WALTER G. THIELE
Justice, Supreme Court of Kansas
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FOREWORD

At a meeting of the Judicial Council held in Topeka on January 29, 1954, Justice Robert T. Price, of the Kansas Supreme Court, was elected chairman and William M. Mills, Jr., of Topeka, was elected secretary. During the meeting, James E. Taylor, a member of the Council since 1941, presented a tribute to Justice Walter G. Thiele, the retiring Chairman, whose picture appears on the cover of this issue. The Council unanimously adopted Mr. Taylor's remarks as a resolution and we are happy to print them in the BULLETIN for they well express our appreciation of Justice Thiele's years of service to the Judicial Council.

Since Kansans are celebrating their Territorial Centennial this year, we thought it most appropriate to publish an article of historical significance. We are indebted to T. M. Lillard of the Topeka Bar for his article entitled, "Beginnings of the Kansas Judiciary." This is a reprint of an address given by Mr. Lillard before the sixty-fifth annual meeting of the Kansas Historical Society, and it was later published in the Kansas Historical Quarterly, v. X, pp. 91-99. Mr. Lillard's portrait appeared on the cover of the December, 1948 BULLETIN, at which time he was serving as president of the Bar Association of the State of Kansas.

We believe the article, "Legal Aid in Topeka," will be of particular interest to the Kansas Bar because, to our knowledge, the Topeka Bar Association is the only local bar organization in the state conducting this type of program. The author, Raymond Briman, of Topeka, has served as chairman of the committee on legal aid of the Topeka Bar Association for the past three years and is the one person best qualified on this subject.

A regular meeting of the Judicial Council was held at Topeka, April 16, 1954, during the sessions of the annual meeting of the Bar Association of the State of Kansas. The members wish to again emphasize that they welcome articles and other contributions to the BULLETIN and will be glad to receive suggestions as to the improvement of the publication.

The Judicial Council delegated member Robert H. Cobeon of Wellington to represent this Council at the May meeting of the National Association of Judicial Councils at Washington, D. C. We are looking forward to Mr. Cobeon's report of the proceedings and expect it to prove most constructive.
A Tribute to Justice Thiele

Words can only express in some small way appreciation for the twelve years plus of energy expended and service rendered by Justice Walter G. Thiele as Chairman of the Judicial Council of Kansas. Justice Thiele began his service on the Council July 1, 1941, and retired January 1, 1954. During all of this time he served as Chairman.

During this entire period Justice Thiele served diligently and faithfully. He brought to the Council many years of varied law experience as a successful lawyer plus his outstanding service on the Supreme Court.

Whatever credit the Judicial Council Bulletin should receive should be given to Justice Thiele for untold hours of labor. It was he who worked out and planned what articles should appear. He contacted and prevailed upon individuals to write them. He supervised the gathering of statistics, and kept after the officers charged to submit information, who were slow to submit their reports.

Every Kansas lawyer will testify that the material selected for the Bulletin by Justice Thiele has been provocative of constructive thought and most helpful in the practice of law. The Bulletin does not lie unopened and unread on the desk of a lawyer interested in judicial progress. Such a Bulletin as has been published testifies to Justice Thiele’s devotion to duty.

Justice Thiele kept in mind those admonitions set forth in the statute creating the Judicial Council, particularly the duties set forth in 1949 G. S. 20-2203. It was he who was the contact man between the Council and the Judiciary Committees of the House and Senate, keeping the Council members fully advised of all pending legislation affecting administration of justice in our courts.

At all times he was forward looking, thinking of the future foremost, yet keeping in mind past experiences which taught the fundamentals of a sound judicial system and administration of justice. Thanks to Justice Thiele much has been accomplished not only to promote beneficial legislation but to discourage unwise legislation. Under his leadership progress was made by choosing wisely and adhering to fundamental principles. The Council regrets the resignation of Justice Thiele, and can only say: “Well done, Mr. Chairman.”

