

THE STATE BAR OF OKLAHOMA

OFFICE OF THE BOARD
OF GOVERNORS

COMMERCE EXCHANGE BUILDING

OKLAHOMA CITY, OKLA.

Chickasha, Oklahoma.
December 23, 1930.

VERN E. THOMPSON
J. H. GORDON
W. E. UTTERBACK
H. C. POTTERF
GROVER C. SPILLERS
CHAS. A. DICKSON
C. GUY CUTLIP
SAM MASSINGALE

J. R. KEATON, PRES.
EDGAR A. DE MEULES, 1ST V. PRES.
HORACE G. MCKEEVER, 2ND V. PRES.
ALGER MELTON, 3RD V. PRES.
F. B. H. SPELLMAN, TREAS.
A. W. RIGSBY, SECRETARY

Mr. Edgar A. DeMeules,
Tulsa, Oklahoma.

Mr. H. G. McKeever,
Enid, Oklahoma.

Mr. F. B. H. Spellman,
Alva, Oklahoma.

Mr. Vern E. Thompson,
Miami, Oklahoma.

Mr. Allen Wright,
McAlester, Oklahoma.

Mr. D. A. Richardson,
Oklahoma City, Oklahoma.

Mr. W. E. Utterback,
Durant, Oklahoma.

Mr. H. C. Potterf,
Ardmore, Oklahoma.

Mr. Grover C. Spillers,
Tulsa, Oklahoma.

Mr. Chas. A. Dickson,
Okmulgee, Oklahoma.

Mr. C. Guy Cutlip,
Wewoka, Oklahoma.

Mr. Sam Massingale,
Cordell, Oklahoma.

Dear Sirs:

In the appointment of Administrative Committees, it may be well to consider some features of the administration of the State Bar Act, which have been brought to attention during the last year, and members of such Committees selected with a view to some activity outside of the disciplinary duties imposed upon these Committees by the Act and Rules.

The activities of younger members of the State Bar, in the administration of the law, will doubtless accomplish good results for if

activities are under the Act and Rules, and in harmony with the purposes of the law. The suggestion that the Board of Governors establish a so-called junior section of the State Bar, may involve some complications under the Act and Rules, and the Board of Governors may find that recognition of the younger members of the Bar, in the administration of the law, can be given by representation on authorized Committees, or it may be that the Board of Governors can establish a junior section, delegating certain activities to such section. This question is important and should receive the most careful consideration.

A voluntary County Bar Association in each County would, doubtless, furnish agencies for some activities in connection with the better administration of the State Bar Act. If a County Bar Association in each County could be induced to interest its members in educating the general public in the operation of the State Bar Act, insofar as it affects the interest of the public, much good might be accomplished. The Act, of course, intends the protection of the public against the ignorant or evil disposed member of the profession by improving the standards of learning and ethics, and by removing from the profession, those whose disposition prove themselves unworthy to exercise its privileges. If the business men and the people of each community, could understand that one of the purposes of the Act is to safe-guard their property rights in their contacts with members of the legal profession, they would, doubtless, lend aid and encouragement to the proper administration of the law. This might be accomplished through the agencies of County Bar Associations, by explaining the purposes of the Act, to Civic Clubs or other organizations in local communities. This method of educating the public as to the provisions of the law, might also give local newspaper publicity to the operation of the Act, and the purposes to be accomplished. Publicity is needed. The general public are not advised as to either the real purposes of the Act, or in what way, the administration of the Act may affect them. A section or Committee might be established to work out definite plans, looking toward the organization and activities of County Bar Associations, and younger members of the Bar might become interested in this part of the work.

While disciplinary proceedings have demanded the greater part of the time of the Board of Governors and Committees during the last year, and while there are many such matters pending which should be disposed of as soon as practicable, yet members of the Board should begin to consider seriously some constructive plans for the improvement of judicial procedure, and other constructive matters pertaining to the administration of justice. A constructive program will not be successful unless it is carefully and thoroughly considered, and methods of procedure carefully outlined, so that the entire machinery under the Act may be directed to the accomplishment of the undertaking.

I respectfully direct your attention to these suggestions, for your earnest and painstaking consideration, to the end that we may become a real factor for improvement.

Very sincerely yours,


 President, State Bar of Okla.

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

February 12, 1931.

Mr. Toby Morris, Secretary,
Cotton County Bar Association,
Walters, Oklahoma.

