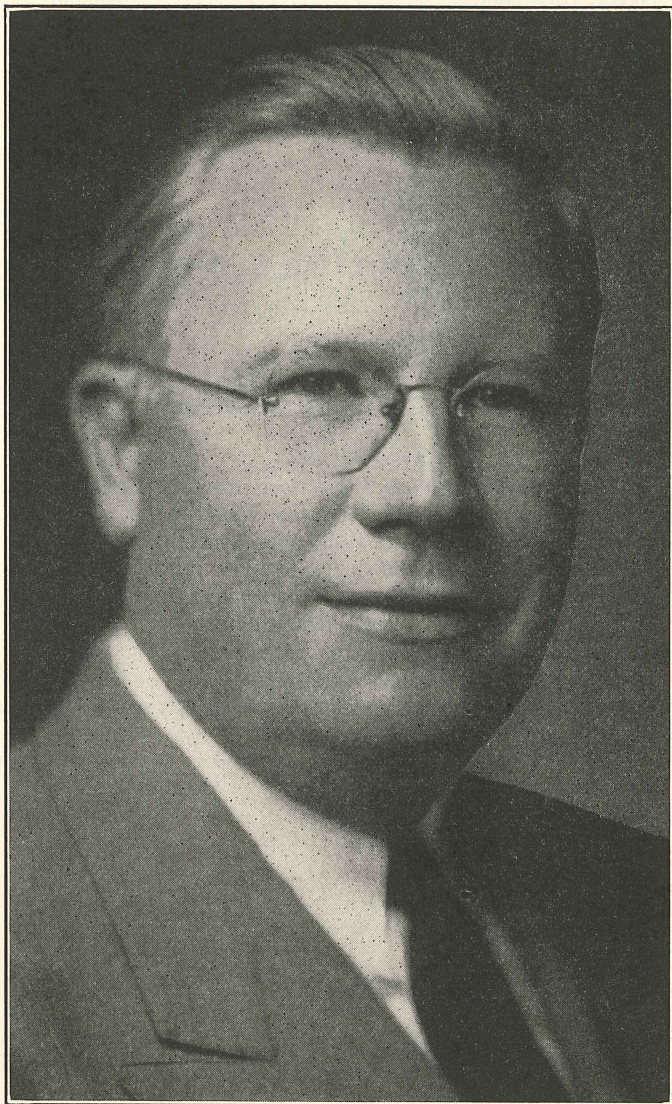


KANSAS JUDICIAL COUNCIL BULLETIN

JULY, 1940

PART 2—FOURTEENTH ANNUAL REPORT



W. E. STANLEY

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 the state,
 For the improvement of our Judicial System and its more
 efficient functioning.

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FOREWORD

The frontispiece for this issue is the portrait of W. E. (Gene) Stanley, president of the Bar Association of the state, and we publish herein an article from him entitled "The Road Ahead." Mr. Stanley is the son of a former governor of this state (W. E. Stanley, 1899-1903), who for many years was one of its outstanding lawyers. Since his admission to the bar (1914) Mr. Stanley has been associated with two men who have been president of the American Bar Association (the late Chester I. Long, 1926-'27, and Earle W. Evans, 1933-'34) and is a member of one of the leading law firms in this state. For many years he has been active in the American Bar Association, has served upon its important committees; has been chairman of the Insurance Law Section; for ten years a member of the Council of Legal Education and Admissions to the Bar; and at present is a member of its House of Delegates from this state. He is a member of the American Law Institute and the Conference of Commissioners on Uniform State Laws. From 1921 to 1939 he was secretary of the Bar Association of this state, and has contributed much to its success. In 1932 he started the Journal of the Bar Association and for eight years served as editor, making of it a useful, outstanding law journal. During all this time he has carried on an active law practice. In the prime of life, robust, capable, energetic, with experience and information of the subject, no one in the state is better prepared to make practical and helpful suggestions concerning "The Road Ahead" for the judiciary and its functioning. We are sure you will read his article with interest and profit. But let us do more—study his suggestions and take appropriate steps to put into effect those found to be worthy.

In recent years the absence of adequate state statutes for the adjustment of debts has been brought to our attention. Our statutes pertaining to voluntary assignments for the benefit of creditors is cumbersome, expensive to follow, and quite inadequate for what appears to be needed. A member of our Council, Judge Bennett, has made a study of the subject, examined recent statutes on the subject from other states, and has written an article entitled "Proposed New Debt Adjustment Laws," which we publish in this issue. The subject is a timely one. It seems as if a relatively simple, beneficial law on this subject can be prepared. We will appreciate in its preparation the help of judges, lawyers and others who are interested. Be free to write us your views.

The Kansas probate code and the property act (chapters 180 and 181, Laws 1939), recommended to the legislature by the Judicial Council, have been in service a year. Both before and since their effective dates (July 1, 1939) they have received thorough study by judges, lawyers and others. Covering, as they do, matters of such importance to our people, naturally, we were apprehensive lest some serious omission, or some other mistake, had been made in their preparation. We thought best for them to be tried out in actual use by

judges and lawyers without anything in the nature of "propaganda" by the Council. During the first few months questions were raised here and there throughout the state as to whether they contained provisions for this or for that, but in almost every instance a more thorough study of the measures by judges and lawyers disclosed that the answers to the questions were found within the statutes; also, the great improvement of these statutes over those they supplanted have been more and more recognized and appreciated. The day before the meeting of the State Bar Association last May the probate judges held an all-day meeting in Wichita, with almost a full attendance. Members of the Council visiting with these judges learned that they are studying the new probate code and property act and are endeavoring to conduct business in their courts in conformity with them, and that they find them very helpful. While there is still room for improvement we feel safe in saying that the probate courts of Kansas are functioning more intelligently and more efficiently than at any time in the history of the state. Near the close of their meeting they unanimously adopted resolutions, which, in part, read:

"Resolved, That the Kansas Probate Judges Association approves wholeheartedly the code of probate procedure enacted by the Kansas legislature of 1939 as being legislation which has long been needed for the fair and proper administration of probate matters."

They suggested revisions of the code on two points only: (1) To make definite the authority of the probate courts to require bond for costs in any matter when they deem it for the best interests of the estate; and (2) to clarify the provision for the selecting of jurors, when required, in the probate court. Both of these points are well taken. They also recommended an amendment to permit a fiduciary to pay any claim of less than \$50 against any solvent estate without compliance with the present requirements as to filing and allowance of claims when such fiduciary, upon the sworn statement of claimants, is satisfied of the justice of the claim. A committee of the State Bar Association on the probate code, meeting on two occasions with the Judicial Council, urged a similar provision with respect to the allowance of small claims, and made a tentative draft of an amendment to one of the sections which would permit that to be done. Perhaps these suggested amendments should be made. The matter of the allowance of small claims has perhaps brought about more discussion than any or all other questions raised about the probate code. In many of the counties, perhaps in most of them, the attorneys of the county, acting in coöperation with the probate judges, have worked out a plan of handling those claims in a way that is entirely satisfactory. There is no real reason why that cannot be done in all the counties; and yet, to avoid any possible controversy, it might be better that the section pertaining to the allowance of claims be amended with respect to small claims. A few other amendments to the code have been suggested. All of these will be considered carefully, and those found to be desirable will be suggested to the legislature; but we are in hopes that no amendments are attempted to be made by the legislature which have not been carefully considered by the Council and the committee on the probate code of the Bar Association. Ill-considered amendments are likely to do more harm than good.

