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A LAW CENTER FOR NORTH DAKOTA

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Thirteen years ago, Dean Thormodsgard proposed the establishment of a law center on the university campus. As he conceived it, a law center consisted of “. . . an administrative framework for the integration of the educational, research and professional needs of the legal profession.”¹ The administrative framework of the law center would plan, coordinate and execute programs over the entire spectrum of the legal profession's needs, including traditional legal education for the student; graduate and continuing legal education for the practitioner; legal research, involving interdisciplinary studies to evaluate the interaction of law and society; and the establishment of a legal aid clinic.

Dean Thormodsgard believed that a law center would provide a vehicle for accomplishing the proper functions of the law school:

It now seems timely for the University of North Dakota School of Law to initiate plans for the creation of a law center on the university campus. This takes on added significance when one considers the special role and obligation of a state university law school. It is charged with the primary responsibility for educating men and women for the practice of law in the state. It has the related and equally important interest—and obligation—in the improvement of the substantive and procedural law of the state for the benefit of the profession and the citizens of the state.²

Dean Thormodsgard was concerned with the fulfillment of this dual role of the Law School and its involvement in the affairs of the legal profession beyond the initial legal education phase. He voiced the same concern that Robert G. Storey, a former president of the American Bar Association, stated in 1950:

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1. Thormodsgard & Whinery, *The Development of a Law Center For the State of North Dakota*, 35 N.D. L. REV. 131, 134 (1959).

2. *Id.* at 135.

While we boast that legal education in our country is the best in the world, it is significant that the law schools and law practice are generally separated. The law schools and the bar associations have traveled different routes. Our profession would be stronger if all three activities could be brought more closely together. The law schools, practicing lawyers and bar associations have common goals to improve the profession and the administration of justice. All too often the activities are not coordinated; jealousies and resentments arise; and it is a common complaint of the busy practitioner that the law school is too theoretical. Bar Associations do not always inspire cooperation from the law schools. Unfortunate chasms exist between law schools, bar associations and the legal profession. All three elements should be brought together. The Law Center provides a natural nucleus for converging our common efforts and objectives.³

The matter of integrating the efforts and common goals of the entire legal profession was certainly one of Dean Thormodsgard's highest priorities. To that end, he also proposed that the location of the North Dakota State Bar Association offices be moved to the University campus and that the Executive Director of the Association also serve as a member of the faculty. In this manner the operations of the State Bar Association could be better coordinated with those of the Law School. His suggestion was not accepted, however, and the offices of the State Bar Association were moved to Bismarck, rather than Grand Forks. At least that portion of Dean Thormodsgard's proposal seems to be incapable of realization for the present time, but should be seriously considered again if the concept of a law center is revived.

The need for a law center has not diminished during the last decade, but rather has increased. The complexities of legal practice and the proliferation of governmental activity on all levels requires more research and study than at any time in the past. Moreover, the legal profession itself is undergoing significant changes and much work needs to be done on such concepts as group legal services and judicare. While much has been done on a national level regarding these concepts, what special problems and applications might arise in North Dakota? A law center would be ideally suited to conducting both legal and empirical research on these and other topics. The legal profession needs to bring together its several parts now more than ever in order to address itself effectively to the problems of a volatile and impatient society. No one segment—law school, bar association, or practicing lawyer—can hope to deal with the problems alone. The facilities and resources of all seg-

3. Storey, *The Modern Law Center*, 4 Sw. L.J. 375, 390 (1950).

ments must be fully utilized and coordinated if our state is to receive the leadership and guidance that the citizenry rightfully expect from the profession.

The new library facility at the Law School will soon be finished and is one of the finest depositories of legal knowledge in this region of the country. Over 76,000 volumes will be housed in the new library and over 3,000 additional volumes are to be added every year. A law center with such an excellent library as its core would be well suited ". . . as a clearing house for the application in this state of educational and research programs conducted in other parts of the country."⁴ Also, and again using the thoughts of Dean Thormodsgard, a law center would be valuable for establishing relationships with other organizations such as the American Bar Association, the National Conference of Commissioners on Uniform State Laws and the Association of American Law Schools.⁵ The law center would also be a focal point for funneling applications for research grants to private foundations and governmental agencies.

Some of the goals of a law center proposed by Dean Thormodsgard have been met, most have not. Interdisciplinary studies have been in existence approximately twelve years, in the form of the Agricultural Law Research Program, directed by Professor Robert E. Beck. A Legal Aid Association was organized in 1968, and the student members thereof are providing legal services to the poor in the Grand Forks area. These programs are very useful and good examples of what a law center should include. But much more is needed in order to flesh out the skeleton of a law center. The resources are present, only the will to go forward is lacking.

