

A Founder and Defender Passes: Robert Johns Sr., JD (1912-1999)

Joseph Keating Jr., PhD

On October 27, 1999 one of the longest serving legal guides and guardians of the chiropractic profession died at his home in Palm Beach, Florida (Obituary, 1999). Eighty-seven years of age at his passing, Robert D. Johns Sr. lived a full life, a significant part of which (1945-1977) he contributed to the cause of chiropractors. Who was this gentleman?

Born April 10, 1912 in Winona, Minnesota to Hattie and Gauthorn Johns (a railroad mail clerk), young Bob Johns moved with his parents to La Crosse, Wisconsin in 1915. A product of local grade and high school education, Bob earned a baccalaureate degree from the University of Wisconsin at Madison in 1933, and stayed on to earn a law degree in 1935. He practiced with La Crosse attorney Jesse Higbee until 1941, and subsequently with the firm of George, Gordon, Law and Brody. Senior partner Lawrence Brody (1895-1944) is recalled as one of several attorneys who assisted Tom Morris in the legal defense work of the Universal Chiropractors' Association (UCA) (Keating and Rehm, 1993).

In March, 1941, Bob married Miss Patricia Holmes, daughter of Tom Morris' protégé and law partner, Arthur Holmes. Robert Johns Jr. was born August 4, 1942. Bob Jr. would follow his father and grandfather into the practice of law. A second son, Arthur Holmes Johns, was born one year later. One more child, Patricia, was born to Bob and Pat in 1949.

Like millions of American couples in that era, the Johns' lives were interrupted by the ordeal of World War II. Bob was commissioned in the U.S. Navy in 1942 and served as captain of a sub-chaser which saw action in the Allied invasion of Normandy in 1944. The following year, his ship was damaged in combat off Okinawa's coast.

In the post-war years, attorney Johns collaborated with his father-in-law, who had taken over Tom Morris' work with the UCA, and continued to serve as general counsel to the UCA's successor society, the National Chiropractic Association (NCA). Although the early work of chiropractic attorneys had necessarily concentrated on criminal cases, by the end of World War II most states had licensed the practice of chiropractic. Accordingly, the bulk of the legal defense provided by Arthur Holmes' office had shifted from criminal to civil (malpractice) cases.

Enter the Iowa Commissioner of Insurance, who insisted that the NCA's legal protective services and the fees NCA members paid for them (i.e., membership dues) amounted to the business of insurance. The commissioner required the association to organize that segment of its operations under the state's insurance laws, or cease operations. With a \$30,000 loan from the national society's coffers, the NCA leadership sought a charter for the National Chiropractic Insurance Company (NCIC), a mutual insurance corporation, and authority to operate as an insurer from the Iowa Insurance Department. The NCIC would offer a policy covering malpractice and the associated legal defense costs to members-in-good-standing of the NCA. Responsibility for establishing the new enterprise's "home office" in Webster City, Iowa fell to NCA's veteran organizer and administrator, Loran Rogers, and to Bob Johns, as reflected in the minutes of the

company's seminal meeting:

"Motion by Dr. Goodfellow, seconded by Dr. Hariman, that Dr. Rogers and Mr. Johns be empowered to set up a new Mutual Insurance Corporation, to be known as the National Chiropractic Insurance Company (or The Chiropractic Insurance Company of America). Carried," (Minutes, 1945).

National Chiropractic Association

Ernest Thompson,DC, *president*

Floyd Cregger,DC, *vice president*

Loran Rogers,DC, *executive secretary-treasurer*

Arthur Holmes, *general counsel*

Robert Johns Sr.,JD, *associate counsel*

F. Lorne Wheaton,DC, *chairman of the board*

Frank Logic,DC, *board member*

Gordon Goodfellow,DC,ND, *board member*

Cecil Strait,DC, *board member*

George E. Hariman,DC, *board member*

National Chiropractic Insurance Company

Founders:

F. Lorne Wheaton,DC, *president*

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Although the "General Counsel" title was held by attorney Holmes for some years, the senior attorney had delegated the legal work for NCIC to Johns, and in so doing passed the torch he'd received from Tom Morris to the next generation. Mr. Johns directed the application process and

took over most of the civil case work of the NCA (i.e., malpractice defenses) on behalf of the NCIC. For the next three decades, Johns led the defense of NCA (later, ACA) chiropractors.

