



1969

Proceedings of the Sixty-Ninth Annual Meeting of North Dakota State Bar Association

North Dakota State Bar Association

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PROCEEDINGS
of
Sixty-Ninth
Annual Meeting
OF NORTH DAKOTA
STATE BAR ASSOCIATION

Grand Pacific Hotel
Bismarck, North Dakota
June 19-20, 1969

GENERAL ASSEMBLY

9:30 A. M.
June 19, 1969

PRESIDENT PRINGLE: I'll call the meeting to order, and the first order of business is the invocation by the Reverend James Butler, Pastor of the First Presbyterian Church of Bismarck.

Invocation was given by the Reverend James Butler.

Mayor E. V. Lahr of Bismarck, North Dakota addressed the meeting with words of welcome.

President-Elect Weiss of Jamestown, North Dakota, responded to the welcome address.

President Kenneth G. Pringle was introduced and presented his address.

PRESIDENT KENNETH G. PRINGLE: I'm sure all of you came here this morning right off at the opening hour just to hear my address. I was informed by Harry Pippin that there were some Minot fellows from my own firm last night who were bragging about the address that I was going to make this morning, and so on, and I told them that they must have been among the members that were a little bit on the high side, shall we say?

In any event, it has become a tradition, and I guess I'm not one that's going to break tradition.

As we open this Sixty-Ninth Annual Meeting of the North Dakota State Bar Association, I know that there are several Past Presidents of the Association present this morning who will appreciate the sense of relief that I feel to have reached this point in my year as President of your Association. It will be great to turn over the gavel to Bud Weiss tomorrow evening and to be able to sit back and relax just a little bit in Association work during the coming year.

This is also the Forty-Sixth Annual Meeting as an integrated Bar, and after many contacts with officers of other non-integrated state bar associations during the past year, I feel that we are extremely fortunate to have had far-sighted leadership back in the Twenties, when our Bar was first unified and integrated. Montana, to the west of us, is still trying to accomplish unification, and without it, their Association program is much, much weaker than ours, with about the same-size bar.

While there's been a lot of Bar Association activity during the past year, I'm sure that it will not go down in history as a record year, and we certainly have lacked any spectacular activity which might have won us an award of merit with the A.B.A. However, there was much solid committee work, and a lot of accomplishments by these committees, and I do want to extend to each member of the Executive Committee and to all of the committee chairmen and members of committees who have worked together during the past year my most sincere thanks for their continuing efforts on behalf of this Association.

It is a pleasure to report that Ted Kellogg turned over the Association leadership to me a year ago with the Organization in sound financial condition, and with the help of the Executive Committee and our Executive Secretary, we have managed to live within our budget in both the General Account and the Trust Account during the year just ended. This was made possible largely through the excellent response from the membership to the special assessment, and we also had the assistance of numerous voluntary contributions from the Judges. It should be pointed out, though, that to operate within our available resources, it was necessary to hold committee budgets and expenditures to a minimum, which may have been detrimental to some committee activity.

It would be interesting to know how many thousands of hours of time have been contributed to Bar Association work during the past year by the Executive Committee and all of the other committees who have performed so ably. I'm sure that it would amount to many thousands of hours, which, if paid for, even under the minimum suggested fee of our Bar Association, would increase our budget several-fold.

I would characterize the program carried on by the Association committees during the past year as an active one. Some of the more active committees included the Judicial Improvement Committee, under the leadership of Hugh McCutcheon, which put in countless hours before the primary election, and with minimum funds available and lots of local Bar assistance, almost succeeded in getting the judicial improvement article passed by the electorate. The Committee continued its activity during the Legislative Session in attempting to secure the passage of a Senate Concurrent Resolution which would have put this matter back on the ballot again at the next election. The Legislature didn't go along with us, feeling that it had been before the electorate two times in a row and that it should be delayed.

The Procedure Committee, under the leadership of Joe Loder, was active in promoting a new rule of civil procedure and amendments to the existing Rules for the District Courts of North Dakota, and this new rule and the amendments to the existing Rules have now been heard before the Supreme Court.

The Continuing Legal Education Committee, chaired by Wally Hankla, cooperated with the Continuing Education Division of the University of North Dakota in sponsoring an automobile insurance seminar last November, and has done an excellent job in providing the continuing legal education program for this meeting.

The Continuing Legal Education Division of the University also sponsored two separate institutes of interest to lawyers; namely, the Legal-Engineering Institute and the Seminar on Legal Rights of Indians.

In early May, Bill McMenamy and his Legal Economics Committee conducted what I consider to be the best of our Law Office Management Seminars to date. Bill took his own time to attend the American Bar Association Economics of Law Practice Conference in San Francisco last October and he lined up the two top speakers at this Conference, H. Lee Turner, of Great Bend, Kansas, and Harris Morgan, of Greenville, Texas, as two of the three speakers for our State Seminar. Our own Gary Pearson, from Grand Forks,

completed the roster for that Seminar. It is my personal hope that we can get these two out-of-state speakers back here again at some future date, and that every lawyer will take advantage of the opportunity to hear them. It was most timely and one that I think we are going to hear a lot more about in the future.

The Legislative Committee, with Frank Magill as Chairman, performed yeoman service, both prior to and during the Legislative Session, and they were given a big boost by Judge Burdick of the Uniform Laws Committee in promoting the passage of the many uniform laws presented to the Legislature. In addition to six uniform acts which were passed by the Legislature, largely due to Judge Burdick's efforts, your Legislative Committee was successful in securing the passage of a law permitting an increase in our license fees, which fees in the future will be divided 80 per cent to the Bar Association and 20 per cent to the Bar Board, instead of 75-25, as in the past. They secured increases in salaries for judges in County Courts with Increased Jurisdiction, and for the District and Supreme Court judges. They also secured an amendment to the Summary Administration Act, and a Senate Concurrent Resolution providing for an LRC study of the doctrine of governmental immunity. The judicial salary increases passed by the Legislature are, in my personal opinion, still far from adequate, and a continuing effort on the part of the Bar will be needed in the future to bring these salaries up into line where they should be.