We are collecting data from the clerk of the supreme court, clerks of the district courts and from judges of probate and county courts, respecting the business transacted in those courts for the year ending June 30, 1940, and of the business pending July 1, 1940. Summaries and tables compiled from those reports will be published in our October BULLETIN.

We hope to be able to print in our December BULLETIN suggestions to the legislature for new and amended laws.

We did not publish a BULLETIN in December, 1939.

PROPOSING NEW DEBT ADJUSTMENT LAWS

By EDGAR C. BENNETT

Attachment, replevin, garnishment—the law virtually bulges with such remedies, all with the one purpose of forcing a debtor to pay, in spite of his strenuous resistance. But when the man of small means becomes financially involved, and honestly and sincerely wants to pay his debts to the extent of his ability—as most such debtors do—does the law provide adequate machinery to aid him in that commendable desire? To show that it does not, and suggest how it may be made more efficacious, is the purpose of this discussion.

Public policy as to the results sought to be achieved by statutes relating to settlements between debtor and creditors is firmly settled, by centuries of experience. Primarily, it is to secure an equitable distribution of the debtor's property among his creditors, as economically as possible. Secondly, it is to give the unfortunate debtor some peace of mind and security from harassment, that he may start afresh to rehabilitate himself, becoming again a useful and productive member of society. It necessarily follows that a system of procedure is satisfactory only when it lends itself to the efficient accomplishment of those ends.

Only two types of debtors are contemplated in this discussion, the small merchant or the farmer, the man who has some tangible assets in connection with his business, and the person working for wages who is without assets other than the ability to earn.

In Kansas the law provides machinery, of a sort, for liquidating the affairs of a debtor who has tangible assets. But little attempt has been made to improve the situation existing between creditors and the wage earner.

Their assets being of a different kind, the machinery to handle the problems of the insolvent wage earner and the business with tangible assets must also be somewhat different, even though the result sought to be achieved is the same. Because of the dissimilarity of approach, it will be necessary to discuss them separately.

ASSIGNMENTS FOR BENEFIT OF CREDITORS

The man operating a business who is in financial difficulties has a choice of a number of methods for effecting a settlement with his creditors. He may do nothing at all, letting his creditors engage in a mad scramble to be the first to satisfy their claims out of his property; he may resort to federal bankruptcy; he may proceed under the Kansas statute providing for assignments for benefit of creditors; or he may execute a common-law assignment for the same purpose.

Equality being the very spirit of the law, the first alternative is to be avoided, if possible. Under it, some would be paid in full, others not at all—a result obviously inequitable and unjust.

If the assets are large, or the business affairs complicated, then the federal bankruptcy court is the place for them. If it is a corporation, adequate provision is already made for its liquidation. But when the insolvent is a small merchant, the man with the corner grocery, the small restaurant, the farmer,

his assets are usually small—so small that they likely would not be enough to much more than satisfy the costs of a bankruptcy proceeding.

In the case of the insolvency of the small debtor, the problem is usually only one of proportional distribution. Seldom is there any real dispute between debtor and creditors, or between creditors, as in tangled corporate structures. In the typical situation, some of the creditors get together, press a suggestion to the debtor that he make an assignment, and the debtor accedes. The only remaining step is the actual conversion of the assets into cash and distribution of the proceeds.

Every lawyer knows there is an article in the code of civil procedure relating to assignments for the benefit of creditors. Few have used it, and most of them regretted it before they finally wound up the estate.

It was originally enacted in 1867 and has continued almost entirely unchanged since that time. Even if it was satisfactory at the time of its creation, it has been outmoded by changing conditions and business practices.

The statute (G. S. 60-1301 *et seq.*) is long and cumbersome. It undertakes meticulously to detail the various steps of the proceeding, one by one. To attempt to comply with its minutiae is burdensome; too often there is more law than assets. And, with annoying frequency, it leads carefully up to a particular point, jumps across a complete step, and proceeds blithely on, with consequent confusion and uncertainty. As well they might, examiners look with suspicion upon the title to real estate conveyed in such a proceeding, with a resulting difficulty of sale.

The right to assign for benefit of creditors exists at common law, as a corollary to the legal axiom that the power to dispose of property as one may see fit, when unrestricted by statute, is a necessary incident of ownership.

The right not being dependent upon statute, the resulting situation is that "assignment-minded" debtors may comply with the statute, or they may not, as they choose. And most of them, because of its unsatisfactory features, choose not to do so, but execute a common-law assignment instead, frequently to a credit association operating out of some of the large cities of neighboring states.

There is nothing intrinsically wrong about common-law assignments. They can, and many times are, made and carried through to final distribution with complete success, every creditor getting his just due. However, the lack of any competent supervision provides a fertile field for fraud. The assignee, usually without a bond, may loot the estate; "dummy" creditors may be used to filch a part of the estate for a conniving assignor and assignee; or the assignee may honestly err in the allowance of claims or use faulty judgment in the disposition of property. Aside from the difficulty of detection of deliberate thievery, a complaining creditor, upon discovery of irregularities, has no satisfactory remedy. An accounting action might be instituted, but such an action, even if service can be had upon the assignee, does not admit of the summary investigation and decision that is desirable in such a situation. Nor is there much in that action that the court can do about errors of judgment after they are made. The only practical remedy is likely to be forcing the estate into federal bankruptcy, with its consequent disadvantages.

Study of the subject reveals that in the last few years a number of states, notably Arizona, Virginia, West Virginia, and Wisconsin, have undertaken reno-

vation of similar antiquated statutes. The tendency in these revisions is toward a procedure which is as simple and elastic as possible, providing for the minimum in procedural formalities. Of these the Arizona revision of 1933 is perhaps the most progressive.

The overwhelming weight of the evidence indicates that our present statute is entirely unworkable and that an attempt to patch it up would be futile. If a change is decided upon, the most expeditious approach would be an entirely new statute.