Dear Mr. Morris:

I have your letter of February 9, directing my attention to suggestions of Senator Boyer, with reference to the State Bar supporting itself, and his understanding of the two deficiency certificates, one for \$8000.00, for the fiscal year ending June 30, 1930, and the other for \$4750.00, for the fiscal year ending June 30, 1931. I am sure there is a misunderstanding with reference to these deficiency certificates.

In the general appropriation bill for the fiscal years ending June 30, 1930 and June 30, 1931, the legislature appropriated the sum of \$18,050.00, for each year, to be paid from the State Bar fund. This appropriation was by items. (Session Laws 1929, Page 278). It will be noticed that under the items of "communication", only \$150.00 was appropriated for each year, and printing, other than office supplies, \$250.00. Office supplies, \$150.00 each year. It was soon discovered that these items of appropriation were wholly insufficient, and therefore request was made to the Governor for a deficiency certificate, increasing items to meet actual needs. You understand, of course, that we had no office, or office supplies. We were compelled to purchase office equipment, and under the item of "communication", it was necessary to hold an election, organizing the State Bar, and many other details, which of course, the legislature did not contemplate, in fixing the appropriation items. The Governor, on application, issued a deficiency certificate, for the year ending June 30, 1930, in the total sum of \$8000.00. This, added to the amount appropriated by the legislature for that year, made the total appropriation for that year, \$26,050.00. The Board of Governors found this total appropriation of \$26,050.00, was more than was needed. I am advised that the deficiency certificate did not direct that it be paid from the State Bar fund, but that recital is contained in the request filed for the certificate. Out of this \$26,050.00 appropriation, including the \$8000.00 deficiency for the year ending June 30, 1930, there was expended \$20,931.00, leaving a balance on hand June 30, 1930, the sum of \$518.00. The total receipts for the year ending June 30, 1930, was \$34,351.00. The accounts of the State Bar charged the \$8000.00 deficiency against the State Bar fund received from lawyers, and this left a balance on June 30, 1930, in the State Bar fund, unexpended, after charging the \$8000.00 deficiency to that fund in the State Bar accounts, \$13,419.00. For the fiscal year ending June 30, 1930, therefore, the funds paid into the State Bar, by lawyers of the State, amounted to \$34,351.00, and the total expenses for that year, were \$20,931.00, leaving a balance in the State Bar fund, June 30, 1930, \$13,419.00.

2. Mr. Toby Morris.

The appropriation by the legislature, for the fiscal year ending June 30, 1931, is the same as for the year ending June 30, 1930, and the items of appropriation are the same. It was therefore necessary to obtain a deficiency certificate on the items as to which the legislative appropriation was wholly insufficient, and upon request, the Governor issued a deficiency certificate for the year ending June 30, 1930, of \$4751.00. Adding this amount to the legislative appropriation for this year, would make a total of \$22,800.00, and in addition, there is an emergency appropriation bill covering certain items, for the sum of \$2500.00, which, if passed, will make a total appropriation of \$25,300.00. The emergency certificate does not provide that it be paid from the State Bar fund, but the application so requested. The emergency deficiency appropriation bill of \$2500.00 directs that it be paid from State Bar funds, and the emergency certificate of \$4750.00 should be paid from the same fund. Estimated income of the State Bar for the year ending June 30, 1931, is \$20,528.00, being annual dues paid by lawyers, and admission fees paid to the board of examiners of the State Bar, in connection with applications and examination for admission. This estimated income, together with the balance on hand June 30, 1930, makes a total sum available for the year ending June 30, 1931, \$33,947.00. Against this would stand the legislative appropriation of \$18,050.00, the deficiency certificate of \$4750.00, and the emergency appropriation of \$2500.00, making a total of \$25,300.00. If this appropriation should be expended during the year, this would leave a balance in the State Bar fund of \$8647.00, on June 30, 1931, after this fund has paid the deficiency certificate of \$8000.00 for the year ending June 30, 1930, and \$4750.00 for the year ending June 30, 1931, and the emergency appropriation of \$2500.00. It is not expected, however, that this entire appropriation for the year ending June 30, 1931, will be required. In all probability, the total expenditures for the year ending June 30, 1931 will not exceed \$21,000.00 or \$22,000.00, but the deficiency certificate and the emergency appropriation were thought necessary, in order to meet emergency demands, in case they should arise.