The Traffic Safety Committee, under the leadership of Dick Thomas, conducted an outstanding traffic court conference for lawyers, judges, prosecutors and other traffic personnel in Bismarck, April 17th to the 19th. The conference was well-attended and highly lauded by participants. Several speakers of national prominence were on the program for this conference.

Al Thompson and his Ethics Committee have had under study for the past several months the new proposed A.B.A. Code of Professional Responsibility, which will probably come up for final action in the House of Delegates at the August annual meeting of the American Bar. A report and recommendations from this Committee will be given to the Executive Committee of this Association, and any recommendations that this Association desires to make to the A.B.A. special committee will be forwarded prior to the A.B.A. meeting in August.

The Commissioners on Uniform Laws now have in near final draft form a uniform probate code, which has been assigned to a special study committee of the Association, consisting of Lyle Selbo, Chairman, Bud Weiss, Judge Austin and Judge Smith. This Committee has divided up the Uniform Code among its Committee members for a detailed study, and the Committee will meet again in July to formulate a report and recommendations to our Association Executive Committee that can be carried to the A.B.A. meeting in August.

Back in April, Chief Justice Teigen, Roy Ployhar and Joe Loder, all members of our State Grievance Commission, participated in a regional meeting of the American Bar Special Committee on the Evaluation of Disciplinary Enforcement, in Chicago, at the invitation of Justice Tom C. Clark, Chairman of this Special A.B.A. Committee. This important meeting provided for an exchange of information on disciplinary enforcement in nine states and Puerto Rico.

Your Information and Services Committee carried on a very active Constitution Award Program under the leadership of William Tschetter, Chairman, and the Law Day Subcommittee, sparked by Duane Ilvedson as Acting Chairman, conducted a very aggressive promotional program throughout the State back in April and early May.

You will be glad to know that our Special Committee on Title Insurance, chaired by Ray McIntee, has continued its efforts to get the title insurance

company selected by our Association; namely, Insured Titles, Inc., of Kansas, licensed by the State Insurance Commissioner. We believe that progress is being made and are hopeful that this Company will be licensed to do business in the State of North Dakota within the next few months.

Other committees which have done a tremendous amount of work during the year, which really doesn't show on the surface, are the Title Standards Committee, ably chaired by Linn Sherman, the Unauthorized Practice of Law Committee, Harris Kenner, Chairman, the Public Relations Committee, Bob Hartl, Chairman, the Student Bar Committee, Bob McConn, Chairman, and our two Grievance Committees, headed up by Bob Dahl and Harold Anderson.

I have previously reported that our Association finances are in sound condition, but I would caution you that they will stay that way only with the continued full support of the entire membership of our Association. House Bill No. 58, passed by the Legislature, permits our Association to increase the license fees to a maximum of \$100 per year upon a vote of a majority of the members present and voting at an annual meeting of the Association. Later in this meeting, later this morning, recommendations of the Executive Committee will be presented to you and you will be asked to vote on this recommendation to increase the license fee, commencing with those for the year 1970. If the recommendation of the Executive Committee is followed, we feel that it will be unnecessary to ask for a voluntary assessment during the months immediately ahead, as was done in the last two years, since we will be able to use a portion of the increased license fee for 1970 for the budget for the fiscal year 1969-1970, commencing June 1, 1969, and the balance of that increase for the subsequent fiscal year, which can be balanced out by part of the license fee for the year after that. I would strongly urge a "yes" vote on this proposal when it comes before you, if we are to keep our Association finances on a sound basis and avoid voluntary assessments. I would also point out to you that the annual license fee in our neighboring state to the south is \$100 per year, which does also cover some of the expense of their annual meetings.

The Budget Committee of the Executive Committee will propose that the fiscal year of the Association be changed from June 1 commencement to a July 1 commencement, in order to bring our Association fiscal year into line with the State fiscal year, since all of our Trust Account activity is handled through the State Treasurer's Office. This change will involve a 13-month year, from June 1, 1969 to June 30, 1970, which will make it even more important that the proposal for license fee increases be passed at this meeting.

During the past year it has been my pleasure and the pleasure of other Executive Committee members to work with Harold Cunningham, retiring Dean of the Law School, who is a member of the Executive Committee. I know that I can speak for all of the other members of the Executive Committee in extending our appreciation to Harold for his loyal participation in Bar Association activities, even though he is not a licensed lawyer in the State of North Dakota and, therefore, not an official member of the Association. In speaking of Dean Cunningham, I would also like to mention to each of you that the Dean-Elect of the Law School, Robert Rushing, is with us for this meeting as a guest of the Association. The Law School Liaison Committee, under the chairmanship of John Hjellum, has made arrangements for Professor Rushing to be with us and participate in this meeting, and I would urge that all of you make a special effort to make his acquaintance during the next two days. I think Mr. Rushing — yes, he is here, and at this time I would like to have him stand up, so that everybody can see who you are, and welcome you to our meeting. (Applause)

Now you've all seen his face. You know who he is. Make yourself acquainted with him while he's here.

Some of the areas of special concern to this Association in the months immediately ahead, in my opinion, are:

Better public relations, both as an organized bar and on an individual lawyer-client basis;

Better and more extensive use of lay personnel in our individual offices to permit more efficient and economical use of our own time at lower cost to our clients;

Effective student bar participation in the activities of our Association;

A close study of the proposed new uniform probate code as it may affect us here in North Dakota;

Continued study of the new proposed American Bar Association Code of Professional Responsibility; and

Close liaison with the American Bar Association in regard to the field of specialization within the profession, which is under study by that group at the present time.

These are only a few areas out of many that will concern your Executive Committee, Bud Weiss, and the Bar Committees in the year ahead of us, and I know that Bud and those working with him will have a busy year.