Beginnings of the Kansas Judiciary

T. M. Lillard

Shortly after the acquisition of the Louisiana territory through purchase from France in the year 1803, Congress enacted a law dividing it into two parts, the northern part which included Kansas being attached to the territory of Indiana for governmental purposes. Later, in 1812, a portion of the Louisiana territory, including Kansas, was reorganized under a territorial government known as the Missouri territory. After the admission of Missouri as a state in 1820, Kansas and the remainder of the former Missouri territory, which was not included in the state of Missouri, was left without any territorial government. From 1820 until 1854 this section of the country was treated under federal laws simply as Indian land, practically the only statutes applicable thereto being those dealing with the Indian tribes. There was no organized local government, and certainly there were no courts or other judicial bodies functioning in any part of this great expanse of prairie country.
It was into a land in this almost barbaric condition so far as laws and organized government were involved that the earliest settlers came as they journeyed out by steamboat and covered wagon to become citizens of the proposed new state of Kansas, following the enactment of the Kansas-Nebraska law in the spring of 1854. Under the terms of the enabling act passed by Congress, the governor, who was to be appointed by the President, was to call an election at which a legislative body would be chosen. The legislature so chosen would adopt a body of laws to govern the people in the territory and would establish the usual governmental agencies. Some months would necessarily elapse before the actual machinery of the territorial government could be set up, before a set of laws to govern the settlers could be enacted, and before courts could be established to administer these laws. During that interim the first Kansas settlers were dwelling in what was quite literally an almost lawless country.

Just when the three judges appointed by President Pierce—who were to serve in Kansas territory as district judges as well as supreme court judges—began to hold district courts is not at all clear. It is certain that they did not meet as a supreme court until July 30, 1855. A few justices of the peace appointed by Governor Reeder, shortly after he reached Kansas in the latter part of the year 1854, apparently constituted the only judicial officers actually functioning in the territory until well along in the year 1855.

In some sections of the territory, at least, these early settlers seemed able to proceed in homely fashion to provide themselves with the missing laws and the missing courts. In Connelley’s *Kansas and Kansans* he quotes a set of resolutions promulgating some home-made laws adopted early in 1855 at a joint meeting of the “Wakarusa Association,” a group of Slave-State advocates from Missouri, and the “Actual Settlers’ Association,” a group of Free-State advocates from New England. In these resolutions there were embodied a set of rules fixing the method for staking out, settlement on, proving up of land claims, and for disposing of disputes with reference to such claims.

This documentary record showing how these two rival or even hostile groups met amicably, as they did, out on the big ridge that separates the Kaw valley and the Wakarusa valley a few miles west of Lawrence and there created for themselves a body of laws to establish and protect their mutual rights in the things that were of most immediate concern to them is startling proof of the fact that they had found themselves practically in a state of nature, without benefit of any governmental agencies that were actually functioning.

The resolutions thus adopted provided for the following officers: One chief justice, one register, one marshal and one treasurer. I quote the following provisions establishing the judiciary:

The duty of the Chief Justice shall be to try and decide all disputes between settlers in reference to claims or otherwise, and to try all criminals or persons guilty of the violation of the laws of the Territory. The said Chief Justice shall always take justice between man and man as his guide; and upon the demand of either party shall summon a jury . . . to try all disputes or violations of law . . .

Further proof of the difficulties that surrounded the early settlers by reason of the uncertainty as to the laws that they must live under is found in the petition addressed to President Pierce by the territorial legislature in the summer of 1855, that Governor Reeder be removed from office. One of the recitals in
that petition was that neither the governor nor the people knew what local laws were in force, as some of the justices of the peace were enforcing the code of laws from Pennsylvania, others the laws from Ohio, and still others the laws from Missouri.

But as the year 1855 progressed the governmental machinery of the new territory was gradually set up and put to work, many difficulties and much bitterness being encountered as each step was taken.