If it be determined that the future administration of such matters should take the form of a statute providing for assignments for benefit of creditors, then, in order to meet the ever different situations that arise in this type of proceeding, experience suggests that the new statute should require court supervision in all cases, with the broadest of powers in administration of the estate. It could perhaps be accomplished by a statute saying that in about so many words. However, it would still be necessary to set up at least skeleton requirements for the form and content of the assignment and procedure for filing of the instrument, the assignee giving bond, appointments to fill vacancies, notices, trial and allowance of claims, final distribution, and a host of other details of administration.

But when all those mechanics are created, in spite of all possible simplification, one finds oneself at the precise point from which he started, with the same fundamental defect that inheres in every assignment statute that was ever enacted—a procedure that is independent of all existing statutory and common law. When one contemplates that it has taken hundreds of years of decisions by the courts and innumerable enactments by legislatures to create a procedure under which one may proceed with reasonable certainty in other cases, it is obviously foolish to hope that by a few sections of statute an entirely new and independent workable procedure for these debtor cases can be created, without the wealth of existing statutory and common law to implement it.

Bearing in mind these considerations, the proposal rather suggests itself that these debt-adjustment cases be brought within the law relating to receiverships.

It could be done very simply and effectively. About all that is necessary is the grant of power. G. S. 60-1201 sets out a number of situations in which receivers may be appointed. To that could simply be added a section stating, in substance, that in a proceeding initiated by any debtor who is insolvent, or unable to meet his obligations, and desirous of making a composition with his creditors, a receiver may be appointed to take charge of all nonexempt property of the debtor and distribute it to his creditors.

To take care of the situation where the impetus for requesting the receivership is furnished by a creditor suing, for example, on an account, it should probably provide that such relief may be granted, at the request of the debtor, either in an original action having that as its purpose, or as an ancillary remedy in any other proper case.

Such a method would furnish the answer to the difficult problem of providing procedure—no one has ever complained that there is not enough law on receiverships. They have existed for so long that the law relating to them is well settled and even reasonably uniform among the states. As some evidence of the well-rounded efficiency of the common law pertaining to receiverships,

the statute on receiverships contains only eight short sections, but enough. Indeed, enough to liquidate the Santa Fe railroad, or any other Kansas corporation—although that is no suggestion that any of them ought to be.

Arizona's experience in this connection is interesting. In its 1933 revision it provided that the relationship between court and assignee should be the same as that between court and receiver. Correspondence with Arizona lawyers reveals that the provision is eminently satisfactory, as far as it goes, but that there is not enough general law available to serve as a guide in the variegated problems that arise, the same source indicating that Arizona is considering an amendment to the effect that the provisions of the probate law, insofar as applicable, should govern assignments for benefit of creditors—thus demonstrating the absolute necessity of there being a reservoir of general law to fall back upon.

If substantially this enlargement of the receivership statute were had, probably little more basic machinery would be necessary for an efficient, economical, and expeditious administration of the affairs of the type of debtor in contemplation.

Thus, if it is determined that revision of this procedure should be made, there is a choice of at least two alternatives: the creation of a substitute independent statute or the enlargement of the receivership statute so as to bring such debtors within it. As undoubtedly appears from the discussion, the individual inclination of the writer is toward the receivership.

But regardless of the type of statute that is decided upon, in order to eliminate the ills which have been known to follow common-law assignments for benefit of creditors—and the experience of other states indicates that continued attempts to proceed under them will be made—it might be advisable to follow the lead of Arizona and declare all such assignments for benefit of creditors to be against the public policy of the state. A further provision should be added to the effect that in case of an attempt to carry on a proceeding of such a nature the court should assume jurisdiction, upon application of any person interested, and administer the estate as provided in other cases. That would furnish an adequate remedy in any case where it was necessary for the court to intervene.

No provision is available in this state under which a release or final discharge from further liability can be had for the debtor, perhaps one of the reasons why statutory assignments for benefit of creditors have not been favored, as such a discharge can be had in bankruptcy, and common-law assignments generally contain a contractual release. In the light of recent expressions of a public policy that debtors should be permitted to start afresh, a procedure for obtaining such a release should be made available, if possible.

A statute of a state cannot, of course, grant a final discharge of a debtor as a matter of law, because of the federal constitutional provision vesting exclusive power in congress "to establish . . . uniform laws on the subject of bankruptcies throughout the United States." It has been held many times that congressional action in that field operates to suspend the portions of state statutes relating to assignments for benefit of creditors that provide for absolute discharge of the debtor by law. (*Pobreslo v. Boyd*, 287 U. S. 518, 77 L. Ed. 469; *Johnson v. Star*, 287 U. S. 525, 77 L. Ed. 473; *In re Tarnowski*, 191 Wis. 279, 210 N. W. 836, 49 A. L. R. 686, Ann. 691.)

But a distinction is made between the discharge granted by law and one based on contract. Most courts hold that when a creditor, for some consideration, such as accelerated payments of his claim (*Melroy v. Kemmerer*, 67 Atl. 699, 11 L. R. A., n. s., 1018, Ann. 1024), agrees that he will take his proportional share of the debtor's property in full of his claim and release him from further liability, such agreement is valid and operates as a total discharge of the debtor as to all the creditors who join in the agreement. (*Bank v. Funke*, 215 Wis. 541, 255 N. W. 147, 93 A. L. R. 365; 11 Am. Jur., Comp. with Cred., sec. 4; 47 The Yale Law Journal 944.) Provision for a discharge by contract may be found in the assignment-for-benefit-of-creditor statutes of some states (including Arizona, South Carolina, Virginia, Pennsylvania), as well as in the instruments usually denominated as compositions with creditors.

The supreme court of Kansas has had occasion to consider the matter of discharge by contract in several cases, approving in some (*Peoples Exchange Bank v. Miller*, 139 Kan. 3; *Garrison v. Marshall*, 117 Kan. 722; *Schmitt v. Schepp*, 144 Kan. 809) and disapproving in at least one (*McCord-Norton-Shoe Co. v. Brown*, 131 Kan. 19).

If a valid extrajudicial composition with creditors may be entered into, no good reason appears why the same cannot be done under statutory guidance.

If it be possible to provide for such a contractual release, without infringing upon the federal bankruptcy jurisdiction, whether it be by a statute for assignments for benefit of creditors or an enlargement of the receivership law, it seems the statute should be so written that the action of the debtor in assigning or requesting the appointment of a receiver would amount to an offer to enter into a composition with his creditors, the statute further requiring that the claim of a creditor contain a statement accepting the offer and agreeing that the debtor be discharged from further liability upon that claim. There would then be, on the one hand, the offer of the debtor to enter into the composition and, on the other, the acceptance by the creditor, thus completing the contract that is the basis of a composition with creditors.

If the creditor did not care to participate, he would still have the same remedies available to him that existed prior to the proceeding. The composition would probably be regarded as an act of bankruptcy and a preference, upon which the federal bankruptcy statute would operate in the usual way.