The arrangements for this Annual Meeting have been under the able leadership of Justice Ralph Erickstad and a tremendous group of arrangements committee chairmen who have worked long and hard to make this meeting successful and enjoyable to each of you. I want to extend to Ralph, wherever he is in the crowd this morning, and to each of his committee chairmen and the committee members who have worked so ably with them, my most sincere thanks for a job well done. It's already in evidence by the registration, by the affair last night, and by everything that we have seen up to date. I know that, as the occasion permits, you will each extend your thanks to the Bismarck and Mandan attorneys who have worked so hard to make this meeting a good one.

I would also like to commend and thank Al Schultz — what happened to Al here? — for his continued faithful service to the Association, as Executive Director. Until you have served as President of the Organization, you cannot fully appreciate the tremendous amount of detailed work that is handled by Al during the course of the year. The job of President of this Association would be many times more difficult without the capable assistance that Al so cheerfully renders, and I can appreciate it even more after visiting with the President-Elect of the Idaho Bar, who operates with a three-man Executive Committee, and no Executive Director, and the President of the Montana Bar, who has only a very limited part-time Executive Director, to realize how important Al's work to this Association is.

Many of you may not be aware of the signal honor which is coming up for Al at the 1969 Annual Meeting of the National Association of Bar Executives in Dallas in August. Al is now serving as Vice President of this National Association, and I understand the custom dictates that he will step up to the presidency of the Association at the annual meeting in August. Al is recognized throughout the country as an able bar executive, and I would ask that all of you join me in a standing ovation to Al at this time, and I don't think Al is in the room, but let's give him a big hand. (Standing applause)

We'll ask our Reporter here to pass the word along to Al of what happened here in his absence.

In closing, I want to thank each and every one of you for the opportunity of serving as your President, and it is my humble hope that my services in this office have met with your approval. Thank you. (Applause)

PRESIDENT-ELECT WEISS: Thank you very much, Ken, for that very fine address.

I wish to take this opportunity to report to the membership that Ken, in his tenure of office, was most unselfish in his representation of the Bar Association. I know for a fact that he sacrificed many hours and he did not turn away from any responsibility in connection with our Association, and, Ken, on behalf of the membership, I want to express my appreciation and the appreciation of this group to you at this time, and I think it would be fitting if we would give him a standing ovation. (Standing applause)

PRESIDENT-ELECT WEISS: Thank you, gentlemen. We will now open the official meeting to the business of the Association, and for this purpose, I return the rostrum to our President, Ken Pringle.

PRESIDENT PRINGLE: Thank you much, Bud.

I'm going to appoint Lynn Grimson of Grafton, N. D., as Parliamentarian. And, I'm going to appoint a Resolutions Committee: A. J. Pederson, Lowell Tjon, and Frank Jestrab; Frank as Chairman of the Resolutions Committee.

FRANK JESTRAB: One moment. My room number is 138 at the Holiday Inn. If anybody's got a resolution, put it in the box, and we'll give it due consideration.

PRESIDENT PRINGLE: Room 138, Holiday Inn.

One of the committee chairmen mentioned to me that I should be sure and urge that everybody wear their badges. There are no tickets. Your badge is your admission to the various luncheons, breakfasts, dinners, and so on. If you lose them or they don't stick on, I'm sure that they'll replace them out at the registration desk.

At this time it would be in order that someone move that the rules be suspended and that the committee reports that do not require positive action from the floor may be accepted and adopted, without any formal action from the floor. Do I hear such motion?

JOHN HJELLUM: So move.

JERRY NILLES: Second the motion.

PRESIDENT PRINGLE: It's been moved by John Hjellum, seconded by Jerry Nilles. You have heard the motion. Is there any discussion?

(No response, and motion put and carried.)

JUSTICE ERICKSTAD: Are you ready to call on Lynn Hoghaug?

PRESIDENT PRINGLE: Yes, right. Let's get back to that. Excuse me for not coming back there.

JUSTICE ERICKSTAD: Is Lynn here? Lynn? We'd like to acknowledge Lynn and the part his Bank is playing, and not at only this first coffee hour, but all coffee hours. Let's all give him a good hand and hope that we'll join him for the coffee sessions that we have throughout.

PRESIDENT PRINGLE: Lynn, do you have anything to say about the brand of coffee you're serving or anything like that?

LYNN HOGHAUG: It's not Mrs. Olson's coffee. The Bank of North Dakota is providing the cream and sugar. (Laughter)

PRESIDENT PRINGLE: Thank you. Are there any other announcements that should be made at this time, Ralph, concerning any of the activities later on in the day?

JUSTICE ERICKSTAD: No, but I might say this: As you know, at noon today we are having the banquets upstairs and downstairs, and hope that you will all turn out for it. We have paid for these luncheons and we might as well get our money's worth out of them.

This morning we registered, I think — reserved 125 spots, and about 58 people showed up, and that's a little bit hard on my Norwegian and Scotch blood, and I would like to see a real good turnout this noon for the two functions that we have. Thank you.

PRESIDENT PRINGLE: I might just say that former Dean Thormodsgard was to have been honored and will be honored at the luncheon of the University of North Dakota group this noon, and he is in the hospital in, I think, Bozeman, Montana, so is unable to be here; but I am wondering if Harold Hager is here. Is Harold here?

JUDGE HAGER: Yes.

PRESIDENT PRINGLE: Harold, come on up.

JUDGE HAGER: Bud's got the letter.

PRESIDENT PRINGLE: Bud, will you just read the letter, or portions of it, that were received from Dean Thormodsgard? This came to Harold Hager yesterday, and, Bud, will you do that at this time?

JUDGE HAGER: Let them know how you received it.

PRESIDENT PRINGLE: Read the envelope.