The first Kansas territorial legislative assembly upon call of Governor Reeder convened on July 2, 1855, the meeting place chosen by the governor, to the great disgust of the members, being at Pawnee (now a part of the Fort Riley Military Reservation). Practically all of the members were Proslavery advocates who had come from Missouri, their election the previous March having been notoriously fraudulent. Desiring to hold their sessions as near as possible to the Missouri state line, immediately after organizing the first session at Pawnee, the legislators passed a resolution adjourning to the Shawnee Methodist Mission, located in what was later to become Johnson county. There the legislature began the task of enacting a body of laws to govern the people of the territory.

Governor Reeder refused to sign the first statute enacted by the territorial legislature after it had adjourned to Shawnee mission, the particular statute involved being one to provide for a public ferry across the Missouri river at Kickapoo. The ground for the governor's objection was that the legislature had no right to adjourn from Pawnee and hold its sessions at Shawnee mission, and that any laws enacted at that location were invalid.

President Franklin Pierce in June, 1854, had appointed as the three judges of the supreme court of the territory, Samuel Lecompte, of Maryland, chief justice, and Saunders W. Johnston, of Ohio, and Rush Elmore, of Alabama, as associate justices. Upon the request of the legislature, the United States district attorney arranged for the three territorial judges to assemble as a supreme court at Shawnee mission on July 30, 1855. He there presented to the judges a resolution of the legislature soliciting a decision of the supreme court as to the validity of the legislative session then being held at Shawnee mission, and of the statutes enacted by the legislature while assembled at that place. On the journal of the court it was noted that the court, having taken the communication under consideration, would rule upon it in view of the great importance of the matters involved, but that the ruling would not be made as a court, but simply as the individual views of the judges. Chief Justice Lecompte and Associate Justice Elmore thereupon, in an opinion that is printed in the appendix to the House Journal of the territorial legislature of 1855, upheld the validity of the legislative session at Shawnee mission and of the statutes there enacted. Mr. Justice Johnston in a short written opinion which has been preserved dissented vigorously on the ground that the members of the court had no right to render opinions except in cases regularly presented for hearing.

In this rather incongruous fashion, for the first time a supreme court of any character functioned in Kansas. The dissenting judge apparently had the better of the argument from a purely legal standpoint. However, as a practical matter, the territorial legislature in reliance upon the informal ruling of the two judges, proceeded forthwith to enact a general body of laws to govern the territory, something of which there was sore need.

While the judiciary alone is included in the scope of this paper, some passing reference must be made to the legislature which enacted at Shawnee
mission the general code of 1855. This legislative body was most cordially hated and distrusted by the Free-State settlers. It has ever since been contemptuously referred to as the "Bogus Legislature." The outrageous frauds perpetrated when its members were elected and the high-handed manner in which its members disregarded the authority of the executive, Governor Reeder, call for vigorous condemnation. The same may be said of the lengths to which the "Bogus Legislature" went in establishing and protecting slavery in the territory, and of the statutes fixing the qualifications of voters so as to practically disfranchise all Free-State advocates.

We think of Kansas as having always been non-slavery territory. However, it is doubtful if any state of the Union ever had a set of laws establishing and protecting within its limits the institution of human slavery with more emphatic vigor than is found in Chapter 151 of the Laws of 1855 as enacted by the territorial legislature of Kansas. Section 12 of this statute reads:

If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this territory, or shall introduce into this territory, print, publish, write, circulate or cause to be introduced into this territory, written, printed, published or circulated in this territory, any book, paper, magazine, pamphlet or circular, containing any denial of the right of persons to hold slaves in this territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

When a Free-State legislature finally came into power in Kansas, it was not satisfied with an immediate repeal of these laws, but ordered a public burning of the volume in which they were contained.

Aside from the laws dealing with slavery, the "Bogus Legislature" did, however, perform a very creditable job in promptly adopting a general body of statutory law. Under these statutes the courts began to function, and continued to do so through the territorial period, with what may be termed fair success when we consider the turbulent conditions that prevailed.

