

Supreme Court of Alabama

Montgomery

March 6, 1922.

Hon. R. H. Walker,  
Athens, Alabama.

Dear Harry:

I can appreciate the void Mr. Walker's death has made in the circle of his brother~~s~~ and sisters; but life must go on, and the duties which he so cheerfully assumed must now be recognized by you as his successor.

In regard to the pending matters of business in his office: It would seem that his death has terminated the obligations of his clients, except to the extent that he is due a compensation for the services he rendered them in such matters up to the time of his death. Contested cases coming up for trial at the March term of the court on the 20th should be continued by the trial judge until Mr. Walker's clients are able to make some arrangement to have their rights looked after. I have no doubt the judge will be only too willing to take this course. Indeed, lawyers on the other side would doubtless cheerfully agree to that course.

In looking into his business you will find that the matters in his hands will divide into two general classes, viz: first, into matters in which nothing has been done; and, second, with respect to matters in which he had rendered varying degrees of service toward settlement or final disposition. In the first class, it would probably be wise to advise that type of client to secure other counsel. In the second class you should confer with the client, agree on a lawyer to continue the work begun by Mr. Walker, and then make an arrangement with the lawyer or lawyers chosen to share the compensation ultimately paid, in proportion as Mr. Walker's labors contributed to the fee and the rendition of the completed service. To what extent he had or his estate has a lien on the subjects of litigation, is a question that would have to be determined under the statutes by reference to the character of the subject-matter. In all probability you will find some instances where Mr. Walker's fee was fully paid. In that event you would have to make an arrangement with some lawyer to complete the service, consulting the client, of course, with a view to his agreement on the lawyer chosen. Some cases could be looked after by a lawyer or lawyers of less experience than others.

I do not know of any lawyer who would buy Mr. Walker's library, rent his office and take up the practice that the advantage of such an association would afford. Jim Ed Horton is the best

chance, in my judgment. If he is wise, he will retire from the race for circuit judge and undertake such an arrangement. I am not, however, in a position to suggest this directly to him.

You will find it very difficult to sell Mr. Walker's library for anything like its real value. Chas. S. McDowell, of Eufaula, has recently lost by fire his whole library. He might be interested as a purchaser, if he has not made other arrangements.

In the event you find a will, I will be glad to advise with you in the premises. I hope you will feel free to call on me wherever I can be of any service.

With best wishes, I am

Yours very truly,

PS. I met Purdy down the hall a few minutes ago and he said he heard in Athens. That some one had thought of Horton's retirement but that it was suggested that Horton would not be favorable to the idea. I suppose you mean to a widow's right to dissent from a will and then force under the statute. However, it is not to the interest of you and your sister to suggest that matter.