You will readily understand from these figures, that the State Bar has been in the past, more than self supporting, and that if an emergency should arise, requiring expenditure of the entire appropriation for the year ending June 30, 1931, there will yet be a balance of \$8647.00, in the State Bar fund. From the two years maintenance, this much would be saved from the fees paid into the State Bar fund by lawyers. You understand, of course, that the State Bar funds are the annual dues paid by members of the State Bar, and examination fees paid by applicants for admission to the State Bar. No part of the State Bar fund is derived from taxation, or from any other source of revenue, except dues and fees paid into the fund by the lawyers. The State Bar has been, and will be self supporting. There will be no demand or request for any funds for maintenance, or any other purpose, from any source, except annual dues of members of the State Bar, and examination fees paid by applicants for admission.

I have not examined the deficiency appropriation bill, covering the two deficiency certificates, one for \$8000.00, for the year ending June 30, 1930, and the other for \$4750.00, for the year ending June 30, 1931, and I do not know from what funds the bill directs payment of these deficiency certificates, but the bill should provide and direct that these deficiencies be paid from the State Bar fund.

3.

Mr. Toby Morris, Walters, Oklahoma.

No part of these deficiencies should be paid from general revenue funds of the State. The money is in the State War fund, to pay these deficiency certificates, and there was no other intention but that they should be paid from this fund.

I trust that this explanation answers your inquiry, and you are at liberty to submit this information to Senator Boyer. If there are any details in connection with this matter, that you do not thoroughly understand, I shall be glad to give you such information as may be available.

Very sincerely yours,

President, Oklahoma State Bar

M-e

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.
EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.
HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.
F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.
A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

April 9, 1931.

To the Members of the
Board of Governors of the
Oklahoma State Bar.

Gentlemen:

Considering the invitation of the Committee of Twenty one, on the revision of the Constitution, extended by Judge Rosser of Muskogee, to the Board of Governors, and other lawyers, to appear before the committee on April 21, and present suggestions for Constitutional amendments, relating to judiciary, a meeting of the Board of Governors has been called for Monday, April 20, at nine o'clock in the forenoon. It is thought that the Board of Governors may dispose of considerable routine matters at this meeting, consider the proposed Constitutional amendments, and arrange for presentation of matters to the committee on the 21st. The Chairman of the Committee on Judicial Reform, Thomas H. Owen of Oklahoma City, has been requested to meet with the Board of Governors, on April 20, together with other members of his committee, for the purpose of considering proposed amendments. It is to be hoped that every member of the Board of Governors will be able to attend this meeting. Consideration of the matters to be presented to the committee of Twenty one, is of very great importance.

You understand, of course, that the State Bar, at its last meeting, recommended amendment to the Constitution, with reference to the Supreme Court, which, in substance, authorized that court to sit in divisions, except in certain cases where the Court would sit en banc. As you know, there has been some agitation for intermediate courts of appeal, and as to appellate courts, doubtless one of the two suggestions will be adopted by the committee; that is, a Supreme Court of sufficient number, sitting in divisions, or intermediate appellate courts. There have been suggestions made, that a Supreme Court, sitting in divisions, should be constituted, with a sufficient number of justices to make at least three divisions of the court, with a Chief Justice in addition thereto, as the chief administrative officer of the court, and suggestion has been made that each division should consist of four judges, instead of three, and that the Chief Justice should be ex officio, a member of each division. The important question relating to appellate courts, is the establishment, organization and fixing jurisdiction.

Suggestion has been made that the Committee of Twenty one, will probably consider and report upon organization and jurisdiction of trial courts. Apparently, the Oklahoma State Bar has taken no position with reference to changes in either the organization or jurisdiction of trial courts. A suggestion has

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.
EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.
HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.
F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.
A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

April 9, 1931.

To the Members of the
Board of Governors of the
Oklahoma State Bar.