Under the terms of the act of Congress creating the territory the three supreme court judges were also to function as judges of the district courts. On February 26, 1855, Governor Reeder had assigned the three judges to district court service as follows: Chief Justice Lecompte to preside in the First district, sitting at Leavenworth; Judge Elmore in the Second district, sitting at Tecumseh; and Judge Johnston in the Third district, sitting at Pawnee.

There were frequent changes in the territorial judges—new appointees sometimes appearing with commissions from the President and claiming the positions over the vigorous protests of the former judges who had received no previous notice of their displacement.

Of the territorial judges Samuel D. Lecompte was the only one who appears to have left any great impression on the history of those times. One cannot read the record of his life and activities without being impressed with the fact that he was a man of great force of character. In addition to his judicial service, he presided over the Lecompton Constitutional Convention. He was bitterly charged with having through the powers of his judicial office given undue and unfair support to the Proslavery party.

The judge cannot be charged with ever having run to cover or to have shown any symptoms of cowardice. Born and raised in the slave-holding state of Maryland, he frankly and openly declared his belief in the blessings of slavery
as an institution and his desire to use all lawful means to establish slavery in Kansas.

He resided at Leavenworth for many years after the close of the Civil War, joined the Republican party, and was elected probate judge of the county and served as a member of the legislature. In 1873 D. R. Anthony published a number of severely condemnatory articles in his newspaper, reviewing the activities of Judge Lecompte during the territorial period. Upon complaint of Judge Lecompte, Anthony was prosecuted for criminal libel, and after trial in the criminal court of Leavenworth county, was found guilty and fined $500. Lecompte in 1875 published a lengthy and highly rhetorical article in the Troy Chief, defending in great detail his official conduct. Judge Lecompte about this time declined with some bitterness a request to send his photograph to the Kansas State Historical Society, intimating that he thought the request was made for the purpose of preserving his likeness as an enemy rather than as a friend of Kansas. The rather stormy career of Judge Lecompte as chief justice of the territorial court extended throughout the most trying territorial days, and did not terminate until March, 1859, when he was replaced through the appointment by President Buchanan by Honorable John Pettit of Indiana as chief justice of the court.

Honorable James McCahon, a prominent attorney of Leavenworth, in 1870 collected and published in a small volume, known as McCahon's Reports, all available decisions of the supreme court of Kansas territory. The opinions included in this volume were all rendered in the years beginning with 1858, and unfortunately fail to throw any light upon the court through the more turbulent period from 1855 to 1858. A thumbing through of this small volume discloses the usual run of controversies over contracts, partnerships, land disputes, procedural questions, etc. It is interesting to note, however, that the general statutes enacted by the "Bogus Legislature" were applied by the court and afforded a workable body of statutory law through the territorial period.

In McCahon's Reports, at page 185, is a record of the proceedings in the case of United States v. Lewis L. Weld had in the district court of Leavenworth county on April 18, 1860. The subject matter, as well as the decision in this case, were extremely interesting to me, and I will review them briefly. A negro slave named Peter Fisher had escaped to Kansas from Kentucky. The owners of the slave were two infant children named Hutchison, who had inherited the slave from their father, recently deceased. The guardian of the two children came to Kansas with an appropriate order from the Kentucky authorities issued under the fugitive slave law, and took the slave into his custody in Leavenworth county. While about to return to Kentucky with him, defendant in the case, Lewis L. Weld, on January 24, 1859, as the indictment charged, did with force and arms, to-wit, with a club, knife, pistol, and other hurtful weapons, knowingly and willfully aid, abet and assist the said Peter Fisher, so owing service or labor as aforesaid, to escape. The fugitive slave law under which Weld was prosecuted made it a criminal offense for any one to aid and assist a fugitive slave in escaping when he had been taken into the custody of his owner, or the owner's "agent or attorney." Motion to quash the indictment of Weld having been filed, it was argued before Judge Pettit, and sustained; the ground of the ruling being that the guardian of the minor owners of the slave was not shown to have lawful custody of the slave, because he was neither the owner nor the "agent or attorney" of the owners, and for this reason the fugitive slave law
had not been violated when Weld, with the use of a club, knife, pistol, and other hurtful weapons aided the slave in escaping from the guardian of the infant owners.