PRESIDENT-ELECT WEISS: First of all, when I arrived at Bismarck for the meetings yesterday, the Secretary handed me this letter and asked me if I knew a fellow by the name of Judge Hager, because this envelope had come to the State office, and I accused Harold of mistreating one of his prisoners, so they were lodging a complaint; but upon reaching Harold and opening the letter, I found out it came from Dean Thormodsgard and was addressed to "Judge Harold Hager, District Court Judge, First Judicial District, of the North Dakota Bar Association, 1969 Annual Meeting, at Bismarck, North Dakota," and this is the letter that was sent to Harold, and he asked if I could read it, and I kindly consented:

"Dear Judge Harold Hager:

"I visited my sister and brothers and their children and grandchildren from April, 1969, until May 14, 1969. I visited them in California, Oregon and Washington, and enjoyed the scenery, the happy times, and my family, rest and association.

"On April 14th, I arrived in Bozeman, Montana, at the home of my sister, Martha, and family; then, on May 19th, I entered the hospital under the care and skill of a noted surgeon and physician" — excuse me — "of two noted surgeons and physicians."

"Their record and reputation as surgeons are excellent. Under normal conditions I should be released and I should be able to attend the North Dakota Bar Annual Meeting on June 19th and visit many of my former students — good lawyers and judges. Just when I will get my release is unknown. I regret that I will not be there to visit Arley R. Bjella and other lawyers, judges and citizens.

"Extend my sincere regrets that I will not be able to revisit my friends and co-workers during my 36 years in the U of North Dakota Law School. I still cherish the State of North Dakota, the State Bar Association of North Dakota, and the many judges, lawyers and alumni members. When the doctors will permit me to leave, I will visit Grand Forks, the University of North Dakota, and, if convenient, will call on you, Judge Hager, Art W. Stokes, Carlton Nelson, and other lawyers, jurists, scholars, in Grand Forks.

"Sorrow and pleasure go hand in hand. It has been a pleasure so far. I hope the services of the doctors in Bozeman, Montana, will be a success and I will be able to continue my plane flight to Grand Forks, Fargo and Sioux Falls, and return to Bordeaux to again see Marie.

"May you have a happy convention. I will let you know, and Art W. Stokes and others, and will directly answer the many others.

"Love to all.

"Sincerely

"O. H. Thormodsgard"

(Applause)

I know that the luncheon this noon is going to be honoring the Dean, but I think it would be very fitting if at this time we would entertain a motion of commendation to the Dean and enter it in our official minutes, and I will so move.

JUDGE HAGER: I'll second.

PRESIDENT PRINGLE: You have heard the motion. It's been seconded by Harold Hager.

(Motion put and carried.)

PRESIDENT PRINGLE: Thanks much for reading that letter.

This morning we have three gentlemen with us who are going to talk about our group insurance programs, and I'm going to call, first, on Mr. Harold Swisher of the Union Central Life Insurance Company, who will give us an explanation about our group life contract. Mr. Swisher.

Mr. Harold Swisher addressed the meeting concerning group insurance coverage. He also introduced Mr. John Denstaedt who addressed the meeting.

Mr. Bob Diers addressed the meeting concerning our group disability program.

PRESIDENT PRINGLE: Is Ken Jakes in the room? Well, regardless of whether he is or isn't, I just wanted to compliment him. Ralph, or someone else on the Bismarck Arrangements Committee, pass along my compliments to Ken and his committee for a real good job on registration. We had a tremendous advance registration yesterday afternoon. At noon everything was out there, with about 140-some packets and badges and everything all ready to go, and Ken is to be complimented, and the members of his committee.

MR. GERALD VANDE WALLE: Mr. President.

PRESIDENT PRINGLE: Yes?

JERRY VANDE WALLE: The registration right now is 253 men and 204 ladies.

PRESIDENT PRINGLE: Thank you. At this time we'll break for coffee, and we'll reconvene in 10 to 15 minutes.

(Recess taken at 10:48 A. M. until 11:17 A. M., the same day.)

PRESIDENT PRINGLE: I'll call the meeting back to order.

Gentlemen, we'll proceed with the business of the Association. There are two items before we get into any committee reports that might require action.

Joe Loder, as Chairman of the Procedure Committee, has a ballot that he would like to have taken. Joe, will you come up and explain? Do you have the ballots, or does our — fine. Joe Loder.

LEROY LODER: Could I have some members of the Procedure Committee come forward and distribute these ballots? We're not going to take up too much of your time. Have we got a couple more fellows? Anybody here.

The ballot that's before you is a provision — let me state this: That the Federal Rules of Civil Procedure — the Federal Advisory Committee has in their preliminary draft of November, 1967, which is still under consideration, proposed the following rule of civil procedure:

"Insurance Agreements. A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy

part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial."

Some people feel that this is not a problem. In the eastern part of the State, the Federal Courts have held that they are discoverable, and Minnesota, I understand, by rule makes it that the existence of insurance is discoverable. You will note that the proposed Federal Rule says "The existence and contents of any insurance agreement." This goes quite a bit broader than some of the current rulings. There is much discussion in the area on this. The insurance industry is generally against it. The plaintiff bar is generally for it.

The Procedure Committee is asking just merely a sample — passing out this ballot for a poll. They're not asking for a discussion, because we could be here for the rest of the week. Would you just mark "yes" or "no" on this ballot, and would the members of the Procedure Committee pick these up, so we could know what the results are? We are trying, in our Procedure Committee, to keep uniformity, as far as possible, with the Federal Rules. If and when we make a recommendation, it will come before this body at an annual meeting. It will also come before the Supreme Court, at which time hearings will be held. Thank you.

PRESIDENT PRINGLE: Thank you, Joe. And if the members of the Procedure Committee will just go ahead and pick up those ballots, they can be passed to the center aisle, if you will, to make it convenient for them to pick them up.

As you gentlemen all know, for the last two or three years, in order to operate the finances of the Bar Association, it has been necessary to have a special assessment. The response of the Bar to the special assessments has been excellent. A very, very high percentage of the membership has responded in full, and a year ago it was determined that legislation in this organization authorized the Executive Committee to seek legislation to get an increase in the Association dues. The bill that was originally presented to the Legislature provided a specific amount. The Committee amended to authorize the Association, by a majority vote of the members present and voting at an annual meeting, to increase the dues of Association members — the license fees, in other words — up to a maximum of \$100. The feeling of the Committee, and the Legislature went along with them, was that this would prevent our having to come back to the Legislature in future years, for at least a number of years, with this \$100 ceiling.