Gentlemen:

Considering the invitation of the Committee of Twenty one, on the revision of the Constitution, extended by Judge Rosser of Muskogee, to the Board of Governors, and other lawyers, to appear before the committee on April 21, and present suggestions for Constitutional amendments, relating to judiciary, a meeting of the Board of Governors has been called for Monday, April 20, at nine o'clock in the forenoon. It is thought that the Board of Governors may dispose of considerable routine matters at this meeting, consider the proposed Constitutional amendments, and arrange for presentation of matters to the committee on the 21st. The Chairman of the Committee on Judicial Reform, Thomas H. Owen of Oklahoma City, has been requested to meet with the Board of Governors, on April 20, together with other members of his committee, for the purpose of considering proposed amendments. It is to be hoped that every member of the Board of Governors will be able to attend this meeting. Consideration of the matters to be presented to the committee of Twenty one, is of very great importance.

You understand, of course, that the State Bar, at its last meeting, recommended amendment to the Constitution, with reference to the Supreme Court, which, in substance, authorized that court to sit in divisions, except in certain cases where the Court would sit en banc. As you know, there has been some agitation for intermediate courts of appeal, and as to appellate courts, doubtless one of the two suggestions will be adopted by the committee; that is, a Supreme Court of sufficient number, sitting in divisions, or intermediate appellate courts. There have been suggestions made, that a Supreme Court, sitting in divisions, should be constituted, with a sufficient number of justices to make at least three divisions of the court, with a Chief Justice in addition thereto, as the chief administrative officer of the court, and suggestion has been made that each division should consist of four judges, instead of three, and that the Chief Justice should be ex officio, a member of each division. The important question relating to appellate courts, is the establishment, organization and fixing jurisdiction.

Suggestion has been made that the Committee of Twenty one, will probably consider and report upon organization and jurisdiction of trial courts. Apparently, the Oklahoma State Bar has taken no position with reference to changes in either the organization or jurisdiction of trial courts. A suggestion has

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

2.

been made, however, and will doubtless be presented to the Committee of Twenty one, in substance to the effect that county courts in each county, should be given exclusive, original jurisdiction in all misdemeanor cases, and in all civil causes and proceedings, where the amount in controversy does not exceed the sum of \$3000.00, exclusive of interest and costs, including actions for divorce and alimony, foreclosure of liens, but excluding proceedings for removal of officers, election contests and eminent domain proceedings, and such civil and criminal causes as to which exclusive original jurisdiction is granted to justices of the peace courts, or other courts inferior to the county court, and appellate jurisdiction of the judgments of justice of the peace courts, and such other inferior courts as may be specified, the county courts retaining all probate jurisdiction. A county judge to be elected in each county, and the county courts to be open at all times for the transaction of business. More than one county judge to be elected in counties of larger population, the number to be fixed. The Chief Justice of the Supreme Court to assign the county judge of any county, to hold county court in any other county, with all authority of the resident county judge. Appeals from the county court to be direct to the Supreme Court. District courts of each county to have exclusive original jurisdiction in all civil and criminal causes, where exclusive original jurisdiction is not conferred on courts inferior to the district courts, and provide for a grand jury of the district court, for at least one term each year, in each county. Terms of the district court to be held in each county, upon order of the district judge.

Another suggestion has been made as to trial courts, in substance, to the effect that a district or superior court be held in each county, with exclusive original jurisdiction in all matters, including probate, except where exclusive original jurisdiction is conferred upon justices of the peace, and other inferior tribunals. This suggestion would, of course, do away with county courts. A district or superior judge, to be elected in each county, with more than one in larger counties. The judge of any county to be assigned by the Chief Justice, to hold court in any other county. This suggestion is, in effect, the California system.

Doubtless many suggestions will be made to the Committee of Twenty one, and many plans considered by that committee, both as to appellate and trial courts. These matters are directed to your attention for your study and consideration, and for discussion, if proper, at the meeting of the Board of Governors. It is important that the board of Governors, and the committee of the State Bar, present to the Committee of Twenty one, if possible, concrete suggestions, supported by the unanimous opinion of the board and committee. Division of opinion among members of the Board, and its committee, will detract from the force of recommendations and suggestions made, and it is to be hoped that members of the

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

3.

Board and its committees, will be able to present to the Committee of Twenty one, concrete suggestions, backed by unanimous opinion.

Again permit me to urge each member of the Board of Governors, to give these matters consideration, and if possible be present at the meeting of the Board, on Monday, April 30.

Very sincerely yours,



President

15-6

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

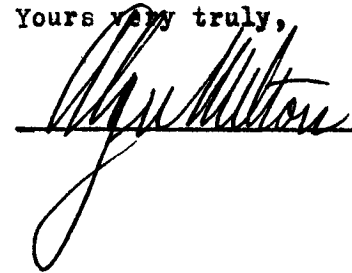
January 19, 1931.

