

June 1942

Announcements

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auditor, and that judgment should have been rendered against her. I do not mean to intimate that a state can be sued in any case either by her own citizens or others, in her own courts, without her authority and against her consent. But it has ever been the cherished policy of Virginia to allow to her citizens and others the largest liberty of suit against herself; and there never has been a moment since October 1778 (but two years and three months after she became an independent state), that all persons have not enjoyed this right by express statute."

The creation of the court of claims by the last legislature is at least a forward gesture. Time does not permit an analysis or discussion of this act, except to observe that it contains many deficiencies, both in the act itself, and in the remedy intended to be given. A careful examination of it will disclose inherent imperfections and weaknesses. It is only advisory and provides merely a recommended recovery, and under the present constitutional inhibition, any legislature may ignore its findings.

The procedure is too loose and nonlegalistic. In the adjudication of the state's liability in matters contractual or tort, it should be given the benefit and protection accorded the individual litigant in following recognized and established rules of evidence, the right of trial by jury, application of equitable principles and the learning and experience of the chancellor in equity procedure.

The most precious, the most cherished confirmation of human rights is found in Article 3, Section 17 of the Constitution:

"The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay."

This is the hub, the fixed immovable center around which all other constitutional grants and guarantees revolve. In the process of change and development of human rights and restraints, evolutionary or revolutionary, they should be molded by its pattern and ever held within control of its sphere.

ANNOUNCEMENTS

1942 ANNUAL MEETING

The fifty-sixth annual meeting of The West Virginia Bar Association will be held at Wheeling, West Virginia, on Thursday and Friday, October 8 and 9, 1942. The invitation was extended

by the Ohio County Bar Association in March and was accepted by unanimous vote of the Executive Council of the State Bar Association. The last annual meeting held at Wheeling was in the year 1936. Other meetings held at Wheeling were in the years 1888, 1895, 1902, 1913, 1920, and 1927. Meetings in Wheeling have always been well attended and the invitation to meet there this year was accepted by the Executive Council with distinct pleasure.

Kent B. Hall of Wheeling is chairman of the local committee on arrangements, and President George Richardson, Jr., of Bluefield, expects to name the state committee on arrangements in the near future. Full details as to all arrangements for the meeting, hotel headquarters, and the like, will be sent to all members at the earliest possible date. It is confidently expected that the meeting in the northern part of the State will attract a large attendance.

MEMBERSHIP DRIVE

Chairman McDaniel Purcell of Huntington of the Membership Committee, has announced the launching of the current year's drive for new members and reinstatement of former members, and has sent full data and instructions to the twenty-four members of his Committee, who represent the various Judicial Circuits. The present membership of the association numbers 868, and it is the goal of Chairman Purcell to increase this number as much as possible, notwithstanding the fact that the armed forces of the country are taking a great many of the younger attorneys who ordinarily are greatly interested in affiliating with the association upon their admission to practice law. Efforts will be made to interest the older attorneys who are nonmembers of the association, and stress will be placed on canvassing the northern part of the state, where the 1942 annual meeting will be held (at Wheeling). All members of the association are urged to cooperate with the membership committee and to endeavor to interest all nonmembers in their respective communities in becoming members of the association. With respect to the potentialities of the organized bar association, the surface only has been scratched, and it is the firm conviction of the State Bar Association officers that by a united front and strong membership much can be accomplished. To all nonmembers of the association, the words of the late great Theodore Roosevelt should be recalled: "Every man owes some of his time to the upbuilding of the profession to which he belongs."

Membership in a local bar association where one exists in the county is a prerequisite to membership in the state association. Membership fees are \$5.00 and \$3.00, the latter fee being for attorneys who apply for membership during the first five years after admission to practice. Former members of the association, who did not resign but whose names were dropped from the roll of members in the past for nonpayment of dues for two or more years pursuant to the requirements of the constitution and by-laws of the Association, may reinstate by paying a fee of \$15.00 which is applicable to all back dues and to dues for the current year in which reinstatement is made. Membership and reinstatement application blanks may be obtained from Chairman Purcell, whose address is First Huntington National Bank Building, Huntington, or from any of the members of his committee or from the Executive Secretary, P. O. Box 1372, Charleston.