It requires no stretch of the imagination to believe that if this case had been tried before Judge Lecompte, instead of Judge Pettit, the result would have been very different. Judge Pettit's opinion winds up with the following paragraph:

This opinion has been hastily written in the midst of turmoil, interruption and confusion—in the absence of a library to consult, and without time to correct or pay much attention to legal diction, but I am confident that, in its main features, it will stand the test of the most searching and rigid legal and judicial criticism.

If Judge Pettit had had "a library to consult," it is likely that he would have had considerable difficulty in finding any authority to sustain his conclusion that the relationship of a guardian to his infant ward is of lower order than that of agent or attorney.

However, the decision was undoubtedly popular. When we remember that at the time the case was heard the Free-State people were definitely in the majority, we can get a pretty clear picture of the conditions referred to by Judge Pettit when he said in his opinion that the case was heard "in the midst of turmoil, interruption and confusion." A decision, even in Leavenworth in 1860 sending one of the Kansas Free-Staters to prison because he had prevented the return of a slave from Kansas to Kentucky, would no doubt have resulted in a pitched battle in the courthouse.

The work of the territorial court ended upon the admission of Kansas into the Union as a state on January 29, 1861. The members of the supreme court elected to serve under the Wyandotte Constitution assembled in their first session on October 28, 1861. The court as then constituted, consisted of Thomas Ewing, Jr., chief justice, Samuel A. Kingman and Lawrence D. Bailey as associate justices. The first five district judges were McDowell, Lee, Safford, Thacher and Learnard, and David J. Brewer was judge of the criminal court of Leavenworth county. These first Kansas judges were all men of good character and ability. Many of them later made outstanding records.

Thomas Ewing, the first chief justice, served only about a year, resigning in October, 1862, to enter military service as colonel of the Eleventh Kansas regiment which he had recruited. Ewing was shortly thereafter advanced to the rank of brigadier general, and his record as a soldier was one of distinction. As commander of the army in the District of the Border, he issued the famous Order No. 11, the effect of which was practically to remove the civilian population from Kansas City and vicinity. After the war, Judge Ewing practiced law in Washington, D. C., and in New York City, and was at one time a member of congress from the state of Pennsylvania. He was a gallant soldier and an able lawyer.

Judge Kingman, a native of Massachusetts, served on the supreme court until 1876. An able and distinguished judge, he rendered a valuable service to his state through the learning, fairness and industry with which he applied himself to the difficult legal problems that came before the court while the law of the new commonwealth was in a formative period. Prior to his service on the bench, Judge Kingman had been one of the leaders in the framing of the Wyandotte Constitution and is credited with being the father of the beneficent
homestead provision in the Kansas constitution. In the later years of his life Judge Kingman served as secretary of the State Historical Society.

Judge Bailey, a native of New Hampshire, whose home, after he came to Kansas, was at Emporia, was a man of outstanding character and ability. He served upon the court until January, 1869, when he was succeeded by the Hon. Daniel M. Valentine.

I will not take time to attempt a review of the work of the courts even in the early years of statehood. The opinions of the judges of the supreme court are preserved in the official reports of the court; and these opinions reflect also the work done by the district courts whose decisions came up for review. By these early judicial decisions the law of the new state was settled and determined in admirable fashion.

The members of the Kansas judiciary who assumed their official duties in those historic days when the nation was just entering into the throes of Civil War did so with a full sense of their responsibilities. They had each had some part in the struggles of the territorial days from which Kansas finally emerged as a free state. When we review the difficulties that surrounded the birth of Kansas, we can better appreciate the significance of the inscription on the official seal of our state, "Ad Astra Per Aspera."
Legal Aid in Topeka

RAYMOND BRIMAN

For over three years the Topeka Bar Association has concerned itself with the subject of furnishing legal services free to persons who cannot afford to pay an attorney's fee. Almost every member of the Topeka bar has, at some time or other during that period, assisted in this program.