In winding up the affairs of any enterprise there are certain classes of claims which it is generally conceded should be given a preferential status and allowed as prior claims. It is generally regarded that the priorities provided by the federal bankruptcy laws are satisfactory, the most important being labor claims, taxes, and costs of the action. For obvious reasons, uniformity is desirable. To that end, it could be provided that there should be the same priorities as granted by the federal bankruptcy laws.

WAGE EARNER'S RECEIVERSHIPS

In brief, the operation of the wage earner's receivership is that one who is earning wages but unable to pay his debts may, upon his own request, be declared in personal receivership, upon which his employer pays his wages into court, the court allows the petitioner enough to support his family, and the remainder is proportionately distributed to his creditors. Administration costs are kept low by making the clerk the receiver.

The financial predicament of a wage-earner debtor arises, of course, from different causes than that of a man in business. Many persons are merely slipshod in their affairs and cannot keep within their income, no matter how ample it may be. Others sincerely try to avoid running too heavily into debt, but cannot withstand high-pressure salesmanship and the easy extension of credit, often assuming obligations on installment purchases alone which would consume their entire income if it were used to meet such commitments. Still others are within the marginal income groups, falling into debt whenever an emergency confronts them. There is also a class of persons, relatively small perhaps, who will buy radios, furniture, clothing, automobiles, and other articles with no intention of paying for them until forced to do so. Finally, misfortune may at any time meet the wage earner in the form of unemployment.

A garnishment proceeding is practically the only effective means for securing satisfaction of debts from wage earners who are without assets other than their ability to earn. But, even though the best remedy available, it is unsatisfactory to all concerned, debtor, creditor, and employer. The debtor finds his wages diminished by the costs of the frequent writs, and is likely to be discharged by an irritated employer if they are served with any regularity; the creditor, in the race to be the first to levy, is forced to expend too much time and effort in proportion to the return; and the employer is put to additional expense in keeping his books and filing answers, as well as being subject to the accusation that he has "deadheads" in his employ.

Out of this welter of confusion has developed the personal receivership laws, adopted in at least four states, Michigan, Ohio, Virginia, and Wisconsin, which are designed to help the debtor who is embarrassed through mismanagement, emergency, or causes other than a deliberate attempt to avoid payment. As a desire to pay is of the essence of a successful personal receivership, it offers nothing to the last-mentioned type of debtor or his unfortunate creditors.

At the instance of the Judicial Council of Michigan, Frederick Woodbridge, of the University of Michigan Law School, has made an exhaustive and painstaking survey of the statutes and their operation in the states mentioned above, which is published in the Ninth Annual Report of the Judicial Council of that state, and acknowledgment is here made of the free use of his material in this discussion. The same survey also appears in condensed form in the April number of the *Journal of the American Judicature Society*.

Every lawyer, in all likelihood, has had some experience with the principle of wage earner's receivership, a hard-pressed debtor arranging with his co-operative creditors to turn over his wages to an intermediary, who pays a percentage to the creditors. The statutory method is no different; it merely sets up definite machinery for it, with adequate supervision.

However, in order to make the theory of proportional payment fully effective, the statute should provide for suspension of garnishment as long as the receivership is in effect. The possessory remedies, such as replevin, should be left intact, so that a secured creditor may recover his security—the furniture or whatever it is on which the "easy" payments are being made—or he may participate as a common creditor, as he chooses.

It seems hardly necessary to suggest that receiverships of this type should be encouraged. The considerations heretofore discussed in connection with debtor-creditor settlements apply here, of course, with equal force. In addition, the

creditor's prospects of recovery are more precarious than in the case of the other type of debtor, in view of the unsatisfactory nature of garnishment and the ease with which the debtor can wipe the slate clean in bankruptcy.

But the situation of the debtor is also correspondingly worse. He cannot, as can the other type of debtor, merely walk off and let his creditors do with his property as they will. His is an asset—his future earning capacity—which must be protected if it is to be of any value. It can be very easily destroyed, with consequent loss to debtor, creditor, and society in general. True, he can resort to bankruptcy, but most Americans still look upon bankruptcy of that type as slightly dishonest and will go to considerable lengths to avoid it. Again, its cost is high. For him, the personal receivership operates as a "closed season" from the over-insistent creditors, while at the same time the maximum that can justifiably be deducted from his earnings is being paid his creditors.

Professor Woodbridge's survey indicates that substantially those results are being obtained in the states that are using the personal receivership, his statistical tables showing a very respectable sum being paid to creditors under them.

Study of those tables shows a number of personal receiverships that were abandoned before all the listed debts were paid, a percentage which, at first glance, might appear disturbing, but closer examination reveals causes for the abandonments which do not detract from the value of the institution, but which do suggest certain lessons to be learned from them.

A large share of the abandonments is found to be in those states where the wage earner pays a proportion of his wages into court, rather than the employer paying in the whole amount. It seems that the wage earner falls prey to the temptation to just skip this month, and the next, and the next.

Another cause of abandonments is the scaling down of the debts to the point where the wage earner is able to make private arrangements with his creditors for the balance and get out of court, a result obviously to be encouraged.

Still another cause arises in those states where the court has no discretion in the amount to be allocated for creditors. There, many of the marginal income group, finding the payment of the amount fixed by the statute a burden too heavy to bear, seek relief in bankruptcy. Others simply "skip."

Some of these undesirable results can perhaps be avoided if the court has broad powers and wide discretion, particularly in the determination of the amount to be applied upon the debts. Perhaps there should be even the power to completely suspend any payments at all in a time of emergency. Any lawyer can probably think of cases in his own practice where even one month's income, free of inroads by past debts, would be the difference in being able to keep afloat.

Some of the district judges of the state have expressed the opinion that, in domestic relations matters, the power to establish a personal receivership might be the means of solving some of the troublesome problems arising in those cases.

Frequently the underlying cause of a marriage ending in the divorce court is the inability of the couple properly to manage their financial affairs. If they could be put upon a sound financial basis, by the aid of a personal receivership, the marriage might perhaps be saved. Then, too, where the parties

are in debt, with little property or other assets, the personal receivership could be made use of to assist the court in untangling their affairs to the point that a property settlement could be ordered. And it could be made available as a means of enforcing support money and other like orders, although the advisability of extending it into that field might be debatable.

It is believed that legislation along the lines suggested would be of considerable value to the public. It would provide cheap and convenient means for handling the class of business discussed, in the local communities where the business arises.

It is hoped that the bench and bar of the state will give consideration to this discussion and freely express their opinions on the question raised, to the general end that, if action is desirable, a satisfactory statute may be prepared and presented to the legislature for its consideration.

