

February 2018

Delegate to American Bar Association

Edward E. Murane

Follow this and additional works at: <https://repository.uwyo.edu/wlj>

Recommended Citation

Edward E. Murane, *Delegate to American Bar Association*, 18 Wyo. L.J. 133 (1967)
Available at: <https://repository.uwyo.edu/wlj/vol18/iss2/9>

This Special Section is brought to you for free and open access by Wyoming Scholars Repository. It has been accepted for inclusion in Wyoming Law Journal by an authorized editor of Wyoming Scholars Repository. For more information, please contact scholcom@uwyo.edu.

and Ed Murane about American Bar activities. I think it would be presumptive if I extended my remarks to any great length concerning the same subject matter. There has, however, been business before the House of Delegates during the past year which I consider to be of extreme importance, and it is about that which I should like to be heard.

During the past year the House of Delegates of the A.B.A., with slight modification, has voted to retain Canon 35 of the Code of Judicial Ethics. This action resulted from a near unanimous vote.

I am not going to usurp your time with any lengthy dissertation on the merits of the canon.

I do want to say that the A.B.A., through special committees and the American Bar Foundation, gave this matter six years of study during which all segments of the public information media were given every opportunity to be heard and present evidence.

Any substantial persuasive demonstrations during the six years for deleting or watering down the canon were wholly unconvincing.

During that period when the media was put to a real test such as the Sol Estes hearing, it failed miserably.

Those of us who are within the range of Denver T.V. channels know that the Colorado "guinea-pigging" of the media philosophy has been a failure. Yet advocates of the philosophy persist.

Why am I talking about this now?

Because our Supreme Court has never adopted the Code of Judicial Ethics.

Our Court has adopted the Code of Professional Ethics. I cannot believe that the Court is unreceptive to adopting the Judicial Code. It is my guess that the matter has not been the subject of direct attention.

So—I should like to recommend that this Bar take affirmative action at this convention, urging immediate consideration by the Supreme Court of the adoption of the Code of Judicial Ethics.

There are many worthwhile canons in the Code besides 35, but we need this canon in Wyoming now. The matter is presently uncontrolled. I know pressure is building up in the media for the privileges withheld by Canon 35 and I believe we should act now before a major controversy develops.

DELEGATE TO AMERICAN BAR ASSOCIATION

EDWARD E. MURANE

This report will be very brief. You heard quite a bit this noon on the activities of the American Bar and I would like to call to your attention just two or three items that are of direct personal interest to each one of you, financially.

There is one matter that you might be interested in, and I am sure the judges might like to learn of this, and that is that the ABA has proposed and approved a trial judge college, and the summer of '64 is going to be the first course. It will be at Boulder for some 250 new judges who have been appointed in the state courts. This is in line with Justice Tom Clark's administrative agency and judicial reform committee on judicial improvement. They expect at a later time to enlarge the college so that all practicing trial judges can get an opportunity to take the four-week refresher course. It will be conducted under the direction and supervision of Tom Clark of the Supreme Court. Now the other items that I want to call your attention to, because there have been several asking about it. . . . There is a uniform retirement plan that has been prepared by the ABA, the Board of Governors approved it this last year. The Internal Revenue Department as yet has not issued their final ruling so we're not in a position to say just what can be done insofar as the tax benefits for the individual lawyers. That point was tied in with the Jenkins-Keogh Bill, but was so emasculated that no one could recognize it, and it is not practical for usage. Joe Donahue of Washington who was in charge of that said that the Senate has two amendments to the bill that they hope will eliminate the Senator Long amendment which permitted only a 50% deduction and then required that all employees had to be in the plan. If they changed that, and amended a ruling from the department then there will be an opportunity for the self-employed, such as all we lawyers, to have a retirement program that will be of some actual financial benefit.

The next item that has caused considerable question is the professional corporation. Now that was permitted by Congress some two years ago, we have had over 200 applications to the Internal Revenue department asking for a ruling as to whether or not the professional corporation will accomplish the tax benefits that we hope for. As yet we have not had one ruling from the department on this, and until we do, the ABA recommends that we do not use the professional corporate because we have no way of knowing what the final tax rule will be.

I think another matter of considerable interest particularly to Wyoming lawyers is the fact that the House of Delegates in Chicago this year approved a recommendation by the Section of Mineral and Natural Resources Law, urging Congress to preserve to the state their historic role of control of water within their boundary. We are all familiar with the numerous and lengthy water suits that have been going on here for many years and this is the first time the ABA and the natural resources and mineral section have taken any action. We also asked for consideration of the depletion allowance for natural resources and particularly to the depletion for oil and gas. That was referred to the taxation section and they will submit the matter to Congress.

The last matter that I want to call to your attention, in case any of

you either need lawyer help or want to consider relocation, is the lawyer placement service. This was put into effect in 1962 in the ABA without any national publicity or advertisement, and in the first year there were 1900 inquiries for placement of attorneys. There were some 800 lawyers who submitted their names saying they wanted additional employment or they wanted to move. All applicants are now classified by age, geography, experience, family, military service and financial requirements, so that if a firm of three or four wanted a tax man or they wanted an expert in some particular field, there is now in Chicago a list of lawyers by age group and by specialty group. They can run through the cards and if you're asking for a tax man in Sheridan or Casper or Cheyenne they can tell you of three or four applicants you can contact. This is a service, I think, that is going to be very valuable as the years go on. The Federal Government has taken advantage of it and has signed up some 1100 lawyers this last year through the placement service. These are just some of the activities being carried on in your behalf by your organization. If you have any questions or need any help on any subject, the ABA is more than happy and willing to do what it can to help each one of its members throughout the state. Thank you very much.

REPORT OF LEGAL EDUCATION AND ADMISSION TO THE BAR COMMITTEE

Legal Education:

Legal education this year on the formal basis was conducted as usual at the University of Wyoming Law School which was preparing eighty-six students for careers in law. In conjunction with the formal education conducted by the law school, there was a seminar presented on the law school premises on March 1st and 2nd covering trial tractics which was well received both by the students, members of the Bar in attendance and district judges in attendance. Members of the panel consisted of Sydney Gislason of New Ulm, Minnesota, William DeParcq of Minneapolis and Edward E. Murane of Casper. These three gentlemen presented in panel form a discussion covering various aspects of a trial from investigation through the final verdict and judgment. Mr. Gislason acted as moderator, Mr. DeParcq as plaintiff's counsel and Mr. Murane as defense counsel.

It is recognized by most members of the Bar that this sort of program is advantageous to the practioner and that perhaps it should be continued in other fields of the practice. In this connection it is interesting to note that in years past, an attempt was made to create several panels from within the Wyoming State Bar and present various subjects around the state. This endeavor was highly successful in some areas and it got nowhere in other areas. The Cheyenne panel, consisting of Carl Lathrop. Bill Jones and Fred Loomis discussed Wyoming Boards and Commissions at a