We are mindful of the need for legal aid in Topeka and believe a similar need must exist in many other communities throughout the state. Because we have been told that we alone in Kansas have an active Legal Aid Bureau in operation, we welcome the opportunity to explain the creation and operation of our plan.

The subject of legal aid is not new in the United States. Legal aid societies were functioning in New York City and Chicago before the turn of the century and by 1916 over thirty American cities had some form of organized legal aid service in operation. In 1923 the National Association of Legal Aid Organizations was formed, and in 1949 it was reorganized and incorporated as the National Legal Aid Association. Most readers are fully aware of the active interest in legal aid taken by the American Bar Association for many years. The Legal Aid Committee of the Bar Association of the State of Kansas has done its best to stimulate thinking along these lines in our state.

We of the Topeka bar have for many years, as have members of every bar since time immemorial, given of our time to persons unable to pay. However, we doubted whether this legal service given solely as an incidental charity of private practice provided adequate legal service to the needy. We also felt that under our conception of justice and democracy every person must be given the opportunity for equality before the law. We thought a legal aid service could relieve the bar, in large part, of its public obligation to provide legal services for indigents. Lastly, but not lastly, we found, from the experience of others, that organized legal aid not only serves the destitute, but encourages those who can afford lawyers to use them by educating a large segment of society to the value and importance of legal counsel.

Shortly after World War II our bar, through its Legal Aid Committee, began assisting the Washburn University Law School to provide for its students what they said they yearned for, namely, "A live client with a live case." This program concerned itself primarily with the problems of patients at Winter Veterans Administration Hospital at Topeka. No formal plan of action was attempted but as we felt our way it became obvious to those of us who were close to the problem that the program could and should be expanded.

Next we began a study of the specific needs of Topeka. We inquired of all of the social agencies serving our community. We asked them to survey their respective domains and to advise of their conclusions as to the need. Every single social agency in Topeka responded and urged us to promote and sponsor an organized legal aid effort. Simultaneously, some members of this committee asked various law schools and other bar associations for information concerning this problem. When all the facts were assembled the need was apparent to all.

The immediate problem was that of eligibility. It was obvious that some standards had to be adopted if the program was to serve its purpose. In this regard, we found most legal aid bureaus used at least one full time attorney-
director and some clerical help. Our problem was different in that we envi-
aged, at least in the beginning, a bureau staffed entirely with volunteers.
This necessitated making our eligibility standard more precise and more de-
definite. We decided that we would utilize the professional services of the social agencies
to screen or test applicants as to eligibility for legal aid.

In conjunction with these agencies, we adopted the following standard of eligibility:

1. Geographical residence of applicants:
   Only residents of Shawnee County will be accepted.
   The present military personnel stationed within the county and
   patients at Winter Veterans Hospital, together with their families,
   will be considered residents of Shawnee County for this purpose.

2. The nature of the case:
   None of the following types of cases will be processed by the legal aid
   office:
   (a) Criminal cases.
   (b) Bankruptcy.
   (c) Any civil action for damages (plaintiff's case).
   (d) Landlord and tenant (landlord).
   (e) Any probate matter.
   (f) Change of name.
   (g) Workmen's Compensation.

3. Financial ability:
   No person who can pay customary attorney fees prevailing in the city of
   Topeka will be accepted by the legal aid office. This basic rule will
   be implemented by the following measuring sticks:
   (a) A single person will be ineligible prima facie if his or her
       monthly income is in excess of $100; a married man if his
       income is in excess of $150; a married man with one child
       if his income is in excess of $175, and add $25 per child
       thereafter.
   (b) No one will be accepted who owns a late model automobile.

