of high-sounding name, and slight responsibility, but not conducted by attorneys, so that the Committee has no jurisdiction over them except by invocation of the criminal laws, where these have been violated. We regret to say that in some instances attorneys have been guilty of these improper methods of collecting debts, and in all such cases the guilty attorney has been warned that a repetition of the offense will result in the exercise of all the powers of the Committee. We believe that in all cases in which attorneys are concerned their promises of discontinuance will be fulfilled. In one case one of these collection concerns wrote a series of letters to a young lady owing a small tuition bill due a business college, threatening to ruin her reputation unless the debt were paid. These letters are all form letters, skilfully designed to put the debtor in fear, constitute nothing more nor less than extortion, and plainly fall within our threatening-letter statute, (Sec. 3492, R. S. Mo. 1919) making such offense a felony. Repeated complaints have come to the Commit-

tee of the conduct of this concern, and it has ordered its case presented to the grand jury.

There have also been brought to our attention frequent instances of the use by collection attorneys of demands for payment of debts purposely simulating court process. These demands are gotten up in the form of a printed writ of summons, bear a caption to simulate a pending suit, and solemnly command the debtor to be and appear at a stated hour at the office of the attorney, "then and there to show cause" why the debt should not be paid, with threat of the most dire consequences for failure to appear. The use of this form must have been very effective in forcing payment, because we find that an enterprising stationer found the demand therefore so heavy as to cause him to lay in a supply of these printed forms for sale over the counter. Your Committee took this matter up with this stationer and purveyor of legal blanks, and have to report that upon showing the proprietor the evil of this practice the Committee has his promise to destroy his stock of these forms and to offer no more of them for sale. It is needless to say the Committee regards the use of such forms and such methods in the collection of debts as unethical, and warning is given to all who may be disposed to use such forms and methods that the Committee will not countenance the practice and will take measures to discipline any attorney guilty thereof.

ILLEGAL PRACTICE OF LAW BY UNLICENSED ATTORNEYS:

The Committee is determined to put a stop to this mischief so far as lies within its power. It is the source of many complaints which have reached us. Not being members of the Association, these unlicensed practitioners cannot be disciplined by any process applying to members; not being licensed lawyers, disbarment, of course, cannot be resorted to.

The only redress of the Committee is through the processes of the criminal laws, which clearly define the offense, but which provide an altogether inadequate penalty, a fine of not to exceed $100.00. This is not only an inadequate protection to the public, which is victimized by these unscrupulous pretenders, and a great injustice to young men who spend years of sacrifice and effort in the way of study and preparation for examination for the bar, but is a reproach to the profession at large.

CASE OF W. F. TICHENOR:

This case of illegal and unlicensed law practice deserves special mention as illustrating the evil. This man arrived in Kansas City last February, unheralded, claiming to be from Oklahoma, calmly and without shadow of right opened a law office, and proceeded to practice law, falsely holding himself out as the grandson of the late Mr. C. O. Tichenor, a former President and one of the founders of this Association, whose memory will always be revered by the bench and bar of this State. The accused had doubtless heard, upon his arrival,

of the attainments and high character of the late Mr. Tichenor, through the identity of names, and did not scruple to claim a false relationship as part of his stock in trade. Inasmuch as all who knew Mr. C. O. Tichenor knew he never had a grandson, the audacity of this false representation is apparent. In the short space of three months of residence here, sundry complaints of professional misconduct on the part of this impostor reached the Committee. On his own statement before the Committee, he has not been licensed to practice law in this State. He claimed to have been licensed at Memphis,Tenn., but when requested to produce evidence of that fact, told a nebulous story of his license having been shipped to him with other papers and having been accidentally lost in transit. By statute, Sec. 677, R. S. 1919, any person becoming resident in this State, after being licensed in any other State, may be admitted to practice in this State, without examination, on proof of good moral character and on proof that he has been duly licensed in such other State and has regularly practiced law in such other state for a period of at least three years. It appeared that as early as last March Tichenor was advised by the Clerk of the Supreme Court of these statutory requirements, and that no effort had been made on his part to comply with them. Before the case reached the Committee such complaints had reached Judge Landon, sitting in one of the Criminal Divisions of the Circuit Court, of unprofessional conduct on this man's part that he had made an order on the County Marshal that Tichenor was no longer to be given access to prisoners in the County jail. At the close of the hearing this alleged Mr. Tichenor was informed by the Committee that unless he, within two weeks, produced the credentials required by law and obtained a license, the Committee would present his case to the grand jury. Just as this two-week's period expired, he folded his tent like the Arab and silently stole away for parts to the Committee unknown. Having thus taken a change of venue to unknown parts, he has passed out of our jurisdiction.