ANNUAL MEMBERSHIP DUES

Members are requested to send in at an early date, remittances covering the current 1942 annual dues, which became payable on January 1, 1942. The sending out of dues reminders entails a considerable expense to the association on each occasion for mailing and postage, and a considerable saving would accrue to the association if all members would remit current dues promptly. This will release funds needed for other projects and will offset the loss of revenue from members who are in military or naval service. Remittances should be made payable to the association and mailed to P. O. Box 1372, Charleston.

1941 YEARBOOK

The recently issued yearbook of the association for 1941 has been sent to all members who were in good standing as of December 31, 1941. The book was edited by the Executive Secretary, with the technical assistance of the printer's staff. Further revisions in form, arrangement and material were made, and the publication has been copyrighted. Each book contains a receipt card insert which members are requested to return to the association promptly. The association has a limited supply of the books on hand for distribution to delinquent members who desire to pay their dues and place themselves in good standing. Members who have extra copies of the yearbooks of prior years which they do not need are requested to send in such copies to the association for its files.

MEMBERS IN MILITARY SERVICE
NATIONAL DEFENSE COMMITTEE

Members of the association are reminded that, by action taken at the last annual meeting, the dues of all members in military or naval service of the United States are remitted for the duration providing that the members are in good standing at the time of entry into service. The association is vitally interested in retaining on its roll of members throughout the war the names of all members in service, and it is announced with pride that letters are being received each week from members entering service sending in their remittances for the current year's dues and asking to be retained upon the roll of members until their return to civilian life.

All members entering service should promptly notify the association as to the date of entry and as to their military address and as to any change of address thereafter. Such information should be sent to the Executive Secretary of the Association, P. O. Box 1372, Charleston. Pursuant to arrangements with West Publishing Company of St. Paul, Minnesota, the advance sheets of the South Eastern Reporter and of the Supreme Court Reporter are being sent to all members in service on request.

The association stands ready to serve all men in service, whether or not members of the association, in any way possible. Communications should be addressed to Charles C. McCamic, Chairman of the National Defense Committee, Wheeling.

ROLL OF HONOR

MEMBERS IN MILITARY SERVICE

Huntington, Cabell County:	William E. Neely
Tord V. Malmquist	Thomas W. Steptoe
Leo J. Meisel	
Harry Scherr, Jr.	Charleston, Kanawha County:
Douglas Tomkies	Charles E. Anderson
Luther E. Woods, Jr.	Edward S. Bock, Jr.
	Vincent V. Chaney
Martinsburg, Berkeley County:	John N. Charnock
H. Marshall Homer	John F. Ellison
	J. Stuart Fitzhugh, Jr.
Clarksburg, Harrison County:	Edward W. Hiserman
Gerrard Franz	David G. Lilly, Jr.
Stephen D. Griffith	Frank T. Litton
I. Martin Leavitt	Albert M. Morgan
G. Berk Lynch	Lawrence E. Rollins
Haymond Maxwell, Jr.	Charles A. Wood, Jr.
J. T. Michael	Ralph E. Woods

Welch, McDowell County: W. P. Kearns, Jr.	James G. McClure Russell G. Nesbitt William C. Piper
Bluefield, Mercer County: William T. Hancock Paul S. Hudgins Arthur Ritz Kingdon Edmund C. Stone, Jr.	Henry S. Schrader C. Lee Spillers Kingwood, Preston County: Melvin C. Snyder Charles P. Wilhelm
Morgantown, Monongalia County: Charles S. Armistead George R. Farmer William A. Moreland C. A. Peairs, Jr.	Elkins, Randolph County: Cyrus S. Kump Hinton, Summers County: Harold B. Eagle
Wheeling, Ohio County: George G. Bailey Julian G. Hearne, Jr. John R. Koller	Grafton, Taylor County: James Poe Robinson

On request, the Executive Secretary of the association will be glad to furnish the military or naval address of any member of the association. A complete file is being maintained in so far as possible. The foregoing list totals 46 members in service to date. Doubtless there are others concerning whom the association has not yet been advised. Members are requested to examine the foregoing list and to advise the Executive Secretary of the association immediately as to names of other members who have already entered service, and where possible the date of entry into service and the present address.