A quick reading of these measuring devices will reveal that we did not expect
our bureau to compete with practicing attorneys since all plaintiff's type cases
were excluded and general financial condition of the prospective client was
primarily examined.

Our next problem was deciding on suitable quarters; persons to staff the
office; hours and days in which the bureau office would be open to the public
and a myriad of minor details. The problem of quarters was quickly and
happily solved when a well established social agency, Family Service of Topeka,
offered to provide space—rent free. It was decided to begin operating on a
one-day-a-week basis. A roster of the bar was maintained and one member
delegated for duty each week. This distributed the burden fairly and evenly.

This plan was presented to the Topeka Bar Association at its annual meeting
in 1952. It was overwhelmingly approved and the committee was authorized
to begin operations.

The office was first opened in September, 1952, and the Legal Aid Bureau
has been in active operation since that time. The committee last reported to
the bar at its annual meeting in March, 1954, and was at that time given per-
manent status as a standing committee of the association. We have processed several hundred cases and have found (as has been found throughout the United States generally) that domestic relations problems occupy most of our time. A good example would be divorce proceedings instituted on behalf of a married woman with young children, whose sole subsistence is county welfare, and whose husband deserted and departed for parts unknown years before.

Many persons and some Bar Associations have asked us how cases are handled. Simply stated, the procedure is about as follows:

All social agencies are furnished what is termed a "Referral Sheet." Each agency is also furnished our eligibility standards and other pertinent information concerning our office. The agency upon learning of a legal problem thoroughly tests the prospective client for eligibility. If the applicant is eligible an appointment is made for some Wednesday afternoon (our office being open two to five p.m. each Wednesday). The referral sheet in duplicate is mailed to the Bureau's office where it will be handed to the interviewing attorney for completion after he has seen his client. A member of the bar is present at the office to interview applicants for legal aid. A senior Washburn University law school student is also present to assist the practicing attorney. The law student will discuss the case with the lawyer, may do research or investigation and perhaps prepare pleadings. The law students welcome this opportunity to put their knowledge to practical use. Ultimate responsibility rests on, and action will be taken by the practicing attorney. From the moment of the interview the practicing attorney will process the matter through to completion even though litigation is the end result.

Many persons seek only to be advised of their legal rights in a particular situation; to such persons the appropriate advice is given. Others are involved in actual controversies, and in such cases the practicing attorney makes an effort to reach a settlement without litigation, consistent of course with his client's rights. Negotiations with adverse parties, or if they have attorneys through their attorneys, are attempted in order to achieve equitable solutions to the disputes. Where these efforts fail and litigation develops, the practicing attorney who has handled the case all along since the client first entered the Bureau office will prepare the case for court action, and will represent his client in the courts of Kansas.

After the matter has been disposed of, the referral sheet is completed, one copy remains in the Bureau files, and the other copy is sent to the referring agency.

A number of persons come to the Bureau office without previous appointment. These persons are screened by a trained social worker at the Bureau office and if eligible, appointments are scheduled. If not, they are advised to seek legal advice from any member of the Bar of their own choosing. Members of the Bar often refer cases to the Bureau office and these are handled in the same manner as the others.

While our plan is obviously not the complete answer we feel we are rendering a much needed service in our community. We hope some day to assist in organizing a Legal Aid Association which will become a participant in the Community Chest and be better equipped for service. This is the ultimate plan and one which is presently in operation in some one hundred and fifty cities throughout the United States. The National Legal Aid Association, the Committee on Legal Aid Work of the American Bar Association, and the Legal
Aid Committee of the Bar Association of the State of Kansas have been of much help to our committee and will gladly assist any other bar organizations interested in a program such as ours.