Our dues last year, plus the special assessment, totaled \$60.

At this time, I'm going to turn the microphone over to Bud Weiss, representing the Executive Committee, in making the presentation that we will ask that you vote on, and that there will be opportunity to discuss prior to the vote. Bud?

BUD WEISS: Thank you, Ken.

Gentlemen, the Executive Committee made a detailed study of our financial and fiscal situation. As a result of the assessment and dues receipts, we have been able to sustain a moderate picture so far as our finances are concerned. We are concerned with the committee activity, which we have specifically requested in months past to curtail certain activities which would result in expenses, so that we might overcome certain deficits and increase the amount of moneys available for Association use.

As you all know, as Ken indicated, our annual license fee is \$40, and we have requested a \$20 assessment, making a total of \$60, which each of us has contributed during the past year. We are on a fiscal basis of May 31st

to — May 31st of each year, and our license fees are collected and turned into the Association during the month of January and the succeeding months. So you have a situation of overlapping periods of receipts and expenses, plus an overlapping of fiscal periods.

You heard also in the President's Report this morning that we are contemplating changing our fiscal period to July 1st, which would then coincide with all State fiscal periods, because we are running our Trust Account receipts through the State Treasurer's Office. This will necessitate one year in the future being 13 months long fiscally.

It is the proposal of the Executive Committee that we have a fee increase, covered in three phases — or three categories, I should say: All lawyers practicing more than five years, we propose a fee of \$75; those practicing more than one year, but less than five, \$60; and all lawyers practicing less than one year, and non-residents and judges, to pay the sum of \$40.

Now in analyzing the effect of this funding and fee increase, you have to consider the fact that these increases will not become effective until the next payment, which will be January of 1970. In order for us to utilize these fees, it will be necessary to use a part of next year's receipts for the current fiscal year, in order to make our budget balance. Likewise, this will be true in the following year. We estimate that it will take three years at this rate, before our budget will level off and the entire proceeds of each year will be then utilized in the following fiscal period. We do not anticipate that a need should arise for a fee increase prior to the expiration of this three-year period, unless things get drastically out of hand economically in the United States.

So, generally, gentlemen, this is the report of the Executive Committee. We strongly urge your favoritism toward the motion I'm going to present.

At this time I move that the Association adopt the Report of the Executive Committee.

MR. A. J. PEDERSON: I will second the motion.

PRESIDENT PRINGLE: You have heard the motion, and it has been seconded. The floor is open for discussion and questions.

MR. ROBERT DAHL: Ken, I'd just like to ask you: Under the proposed dues structure, is it anticipated that your budget is going to be approximately the same as it has been in the past?

PRESIDENT PRINGLE: During the next two-to-three year period, it's going to have to be, unless there are larger dividends that come in from our life insurance — our insurance program — than we've had in the past. For most of you who do not know just how our finances operate: The fiscal year commenced last June 1, this June 1 will utilize the license fees that we all paid in since January 1 of this year. Those funds, at \$40, in the reduced amount, are what Bud and his Executive Committee will have to work with during the fiscal year that began June 1.

Now we're contemplating changing this current fiscal year to a 13-month year. So that's going to increase the need, and it means that, if we are to avoid a special assessment of the bar during the coming year, we will have to use a part of this 75, 60 and 40-dollar license fee that comes in next January to meet the expenses of the 13-month fiscal year that began June 1. We're going to have to use enough of them so that the following year we'll have to do exactly the same thing, and we anticipate that this thing will level off over a three-year period, with no material increase in our budgets, as far as general — our General Account is concerned, or the Trust Account — either one. I don't know if that answers your questions or not, Bob.

BOB DAHL: Well, preliminarily. The point I want to make is that I know there are a number of committees in the Bar Association that are

active committees and could tremendously much more, if there were adequate financing for them.

As Chairman of Grievance Committee No. 1, we face a rather complicated problem. We finally got some communications with the Grievance Commission yesterday, with the joint meeting that we had, and we learned that the Grievance Commission expects the Grievance Committee to do much more than we had originally contemplated. In other words, they expect the Grievance Committee should present, in effect, a well-documented case to the Grievance Commission in order that it can make a determination as to whether there should be a formal prosecution. In order to do this, this takes money. The members, who are, of course, on a voluntary basis themselves, cannot afford to take the time to do the kind of investigating that's required, and I can envision in some years where that Committee alone, if we are to do a proper job of handling complaints — legitimate complaints and also illegitimate complaints — of the lay people, we could in one year probably run through a budget of \$2500.

The second point that I want to make on this is that this is a problem peculiar to grievance committees. Our complaints are sporadic. Having been President of this Association, and realizing the fact that our finances are limited, I myself have delayed the handling of some complaints because I didn't want to call a special committee meeting. This is not good in a grievance procedure. Grievances should be handled expeditiously, and yet we have been tied up because of the limitation of funds. I, for one, would speak very vociferously in favor of this increase, and the only comment or criticism I would have is that I feel it should be higher. I don't feel that a bar that's as rich as everybody that's in here should have to get along on \$75 a year. I think \$100, as they have been paying in South Dakota, would be a lot more realistic.

PRESIDENT PRINGLE: You have heard Bob's comment.

MR. ROY PLOYHAR: Is that a substitute motion?

PRESIDENT: Roy Ployhar?

ROY PLOYHAR: I wanted to just comment on Bob's remarks here, because I'm very familiar with what he's getting at, and I know that everything he's said is absolutely true, and we have problems that we need more money, and we need it badly, and as Bob will know and agree with me a hundred per cent, and this is one of the functions of the Bar Association — to discipline itself; and if it isn't going to do it, the public will do it for us, with the result that, if we have people working for nothing, like Bob has been doing, at least we should be able to once in a while pay his expenses, and that's what we are looking at, and I think that a little increase wouldn't hurt any of us.

