



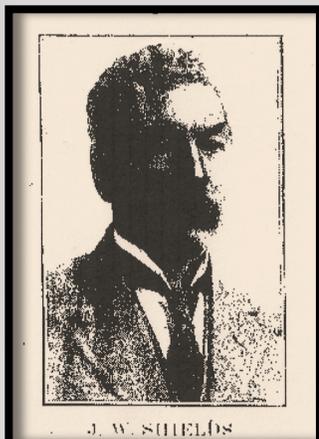
JUVENILE JUSTICE: TWIN FALLS, 1912

In the years after it was founded in 1904, the town of Twin Falls experienced a rise in juvenile crime that swelled the dockets of probate court and led to extensive discussion in local election campaigns regarding appropriate methods of obtaining justice for juveniles. Judge

James W. Shields was notably involved in many of the Twin Falls cases and established an approach that received local acclaim. In one of his largest cases, a group of 14 boys ages 12 to 16 were arraigned in his court on charges of petty thievery in the fall of 1912.

The boys were active in several gangs of thieves investigated by Deputy Sheriff Ormsby, who later gained fame in the investigation of the serial killer Lyda Southard.

The gangs focused on stealing copper wire, tools, auto parts, and packages from farm wagons. They came from a variety of backgrounds, including some from locally prominent families.



J. W. SHIELDS

Judge James W. Shields in a 1912 newspaper photo (Twin Falls News).

I am saving every boy that it is possible for me to save. This is especially true where I have the cooperation of the parents, and this cooperation is of great assistance.

Judge James W. Shields

Shields found the boys guilty and sentenced most of them to probation under their parents' supervision with the threat of commitment to the state industrial school if they repeated similar offenses. As part of their sentence, the boys were required to provide weekly progress reports to Judge Shields. This approach relied on parent cooperation to succeed. A local newspaper quoted Judge Shields as saying: "I am saving every boy that it is possible for me to save. This is especially true where I have the cooperation of the parents, and this cooperation is of great assistance."

Probate Judge J.M. Shank used similar methods in his Twin Falls courtroom. In one case, Shank sentenced Homer Hagler, an "old offender" according to police files, to a term at the state reform school at St. Anthony for theft of supplies from a Twin Falls baseball park. His fellow thieves, however, were released on parole by Shank on the condition that they stay away from pool halls and from gang members "who show any inclination toward wrongdoing." The boys were required to remain at home at night under parental supervision.

Shank noted that he would only resort to commitment to the state school when parents were unwilling to cooperate, or when "the honor system is violated." In the end, usually only a few repeat offenders ended up in the state school, which was founded by the Idaho legislature in 1903. Ormsby visited the school in early 1913 and was pleased with its operation. "I don't know where a boy or girl could be better prepared to engage in some occupation, trade or business than at this school," he later observed.

At the school, boys were trained in tailoring, blacksmithing, carpentry, masonry, farming, mechanical and electrical engineering, dairying and cement working. Girls worked at hat making, dressmaking, domestic science, and home economics. Students could also take courses in bookkeeping, stenography, and business. All was not perfect, however. While Ormsby felt this training would prepare them for a productive future, he acknowledged that he did not know the details of past reports that students had been mistreated and harshly punished at the school.

Sources: Twin Falls News: September 26, 1912, January 23, February 13 & May 15, 1913; Juvenile Justice in Idaho, 2006.

CALENDAR

Idaho Legal History Society Full Committee Meetings 2013

August 22, November 21, 2013
4:00 pm - 5:00 pm
5th Floor Judges' Conference
Room
U.S. Federal Courthouse
Boise, Idaho
* * * *

Oral histories were taken
at the Idaho State Bar
Annual Meeting
July 18 and 19, 2013
Coeur d'Alene, Idaho

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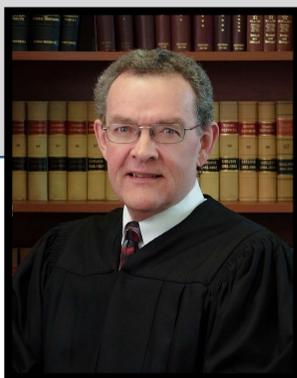
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 550 West Fort Street
 Boise, Idaho 83724



A MESSAGE FROM THE PRESIDENT

Hon. Ron Wilper

Through the combined efforts of Oral History Chairman Ernie Hoidal, Court Reporter Coordinators Dianne Cromwell and Byrl Cinnamon, and Interview Coordinator and past ILHS President Scott Reed, 23 oral history interviews were conducted July 18 and 19 at the Idaho State Bar Association annual convention in Coeur d' Alene. A special thanks goes to Assistant Idaho State Bar Director Mahmood Shiekh for arranging interview rooms.

