

Court scrutinized prosecutor's ethics in legal battle of 1905

In the great disbarment cases of 1905, Robert Miller, prosecutor in Monroe and Lawrence counties, was first to have his ethics and practices scrutinized by the court. It was the belief of the *Bloomington Telephone* reporter who covered the trials, that if the three-member prosecuting committee appointed by the judge, succeeded in disbarring Miller, it would not bode well for the other two defendants, ex-Mayor Arthur Hadley and then-serving Mayor Claude Malotte.

Included in the seven charges presented against Miller by the prosecuting committee composed of Rufus East, John R. East and Joseph Henley were that Miller:

- Dismissed the case of horse and buggy stealing against Fred Thrasher, while his (Miller's) law partner, Hadley, was charging the Thrasher family \$450 fee to represent Fred;

- Dismissed an adultery case and collected the fines, when the law stipulated an open trial and mandatory jail sentence if a conviction was obtained;

- Accepted a \$10 bribe to dismiss a case against a man accused of stealing \$18 and a truck;

- Dismissed a case against a man implicated in an assault on an immigrant Italian laborer laying tracks for the new Indianapolis and Southern Railroad (now the Illinois Central);

• Continued a case for 18



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months, while the bondsman was "fleecing the defendant" and then, when statute of limitations was approaching, dismissed the case.

The disbarment cases against Miller, Hadley and Malotte were complicated by old friendships among lawyers, judges and local businessmen — friendships that crossed the legal gulf between the accused and the accusers. For example, Miller was being prosecuted by his first law partner, John R. East. Mayor Malotte, who presided over City Court, had a financial interest in an insurance bail bonding firm. Hadley had occasionally acted in the capacity of prosecutor in City Court.

In his opening statement, Prosecutor Pro Tem Henley said, "Mr. Miller did not merely neglect to prosecute on account of business or family matters, but he refused to prosecute the lease of the State . . . We admit that a prosecuting attorney has much to say as to whether a case will be prosecuted or not, but if the

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