PRESIDENT PRINGLE: Well, the motion that's before the house is open to amendment.

MR. PAT CONMY: Mr. Chairman, I wonder if perhaps there isn't a corollary issue of priority of payment and priority of activities under our existing budget or proposed future budget, and I'm wondering if we could have a resume of what the Association's expenditures are by major category.

PRESIDENT PRINGLE: Al, do you have the May 31 report that you could read the major items from — both the Trust Account — gentlemen, for those of you who haven't served on the Executive Committee, we have two accounts; we have a Trust Account, into which we put all of the filing fee income that comes into the State Treasurer's office, and that Trust Account is operated by the State Treasurer's office, and that account also gets additional bolstering from our General Account, and our General Account is operated as our own Association account. Our Secretary-Treasurer writes the checks on it. It consists of funds that come in from our license fees, from dividends on our insurance, from an occasional two or three dollars or a

couple hundred dollars might come in as an excess on seminar income, and that type of thing. And so, when Al gives you this information in response to your request, keep in mind we've got these two accounts, and the Trust Account is for activity that is pretty much for the public good, and we do transfer funds from the General Account to the Trust Account in order to make that cover the budgeted items in that account.

Will you give that information, please, Al?

AL SCHULTZ: I don't know how much detail you did want, Ken.

PRESIDENT PRINGLE: In the major categories is the way he requested it.

Al Schultz then presented the current budget report by major category. He went on to report:

This totals, in the Trust Account side, a little over \$24,000, and in the General Account, we also spent a little over \$24,000. Expenditures there were about the same on both sides. We took in — we had on hand last year, at the beginning of the year, actually about \$22,000 in our General Account. At the present time we have a little over \$25,000, and so we have gained \$3,000 in the past year. This \$3,000 is just about the amount that the Executive Committee, I think, cut from the proposed budget at the first meeting last year, but we still were on an austerity budget, because we had had some financial problems. We had not been able to pay our bills a year earlier, and we were still concerned about working out of that, and we were down on a very minimum amount of money at the time. So we gained a little over \$3,000 in the General Account. In the Trust Account, we have a balance of \$437. There we started the year with a balance of \$896. So we are down just a trifle on that account. We have \$10,850 in the Client Security Fund at the present time. The Fund — we originally put \$10,000 into it here a couple of years ago, and we took out some of the money. This is lawyers' money that was put in. We felt it was not necessary to leave the Fund grow indefinitely, and particularly when we were short on money. We took out, I think, just about a thousand dollars. It has grown again to \$10,850 at this time.

PRESIDENT PRINGLE: Are there any questions?

PAT CONMY: Yeah. I'm trying to scribble these figures down and put together the combination from the two budgets. Am I roughly close that it cost us 26 to 27 thousand dollars for the operation of the central office here in Bismarck?

PRESIDENT PRINGLE: Do you have that, Al?

AL SCHULTZ: Yes. I haven't added that up, but roughly, that would be correct, yes.

PAT CONMY: Thank you.

PRESIDENT PRINGLE: And when you heard those two sets of figures on the Trust Account and the General Account, keep in mind that a portion of the funding of the Trust Account came from our General Account. The fees from filing fees are not adequate. What — five, six thousand?

AL SCHULTZ: Five thousand, we transferred.

PRESIDENT PRINGLE: Five thousand, last year, was transferred from General to Trust to meet the Trust Account budget.

Any other questions? John Zuger?

JOHN ZUGER: Ken, I have a question. If we are financing now by a compulsory fee and by a voluntary assessment, my question would be: What portion of the total Bar is meeting the voluntary assessment? I ask the question because, on the face of it, it seems equitable that everyone would participate equally in the Bar Association activities — in the maintenance of them.

PRESIDENT PRINGLE: Al, do you know the exact percentage the last couple of years?

AL SCHULTZ: Yes. The assessment this last year brought in just a little over \$7500, up to June 1st. Checks are still dribbling in on it.

JOHN ZUGER: What percentage of membership is that?

AL SCHULTZ: I don't know. I haven't checked it out to see, and there's some variation because younger members are paying a lower assessment than older members. The participation by the practicing bar is very good. Percentage of participation among the practicing bar is excellent. Others, who are retired and who are in the Service and governmental services and many other fields, or living out-of-State, the participation there has been rather poor. But among the roughly 550 practicing lawyers, the participation has been excellent. I would say we are probably at about 350, but just merely a rough — very rough estimate on my part. The assessment the year before last brought in approximately eight thousand dollars, and this is in accordance with our previous experience. An assessment gradually slows down as it rolls along, and I think this is due to the fact — at least this is what lawyers tell me — they were rather concerned when they check around and find they paid the assessment several years in a row, but some friend of theirs did not; so they just feel it's not fair. So you just gradually get a little bit of dropping off as the thing rolls along.

PRESIDENT PRINGLE: Does that answer your question?

JOHN ZUGER: Yes. I think it's a question here — I'm not speaking as to amount, but I'm speaking to the manner of contribution, and it seems to me that it's implicit that it be equal.

PRESIDENT PRINGLE: The \$7500 last year and approximately \$8,000 the year before, at \$20 for those over five years and \$10, I believe, for those under, would probably represent somewhere in the neighborhood of 400 to 425 maximum who participated in the voluntary assessment, and of course that came largely from the active practicing bar. Ted Kellogg?

TED KELLOGG: My recollection is we did review the figure on percentages once or twice as we were making the collections, and it seemed to me it was running around 80 per cent. That's what you were trying to find out, I think.

PRESIDENT PRINGLE: Of the active practicing bar.

TED KELLOGG: In that neighborhood. About that.

PRESIDENT PRINGLE: But this would not be 80 per cent of the total licensed bar.

Any other questions?

BOB DAHL: On the basis of the proposed fees, have you determined approximately how much the gross income would be and how much would it exceed, if at all, the amount of money that you have received in the past from our dues?

PRESIDENT PRINGLE: Bud, I think you have those figures.

