

February 1942

## Announcements

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>

---

### Recommended Citation

*Announcements*, 48 W. Va. L. Rev. (1942).

Available at: <https://researchrepository.wvu.edu/wvlr/vol48/iss2/9>

This The West Virginia Bar Association is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact [researchrepository@mail.wvu.edu](mailto:researchrepository@mail.wvu.edu).

## ANNOUNCEMENTS

## 1941 ANNUAL MEETING

The fifty-fifth annual meeting of the West Virginia Bar Association convened on October 17 and 18, 1941, at The Greenbrier Hotel at White Sulphur Springs, and in continuance of the tradition, the fifth annual meeting of the West Virginia Judicial Association convened at the same place on October 16, 1941.

At the sessions of the Bar Association, reports of officers and committee chairmen were received and considered. Reports disclosed that the membership had reached an all-time high mark of 868 members, with 728 members fully paid to December 31, 1941. During the year 67 new members were elected, and three former members were reinstated upon application. There were twelve deaths and two resignations. Financial reports showed that the Association was in solvent condition, and operating within its revenue. Analysis of expenditures showed that the annual dues did not afford sufficient revenue to enable the Association to undertake any project requiring the expenditure of large sums of money. Revenue from dues was used largely for postage, mailing and secretarial expenses, publication of the Yearbook, and the appropriation for the support of the West Virginia Law Quarterly. Expenses of the annual meeting were met largely through very generous contributions made by the Monongalia County Bar Association and The Michie Company of Charlottesville, Virginia, and by a small registration fee charged members in attendance at the annual meeting.

The meeting consisted of business sessions, the President's Reception, and the annual banquet. Social features included a skeet tournament, a golf tournament, and a ladies card party. The meeting was originally scheduled for Morgantown, and the members of the Monongalia County bar played an important part in the arrangements. Hale J. Posten was chairman of the Special Committee on Arrangements. Frank P. Corbin was chairman of the Golf Tournament Committee. Among others, Judge Minter L. Wilson extended convention greetings.

Emphasis was placed on implementing the legislative program of the Association. By amendment to the constitution and by-laws, the Committee on Legislation was ordered established on a two-year term basis, and the Committee, working with the Executive Council, was authorized to give priority to any of the measures proposed

for enactment into law, which the Committee, in its discretion, believes demand first attention. It was reported that, through Governor Neely, the legislative program of the Association was referred to the Legislative Interim Committee for study and recommendation, and the Association adopted a resolution expressing appreciation to Governor Neely for his action.

Among the proposals thus referred to the Legislative Interim Committee are the following: (1) bill to provide for the recording of all tax liens, other than *ad valorem* property taxes already a matter of record, which would facilitate the checking of land titles and prevent hidden liens; (2) bar integration bill; (3) bill providing for reduction in the time for appeals to the Supreme Court of Appeals. In addition, the Code Correction Committee has assembled well over one hundred corrections, consisting of manifest errors, ambiguities, *etc.*, which should be made in the Code of West Virginia. In this latter project, the Association is providing, in part, the work which would be done by a state department of legislative research. The corrections, being of a noncontroversial nature, should be welcomed by the Legislative Interim Committee, and recommended for enactment.

The annual address of the President was made by O. E. Wyckoff of Grafton and was entitled "Our Changing Common Law." Discussion of the President's address was made by Clarence E. Martin of Martinsburg, Judge Thomas H. S. Curd of Welch, and Wells Goodykoontz of Williamson. Mr. Thomas B. Jackson of Charleston gave a paper entitled "Declaratory Judgment Pleading and Practice," and another paper was given by Alex M. Mahood of Charleston on the subject of "Utility Regulation—Motor Carrier Law." Other addresses were made as follows: Judge Herschel H. Rose of the Supreme Court of Appeals of West Virginia spoke on the subject of "The Bar as a Ruling Caste." Mr. Richard Hart of Parkersburg, as a representative of the State Manufacturer's Association, spoke on the subject of the "Challenge to Industry." One of the highlights of the meeting was the splendid address by Professor Edmund M. Morgan of the Harvard Law School on the subject of the "Proposed Code of Evidence," of which he is the reporter of the American Law Institute. President Wyckoff presided at the annual banquet. The two main speakers at the banquet were Judge Armistead M. Dobie of the United States Circuit Court of Appeals, Fourth Circuit, of Charlottesville, Virginia, and the Honorable M. M. Neely, Governor of West Virginia.