THE ROAD AHEAD

By W. E. STANLEY

Today we are living in a world where apparently might is supplanting right. We view a scene where disorder and injustice prevail. We see the spectacle of England, the home of our common law, surrendering, in the interests of her own security, those safeguards of free men which were written into the Magna Charta and the Bill of Rights. With such a world before us, the problem of safeguarding our own rights and liberties becomes of paramount importance and, since in this defense the administration of justice is the keystone of the arch which supports them, we must reexamine our methods and practices, our laws and conceptions, to the end that this keystone will be able to bear any strain that may be placed upon it, regardless of how troubled the times.

No better statement of the situation has been made than that of Chief Justice Hughes before the last meeting of the American Law Institute in Washington. He there said:

"If democratic institutions are to survive, it will not be simply by maintaining majority rule and by swift adaptations to the needs of the moment, but by the dominance of a sense of justice which will not long survive if judicial processes do not conserve it."

If, therefore, democratic institutions for their survival depend upon judicial processes, the administration of justice and the laws, which integrate and make possible orderly human relations, must be reexamined and reappraised with a view of making justice a paramount living and dynamic force in the American conception of human relations.

The fact that we have courts, commissions, boards, rules of procedure and laws, which direct our relation with others, and that they have functioned reasonably well in the past, does not make them sacrosanct and changeless. Neither does the fact that complaints are being made by the public and in the press against them indicate that some new order should be put into operation at once. But certainly when we have all seen in the cataclysm in Europe, equip-

ment and methods thought to be sufficient and ample, rendered obsolete and helpless in the face of the newest mechanized developments, we can no longer say, "Let well enough alone." We can be content with nothing less than that which the finest minds can resolve upon as the best, so that in preserving the rights of American citizens the administration of justice can be streamlined, strengthened and made most secure and effective.

It is not debatable that during the past generation developments in those related fields upon which the effective administration of justice depends have not kept pace with developments in the economic and industrial field. There has not been incorporated into the working mechanism of the judicial machine changes which those most familiar with its operation recognize as needful and beneficial. Our methods of effecting improvements should not be so inflexible or be so lacking in adaptability that there cannot be incorporated into our judicial system quickly and speedily those reforms which having been tried elsewhere have been found to be sound and effective and which where tried have done much to eliminate complaint and speed up justice.

The improvement of the administration of justice is not an unexplored subject. Many needful improvements have been proposed and, when tried, found to be beneficial, but apparently in most jurisdictions they cannot gain enough momentum and public support to be enacted into law and become operative. This freezing in the process of change must be eliminated if real progress is to be made. The public at large is unfamiliar with a system with which they come in contact only in times of economic or social dispute. The public feels that the lawyers and judges are charged with the responsibility for the proper administration of justice and are the ones responsible for not keeping it geared up to meet the requirements of modern life. This is a logical conclusion, but unfair. They fail to see that the lawyer and the courts must take the tools and equipment placed in their hands by the legislative branch of the government and within the scope of their powers make the most effective use possible of what they have. Our judicial system is set up on the basis of our constitution and statutes passed by the legislature, and the legislature of the state is vested at present with the responsibility and power to modify old laws or to pass new ones to render the old ones more effective. If the legislature does not provide a new and up-to-date machine, the courts and lawyers cannot be condemned if there is sometimes an obstruction to judicial traffic.

These being the facts, the next question which logically arises is why does not the legislative branch meet the demand and enact into law the necessary measures to accomplish the ends desired.

Again it is unfair to condemn the legislative branch of government for its failure to act in the premises. We must take conditions as we find them. We must remember that the legislature meets only once every two years, that there is a very considerable turnover in its personnel, that it is in session for a limited period of time and that it is called upon to consider and act upon a flood of suggested and proposed laws, to all of which it is impossible to give intelligent consideration in the limited period of time at its disposal. It necessarily follows that the legislation which it is compelled to and does consider is that which has a present appeal and which has an effective backing from the greatest number of the electorate and which political considerations require to be disposed of. This naturally eliminates from consideration changes

in the judicial system, since public demand does not focus on those things with which it is unfamiliar or to which its interest has not been attracted by propaganda. We must further remember that problems arising in the administration of justice are technical ones. They certainly are problems with which many of the members of the legislature are unfamiliar. Each individual in the legislature realizes that he has not the time to give to such subjects the study and examination which they deserve, and when of necessity the only advocates of these changes are the lawyers and judges, a question necessarily arises of how far he should substitute their judgment for his own. He is apt to be suspicious of some selfish objective on the part of the bar in advancing them when more time to study them would eliminate this fear.

With this background in the legislature, it is easy to understand why the "Let well enough alone" idea in the administration of justice is apt to become something of a fixed policy. The public at large does not like change, unless they can be assured that it contributes materially to their well-being. Business and industry prefer to chart a course, lay their plans and gear their machinery for operations on that basis with which they are familiar, even though it is only fair, rather than to meet every two years in an effort to get something better. That is the reason why tinkering with the laws is an anathema to the public. It is also a fundamental reason why the legislature shies away from all starry-eyed dreamers, who drag in new proposals designed to bring about the millenium.

Sound legislation is essential for an orderly government. The policy of making haste slowly is probably wiser in the long run than diving off the deep end. But if the facts, which have been here set out, are correct, there is no reason why some solution of this static condition which apparently applies to changes in laws relating to the administration of justice cannot be found. If such solution can be found it will give more flexibility to our judicial machinery. It would permit change where such change is essential and necessary and guarantees at the same time that it will better conditions, implement justice and work for real progress.

I believe that the solution to this static condition, if it is to be found, must depend upon a mutual relationship of trust and confidence between the legislature, the courts and the organized bar. I say this, because, after all, the courts and the organized bar should be the technical advisers to the legislature in those matters which relate to the administration of justice. They are the technicians in charge of judicial machinery. They have been charged with that responsibility by the legislature. They are the ones, who, through experience, are best qualified to detect the weaknesses and flaws in the machinery that is set up. They are the ones best equipped to recommend what changes should be made to correct those weaknesses. Some of these defects can be detected quickly; others require years of test and experience, but once they have evidenced themselves, there should be no hesitancy in ascertaining what corrections should be made and putting them into effect at once. In the manufacture of our automobiles and airplanes, the manufacturer does not release a product to the public until it has been completely tried out on the proving ground or in the hands of a test pilot. The confidence in the manufacturer in those charged with that responsibility, and the prompt acceptance of the recommended

changes in the machinery is the thing that has brought about well-nigh perfection.