BUD WEISS: Well, Bob I have worked it two ways. I've worked up the figures on the proposal made by the Executive Committee to the Association this morning. Our gross revenues would approximately be \$47,500. If you were to increase to the maximum, what you suggested, of \$100, in making this spread of \$100 and \$75 and \$50 as an example, the gross income would increase approximately \$14,000, which could be utilized for committee work. Does that answer your question?

(Bob Dahl nods head.)

BOB DAHL: Well, at this time I would offer a substitute motion to this extent: I won't go along with what the figures were that he outlined. I would only — I would move at this time that the figure of \$75 be changed to \$100, leaving the other at \$60 and \$40 — I think is what you had — and I — after now having made the motion, well, why don't you get a second.

PRESIDENT PRINGLE: You have heard the motion. Is there a second?

HERMAN WEGNER: Second the motion.

PRESIDENT PRINGLE: Seconded by Herman Wegner. That would contemplate then that those practicing five years or more would be a \$100 license fee. Right?

BOB DAHL: Yes. I'd like to comment on that if I may.

First of all, I think we should all realize that inflation has set it. Secondly, I think we should realize that the North Dakota Bar has been in the forefront of Bars in the United States for years, and we have actually done it on peanuts. We have done it with a voluntary labor of the members of our Bar Association. Even if we took in an additional twelve to fourteen thousand dollars, you can fully expect that the bulk of the work is still going to be voluntary. At the present time, all that committee members receive are the magnanimous sum of eight and-a-half cents a mile and their meals, and if it's an overnight deal, they pay for their room.

Now I don't think a lot of you realize that we are completely bound by the State Board of Accounts and Purchases. On the limitations that State employees have, we are also limited. The A.B.A. is a little bit more generous. They pay ten cents and up to \$30 a day, and other expenses. We have always been an impecunious-type of organization, and I don't think that, as strong a Bar as we have, as represented here this morning, the small size of the Bar we have and the tremendous turnout that we get at our annual meetings, the tremendous participation we have at our committee work, indicates the interest that all of us have in our Bar and all of us have office overhead, I know. If any partnership can get along today on less than approximately \$20,000 a year overhead, they're doing something wrong, and if you've got two or three partners, what the devil is \$100 to \$300 as dues as part of your total overhead, when you consider the contribution that the Bar Association makes to all of us, and I would obviously, having made the motion, I would firmly endorse it.

PRESIDENT PRINGLE: From experience in the last couple of years on the Executive Committee, and particularly this past year, I can state definitely that there would have been considerably more — considerably more committee activity this past year if we hadn't had to be so tight with the money in terms of getting committees together, and committee budgets were very limited. Harris Kenner?

HARRIS KENNER: I'm opposed to the substitute motion. I don't think the whole group here should get involved in fixing the budget. We've got a good Executive Committee. They made the request. We should fully support what their request is. But I don't think we should go beyond that.

PRESIDENT PRINGLE: Ted Kellogg.

TED KELLOGG: Let me point out one thing. Bob mentioned South Dakota, and they do have a hundred-dollar membership or annual license fee, but that includes the cost of their annual meeting; that is, they don't pay annual meeting fees, as we do, and I assume — I don't remember what we pay here — what did we pay this year? Well, we would be a little over South Dakota if we had a \$75 rate.

Another thing I'd like to point out is: One of the reasons we have been in financial trouble and have needed more money is because we did have some heavy expenditures that we believe are nonrecurring expenditures, which were in the neighborhood of, I think, around \$15,000 that we had to absorb. Isn't that about right?

PRESIDENT PRINGLE: In that neighborhood, as of two years ago.

TED KELLOGG: Yeah. So my suggestion would be that we try to get along with this \$75 deal, as we are, and try it out for a year and see what happens. The temper here seems to be that it will provide enough money,

but I don't think we ought to go overboard on it at this time, if we can work it out. Now your idea is that we will absorb during the next two years these deficits that we had been incurring or this extra need that we will have, so we would not need to levy any special assessment. Isn't that it?

PRESIDENT PRINGLE: Right. In order to avoid a special assessment, we will have to use a portion of the license fees that come in next January, in the current fiscal year. We have not done that before. The twenty-some-thousand dollars that's on hand now in the General Account is largely license fees for 1969 that were paid in to the Treasurer within the last month or so, and so we would have to use part of this \$75, or whatever the figure is, for 1970, in our current fiscal year budget, and then we'd have to do the same thing next year with the following year's license fees, and I would estimate that it will level out over a three-year period.

Now if we're low in our estimate, of course we may have to come back to the Bar in future years for further increases.

A question back there?

BILL MURRAY: Yes. Well, Ken, one problem is there, I think. We don't know where the money goes to exactly, and we could, by making diligent inquiry, which most of us, I know, do; but can't there be information distributed on this a little better, to the Bar membership, so that they would know where it's going to?

PRESIDENT PRINGLE: Would the Bar like to have the annual fiscal year-end report circulated with the detail? It will cost the money of preparation, printing and mailing of it, but that's something that could be done. Larry Greenwood.

LARRY GREENWOOD: I don't want to go against the proposal of the Executive Board, being a member of it, but I think it should be pointed out that there was some feeling on the Board that 75 would not long be adequate and it would restrict our activities and there was a minority that was in favor of a \$100 assessment.

HERMAN WEGNER: Well, Mr. President, I seconded Mr. Dahl's motion for two reasons: Number one, that I know that he has been very active in the Association. I, unfortunately, have not been active in committees. I think those men who do take their time to serve on committees should not suffer financial or time loss when compared to me.

The other reason that I seconded it was this: That, as I understand the Executive Committee proposal, you start with a base of \$40; after one year, jump to \$60, and after five years, jump to \$75, which means that a man who is out one year faces an increase of \$20; but the man who has been out for five years, only an increase of \$15. I have been out something over five years and I'm just enough of an egotist that I think that we older lawyers are worth that much more than the younger ones, and should pay more.