There is one area in which much could be done to strengthen the relationship between the Bar Association and the Law School. Continuing legal education is now conducted solely by the State Bar Association. While the programs offered are stimulating and educational, a much more effective program could be developed if Continuing Legal Education was a part of a law center and the Law School could thus participate heavily in the planning and execution of the program. In cooperation with the State Bar Association, the Law School could produce and deliver various types of Continuing Legal Education programs throughout the state, including written materials of various kinds, videotape presentations (much like the University of Minnesota now uses) shown in conjunction with local seminars around the state, and regional institutes of various lengths

4. Thormodsgard & Whinery, *supra* note 1, at 135.

5. *Id.*

dealing with programs of interest to the practicing bar and designed to provide both skills training and theoretical understanding.

Another advantage of establishing a Continuing Legal Education program under the joint direction of the State Bar Association and the Law School at a law center is the availability of resource people in other professions at the University. Much could be done in the areas of legal-medical and engineering-related topics. Through the medium of video tape, interdisciplinary panel presentations could be produced as well as programs dealing only with legal matters. Videotape facilities are readily available on the campus for this purpose. Again, it is another example of presently non-utilized resources which could be of great value, if proper planning is effected. Continuing legal education is not a luxury—it is an absolute necessity. An effective Continuing Legal Education program is one of the primary goals of any law center operation, and with financial help and cooperation from the members of the bar, there is every reason to expect that this goal would be attained.

But there are other functions that a law center would serve. For example, a North Dakota oriented legal research organization should be developed whereby the special needs and problems of the state can be investigated. As mentioned earlier, work needs to be done on such concepts as group legal services and *judicare* insofar as their application in North Dakota is concerned. There are many other legal problems facing the state which deserve attention. The Legislative Council certainly could use the facilities of the law center at the School of Law and over-flow projects could be worked on immediately at the law center that otherwise would have to wait until other work with a higher priority had been accomplished by the staff of the Legislative Council.

Another worthwhile research project for the law center would be the digesting and publishing of the decisions of the state district courts. The courts, practitioners and students alike have no means of determining the position of the several district courts of the state on any point of law. By digesting and publishing such decisions, a more consistent and evenly-applied body of law could be developed in the state. This would require the close cooperation of district judges and the law center, and methods would have to be developed to insure a minimum of inconvenience and additional work to the judges. But this project is but another example of what could be done through coordination and cooperation between the various elements of the legal profession.

A research service available to all members of the State Bar Association is another desirable feature of a law center. Not only would students be available to work on the special research projects

mentioned above, but they would also be the primary resource for a general research service. The student body as presently constituted is highly qualified to perform these professional services and a consistently high quality product could be expected. There are undoubtedly many other functions that could be served by the law center. The center should be more than just an administrative framework coordinating various projects. It should be a moving force in developing an attitude of respect and understanding between the practicing professional, the teaching professional, and the student. Each has a contribution to make and too often that contribution is lost by a mutual failing to understand and appreciate the other's viewpoint. A law center could promote understanding by arranging frequent short term visits of approximately a week by practicing lawyers to the Law School for in-depth seminar type discussions with students and faculty on selected areas of law practice. The practicing lawyer would live and work at the Law School during his stay in a manner much like that of the ancient Inns of Court. Such an arrangement would certainly be beneficial to all.

On the other hand, the law center could work to expand the summer apprenticeship program so that more opportunities could be given to law students to work in law offices, courts, and governmental agencies during the summer months. Students are eager to have the opportunity of working with lawyers and there are many benefits to be obtained in allowing the student to participate in the workings of the legal process, among which are the gaining of confidence in applying legal skills, learning to appreciate the exacting demands of professional life, and being able to apply the code of professional responsibility to real life situations.

Financing a law center should not be an obstacle. The physical facilities are available at little or no extra cost to the profession. Much of the work of the center would be done by students at a reasonable cost. Administrative costs could be shared by the University and the State Bar Association. The Law School Foundation is available as a legal entity to establish and maintain the center. Again, the facilities, manpower, and machinery to set everything in motion is in place and ready to operate. All that is required is a sustaining interest on the part of all elements of the profession. The implementation of Dean Thormodsgard's original concept is very close to realization and this is the time to finally integrate the common goals and efforts of the profession. Nothing is gained by waiting but much can be lost if we do not start now to plan comprehensively for the legal needs, present and future, of North Dakota and participate *jointly* in the solution of those needs. A tremendous amount of talent can be concentrated through a law center,

and the State Bar Association would have a formidable resource to assist its members and their interests and projects. The Law School would be benefited by having opportunities for faculty and students alike to engage in projects where theoretical knowledge can be applied to real problems. The public, however, would be the greatest beneficiary.

I propose that a committee be formed as soon as possible, consisting of delegates from the State Bar Association, the Law School, the Legislative Council and the judiciary to examine this matter fully and devise a comprehensive plan, including funding, for a law center. There is no reason why a report by the committee could not be submitted at the State Bar Association convention in 1973. Now is the time for action.