Perhaps a word here with respect to the relation of the organized bar to the public is in order. The professional activities of the average lawyer always have and probably always will require him to work in two distinct professional spheres. In the first, we find his activities in relation to his client, in performing his duties as adviser and advocate. This is a relation purely personal and one of trust and confidence. It requires that he make the best and most effective use possible of the machinery at hand to obtain justice for his client. In the second sphere of the lawyer's professional life, we must view him in his relations to the public, and in his activities and duties with respect to the community in which he lives. We find him moving in those fields where the needs and requirements of the communities, state and nation, draw upon his professional experience and capacity for direction and guidance. He, in fact, becomes the technical adviser to the state and to the public in those fields with which he is familiar. Here the lawyer has a responsibility and should recommend those changes which his practical experience has indicated are most needful and beneficial in the public interest.

In meeting this responsibility, we have the organized bar, the Bar Association of the state of Kansas. It has in the past assumed this responsibility, and much of the improvement in our laws relating to our judicial system, and in our code of procedure, can be credited to this organized bar. It could accomplish far more if complete confidence were placed in its recommendations. The technical ability of the bar of Kansas, I believe, is unquestioned, and this is largely due to the fact that the legislature had the confidence in the supreme court to permit it to prescribe the rules and regulations for admission to the bar, and with what results. Today, the requirements for admission to practice law in the state of Kansas are the highest of any state in the Union, being four years of college education and three additional years in law-school study. This is in itself an evidence of the manner in which the bar has met its responsibility to the public. The complexity of modern, industrial, economic and social problems requires the most comprehensive legal training available. That training has been required in Kansas and it might be pointed out that this advance, which is noteworthy, has been in a field which the legislature has entrusted in its entirety to the courts and the organized bar, without the necessity of checking back every two years to the legislature for approval.

The work of the Bar Association of the state of Kansas is little devoted to matters concerning the individual selfish interests of the members of the profession. It is largely, in fact, almost entirely, given over to matters of public concern. A list of some of its committees speak for themselves, and they follow: Conformity of State and Federal Practice; Amendment of Laws and Uniform State Legislation; Legal Education and Admission to the Bar; American Citizenship; Illegal Practice of the Law; Integration of the Bar; Selection of Judges; Public Relations; Criminal Law and Law Enforcement; Corporation Code; Probate Code; Taxation; Annotations and Restatement; Professional Ethics; Administrative Law and Judicial Administration. This recital is only some indication of the fact that the activities of the Bar Association are directed along lines for the benefit of the people of the state of

Kansas. These committees are composed of men skilled in the lines toward which their committee work is directed. They are in contact with the problems which are arising with respect to those subjects. They are able to determine and judge whether beneficial changes might be made. In addition they are able, because of continued tenure over a period of years, to make a complete informing and exhaustive study. Their recommendations are the result of the application of study and experience. They are not to be lightly disregarded.

Of course, it is said by some that the recommendations of the bar are to be viewed with some suspicion, since they must of necessity be tainted with some selfish interest on the part of the lawyers. Such an accusation overlooks the fundamental fact that the lawyers of Kansas are defending all classes of citizens, corporations and individuals, that they represent the state, counties and municipalities; that for every lawyer who brings an action on behalf of a plaintiff, there is another lawyer representing the defendant. That a lawyer who today may be defending a corporation may tomorrow be seeking redress on behalf of his client against another corporation, and the one thing which the lawyer desires and is attempting to attain is a machinery and a procedure which will secure for his client speedy justice. The end which they are seeking to attain is to secure and implement justice, but until the idea is dispelled that there is something lurking in the recommendations of the bar that is tinged by some selfish interest, the effectiveness of its activities on behalf of the public is bound to be seriously curtailed. I can say advisedly after twenty years' experience in work in the Bar Association of the state of Kansas that I have never seen a lawyer called upon to give time from his practice to the study of public questions and public matters who is not willing to do so, and do so in the interest of the public.

It is a serious handicap and disappointment when recommendations that have received study over months, perhaps in some cases over a period of several years, are passed on to the legislature for such action as they care to take, and because of the press of business they receive no consideration whatever. The tendency of those who have devoted time and energy to those recommendations is to say, What is the use? Why give all this time and attention? It will get nowhere in the legislature, anyhow. The result is that those charged with the technical advance of the judicial processes become discouraged; progress ceases and changes which would be beneficial to the public interests, which would speed up the courts and make justice more secure to each individual, lie moldering in the pigeonholes of some legislative committee. What I have said is in no sense a condemnation of the legislature. It is merely a recitation of a condition that has grown up and it can be changed by establishment of a relationship of mutual trust and confidence between the legislature and the Bar Association of the state of Kansas. This change is now taking place.

What happened in 1939 session of the legislature was one of the finest instances of trust and confidence in the activities of Judicial Council and the State Bar Association that has taken place in many years. After a good many years' work, there was placed before the legislature a new probate code and a new corporation code. Our laws in respect to those two subjects were ob-

solete, outmoded and there were many loopholes existing that were productive of grave injustices. Both these subjects were extremely technical. It goes without saying that with the other business of legislation the legislature could not examine decisions, go over the proposed laws technically, section by section, debate each section and substitute their independent studied consideration for that of the committee that had been working on both of these codes for years. What happened? The legislature evidenced a confidence that the bar of this state would not intentionally submit to them a code and ask the enactment into law of anything except what was deemed to be for the best interests of the state. Both of these codes were passed and now are the law of the state.

It was recognized, of course, at the time that a code could not possibly be devised that would not have some defects or flaws in it; once it was actually put into operation and made to work, but discussion, whether over weeks or months, could never pick out the flaws that could be determined only through actual operation as existing law. But what did the Bar Association do when these laws which they had recommended were placed upon the statute books? Did they sit idly by and say, "Now the job is done"? Not at all; for a year and a half these two codes have been under close scrutiny and supervision by the committees of the State Bar Association. Institutes have been held in which over 1,300 lawyers have participated. The provisions of these two codes have been the subject of intensive discussion. Where defects have been detected attention has been called to them. The remedies for those defects have been studied. At the 1941 session of the legislature the committees of the State Bar Association that have been studying the operation of these two codes will come before the legislature with proposed amendments designed to correct ascertained defects and it is hoped that the coming legislature will have the same confidence in the judgment, honesty and integrity of the bar as did the legislature of 1939. We personally feel that this is one of the finest examples of coöperation that has taken place in Kansas in many years and may be a step forward in the line of progressive achievement.

Because coöperation and understanding is necessary to accomplishment, something of the program undertaken and in operation by the State Bar Association may be of interest. We have already suggested the proposed amendments to the probate code and corporation code which will be recommended to the legislature. These amendments are not numerous, but they have been carefully prepared from the experience of the year or more of operation. If in the future changes are found to be necessary and helpful, since the State Bar Association has assumed responsibility for their successful application and operation in our affairs, it will not hesitate to recommend improvement.

Another part of the bar program is the recommendation to the state legislature of several laws which are known as uniform state laws. There is not space to detail them here, but some suggestion can be made as to why these laws are deemed important of passage at this time.

