

April 2, 1930.

Mr. F. B. H. Spellman
Attorney at Law
Alva, Oklahoma

Dear Governor Spellman:

My attention has been called to-day to a widespread report that is being circulated in the Bar here to the effect that almost every member of the bar has been charged with some disbarable offense, and that these charges are being seriously considered by the various Administrative Boards, and the consideration and filing of such charges are being encouraged by the Board of Governors.

I am quite positive that these rumors are emanating from certain underworld members of the profession who are attempting in that way to discredit the Act. The way they work this matter is to go to some reputable member of the profession and confidentially advise them that serious charges have been filed against them for unprofessional conduct, and that the Board of Governors are seriously and secretly considering these charges, and that disbarment proceedings will be filed against them in a very short time. Accompanying that information is a ~~recommendation against~~ *condemnation of* the Bar Association Act in that it encourages the filing of frivolous and unfounded charges, and that in the very near future the reputation and good standing of the members of the bar will be very greatly damaged, and urging that the member to whom this information is given immediately start a backfire against this Act.

I don't know how widespread this propaganda is but I can see how effective it might be made unless it is "scotched" at its inception.

I make no pretensions of being a literary genius but in my desire and enthusiasm to see that this Act has a fair chance to demonstrate its virtues I have this afternoon dictated an article which I am submitting to you to be used by you, if you desire, in whole or in part, in one of your early publications of the Oklahoma State Bar Journal providing, of course, that it meets with no opposition from any member of the Board.

I am sending, to-day, a copy of this proposed article to all of the members of the Board of Governors together with a copy of my letter to you, with the desire that if any of the members of the Board have any criticism to level at this effusion, or any suggestions to make, that they

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make them to you and that you and the Board of Censors exercise your judgment in printing this article or any part thereof.

Please be assured that my pride will not be injured if you throw it in the waste basket. Possibly the suggestions which I have made in this article can be boiled down and worked out by you or some member of the Board in a much more acceptable fashion, but I do believe that an article along this line should be published in an early issue of the Journal.

Yours truly,

Vern. E. Thompson

VET:z

cc - J. R. Keaton
Edgar A. de Beules
Morace G. McKeever
Alger Melton
J. H. Gordon
W. E. Otturback
H. J. Pottert
Grover C. Spilleps
Charles A. Dickson
C. Guy Outlip
Sam Basingale

ANALYSIS OF OPPOSITION TO THE STATE BAR ACT.

As far as the Board of Governors of the State Bar have been advised, there is widespread endorsement of the "Self-governing Bar Act," passed by the last Legislature, under which the Board is now functioning. Almost unanimous approval of the Act was expressed by lawyers from various sections of the state in attendance upon the last meeting of the old voluntary Bar Association, and the first meeting of the new and self-governing Bar Association held at Oklahoma City on the 10th and 11th of January of this year.

As is to be expected, there is, of course, opposition to the Act among certain members of the bar, and we believe that it is opportune at this time to analyze, as fairly as possible, this opposition.

In the first place it is a well recognized fact that the members of the legal profession are, by training, probably the most conservative of any vocation or profession, and it would not be surprising that certain members of the profession should honestly and conscientiously be against anything that savors of an experiment or change. Such members of the bar need no regulating themselves, and seem to consider the passage of such an act a reflection against themselves and their profession. Many of this type are among the best and most ethical members of the bar.

And then, of course, is that element of the bar, fortunately greatly in the minority, who have no conception of the responsibility, either moral or ethical, a lawyer owes to the bench and bar and the citizenship of the state whose persons and property rights are largely entrusted to the keeping of the legal profession. Some of them possibly are criminals themselves who have entered the profession to enhance their opportunities to successfully pursue their criminal instincts.

It is from this latter class that an insidious propaganda is being spawned and circulated for the purpose of undermining the efficient and effective working of the machinery set up under this Act to assist in benefiting the best interests of the profession and the people of the state at large.

A sample of this false propaganda is the report being circulated in certain sections of the State that complaints are being made generally against the members of the bar on trivial and manufactured grounds by disgruntled clients, and by those against whom attorneys have, in the course of their profession, prosecuted causes; and that the Board of Governors and the various Administrative Boards are encouraging such complaints, and are intending to and, in fact, are about to disbar hundreds of lawyers in the State, etc., etc.

This self-governing association has been functioning since last October, quietly but industriously and, we hope, effectively. While numbers of complaints have been lodged against members of the profession, and all have been carefully considered and examined, there have been but very few disbarments, and such as there are have not been advertised from the "house tops." There has been no sensationalism; innocent lawyers have been protected against wrongful attacks, and vindicated of false and malicious charges.

Since the passage of this law, members of the profession have been giving serious thought to the great responsibility cast upon them by this Act which, in effect, puts the lawyers of the state on their honor.

As to the charge that this Act is another attempt to interfere with individual or professional liberty, may we suggest that, quite to the contrary, it is the taking away from the profession of outside interference and the placing of the members of the profession on their own honor; in fact, the invoking of the Honor System. The lawyers of the state are by this Act charged with the responsibility of setting their own "house in order."

A self-governing bar act is not an untried experiment. State Bars have been organized under statutory authority in Alabama, California, Idaho, Oklahoma, Nevada, New Mexico and North Dakota; and, a movement is on foot now to consider a uniform State Bar Act which may be adopted in the various states of the Union.

The first conference of representatives of official State Bars will be held in Washington, U. S. on May 7th, which is the first day of the American Law Institute Annual Meeting. The meeting is under the auspices of the Conference of Bar Association Delegates and approved by the American Bar Association.