RECOMMENDATIONS OF THE COMMITTEE AS TO REMEDY OF PRESENT SITUATION AS TO PRACTICE OF LAW BY UNLICENSED ATTORNEYS:

As all know, the power to license attorneys is vested solely in the Supreme Court. Sec. 679, R. S. Mo., 1919, requires that each Clerk shall keep a roll of attorneys, which shall be a record of the court. But while the statute requires the Clerk to keep a roll of attorneys, it does not require the attorney to enroll, nor does it impose any penalty on the attorney for practicing without enrollment. Licensing and enrollment are two very different things. Licensing being wholly at the State Capitol, how is either the Clerk or the Court to know who is authorized to practice law without making inquiry of the Clerk of the Supreme Court, where the record is kept? This inquiry, for some reason, is seldom made by either Clerks or Judges. The result is that parties without shadow of right to practice law in our courts openly appear and practice therein. This should not be. The Statute, Sec. 679, evidently contemplates

that the courts will adopt suitable rules regulating enrollment. We find there is no such rule of our Circuit Court. It would be an effective aid to the Association in controlling and preventing the illegal practice of law if our Circuit Court were to adopt and enforce a rule providing that no person resident in Jackson County, or maintaining an office there, shall appear or practice in the court as an attorney until he shall sign the roll of attorneys, and that the Clerk shall not permit such enrollment unless there shall be produced to the Clerk the license or other authority of the attorney authorizing him to practice in the courts of this State. It is well within the power of the court to adopt and enforce such rule. While the statute authorizes a duly licensed attorney to practice in all courts of this State, each of such courts has the inherent power to protect itself against imposition on the part of persons falsely pretending to be attorneys by requiring them to submit their licenses or other lawful authority to the Clerk before being enrolled, and by making such enrollment a necessary prerequisite to the right to appear in causes for clients. If such rule were now in force, the Committee, or any citizen, would only need to bring to the attention of the Judges the fact that the unlicensed attorney is practicing there, and the Judges would have in the Clerk's office all necessary evidence to establish the absence of any right of the attorney to practice and, of course, the power to summarily forbid his further appearance, whereas in the present situation the Judges are left in doubt and uncertainty as to whether or not the man possesses a license, and hesitate to forbid his further appearance in court. The Committee accordingly recommends the adoption of the following resolution:

"BE IT RESOLVED, That this Association recommends to the Judges of the Circuit Court in banc the adoption of a rule of court to read in substance as follows:

'No person practicing law in Jackson County, and resident therein, or transacting law business therein, shall appear for or represent any litigant in this court unless and until he shall have signed the roll of attorneys, now shall the Clerk permit such enrollment unless and until such person shall have produced his license or other lawful authority to practice law in the courts of this State. Any attorney-at-law who shall appear for or represent a party in any cause without such enrollment will by the court be summarily removed from within the rail of the bar, and shall be punishable as for a contempt: PROVIDED, That nothing in this rule contained shall apply to any visiting licensed attorney resident of another County of this State, nor to any visiting attorney residing in another State, duly licensed therein, and not holding himself out to the public as entitled, as of right, to practice in the courts of this State. This rule is adopted pursuant to Sec. 679, Rev. Stat. Mo., 1919.'

RESOLVED FURTHER, That the President appoint a committee of one to present this resolution to the presiding Judge of the

Circuit Court, with request for appropriate action by the Judges sitting in banc."