## STATE JUDICIAL COUNCIL

By action of the Judicial Council, all matters which members of the bar may desire to submit to the Judicial Council for consideration must first be submitted to the Executive Council of the West Virginia Bar Association for consideration and approval. The text of the statement of the Judicial Council on this matter is as follows:

“The Judicial Council will be glad to receive suggestions of the Executive Council of the West Virginia Bar Association as to proposed rules of pleading, practice and procedure, and similar suggestions of other persons when approved by, and transmitted through, the Executive Council.”

Pursuant to the foregoing, the Executive Council invites all members of the bar to submit to it for study and consideration any proposals which members may desire to have the State Judicial Council adopt. All such proposals should be promptly forwarded to the Chairman of the Executive Council, Mr. James M. Guiher, Clarksburg, West Virginia.

In 1941 the Executive Council submitted to the Judicial Council for consideration three proposed rules of practice covering trial courts, as follows:

1. A rule relating to objections to instructions to juries.
2. A rule providing for a uniform method for drawing names for jury service and selecting juries.
3. A rule dispensing with the plea of *son assault demesne* and the plea of *molliter manus imposuit*.

At the same time the Executive Council also submitted through the Supreme Court of Appeals a resolution requiring more widespread notice and publicity of proposed rules to and among the members of the legal profession in West Virginia prior to the adoption and promulgation of such rules by the Supreme Court of Appeals.

On December 8, 1941, Chairman Guiher further transmitted to the Judicial Council the text of a proposed Rule upon Charge to Jury, as adopted by the West Virginia Bar Association at its last annual meeting at White Sulphur Springs on October 17 and 18, 1941. The text of this rule as approved by the Association is as follows:

“BE IT RESOLVED, That on the trial of a case before a jury, either or both of the parties may pray the court to give

a charge to the jury if it has been reduced to writing and submitted to the opposing party. Every such charge shall in orderly and connected manner define the issues involved in the trial, and propound the law appropriate to the case, and may submit to the jury hypothetical conclusions and directions as to its findings based on the law as set forth in the charge and the facts of the case as they may be found by the jury from the evidence. Opposing counsel may object to the giving of such charge by indorsement thereon, pointing out the features or parts thereof deemed objectionable. If the charge shall correctly propound the law appropriate to the case and make no improper application of the law to the facts, and be free of unnecessary repetition or other infirmity, the objections shall be overruled and the charge given to the jury as proposed. If the objection shall be sustained in whole, or in part, the court may refuse the charge, or modify it, and give it to the jury in its modified form; but counsel shall be given opportunity to inspect the modification and shall have the right to object thereto before the same is read to the jury. Not more than one such charge shall be proposed by any party without leave of the court.

“The court may, on its own motion, whether requested or not, in writing, charge the jury in the manner aforesaid, but such charge shall first be submitted to counsel on each side with opportunity to object.”

---

#### ANNUAL MEMBERSHIP DUES

The Association now has a membership of 868, of which number 728 members are fully paid and in good standing as of December 31. Dues reminders have been mailed recently to the 140 members of the Association who have not yet paid dues for the current year 1941. 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 owing dues for 1941, or prior years, would remit promptly. The Association will suffer a loss of revenue from members in military or naval service and it is, therefore, important that all other members continue their support of the Association. Members paying back dues at this time will receive the December, 1941, issue of the Law Quarterly immediately and subsequent issues as released. They will also receive the 1941 Yearbook, which will be ready for distribution about March 1.

Remittances for dues should be made payable to the Association and should be mailed to Post Office Box 1372, Charleston.

Dues for the current year 1942 became due and payable on January 1, 1942, and statements covering the current dues have recently been mailed to all members by the Executive Treasurer of the Association. Annual dues are \$5.00 and \$3.00, the latter amount being for members during the first five years after admission to practice.

---

#### NATIONAL EMERGENCY

At a meeting of the Executive Council held at Charleston on December 13, 1941, the following resolution was adopted:

“RESOLVED, that the West Virginia Bar Association, through its Executive Council, does hereby pledge the whole-hearted support and cooperation of the Association and its hundreds of patriotic members to the Government of the United States, and to the State of West Virginia, in this time of national crisis and peril; and the Association calls upon all members of the legal profession in West Virginia to meet the challenge of our country's enemies by an unswerving patriotism and devotion to duty, in whatever fields the present gigantic conflict may lead them.”

The resolution was transmitted by Chairman James M. Guiher to the Attorney General of the United States, to the Senators and Congressmen from West Virginia, and to the Governor of West Virginia.