February 7, 1931

Mr. E. H. Beauchamp, Attorney
Grove, Oklahoma

My dear Mr. Beauchamp:

I acknowledge receipt of your letter of the 6th and note your conversation with E. B. Hunt, in which he told you he had discussed the Bar Act with me and that it was my sentiment that the Act should be amended to exclude all members of the bar from practice in this state who could not produce a license from some three year recognized law school, and that I had a bill already prepared to be introduced to that effect.

You are authorized to state publicly over my signature that that statement is an unmitigated fabrication from beginning to end.

The rules and regulations now in force governing the admission to the practice of law in this state were promulgated by the Committee Examiners of the State Bar of Oklahoma, and afterward adopted by the Board of Governors on October 26, 1929 and approved by the Supreme Court on November 18, 1929. I enclose a copy of these rules and regulations.

So far as I know, no member of the Board of Governors proposed any of the rules adopted by the Examining Board. In the appointment of this Board we attempted so far as possible to re-appoint the old members of the Examining Board who had previously been appointed. I believe, by the Supreme Court as they were conversant with the duties incumbent upon this Board.

The only provision of these rules which I recall ever having made any suggestion relative to is Section 2 of rule I, which requires that an applicant for admission to practice must have been a resident of the State of Oklahoma for at least six months. I was opposed to that provision of the rules, spoke in opposition to it at the annual meeting in 1929 and a resolution was adopted at that meeting changing the time of residence to sixty days, as I recall. Since that time the rule has been amended by the Board of Governors to comply with this resolution adopted at the general meeting of the lawyers in Oklahoma City in 1929, and I would not be surprised if that provision of the rules would be ultimately abrogated.

There is no likelihood that any rule will be adopted relating to educational qualifications which would in any way affect anyone now admitted to practice and practicing law in this state. In fact, I don't believe any rule could be adopted relating to educational qualifications which

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would have a retroactive effect so as to go behind the date of admission of a lawyer. After a lawyer is once admitted to practice in this state he can only be denied that right by a violation of some law or rule of ethics which would subject him to disbarment after a hearing was duly had upon the charges made.

I thank you very much, Mr. Beauchamp, for having advised me of this very gross and willful misrepresentation of the statement which Mr. Hunt would impute to me.

May I again reiterate that no such statement was ever made by me to Mr. Hunt or anyone else; that I have no such bill as he refers to prepared and no intention of preparing one, and it is not my sentiment that the Act be amended to exclude any members of the bar now admitted on account of their educational qualifications or lack of qualifications.

I trust this statement will be sufficiently clear that he who runs may read.

Very respectfully yours,

Vern. E. Thompson

VET:s
cc - to members of
Board of Governors.

March 10, 1931

Hon. Allen G. Nichols
Senate Chamber
Oklahoma City, Oklahoma

My dear sir:

I acknowledge receipt of your favor of the 9th inst., including copy of Senate Bill No. 230 by Rexroat, Dixon and Rizley relating to compiling, indexing and annotating the Statutes.

I have read carefully the above act and am in accord with all of its provisions. The matter was called to the attention of the Board of Governors at its last meeting but the Board felt somewhat reticent in attempting to interfere in any way with the legislative program unless members of the Legislature desired their advice and assistance.

Of course I cannot speak for the Board of Governors but only as an individual member of the Board, but I feel confident that the Board will be glad to assist in every way possible in seeing that this new compilation of the Statutes is prepared in a scientific manner and that its printing be contracted for at the lowest cost consistent with good workmanship.

I note that in both bills before the Senate it is contemplated that if these statutes are sold in lots of 500 or more that the price shall not exceed \$12.50 per set, but that the maximum limit on the cost to the individual lawyer would be \$20.00 per set. It strikes me that the bar association can bring about a very material saving to its members by contracting for the purchase of a sufficient number of sets so that individual members of the association may take advantage of the reduced price.

The secretary of course has a list of all the members of the bar and it would not be very expensive for him to write a letter to each member of the bar asking that their order for the new statutes be made through the bar association. I don't feel that the association would be running any risk as, of course, if a member should fail or refuse to reimburse the association for the cost of the books ordered they could be disciplined in some way for such failure so that the risk would be very small indeed; and if this could be worked out it would mean a saving of \$7.50 per set to each lawyer in the association desiring a set and would probably be about as profitable to the publisher as his overhead in conducting the sale of these books would be obviated. Of course it might not be wise to make this suggestion to the prospective publisher at this time but I am only suggesting it to show what might be done, and I believe should be done to save extra cost to the individual members of the association.

Thanking you for advising me of this pending bill, I am,

Very respectfully yours,

VET:z
cc - Board of Governors of State Bar.

Vern. E. Thompson

April 11, 1930.

Hon. J. R. Keaton
Attorney at Law
Oklahoma City, Oklahoma

Dear Judge:

I am just in receipt of what purports to be a printed abstract of the proceedings filed by Albert J. Patrick with the Clerk of the Supreme Court and by the Clerk referred to our Board of Governors, and what purports to be an extract from the action of our Board.

I presume you have already received a copy of this printed tirade. I have not had time to go over the matter very carefully but am of the opinion that the position taken by our Board in this matter is quite cleverly misrepresented.

I believe that in view of the wide publicity that is being given to this matter it would possibly be best that the actual record of the proceeding had before our Board when Patrick was before us, be published in an early issue of the Bar Journal.

This pamphlet was mailed to me in an envelope post-marked Tulsa, Oklahoma April 10th, and the name of Albert T. Patrick, Thompson Building, Tulsa, Oklahoma appearing in the left-hand corner of the envelope. I am keeping the envelope as well as the pamphlet.

This is simply my first impression and I am calling it to your attention and to the attention of the other members of the Board of Governors so that some consideration may be given the matter.

With kindest personal regards, I am,

Very truly yours,

Vern. E. Thompson,
Member of Board of Governors.

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cc Members of Board of Governors.