LIBEL AND SLANDER—PRIVILEGED COMMUNICATIONS—CLIENT'S COMPLAINT TO BAR ASSOCIATION.—The publication of a communication by a client charging an attorney with irregular conduct, addressed to a committee of the St. Louis Bar Association which had the authority to examine and inquire into alleged grievances complained of, was held qualifiedly privileged, there being no express or actual malice on the part of the client. The case was somewhat complicated by a dispute as to the exact identity of the attorney charged with the misconduct, and by technical issues in the field of pleading and instructions. In addition to upholding the defense of qualified privilege, the court found that the evidence supported the truth of the communication in issue. *Lee v. Fuetterer Battery and Supplies Company* (Mo. 1929) 23 S. W. (2d) 45. The case is interesting chiefly in that it appears to be a case of first instance, not only in the jurisdiction but in the courts of this country.

The analogy drawn by the court between the precise question and similar situations where the issue has been adjudicated seems very apt. "Upon principle," says the court, "we see no reasonable or logical distinction, or difference, between a professional body such as a bar association, composed of various individual practitioners of the legal profession, and other bodies made up of various individuals having a common and mutual purpose and interest, such as corporations, churches, medical societies, merchants, bankers or commission brokers. If the publication of a communication to a church, or to the stockholders and directors of a corporation, or to a medical society, be conditionally, or qualifiedly privileged, as is seemingly held to be the established rule by the weight of juristic authority, then, by analogy, the rule is equally applicable to the publication of a communication addressed to a bar association, or to one of its committees having authority to examine and inquire into the supposed grievance complained of by the communicant, and to redress such grievance, if any there be." This comparison is followed by a review of the purposes and ideals of the American Bar Association, together with a setting forth of the applicable Canons of Ethics of that organization. The extent of the authority of the particular committee of the association here addressed and its method of procedure are set forth at another point in the opinion.

The rules of such an association are, of course, not of the force of legislative enactment, but they do express the ideals and standards generally accepted in the profession. These ideals are more or less known to the lay public, which expects observance of them by individual members of the profession. "Consequently," the opinion continues, "those individuals comprising the lay public, and especially those of the lay public who, in the course of business or domestic transactions, require the professional advice and services of the lawyer, owe a duty to the body of the legal profession, and to the bar association, which is the organized representative of the body of the profession, to communicate to such organized representative of the body of the profession any grievance, wrong or injury suffered by the communicant, and arising from the relation of attorney and client, and bona fide believed by the communicant to have been occasioned by any unprofes-

sional or unethical act or conduct of the lawyer." And the court concludes with a statement that it is the corresponding duty of the bar association, as the organized representative of the profession, to examine and inquire into the subject-matter of such a communication in order that the alleged grievance may be redressed or corrected.

The prevailing rule or principle has been announced to be that a publication is conditionally, or qualifiedly privileged, "whenever the author and publisher of the alleged slander acted in the bona fide discharge of a public or private duty, legal or moral; or in the prosecution of his own rights or interest." *White v. Nicholls* (U. S. 1845) 3 How. 266; Townhend, SLANDER AND LIBEL (4th ed. 1890) secs. 209, 237; 32 C. J. 1241. "A publication is therefore *prima facie* qualifiedly privileged where circumstances obtain with respect to a right or duty to communicate to others what, of right, they ought to know, even though it is not a legal, but only a moral or social duty of imperfect obligation." *State ex rel. Zorn v. Cox* (1927) 318 Mo. 112, 298 S. W. 837. "Privilege rebuts the presumption of malice, and the burden of proof is cast upon the plaintiff to prove express malice." *Sullivan v. Commission Co.* (1899) 152 Mo. 268, 53 S. W. 912. The case at bar is, however, a step beyond certain of the authorities relied upon, in that in the cases involving communications to a medical society or a church body the communicant seems to have been a member of the group rather than an independent layman. *McKnight v. Hasbrouck* (1890) 17 R. I. 70, 20 Atl. 95; *Farnsworth v. Storrs* (Mass. 1850) 5 Cush. 412. A number of recent cases have held that voluntary communications to proper authorities of violations of the National Prohibition Act are qualifiedly privileged. *Wasylenko v. Frysky* (1927) 130 Misc. 716, 224 N. Y. S. 329; *Popke v. Hoffman* (1926) 21 Ohio App. 454, 153 N. E. 248.

The decision would seem, then, to be an extension of an accepted rule into an essentially similar, though new, field of activity. The policy of aiding to uphold the standards of legal profession is undoubtedly sound. If the publication of such communications is not qualifiedly privileged the usefulness of organizations of professional men and women is limited to a mere exchange of ideas or social intercourse, or the correction of misconduct occurring directly within the sphere of the association's cognizance.

C. V. E., '31.

MUNICIPAL CORPORATIONS—REGULATIONS OF STREETS—PROHIBITIONS OF PARKING.—The recent ordinance prohibiting parking of automobiles in the downtown district of Chicago during business hours, in the opinion of the Supreme Court of Illinois was an unreasonable exercise of the power of the municipality to regulate traffic. The arrest and fine of a local attorney who left his car outside his downtown office while engaged in a thirty-minute conference with a client brought the validity of the enactment before the court. The decision invalidated legislation which was the result of a survey of traffic congestion conditions which had cost the city over $50,000. *Haggenjos v. City of Chicago* (1929) 336 Ill. 573, 168 N. E. 661.