Since its inception, the oral history committee has conducted about 80 oral history interviews. The Idaho Legal History Society's oral history project is, to the best of our knowledge, the only oral history project in the world that uses contemporaneous transcription. This would not be possible without the extraordinary generosity of our volunteer certified court reporters.

For a fascinating glimpse into the history of the legal profession from the perspective of some of the most prominent and colorful attorneys, judges, and lawmakers in recent history, I encourage you to join the oral history committee as an interviewer. Next year we plan to conduct another 20 interviews at the ISB convention in Pocatello.

MEMORIAL CONTRIBUTIONS

Beverly Bistline
 by Dean Donald L. Burnett

Carl Burke
 by Ernest A. Hoidal

Chase A. Clark, Federal Judge
 by Michael C. Moore

Samuel H. Crossland
 By Julia A. Crossland

Allyn Dingel
 by Debora Kristensen
 by Ron Kerl

Harry C. Hazel
 by Joel Hazel

Bert and Mary Ellen Hoidal
 by Ernest A. Hoidal

Justice Byron J. Johnson
 by Ernest A. Hoidal
 by Paul & Susie Headlee
 by Byron Johnson Memorial

Edith Miller Klein
 by University of Idaho

Abraham Lincoln, Lawyer
 by David H. Leroy

Robert Emmet May
 by Brad Goodsell

Don J. McClenahan
 by Ernest A. Hoidal

**Thomas G. Nelson,
 Ninth Circuit Judge**
 by Judge N. Randy Smith &
 LaDean E. Smith

Edward W. (Ted) Pike
 by Judge Ronald E. Bush
 by President Donald L. Burnett

Louis P. Racine, Jr.
 by Marcus & Eva Nye

Governor Frank Steunenberg
 by John T. Richards

Fritz & Elaine Wagahoff
 by Judge Candy Dale & Jim Dale

Oscar W. Worthwine
 by Ernest A. Hoidal

TWIN FALLS' FIRST FEMALE JURY DECIDES 1912 CASE

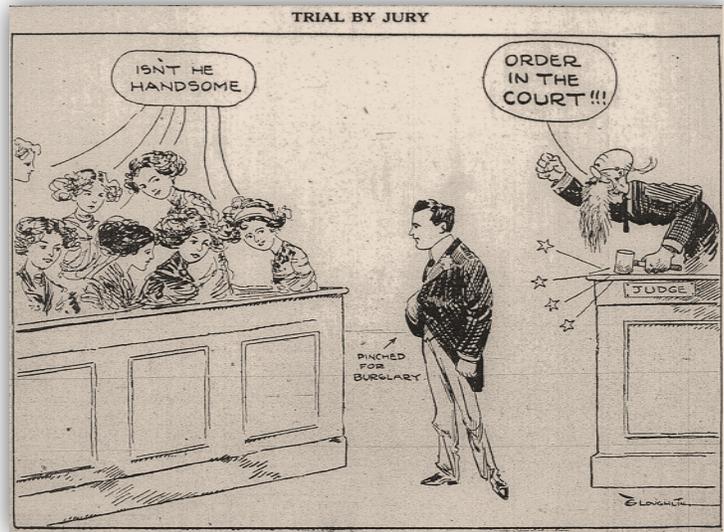
Whether or not women could lawfully serve on Idaho juries was still unclear in the early 20th century. A holdover from Territorial law stated that a trial jury consisted of a "body of men." Yet, the 1896 Suffrage Amendment to the Idaho Constitution held that women citizens were qualified electors, suggesting that they could also serve on juries. Individual women are known to have served on Idaho juries by 1897. In Twin Falls, the first recorded all-female jury was selected in 1912 in the court of Probate Judge James W. Shields.

The case involved a female defendant, Mrs. Edward Bolts, who lived on a ranch northwest of Twin Falls. She was charged with drawing a revolver on fellow rancher Arthur J. Requa and striking him with the gun. Requa had purchased the Bolts farm and was preparing to assume possession in early 1913.

On the day of the incident, he went to the farm with his wife and son to drop off some produce, which he intended to store at his new property. As he headed for the root cellar with a box of apples, Mrs. Bolts came from the house brandishing a revolver. She was adamant that he could not store goods on the property, while he claimed they had an agreement allowing him to store his belongings at the farm until he took possession. In the ensuing argument, Bolts struck Requa with the gun, but later denied that she pointed the gun at him. Requa left the scene, went into town, and filled a complaint against Bolts.