STATE JUDICIAL COUNCIL

Attorneys are reminded that any matter or proposal for the attention of the State Judicial Council must first be submitted to the Executive Council of the West Virginia Bar Association for consideration and approval. This relates to proposed rules of pleading, practice and procedure, and similar subjects. The Executive Council desires to facilitate the consideration of any such proposals and the same should be promptly forwarded to the Chairman of the Executive Council, Mr. James M. Guiher, Clarksburg.

JUDICIAL ADMINISTRATION AND LEGAL REFORM

Under the chairmanship of Thomas W. Peyton of Huntington, the standing Committee on Judicial Administration and Legal Reform is proceeding to the consideration of several important matters. Among these matters is the Proposed Code of Evidence,

which is being sponsored by the American Law Institute. Comments and suggestions concerning this Proposed Code of Evidence, or any other proposal or matter coming within the scope of the committee will be welcomed by Chairman Peyton. Any member of the association desiring to become familiar with the Proposed Code of Evidence may obtain a copy upon request to the American Law Institute, 3400 Chestnut Street, Philadelphia, Pennsylvania. The Code has also been discussed in recent issues of the American Bar Association Journal in a series of articles by Professor E. M. Morgan of the Harvard Law School, who is the reporter for the Proposed Code. An address by Professor Morgan on the Proposed Code also appears at length in the 1941 Yearbook of the Association.

UNAUTHORIZED PRACTICE OF LAW
PUBLIC RELATIONS

On the evening of February 19, 1942, Mr. Edwin M. Otterbourg of New York City, Chairman of the Committee on Unauthorized Practice of Law of the American Bar Association, spoke over the West Virginia radio network through the facilities of WCHS at Charleston for fifteen minutes, on the subject of "Lawyers Public Relations Program and National Defense," with special attention to the work that is being done nationally in the field of unauthorized practice of law. The association is indebted to the radio network for the time afforded us for Mr. Otterbourg's address, which was especially good and valuable to the profession as the first public radio address sponsored by the State Bar Association to inform the general public. Mr. Otterbourg spoke under the auspices of the State Bar Association Committees on Unauthorized Practice of Law and Public Relations. The chairmen of these two committees are Hawthorne D. Battle and Harper G. Grimm, respectively, both of Charleston. During the same day a joint conference was held in Charleston by the members of the Committees on Unauthorized Practice of Law of the Charleston Bar Association and of the State Bar Association, meeting with Mr. Otterbourg. In the evening a banquet was held in honor of Mr. Otterbourg at the Edgewood Country Club, Charleston. The association plans more radio addresses to inform the public on matters of general interest concerning the legal profession.

The Committee on Unauthorized Practice of Law, following the suggested program of Mr. Otterbourg, is proceeding to survey the situation in West Virginia and will approach the various prob-

lems presented by seeking conferences with other associations and organizations, the members of which are involved in the consideration of these problems. Joint statements of principles will be sought. Your communications in regard to this very important matter should be addressed to the Chairman, Hawthorne D. Battle, at Charleston.

4TH CIRCUIT JUDICIAL CONFERENCE

At the invitation of United States Circuit Judge John J. Parker, President George Richardson, Jr., has named the following six delegates from the State Bar Association to the Fourth Federal Circuit Judicial Conference to be held at Asheville, N. C., on June 19-20, 1942:

James M. Guiher
Rolla D. Campbell
Robert B. McDougle

O. E. Wyckoff
Joseph R. Curl
Homer A. Holt