We all should know that one of the greatest arguments that has been made for federal legislation, affecting all the states, for federal interference

with the states and a federal usurpation of legislative control over subjects that hitherto had been left in the domain of the several states, has been the cry for uniformity. In a large nation, such as our own, the complexity of business affairs, with ramifications running into almost all of the forty-eight states, has made it extremely difficult to combat this. The public is demanding uniformity in the laws which affect its interrelated business affairs and if it is not satisfied by the several states, it will demand satisfaction by federal action still further encroaching on state authority. There is only one way to forestall further encroachment and that is by the forty-eight states meeting this demand for the passage of legislation of uniform character in those fields of business and economic life which require it.

For years there has been in existence a body known as the Conference of Commissioners on Uniform State Laws that has performed a most valuable service to the United States and the several states. It is composed of four lawyers from each state appointed by the governor, who meet together for the purpose of drafting laws, uniform in character, to be recommended to the legislatures of the several states. In many of the states these commissioners have been considered such valuable adjuncts to the work of the legislative body that reports are required to be made to the legislative body and their expenses and some remuneration is paid by the state. In Kansas no such provision has been made, but at their own expense and on their own time, the commissioners from Kansas have regularly attended these conferences and participated in their activities.

In a period of over forty-nine years since its original organization the conference has adopted and published seventy-nine uniform acts. Of these Kansas had adopted only a total of eleven, thus being one of the most backward states in the Union with respect to a consideration and adoption of such acts. Only six states have adopted a lesser number.

On the other hand, we find New York having adopted 24; Pennsylvania 29; South Dakota 35; Utah 35; Texas 25; Wisconsin 34; Illinois 19; Indiana 22; Maryland 29; and it is deemed advisable by the State Bar Association that several of these acts become the law in Kansas at the next session of the legislature.

In the field of taxation, a rather careful study has been given by the taxation committee to the tax problem. Various systems have been studied, both in states that have attempted to remedy their tax laws and in foreign countries where different plans are in operation. In addition, the members of this committee have had a very considerable experience in dealing with the particular problems that arise under our own state laws. It is a recognized fact that our own tax laws are a hodgepodge of unrelated enactments, many of them have been passed merely on the ground of expediency and the necessity of raising additional funds. They are not in any sense a homogeneous system. It is understood that the legislature will undertake a reëxamination of our tax laws and endeavor to enact a new tax code. With respect to this work, the magnitude of which must be recognized, the taxation committee of the State Bar Association has already tendered its services to the legislative council. It can, and will be, if called upon, a valuable group in the assembly of material, investigation of facts and the ascertaining of solutions that must

be found in this approaching and difficult task. Needless to say, it continues its work without any preconceived notions or any arbitrary plan to suggest. Its only desire is to be helpful, and to make a real contribution, which will be beneficial to the public.

Another problem which has received much attention from the State Bar Association relates to the judicial system in its entirety and in particular with respect to the method of selection of judges. We in Kansas are working under a system which has largely continued in its original form from the time of the admission of Kansas to statehood. The increased population of the state, the development of its industries and other numerous social and economic factors have rendered portions of the old system archaic and obsolete. Yet they still hang on by reason of custom.

There is need for an amendment to the constitution of the state which will permit the organization of the courts of the state into one articulating judicial system under the supervision and direction of the supreme court. There is a need today for county courts as courts of record. The justice of the peace is largely a thing of the past. There is no reason why district judges in jurisdictions where the dockets are light and their full time is not required in the trial of cases in that locality should not be assigned temporarily by the supreme court to localities in the state where congested dockets exist and where the judge is being overburdened by a large volume of work. This would expedite justice without increasing cost. The district judge from western Kansas can be just as valuable in the disposition or trial of cases in Wichita, Topeka or Kansas City as he can in his own district. In 1934 a proposed amendment to article III of our constitution, relating to our judiciary, was introduced in the legislature. The preparation of this amendment was the result of long continued work and discussion on the part of the Judicial Council. The Bar Association gave it careful consideration. Its passage today by the legislature and adoption by the people of the state of Kansas would be a long step forward and yet action was not taken by the legislature at that time nor has any action been taken at any time since. It is the purpose of the Bar Association to ask that real consideration be given to it and that the people be permitted to consider its adoption.

In this connection, also, a proposal which has been approved by the Bar Association for the selection of judges is most important. We must recognize that the personnel, the character, the ability of the judges of the state of Kansas, is one of the most important elements in obtaining justice for all. Men who are called upon to exercise judicial power should be themselves unbiased, owing allegiance to no man or group. It is interesting to note that a careful study has indicated that many of those judges who have remained longest on the bench and who have added some of the most able and learned contributions to the body of our law have been those who have been appointed by the governor to fill vacancies caused by death or resignation and whose consequent careers on the bench have been a tribute to the care with which they have been selected.

Under our present primary system, any lawyer, regardless of his qualifications, may run for judge. He may be competing against a man upon the bench, who has performed admirably, who is a good judge, who should be permitted to devote himself to the business and affairs of the court. Under

our present system a judge must turn aside from his duties on the bench, engage in a contest for popularity and panhandle for votes. He may have served the public well, but someone else, for selfish reasons, may want his job. A system that requires such procedure is not designed to add to the dignity of the court, nor to make for its independence. When a lawyer goes upon the bench, he must give up his practice. If he remains there for any length of time that practice is gone forever and is being handled by some other member of the profession. Any lawyer who embarks upon a judicial career and who makes a satisfactory judge should not be forced to engage in a popularity contest, in order to obtain favor from the electorate against an opposing candidate, who, without being hampered by the requirements of judicial office, may use any means at hand to obtain his preferment.

It likewise goes without saying that it is difficult for the entire body of the electorate to ascertain the qualifications of candidates for judicial office when those qualifications are of such a technical nature and in large part are unknown to them.

I believe the fact that the state of Kansas has had a bench composed of the quality of judges which it has in spite of the system, is a compliment to the bar of the state in that they have given wholeheartedly of their time, regardless of political affiliations, to attempt to secure the ablest and most competent men to appear as candidates and to inform the public respecting qualifications. But, even in the question of candidates, again the fact that there is a primary contest, small salary attached to judicial office, and the fact that once leaving the profession for the bench, the specter of being defeated and again forced to take up the practice prevents many of the best lawyers, who would like to embark upon a judicial career, from being induced to run for office.

The movement for an up-to-date and effective method for the selection of judges is gaining ground in many states. Your own State Bar Association has recommended and approved a change, which has already been demonstrated in other states to be sound and effective. It provides at one and the same time for a better method of selection, namely, a nomination of those best fitted by the members of the bar, and appointment by the governor, approved by the legislature, the judge so appointed to take office and serve for a period of four or six years, as the case may be, depending upon the court in which he serves. At the end of that period, his name is given consideration upon the ballot at the regular election with the provision: "Do you desire to retain this judge in office?" If the electorate votes to retain him in office, he serves for another term, and so on. He stands wholly upon his record as a judge, and he is not, under those circumstances, required to engage in the solicitation of votes. The electorate can pass its opinion upon his record as a judge and cannot be confused by the popularity or the promises of some other candidate. This makes for an independent judiciary.