The case came to trial in the court of Judge Shields and was prosecuted by County Attorney Alden R. Hicks. Bolts was represented by William P. Guthrie, and claimed self-defense. The most notable aspect of the case, however, was the jury of six local women who found Bolts guilty of the charges. In honor of the auspicious occasion, the Amos Studio took a photograph of the court scene with the female jurors. The photo was planned "to hang in the halls of justice" as a memorial to the woman jurors.

Sources: *Twin Falls News*: September 26, 1912, December 5, 1912.



An all-female jury as portrayed in a cartoon in the *Portland Daily Telegram*, 1912.

BOOMTOWN LAWYERS MADE THEIR MARK

Not only farmers saw opportunity in the widely publicized new irrigation settlement of Twin Falls in 1904. Two well-educated lawyers from Illinois also made their way to the new boomtown and often appeared in court opposite each other.

The first to arrive was William P. Guthrie. (W.P.) Guthrie.

William P. Guthrie
(French 1914)



Guthrie was born in Illinois 1870, the son of a Civil War veteran. He graduated from Southern Illinois College in 1893 and studied law at the University of Indiana, receiving his law degree in 1895.

He headed for Washington State in 1897 and practiced law there until 1904, when he set up a law practice in Twin Falls. Guthrie served a term as Twin Falls County

Attorney, but primarily practiced criminal defense. He also had wide-ranging banking and ranching interests, and was renowned for his extensive law and personal library. Guthrie was active in the local Republican party.

Alden R. Hicks was born on an Illinois farm in 1876. After finishing high school, he headed for California where he attended Stanford University, graduating in 1901. Hicks studied law at Northwestern University and the University of Chicago Law School, receiving his degree in 1903.

He moved to Idaho in 1904 and set up a law practice at Lewiston. After relocating to Twin Falls in 1910, he was elected County Attorney. Hicks was an active Democrat.

Alden R. Hicks in a
1914 newspaper
photo
(*Twin Falls Times*).



Sources: *History of Idaho Volume III*,
H.T. French, 1914;
Twin Falls Times, October 1914.

JUDGE SHIELDS SERVED TWIN FALLS & GAR



Grand Army of the Republic Phil Sheridan Post built in Boise, 1892.



James W. Shields was born in Ohio in 1847, the son of a cooper. His family moved to Indiana where he enlisted in the Union Army in 1864 at the age of 17. After the Civil War, he returned to Ohio. There he married Mary Gilland and had seven children. The Shields family headed west and settled on a ranch in Colorado. After Mary's death in the early 1880s, James married Hannah A. Hardy. He was 40 and she was 21. They lived in Colorado, where James served five terms as a county judge.

In 1905, they moved to the booming community of Twin Falls, Idaho, where Shields set up a law practice. Shields practiced general law locally and before the Idaho Supreme Court. He quickly gained respect in the community and was elected probate court judge on the Republican ticket, taking office in 1910. Shields lived in the Twin Falls area until the late 1920s, when he moved to Boise and worked as an "assistant adjustor" according to the 1929 Boise City Directory.

As a Civil War veteran, Judge Shields was an active member of the Grand Army of the Republic (GAR) and served as Idaho state commander. This interest continued throughout his life. By 1930, he was national vice commander of the GAR at a time when many of the members had died. The *Idaho Falls Post* (June 10, 1930) reported on the Idaho encampment that year:

Seventeen men, proud in their uniforms of dark blue, their shiny brass buttons, and their black hats with gold cords, are all of the 103 surviving members of the Grand Army in Idaho who have ventured forth to this year's encampment. Infirmities of old age, sickness and distance of travel kept most of the others away.

This was one of, if not the last, encampments Shields attended. He died three years later at Boise at the age of 86.

Sources: *Twin Falls News*, May 30, 1912; *The Pacific Reporter Volume 102*, 1909.

IDAHO JUDGES & LAWYERS ACTIVE IN GAR

The Grand Army of the Republic (GAR) was the largest Civil War veterans' organization. It was a political force nationally and in Idaho, helping to secure veterans' pensions and lobbying for Boise's Old Soldiers' Home. Several members of Idaho's legal profession were active in the GAR, including William W. Woods (lawyer and district judge), and Joseph W. Huston (Territorial U.S. Attorney and Idaho Supreme Court Justice). The GAR functioned as a fraternal organization with an explicit code of rituals. Among them were general meetings rules such as:

- The altar will be placed in front of the C, and in the centre of the room, a flag covering the altar, two swords crossed upon the flag, the hilts toward the C, and an open Bible resting on the swords.
- The officers should be in Grand Army uniform, with side arms; should preserve a proper military bearing, and give strict attention to all details.
- Commands will be given in a clear, distinct, but not over-loud tone.
- No one can be admitted during the opening, muster-in or closing ceremonies.
- All salutations, except where otherwise directed in the instructions, will be given by raising the right hand to the visor of the cap, palm to the front, right elbow nearly as high as the shoulder.
- Comrades, in crossing the room, will pass in rear of the altar, and salute the C. in passing, being careful never to pass in front of the altar or between it and the Commander, except when engaged in the muster-in ceremony.
- Comrades, except those under arms, will remain uncovered during prayer and during the administering of the obligation.
- Whilst the recruits are being prepared for muster, the Commander should caution the members against any speaking, whispering, or moving about during the muster-in ceremony, and especially during the obligation.
- All officers are earnestly urged to memorize their parts, and to dispense entirely with the use of the book.