SALARIED SECRETARY TO GRIEVANCE COMMITTEE:

The establishment of this office by your Executive Committee has abundantly justified itself. It has brought order, system, and continuity to the work of the Committee; in no other way could this have been accomplished. The investigation, hearing, and redress of grievances by it is no longer a hap-hazard affair. It is an organized, functioning body, with permanent records, fixed times for meeting, and vastly improved facilities for investigation. Offending attorneys should know that cases in which they have been let off with reprimand and warning are of record and subject to be reviewed, with more severe penalty, in case of a new offense. With these records and a permanent Secretary, the going out of office of a Grievance Committee is no longer a general amnesty to old and habitual offenders. Mr. Paul R. Byrum, who has served the Committee as its Secretary, has done his work well and effectively, and the Committee expresses its appreciation therefor.

IN CONCLUSION:

Our experience on the Grievance Committee has convinced us that elevation of the standards of the bar is not an iridescent dream. We believe it but requires the will and determination of the Committee, well directed and organized, to accomplish the result sought, and within far less time than the pessimistic would imagine. Evil flourishes when there is none to stamp it out; unworthy practitioners continue to degrade the bar when there is no correcting hand to set in motion the processes to stay them. When those agencies charged by the profession with the duty of protecting the public and the bar against improper and unethical practices, on the part of lawyers, fail or are half-hearted, the evil not only continues, but grows. When a Grievance Committee is active, diligent, just, and fearless, it soon becomes noised about in the underworld of the bar; it becomes known to this element that their conduct is under surveillance and that corrective measures will be applied; the young practitioner becomes aware that there is a standard of proper professional deportment to which he will be expected to conform, and that any deviation therefrom is likely to bring serious consequences. No person should accept office as a member of the Grievance Committee unless prepared to give unselfishly and without stint such time and labor as may be necessary to bring the work to success. Abuse and calumny may be heaped upon him, his motives may be impugned, but this will only strengthen him to the task. The work is not to be done only when there is nothing else to do, but whatever the sacrifice is to be carried forward with regularity and continuity. The profession and the public are entitled to nothing less.

Respectfully submitted,
JULES C. ROSENBERGER,
Chairman.

(Note: By vote of the Association the above report was on June 21, 1924, approved and the Committee commended. A motion was adopted that a Committee of one be appointed to take up with the Circuit Judges the matter of amendment to the rules of the court touching enrollment of attorneys, as recommended by the Committee, and Judge W. O. Thomas was appointed to act as such Committee. It was also on motion ordered that the Secretary transmit to the various .law schools of the state and to the Dean of the Law Department of the University of Kansas, the recommendation of the Association that the Committee's suggestion that lectures on professional ethics be added to the law *curricula* of such law schools, be adopted.)

SUPPLEMENTARY REPORT

CASE OF BLAINE TAYLOR:

Judgment of disbarment was entered in this case on November 17, 1924, in Division No. 5 of our Circuit Court, Judge A. C. Southern presiding.

The charges against this attorney were the wilful participation by him in a series of fraudulent real estate transactions wherein he conspired, usually with the same persons, to defraud owners of real estate of their property. There were six specifications of malpractice and deceit, each involving a separate transaction, the scheme employed and the confederates used in each being practically identical. The nature of the fraud was such as to make each transaction exceedingly complex, calling for the exercise of great industry and skill on the part of Mr. David Dabbs, counsel for the Committee, in unraveling and presenting them. Taylor was defended by able counsel, and every right was preserved to him. In an extended oral opinion by Judge Southern he held the conduct of the attorney to be without extenuation or excuse, and entered judgment of disbarment.

CASE OF BEN KESTERSON:

This case came on for trial before Judge Buckner in Division No. 1 of our Circuit Court on November 3, 1924, and upon a hearing of the evidence judgment of disbarment was entered.

The petition for disbarment was based on the complaint of Mrs. Minnie Wilson, who testified that her husband, Louis Wilson, having been, on June 20, 1922, committed to the State Penitentiary for a term of four years on conviction of a criminal offense, she, on July 1, 1922, consulted Kesterson professionally, with a view to procuring a parole for her husband; that Kesterson represented to her that through alleged personal and political influence with the Governor of the State he was able to procure such parole, and agreed with her in writing that if she would deposit with him $500.00 as a fee, he would obtain such parole, and if such parole were not obtained on or before August 3, 1922, he would return to her $400.00. The evidence showed that after ob-

taining Mrs. Wilson's money the attorney took no steps whatever to obtain the parole, but nevertheless retained all the money paid to him by Mrs. Wilson, and refused to return her $400.00, though demanded, and notwithstanding his agreement with her was in writing. Mr. J. Kelly Pool, of the State Board of Pardons and Paroles, produced the records of his Board showing that no efforts had been made by Kesterson to obtain any parole for Wilson. There was also other evidence that Kesterson had been trafficing in alleged and non-existent political influence with the Governor and in his alleged ability to obtain paroles for persons convicted of crime.