In some states the original nomination is varied by having a nonpartisan commission recommend to the governor the names of candidates after careful investigation of their qualifications. The plan suggested has been referred to as the Georgia plan. A slightly different plan is in effect in California. Our neighboring state of Missouri will vote on a constitutional amendment this fall which, with some changes, contains these general principles; but the fact

remains that the judiciary of the state of Kansas should be removed from politics, become in fact an independent judiciary, where the only obligation which they are under is to the citizens of the state for the administration of sound and effective justice.

The Bar Association, as a part of its program, is desirous of seeing this plan made effective in Kansas.

Another matter which is receiving serious consideration and study from the bar is the necessity of enactment into law of a new criminal code. In this respect, because of its lack of adaptability to change, some portions of the present code are outworn and outmoded. It needs a thorough overhauling. It needs to be modernized and it may be expected that the association will present to the legislature its recommendations in this respect sometime in the future.

Like the code of criminal procedure, the code of civil procedure needs some overhauling and change to meet the developments of modern conditions in the courts and to streamline justice and render it more effective. At the time the code of civil procedure of the state of Kansas was adopted by the legislature, upon the recommendation of the State Bar Association, it was considered as one of the most progressive and up-to-date codes of civil procedure in the United States. That was many years ago. There is now need of change. These changes would undoubtedly have been made long ago on the recommendation of the lawyers and courts had not the processes of legislative action made the adoption of such changes somewhat difficult. After years of effort on the part of the American Bar Association, the congress of the United States authorized the supreme court of the United States to promulgate rules of civil procedure in the federal courts in the passage of what are known as the new federal rules. The commission appointed by the supreme court to submit proposals, made one of the most exhaustive studies to those rules, and there was promulgated the new rules of civil procedure in the federal courts, which would operate to bring about the speediest and most effective justice. Today those rules have been in operation for a period of approximately one and one-half years. The members of the bar, who have had occasion to practice in the federal courts, have found their provisions so simple, so effective and so desirable that there is demand at the present time that these advanced measures be incorporated into our own civil code to the end that one uniform method of practice and procedure can exist in the state. A committee of the State Bar Association is at work upon recommendations along this line.

Of course, again this presents a technical question which requires familiarity with the practice of the laws to determine their efficiency and desirability. When changes along this line appear advisable there should be no reason why the judicial branch of the government should not put such changes into operation at once without the necessity of going to the legislature and asking for its approval. The judicial branch of the government should be able to remedy defects at once and to substitute changes promptly where necessary.

We believe that if the legislature would vest the supreme court of the state of Kansas with power to promulgate rules of practice and procedure in the state of Kansas that much of the criticism lodged against the courts and lawyers with respect to the administration of justice would speedily disappear.

A great many of the states have already proceeded along this line and the results have been extremely gratifying in the speed and facility with which long overdue changes have been incorporated into the judicial system.

A criticism that is frequently heard is that some of the legal profession engage in unethical practices. I can frankly say that in Kansas the character of most of the members of the bar is unquestioned, but undoubtedly as long as human nature remains the same, it will be necessary to take drastic action against some members of the bar, who have overstepped the bounds of professional ethics and who have infringed upon the rights of their clients and the public.

In order to investigate these matters speedily and promptly, a large committee of the Bar Association gives prompt attention to any complaints, which are made against any lawyer in the state, regardless of his character. Most of these are misunderstandings, which are promptly cleared up; but in some cases, disbarment proceedings have resulted from such investigation. However, the lawyers of the state are handicapped very materially by the existing laws. The bar should be vested with the authority to discipline lawyers for minor offenses. As it is, unless the infraction rises to sufficient proportions to warrant an action in the supreme court in disbarment proceedings, the lawyers and the courts of the state can administer no rebuke or discipline before real harm is done. It is the experience of the bar that the activity of the lawyers, which results in disbarment, originally starts from small beginnings, and if discipline in some minor degree could be administered at the outset, it might be that the careers of some lawyers would be changed from disaster to faithful performance of their obligations. An expansion of power in this respect is a part of state bar program and is certainly decidedly in the public interest.

Another factor which has become increasingly difficult to meet in the past few years is the increasing volume and complexity of laws, the increase in boards and administrative tribunals making rules and orders having the effect of law, different methods of procedure before different boards, different character of hearings. Problems, which require careful and skilled advice on the part of the lawyer for the benefit of the public, are thrown upon business and industry almost with every session of congress. No lawyer can meet these changes successfully and familiarize himself with them alone unless he has the assistance of a large law office, where specialization can take place, but in Kansas there are few such large offices. It therefore becomes a problem of mutual help and study on the part of the entire profession working together. To meet this the State Bar Association last year established a series of institutes for the study of the technical problems relating to the practice of law. Eighteen of these institutes were held in the state. It is not the place here to recite the various subjects that were under consideration, but their success was unquestioned. Over 1,300 lawyers attended them. They are now definitely a part of the state bar program. No longer will the lawyer's schooling end when he completes his course in the state university and in the laws schools. It will continue through his professional career and experts will be provided to aid and help him with complex problems.

It is hoped that these institutes may be increased and held with sufficient frequency through the state; that the professors of our law schools and those best informed in specialized subjects in the profession will be giving their help

and attention to the entire bar, to the end that they can, in meeting legal aspects of the social, economic and industrial problems of this day, be competent in fulfilling their obligations to the public.

It might be of further interest to detail the program of the bar with respect to public relations, to the establishment of legal clinics for those who cannot afford to pay for legal services; to the work of the radio committee; to the program relating to administrative law and the efforts of the bar to integrate the action of boards and commissions to the end that courts may be the final arbiters of the rights of the citizens, and that such rights may not be infringed upon the arbitrary action or by oppressive rules laid down by these administrative bodies, but space does not here permit a further continuation of the many additional items that are being given consideration and which are a part of the program of your State Bar Association.

It is hoped that those who have read what has preceded in this article will have a better understanding of the function of the Bar Association in the state of Kansas. It is hoped they will come to a realization that in the courts and in the lawyers there exists in Kansas an outstanding group of men, who are willing and able to serve any public interest in relation to the administration of justice, and that through a spirit of coöperation and understanding, needful and beneficial changes can be worked out that will make our machinery as up to date and effective as any in the world.

The Bar Association of Kansas is ready to meet this responsibility and will accomplish these ends if it is granted the power and the coöperation necessary to effect it.

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