The reasons for the existence of legal aid were best expressed by Harrison Tweed, President, National Legal Aid Association, American Law Institute, when he said:

"Legal Aid is not the giving of charity, but rather the assuring of the equality before the law which our Constitution guarantees. Help for those who are in legal trouble is as important and as much a social right as help for those who suffer from disease or disability. A broken contract often causes as much suffering as a broken leg and needs as much expert professional attention. A grievance against the administration of justice can do more social harm than suffering on account of the lack of hospital facilities. . . . The truth, of course, is that just as it is necessary that there be hospitals and clinics to take care of the poor who have physical ailments, so it is necessary that there be Legal Aid organizations properly financed, staffed and equipped, and the existence and location of which are known to welfare organizations, court officers, the police, and the community in general."

We agree!
Please Help Us Keep Our Mailing List Up To Date

The Judicial Council Bulletin is published quarterly and mailed without charge to lawyers, courts, public officials, newspapers and libraries, who are or may be interested in our work. We are glad to add to our mailing list the name of any person who is interested in receiving the Bulletin regularly. We will also send current numbers to persons making requests for them, and will furnish back numbers so far as available.

In order to save unnecessary printing expenses, we are constantly revising our mailing list, and are attempting to eliminate the names of persons who have died or moved out of the state or who have changed their addresses and are receiving the Bulletin at the new address.

Please advise promptly if you have changed your address, giving the old address as well as the new. If you do not receive any current Bulletin and wish to remain on the mailing list, please notify us to that effect. If you are receiving a Bulletin addressed to some person who has died or moved away, please let us know and we will remove the name from the list.

Address all inquiries to: The Judicial Council, State House, Topeka, Kan.
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A. K. Staveley. (1951-) Lyndon
Judge Thirty-fifth Judicial District.

J. Willard Haynes. (1951-) Kansas City

John H. Murray. (1953-) Leavenworth
Chairman House Judiciary Committee.

Joseph J. Dawes. (1953-) Leavenworth
Judge First Judicial District.

Wilford Riegel. (1953-) Emporia
Chairman Senate Judiciary Committee.

FORMER MEMBERS OF THE JUDICIAL COUNCIL

W. W. Harvey, Chairman, (1927-1941) Ashland
Justice of the Supreme Court.

Walter G. Thiele, Chairman, (1941-1953) Lawrence
Justice of the Supreme Court.

J. C. Ruppenthal, Secretary. (1927-1941) Russell

Randall C. Harvey, Secretary. (1941-1953) Topeka

Edward L. Fischer. (1927-1943) Kansas City

Robert C. Foulston. (1927-1943) Wichita

Charles L. Hunt. (1927-1941) Concordia

Chester Stevens. (1927-1941) Independence

John W. Davis. (1927-1933) Greensburg

C. W. Burch. (1927-1931) Salina

Arthur C. Scates. (1927-1929) Dodge City

Walter Pleasant. (1929-1931) Ottawa

Roscoe H. Wilson. (1931-1933) Jetmore

George Austin Brown. (1931-1933) Wichita

Ray H. Beals. (1933-1938) St. John

Hal E. Harlan. (1933-1935) Manhattan

Schuyler C. Bloss. (1933-1935) Winfield

E. H. Rees. (1935-1937) Emporia

O. P. May. (1935-1937) Atchison

Kirke W. Dale. (1937-1941) Arkansas City

Harry W. Fisher. (1937-1939) Fort Scott

George Templar. (1939-1941, 1943-1947, 1953) Arkansas City

Edgar C. Bennett. (1938-1951) Marysville

Samuel E. Bartlett. (1941-1951) Wichita

Paul R. Wunsch. (1941-1943) Kingman

Walter F. Jones. (1941-1945) Hutchinson

Grover Pierpont. (1943-1944) Wichita

I. M. Platt. (1943-1945) Junction City

C. A. Spencer. (1944-1951) Oakley

Charles Vance. (1945-1947) Liberal

Richard L. Becker. (1949-1951) Coffeyville

W. D. Vance. (1951-1952) Belleville

John A. Etling. (1945-1953) Kinsley


Franklin B. Hettinger. (1952-1953) Hutchinson