Kesterson made no defense to the charge. Counsel for the Committee, Mr. W. F. Woodruff.

CASE OF J. W. BURKE:

This case was tried before Judge A. C. Southern, in Division No. 5 of our Circuit Court, on July 21, 1924, and resulted in a judgment that Burke be suspended from the practice of law for a period of one year. There were two counts in the petition, each based upon an unlawful retention of his client's money; in one case he had collected a judgment for a client, and when pressed to pay over the money had made settlement by giving his personal check, which was returned for want of funds on deposit in the bank on which it was drawn; the other count was based upon a transaction of a similar nature with another client.

Burke appeared by attorney, and through his counsel made a plea for leniency. Counsel for Committee, Mr. A. Stanford Lyon.

CASE OF M. A. RUGGLES:

Petition for disbarment charges wilful malpractice, fraud, and deceit, in that defendant, after having received a fee of $285.00 for conducting a defense of a client charged with murder, wilfully refused and failed to appear for his client when the case was set for trial, thereby compelling the court to assign other counsel to conduct the defense, the trial resulting in the conviction and sentence to serve a life term in the State Penitentiary.

Complaints of a similar nature were made by other parties. Before the complaint in disbarment could be served on Ruggles he left the state for distant parts, (it is said permanently) rendering it impossible to serve process on him, and the case is still pending. Counsel for the Committee, Mr. A. P. Nugent.

CASE OF W. T. ALFORD:

Petition for disbarment charges deceit, withholding of client's funds, and other unprofessional conduct. This case was heard by the preceding Grievance Committee, and, under the constitution of the Association, is being prosecuted

by and in its name. The case is still pending, awaiting the taking of certain depositions in California. Counsel for the Committee, Mr. Theo. C. Sparks.

CASE OF HOMER WEESE:

This case is dealt with in *extenso* in the Committee's report of June 21, 1924. It will be noted therefrom that the Committee filed with the Supreme Court suggestions requesting the court to vacate its order, made on the *ex parte* application of Weese, cancelling Weese's license to practice law, to the end that disbarment proceedings might be instituted against him. Weese's application to the court for cancellation of his license was made after the Committee had heard the charges against him and after the Committee had employed counsel to institute disbarment proceedings. On July 7, 1924, the Chairman of the Committee was informed by the Clerk of the Supreme Court that its suggestions had been denied by the court, without opinion.

In addition to the matters mentioned in the above report, the Committee has under consideration the cases of three attorneys charged with the solicitation of law business through runners or strikers, commonly known as snitches, and with other unprofessional conduct. Much evidence has been taken in these cases, and the hearings have only recently been concluded; a disposition of these cases may be expected in the near future.

Respectively,
J. C. ROSENBERGER
Chairman.

THE NEW SUPREME COURT COMMISSIONER

Alfred M. Seddon, who was recently appointed by the Supreme Court of Missouri as a Commissioner of that court, was at the time of his appointment a member of the Kansas City law firm of Scarritt, Jones, Seddon and North.

Mr. Seddon was born in Kansas City, Missouri on August 10, 1881, received his grammar school and high school education in the public schools of that city, and received his legal education at the University of Kansas, graduating therefrom in 1903 with the degree of LL. B. He is a member of the legal fraternity of Phi Delta Phi and also of the Phi Delta Theta fraternity. He became associated with the firm of Scarritt, Griffith and Jones in the summer of 1903 and was associated with that firm and its successors until his appointment as Commissioner, becoming a member of the firm in 1912.

In 1911 Mr. Seddon married Miss Virginia Lipscomb of Columbia, Missouri, daughter of Professor M. L. Lipscomb of the University of Missouri.

Mr. Seddon for many years has been a member of the Missouri Bar Association.