Mr. Guy C. Cutlip,
Wewoka, Oklahoma.

Dear Mr. Cutlip:

Thanks, very much, for the pass enclosed in your
letter of the 17th. I know it will be convenient, and I shall take
the opportunity to use it.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Alger Melton", is written over a horizontal line.

M:EK

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

January 28, 1931.

Mr. C. Guy Cutlip,
Wewoka, Oklahoma.

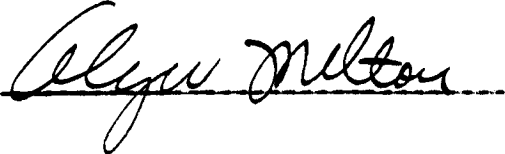
Dear Mr. Cutlip:

The conference of the board of governors, with members of the Supreme Court, has been fixed for nine thirty, Saturday morning, January 31.

It just occurred to me that while the members of the Board of Governors are together at the State Capitol Saturday, it might not be out of line for the members of the Board of Governors in a body, to pay an official call on the Governor. I do not mean by this to call on the Governor for discussion of any matters, but simply out of respect for the members of the Board, in a body, to pay him an official call. If you think this advisable, suggest that you act as contact governor with the Governor of the State, and ascertain if he would appreciate a call of this kind, and at what time Saturday would suit his convenience.

This is merely a suggestion, for your consideration.

Very truly yours,



M-e

BOARD OF GOVERNORS
THE STATE BAR OF OKLAHOMA

ALGER MELTON, PRESIDENT
CHICKASHA, OKLA.

EDGAR A. DE MEULES, 1ST V-PRES.
TULSA, OKLA.

HORACE G. MCKEEVER, 2ND V-PRES.
ENID, OKLA.

OFFICE OF PRESIDENT

CHICKASHA, OKLAHOMA

W. E. UTTERBACK, 3RD V-PRES.
DURANT, OKLA.

F. B. H. SPELLMAN, TREASURER
ALVA, OKLA.

A. W. RIGSBY, SECRETARY
OKLAHOMA CITY, OKLA.

April 23, 1931.

Judge C. Guy Cutlip,
Newoka, Oklahoma.

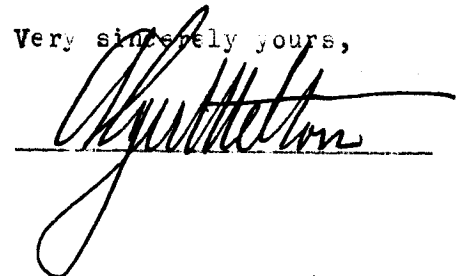
Dear Judge:

In connection with your resignation as a member of the Board of Governors, as I recall, you suggested that you would have a recommendation to make as to your successor to be appointed by the Board of Governors for the unexpired term for which you were elected. At the recent Oklahoma City meeting, some members of the Board of Governors apparently felt inclined to get away from the factionalism in Hughes and Seminole Counties, if possible, and it was suggested that the Board might go to some other part of your district, and select an outstanding young lawyer to serve the balance of your term, being only about six months, when, of course, an election will be held to elect a member of the Board of Governors from that district, and in this connection, the names of Denver Davidson and Ben Hatcher at Ada were discussed. The trend of the suggestion was, that the Board would feel grateful to you for a recommendation, and would be guided largely by your wishes, yet there seemed to be a desire of some members to avoid the factional differences in Seminole and Hughes Counties, if possible, by an appointment for the unexpired term.

I will appreciate it, very much, if you will write me confidentially about this matter, giving your views, suggestions and recommendations. I intended to discuss this matter with you yesterday afternoon, but when we left the Constitutional Amendment Committee, we were anxious to return to the office for some routine matters, and I forgot to talk to you about it. If you desire to write, giving your suggestions and recommendations, if any, to the Board of Governors, I shall be glad to treat your letter in that way, but if you desire to write, giving to me your confidential suggestions, the same will be so considered.

You are invited to be present, and meet with the Board of Governors at its meeting in Chickasha, on the fourth Friday in May, and I am now extending to you a personal invitation to be present at that time, and also an invitation to be a dinner guest of Mrs. Melton and myself, at our home on Friday evening.

Very sincerely yours,



M:EK