Johns became a well-respected trial lawyer, and was named a Fellow in the American College of Trial Lawyers, the first attorney in the La Crosse area to be so honored (Obituary, 1999). He represented "clients before the Wisconsin Supreme Court on 46 occasions" and served as president of the Wisconsin Bar Association in 1955. Bob contributed his time and talents to the boards of directors of a variety of companies and agencies, including the Board of Visitors of the University of Wisconsin Law School, the Aviation Board of La Crosse, Gateway Transportation Company, the First National Bank, and several hospitals.

Arthur Holmes had practiced law since 1915 (Rehm, 1980, p. 293) and had served the chiropractic profession since 1918. As Holmes' interests gradually shifted toward his work for the Trane Company of La Crosse, Johns assumed the reins as chief legal counsel for NCA as well as handling or overseeing all malpractice cases for the insurance company. One of his more important contributions came in 1956 with the publication of his *Legal Compendium of State Supreme Court Decisions Involving the Practice of Chiropractic*, published by the NCA (Johns, undated). By 1959 the workload had become excessive, and the NCA's legal needs were re-assigned to James Bunker; Johns continued to accept NCA assignments in collaboration with Mr. Bunker in addition to his work for the mutual insurance company.

Described as a hard worker who also knew how to relax (Flaherty, 1999), Johns was diligent in pursuit of NCIC's goals. From 1945 through 1977, he oversaw the insurer's licensing in more than 30 states, recruited lawyers from around the nation to try cases on NCIC policyholders' behalf, supervised the legal files for all claims submitted, and advised the Board of Directors concerning its relations with state and federal agencies. Claims were rarely settled out of court, the company and its counsel preferring to see cases tried. Rogers and Johns saw the company grow from nothing to a multi million dollar enterprise that provided quality service to its policyholders and used its proceeds to further national professional goals, such as accredited chiropractic education. Johns was an active participant in the profession's boot-strapping efforts.

Bob was joined in this work in the early 1950s by Daniel T. Flaherty, and later by his son, Robert Johns Jr., alumni of the University of Wisconsin-Madison Law School. Flaherty, who joined Johns' law firm in 1949 and represented NCIC (and its successor, National Chiropractic Mutual Insurance Company/NCMIC) into the 1980s, eventually succeeded Johns as chief legal counsel to the insurer. Mr. Flaherty recalls his friend, partner and mentor as a warm, fun-loving man who enjoyed and played a good game of golf, always had an appropriate story for the occasion (to a jury or a social gathering), and who gave generously of his time for civic and professional matters.

Mr. Johns decided to retire from practice in the late 1970s. He and Pat relocated to Palm Beach, Florida, where he served as a member of the board of directors of the Everglades Club for 19 years. They spent their summer months in Blowing Rock, North Carolina, and enjoyed the extended years that Providence granted him.

A moment of silence and thankful respect is due Robert Johns, one of the unsung champions of chiropractors. Long-time legal advisor to "The Nation's Organization" NCA, co-founder of the profession's most successful financial endeavor, NCIC and chief defender of its policyholders, he has earned an honored position in the annals of chiropractic history.

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If your interest in chirohistory has been stimulated, then consider joining the Association for the History of Chiropractic (AHC). Founded at Spears Hospital in Denver in 1980, the AHC is a nonprofit, membership organization whose goal is the discovery, dissemination and preservation of the saga of chiropractic. The AHC held its first annual Conference on Chiropractic History at the Smithsonian Institute in Washington, D.C. in 1980, and has held similar conferences each year since at various chiropractic colleges. The AHC's 2001 Conference on Chiropractic History will be held at Palmer College of Chiropractic West in San Jose, California during March 30-April 1, 2001. Details about the upcoming conference can be obtained by contacting the AHC:

*Alana Callender, MS,
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of Chiropractic
1000 Brady Street,
Davenport IA 52803 USA*

The AHC publishes a scholarly journal, *Chiropractic History*, in which chiropractors and interested observers contribute their expertise to telling and interpreting the rich lore of the profession. The journal, which is indexed in the National Library of Medicine's *Bibliography of the History of Medicine*, is published twice per year. *Chiropractic History* is distributed to all members of the AHC as a membership benefit. Membership in the AHC can be obtained by sending your name, address and check for \$50 (\$20/year for students) to AHC's executive director Callender, at the address given above.

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