COMMITTEES OF THE MISSOURI BAR ASSOCIATION
1924-1925

COMMITTEE ON AMENDMENTS, JUDICIARY AND PROCEDURE: Chairman, Daniel G. Taylor, St. Louis; R. E. Culver, St. Joseph; E. L. Alford, Perry; W. C. Scarritt, Kansas City; David H. Harris, Fulton.

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR: Chairman, Guy A. Thompson, St. Louis; Murat Boyle, Kansas City; J. P. McBaine, Columbia; Daniel M. Kirby, St. Louis; Jesse W. Barrett, Jefferson City.

COMMITTEE ON BAR ASSOCIATIONS: Chairman, William C. Michaels, Kansas City; Mercer Arnold, Joplin; Lee B. Ewing, Nevada; Charles H. Mayer, St. Joseph; Dwight Currie, St. Louis.

COMMITTEE ON LEGAL PUBLICATIONS: Chairman, John B. Pew, Kansas City; Edward J. White, St. Louis; Edgar P. Mann, Springfield; Ben M. Neale, Greenfield; W. K. James, St. Joseph.

COMMITTEE ON GRIEVANCES AND LEGAL ETHICS: Chairman, Wendell H. Cloud, Kansas City; George R. Ellison, Maryville; W. H. Meredith, Poplar Bluff; I. N. Watson, Kansas City; Ernest A. Green, St. Louis.

COMMITTEE ON UNIFORM STATE LAWS: Chairman, W. L. Sturdevant, St. Louis; W. S. Hogsett, Kansas City; David H. Eby, Hannibal; Carl L. Ristine, Lexington; Kirby Lamar, Houston.

COMMITTEE ON LEGAL BIOGRAPHY: Chairman, Thomas L. Montgomery, Kahoka; Ras Pearson, Louisiana; J. H. Whitecotton, Moberly; Charles Liles, Dexter; H. W. Timmonds, Lamar.

COMMITTEE ON ILLEGAL PRACTICE OF LAW BY LAYMEN: Chairman, Everett Reeves, Caruthersville; John S. Farrington, Springfield; Marion C. Early, St. Louis; Clarence A. Barnes, Mexico; Elliott H. Jones, Kansas City.

COMMITTEE ON JUDICIAL CANDIDATES: Chairman, Shepard Barclay, St. Louis; J. D. Hostetter, Bowling Green; Allen McReynolds, Carthage; John I. Williamson, Kansas City; E. A. Barbour, Springfield.

SPECIAL COMMITTEE ON PUBLICITY: Chairman, Forrest C. Donnell, St. Louis; Lee Montgomery, Sedalia; Frank M. McDavid, Springfield; T. H. Harvey, Marshall; Jerry B. Burks, Farmington; Ralph Wammack, Bloomfield; Frank W. McAllister, Kansas City; Redick O'Bryan, Moberly; G. L. Zwick, St. Joseph; Dulany Mahan, Hannibal; R. B. Oliver, Jr., Cape Girardeau; S. J. Miller, Chillicothe.

SPECIAL COMMITTEE ON INCREASE OF MEMBERSHIP: Chairman, Luther Ely Smith, St. Louis; Roy W. Rucker, Sedalia; W. W. Fry, Jr., Mexico; Harry C. Blanton, Sikeston; R. A. Brown St. Joseph; Nick T. Cave, Fulton; DeWit C. Chastain, Butler; H. A. Collier, Columbia; W. V. Draffen, Boonville; Ben E. Hulse, Hannibal; Oak Hunter, Moberly; Leslie J. Lyon, Kansas City; David M. Proctor, Kansas City; Sam M. Phillips, Poplar Bluff.

SPECIAL COMMITTEE ON REVISION AND AMENDMENTS OF THE CONSTITUTION AND BY-LAWS: Chairman, Boyle G. Clark, Columbia; A. T. Dumm, Jefferson City; Roy D. Williams, Boonville; W. B. Whitlow, Fulton; Richard A. Jones, St. Louis.

COMMITTEE ON CITIZENSHIP: Chairman, Earl F. Nelson, St. Louis; Walter Higbee, Lancaster; Edward S. North, Kansas City; Fred Lamb, Salisbury; J. P. Cayce, Farmington.