Pursuant to the foregoing, the Association is informing Army and Navy authorities that it stands ready to furnish legal aid service whenever necessary to men in service from West Virginia and the Association is now considering ways and means by which it may further serve in the emergency. Any suggestions in this regard should be promptly transmitted to George Richardson, Jr., President of the Association, Bluefield, or to James M. Guiher, Chairman of the Executive Council, Clarksburg.

---

#### NEW MEMBERS OF THE ASSOCIATION

The following members of the Bar were duly elected to membership in the Association by the Executive Council at meetings held on June 12, August 16, October 16, October 18, and December 13, 1941:

L. Fulton, Earl M. Hall, H. W. B. Mullins, S. P. Riddle, Madison; Philip A. Baer, Charles T. Dodrill, Edward H. Greene, D. B. Hardwick, Judge John W. Hereford, G. M. McLaughlin, Tord V. Malmquist, Leonard A. Shawkey, Judge H. Clay Warth, Altha Connor Wheatley, George H. Wheatley, Huntington; Stanley D'Orazio, Grantsville; Orval Davis, Fayetteville; R. R. Dickson, Lewisburg; Paul James O'Farrell, White Sulphur Springs; Frank A. Pietranton, Weirton; George W. Post, Clarksburg; Jackson D. Altizer, Mitchell Bacon, Wood Bouldin, Jr., Jerome P. Carr, David W. Dunbar, L. E. Given, Albert F. Good, F. Duane Hill, George C. Leslie, Frank T. Litton, Alex M. Mahood, W. Hayes Pettry Lawrence E. Rollins, Charleston; John Newton Harman, III, Welch; John S. Manley, Fairmont; LeRoy Katz, J. Edward Litz, Bluefield; Ira Mason Smith, Princeton; Joseph Hodgson. Keyser; L. Arthur Barbe, George C. Baker, Henry B. Cooley, Frank P. Corbin, John E. Crynock, Richard E. Davis, Jos. S. Farland, Charles H. Haden, John P. Hatfield, Judge Minter L. Wilson, Kermit Mason, Ralph M. White, Morgantown; Alexander Falconer, Union; James R. Ewing, Melvin W. Kahle, Robert Ushman, Wheeling; Walter M. Elswick, Hinton; Henry P. Snyder, Sistersville; John Clay Hoover, Webster Springs; Sam G. McEldowney, New Martinsville (Now at Honolulu, T. H.); C. Edward McDonough, Robert Evans Stealey, Judge D. F. Turner, Parkersburg; Frederick T. Kingdon, Mullens.

---

ADMISSIONS TO THE BAR.—The following eighteen applicants successfully passed the State Bar Examination, held at Charleston, September 10-12, 1941:

Charles F. Bachman, II	Wheeling
Peter Barrow, Jr.	Bluefield
William Denton Borger	Clarksburg
Fred H. Caplan	Clarksburg
Abishi C. Cunningham	Welch
John Bright Fisher	Charleston

# West Virginia Law Quarterly

## *and The Bar*

---

---

Published by the Faculty of the College of Law of West Virginia University, and issued in December, February, April and June of each academic year. Official publication of The West Virginia Bar Association.

---

---

Subscription price to individuals, not members of The West Virginia Bar Association, \$2.00 per year. To those who are members of the Association the price is \$1.00 per year and is included in their annual dues. Single copies, 50 cents.

---

---

### BOARD OF EDITORS

Faculty of College of Law, *ex officio*

#### EDITORS IN CHARGE

ALBERT S. ABEL

MARLYN E. LUGAR

#### BUSINESS MANAGER

LOUISE FARRELL CONAWAY

#### ASSOCIATE STUDENT EDITORS

WILLIAM HUGH STEED, *President*

GRACE WESTFALL EDGELL, *Secretary*

GILBERT SMITH BACHMANN  
EDWARD ISRAEL EILAND  
PETER WOODROW HENDRICKS  
DONALD CLYDE HOTT  
DAVID DALE JOHNSON, JR.

MILTON SIDNEY KOSLOW  
HOWARD PRENTISS SHORES  
BENJAMIN DAVIS TISSUE  
KEMBLE WHITE, JR.  
HORANCE LABAN WHITE, JR.

---

---

Oden Frazier Goshorn	Charleston
I. Jerome Graff	Wheeling
Thomas William Harvey, Jr.	Huntington
William H. Hazlett	Princeton
Charles Edward McDonough, Jr.	Parkersburg
Charles Edwin Mottesheard	Charleston
Richard K. Parsons	Bramwell
Edward K. Reymann	Wheeling
O. Jennings Rife, Jr.	Kenova
Robert McClaugherty Richardson	Bluefield
Irwin McGraw Warder	Huntington
William Coale Worthington	Camp Allegheny