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The Present Program of the West Virginia Bar Association

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THE PRESENT PROGRAM OF THE WEST VIRGINIA
BAR ASSOCIATION

The records of the meeting of the West Virginia Bar Association held in Clarksburg on October 19 and 20, 1933, and set forth in the Year Book, disclose a rather heavy list of matters yet to be accomplished. The most important accomplishment since the last publication of this program — possibly the most important for many years — is the recent passage of the Judicial Council Bill. While this has been achieved in a time of legislative stress and we are duly grateful, it is still realized that this same legislative stress has prevented much other needed reform — some of it practically unopposed.

Again with the hope that the several local bar associations throughout the state will make it their business to consider the subjects in the following list before the next annual meeting of the state association, the committee presents the agenda. It is hoped that the Year Book references will simplify the efforts of the individual lawyer who wishes to know what the association is doing but is without time to read the full contents of the year book.

References, unless otherwise noted, are to the Year Book of 1933.

I. *Matters of General Public Interest*

(1) Constitutional

The report of the Constitutional Commission on reform of the judicial system as proposed by the redraft of article eight of the Constitution. Now in hands of Committee on Legislation, with new resolutions urging submission to voters by the legislature. Pp. 95, 134, 139, 183-187. For full discussion see Year Book 1932, pp. 116-160.

(2) Legislative

1. Proposed general revision of divorce law. Special committee recommended by Committee on Judicial Administration and Legal Reform. P. 137. Again referred to Committee on Judicial Administration and Legal Reform, pp. 224, 226. Four specific recommendations pending (Year Book 1932, p. 55):—

- a. Provision that parties to divorce *a mensa et thoro* may remarry each other without permission of court.

- b. Removal of statute of limitations (three years) on adultery.
- c. Provision to allow court to revise or modify five-year restriction on remarriage in case of adultery.
- d. Proposal to amend Code 48-2-16 so as to put beyond question the right of the party against whom a decree *a mensa et thoro* is entered to sue for divorce *a vinculo* for subsequent misconduct of either party. See paper of Mr. James B. Riley, Year Book 1932, pp. 39-55.

2. Instructions to juries. Still in hands of Committee on Judicial Administration and Legal Reform. Pp. 135-136, 224, 226.

3. The hearing of chancery causes in open court. Submitted without recommendation by Committee on Judicial Administration and Legal Reform, p. 136. Re-committed, pp. 224, 226.

4. Declaratory judgments. Recommended by Committee on Judicial Administration and Legal Reform that all action be deferred until the more urgent reforms are accomplished. No action by association.

5. Dispensing with bills of exceptions. Reference to incoming Judicial Council recommended by Committee on Judicial Administration and Legal Reform. P. 134.

6. Proposed changes in law of death by wrongful act. Special recommendation in report of Special Committee on Program. P. 224. No reference. See paper of Mr. Russell S. Ritz, Year Book 1931.

7. Judicial pensions. Action recommended by Committee on Legislation, 1931. Retention recommended but without immediate action. Pp. 135, 225.

8. Costs in circuit and appellate courts. Recommended by Committee on Judicial Administration and Legal Reform for reference to incoming Judicial Council. Pp. 134-135.

9. The correction of the manifest errors, suggested errors, ambiguities or deficiencies listed in the report of the Special Committee on Code Correction. Pp. 121-130. Referred to such committees as the President may deem proper for the proper action. A full discussion of the several sections will be found in the pages to which reference has been made.

10. Proposed revisions of criminal law and procedure.

- a. As recommended by the Committee on Criminal Law, 1931, in its report concerning the American Law Institute Code.
- b. In regard to strengthening prosecution and enlarging the power of the court over instructions to juries (Paper of Mr. Harry H. Byrer, Year Book 1930) and particularly
- c. In regard to the abolition of minimum sentences. This last recommitted to Committee on Criminal Law, pp. 196, 198.
- d. In regard to the revision of Code 61-2-14 in relation to kidnapping. Pp. 195-196. This has probably been accomplished by the passage of a new bill in relation to this subject.

11. The study, for the purpose of comparison, recommendation or disapproval, of the Bank Collection Code (31-4A) and the Uniform Bank Collection Act of the National Conference of Commissioners on Uniform State Laws. Still in hands of Committee on Uniform State Laws. Not reported in 1933 because final draft of uniform law not available. P. 131.

12. Proposed legislative changes in regard to attorneys and admission to bar.

- a. Registration of attorneys. P. 139.
 - b. Limitation of number of bar examinations to be taken by applicant. P. 119.
 - c. Limitation of the "diploma privilege" in practice. Pp. 119, 139.
- a and c in hands of Committee on Legislation. b recommended.

(3) Judicial

(1) Uniform rules of practice in circuit courts. Final code adopted. Pp. 28-35. Still in hands of Special Committee on Uniform Rules of Practice to urge adoption throughout the state. Recommended, by Committee on Judicial Administration and Legal Reform, for consideration by incoming Judicial Council. Pp. 134-135.

(2) Proposed changes of procedure in Supreme Court of Appeals.

- a. Pointing out errors.
- b. Cross-assignment of errors.

See Year Book, 1931, pp. 100-103. Suggested, by Committee on Judicial Administration and Legal Reform, as proper for consideration of Judicial Council. Pp. 134-135.

II. *Association Matters of General Interest*

1. Bar integration. No one should omit study of the report and suggested bill in Year Book 1932, pp. 116-160. Recommended for further study, pp. 135, 225.

2. The matter of salaries of the faculty of the College of Law. In hands of Executive Council, with reaffirmance of position of 1932. P. 94. See Year Book 1932, pp. 29, 31-37. For the matter of increased appropriation for the library of the College of Law, see Year Book 1932, pp. 90-91.

3. The proposed rule of the code of ethics requiring an attorney to keep his clients' money in a bank account separate from his own. Referred, in 1931, to Committee on Judicial Administration and Legal Reform.

4. Cooperation with American Law Institute by annotation of its restatements.

- a. Conflict of Laws. Last report, p. 115.
- b. Contracts. Last report, pp. 112-114.
- c. Agency. New. Pp. 80-81, 88, 93-94.

Each of these is in the hands of a special committee with the cooperation of a member of the faculty of the College of Law.

5. Co-ordination of the work of bar associations, local, state and national. In hands of special committee. Pp. 91-92, 97-100. As to suggested efforts of Association to encourage formation of district associations in districts composed of small counties, see pp. 23-24.

6. Cooperation with the Institute of Legal History of West Virginia University and aid to the staff agents of the Institute in the collection and preservation of the materials of legal history of this State. In hands of special committee. Pp. 95-6.

7. Co-operation with State authorities in seeking the remedy for the tax situation. Special committee created. P. 228. See also pp. 100-101.

III. *Matters Concerning the Association Only*

1. The matter of publication of special association articles in the West Virginia Law Quarterly. See Year Book 1932, pp. 58-59. Partially complied with by these program publications.
2. The semi-centennial meeting to be held in Wheeling in 1936. Plans in hands of Executive Council.

Respectfully submitted,

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