Sources: *Rituals of the Grand Army of the Republic*, 1907; *History of the GAR*, R.B. Beath, 1888.

20TH CENTURY PROFILES

JUSTICE ALLAN G. SHEPARD



The one attorney elected to all three branches of Idaho government, Allan G. Shepard, was born in 1922 in Massachusetts. He studied engineering at Boston University before serving in the Army Air Corps during World War II. After the war, Shepard earned a law degree at the University of Washington and a Master of Law at the University of Virginia.

He started work as Idaho's Deputy Attorney General in 1951 and entered private practice in 1957. Shepard was elected to the Idaho Legislature on the Republican ticket in 1958 and 1960. He served as Idaho Attorney General from 1963 to 1969 and was the first Idaho President of the National Association of Attorneys General.

Allan G. Shepard as vice president of the National Association of Attorneys General in 1967 (Portland Oregonian).

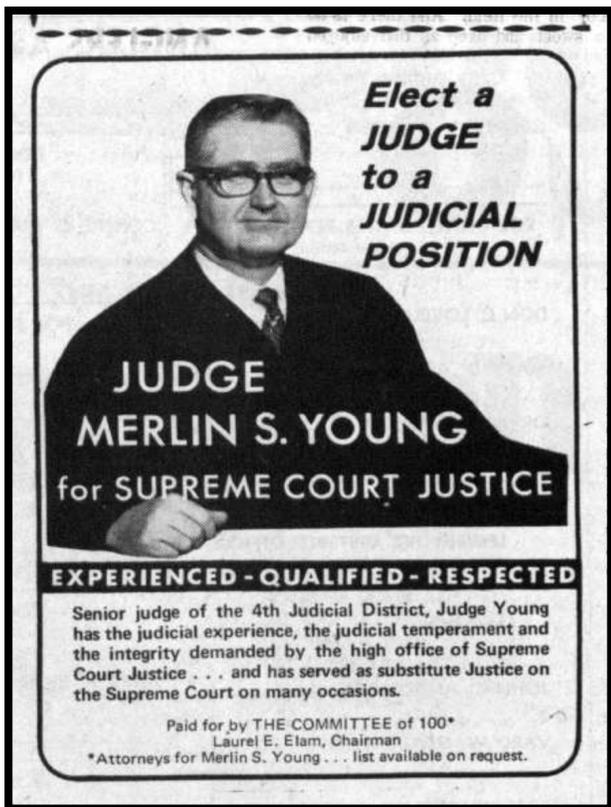
Shepard was elected to the Idaho Supreme Court in 1969 over Fourth District Judge Merlin S. Young, in what would be the last contested election for decades. He served on the Bench for 20 years before his death from a heart attack while still on the Court in 1989. Shepard's body lay in state in the Idaho Capitol Rotunda and he was buried with military honors.

The Allan G. Shepard Endowment at the University of Idaho supports a distinguished professorship, established in 1996, at the University of Idaho College of Law.

Sources: "Personalities behind the Bench: Biographical Sketches of Idaho's Supreme Court Justices," R. Stapilus, *The Advocate* 34, 1991.



JUDGE MERLIN S. YOUNG



1968 Campaign Ad (The Aberdeen Times).

Merlin S. Young was born at Eden, Idaho, in 1918.

He graduated from Boise High School in 1936 and from Whitman College in 1940. After two years at the University of Michigan Law School, Young joined the Navy, serving in the Pacific during World War II.

After receiving his law degree from the University of Southern California in 1946, Young was admitted to the Idaho Bar in 1946.

In 1950, Young was elected Ada County Prosecutor. Two years later, he was elected to represent Ada County in the Idaho legislature. Young served as a district judge in the Third Judicial District until he was appointed U.S. Bankruptcy Judge for the District of Idaho in 1969.

Young was married to Lois F. Clark, daughter of former Idaho governor Barzilla Clark. One of their daughters married later Supreme Court Justice Byron Johnson. Young died in 2007 at Boise.

Sources: *Idaho Statesman*, August 19, 2007.

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