PRESIDENT PRINGLE: Thank you. The question has been called on the substitute motion, which would raise our license fees to \$100 over five years, \$60, one to five years, and \$40 for one year and nonresident and judges.

All those in favor — now wait a minute! You fellows down in the back,
(Vote taken.)

PRESIDENT PRINGLE: Opposed, same sign.

(Vote taken.)

PRESIDENT PRINGLE: It looks like we'll have to have a show of hands—or let's call for a standing vote, and I'll ask Al and Bud to please count the votes.

All those in favor—now wait-a-minute! You fellows down in the back, can you come down here or squat, or something, if you're not voting on this one?

All those in favor of the substitute motion please stand, and those in the back that aren't voting for it, squat.

(Vote taken.)

PRESIDENT PRINGLE: Well, I think, without further count, it becomes obvious that there are more sitting than there are standing. So I will declare the motion lost.

JUDGE MAXWELL: Well, Mr. President, some of them may have refrained from voting.

PRESIDENT PRINGLE: All right. Thank you. Thank you. All those voting "no", please stand.

(Vote taken.)

PRESIDENT PRINGLE: We don't need a count. I'll declare it lost.

DICK MCGEE: Move the vote on Herman Weiss' original motion.

PRESIDENT PRINGLE: You have heard the question called on the original motion. All those in favor, stand. And, again, if you'll be seated.

(Vote taken.)

PRESIDENT PRINGLE: Those opposed, stand.

(Vote taken.)

PRESIDENT PRINGLE: The motion carries. It's possible that Bud or his successor may have to be back here a year from now or two years from now for a further increase, but I think that Bud's going to be able to make out here with these figures. He knows what he'll have to work with and the Executive Committee will have to work with him.

Arley Bjella has an announcement before we break for lunch. Where's Arley?

(Announcement made by Arley Bjella concerning the UND Alumni luncheon, and other announcements made by President Pringle concerning luncheons and meetings of First and Fifth Judicial Districts.)

PRESIDENT PRINGLE: I would like at this time — are Malcolm Brown and Benny Graff here?

Well, I'd just like to say a word of thanks to them and their committee members for a tremendous job in the affair last night out south of Mandan. They were the committee chairmen. They even were able to control the weather, and that's really something.

Unless there are further announcements that should be made before we break for lunch, we will be back in session at 1:30 — I take it back — the sectional meetings will commence at 1:30 and your program shows where they will be held.

(Further brief announcements made and session recessed at 12:00 Noon, the same day.)

GENERAL ASSEMBLY

10:18 A. M.

Friday, June 20, 1969

PRESIDENT PRINGLE: I'll call the meeting to order this morning and will you gentlemen over in the wings please bring your coffee into the auditorium and have a seat? There's lots of good seats over on this side.

At the outset this morning, I think it appropriate that we express to Jack Riley and the other members of the Merchants National Bank our sincere appreciation for the fine breakfast that was served to everybody, and I think we should give them a hand. (Applause)

We are honored this morning with the presence of Senator Burdick, who is on his way through Bismarck to Minot and, I believe, Velva, for an address this afternoon. He was kind enough to take time this morning to join us. There

are people waiting for him, and I've asked him if he won't extend personal greetings. We read his telegram yesterday. Senator, the rostrum is yours.

(Standing applause.)

SENATOR QUENTIN N. BURDICK: Mr. President, Members of the Bar, and guests:

It is true that I sent a telegram yesterday, and only because of a misconnection at Minneapolis I am in Bismarck, instead of Minot right now. But I'm so glad to be here.

You know, there's so many faces here that I have memories about, and we have fought many battles against one another and together, and those things you can't easily erase from your mind, and I enjoyed my 25 years of practice very much, and so it was only natural that, when I went to the Congress, that I sought a position on the Judiciary Committee, which I promptly got, Bobby Baker notwithstanding to the contrary.

Now I have another ulterior reason too. I like to keep up with the decisions and the statutes, and every time I see a Supreme Court or a District Judge, I ask him if there's been any change in the law or any change in the rules on evidence or negligence, and they assure me there haven't, and I come to these meetings for that purpose, just in case.

The work of the Judiciary Committee is, as you know, very important and very interesting. These last twelve months have been the most interesting of all. We've been either refusing seats to judges or granting them. We had quite an affair with Brother Fortas, and we had no trouble at all with Justice Burger, and, as you know, a special committee is always appointed by the Chairman of the Judiciary Committee to examine these men, and the procedure is simply that a day is set after publication in the Record, eight or nine days hence, for objections, and we get very few objections because, in most cases, the caliber and type of nominee is very good. The only one that was turned down prior to the Fortas case was a gentleman from Massachusetts, and there was some question about his qualifications also.

Now just to show you how much I have missed these last 11 years: I glanced at the table out there, where you have the legal publications, and I find now you're in Third Edition of *ALR* and Second Edition of *American Jurisprudence*. This proves to one how time does fleet. The law practice was very good to me. It's one of my first loves. It's a great institution, and I'm glad to get back again with lawyers. Thank you. (Applause.)

PRESIDENT PRINGLE: Thank you, Senator, for coming in this morning.

The Ethics Committee has a report that I would like to call for now. The Chairman of the Committee, Al Thompson, was unable to be here this morning. One of the members of his Committee, Curt Schmidt, will make the report. Curt?

CURT SCHMIDT: Mr. Chairman. Gentlemen:

For purposes of brevity in reading the Report, we have ruled or passed upon five inquiries regarding breach of ethics. I will attempt to shorten these or to abbreviate them as far as the opinions and the questions, but I would, however, like to read at length the recommendations of the Committee.

The Ethics Committee of the North Dakota State Bar Association consists of Robert L. Burke, Shelley J. Lashkowitz, Curtis M. Schmidt, Alfred A. Thompson, Thomas A. Wentz, and Dean Winkjer, and we are presenting our Report at this time.

The Committee has operated on a limited budget, with limited source materials. The Committee has sought to obtain copies of "Drinker" for use by all Committee members, but has had to proceed with the limited authority which is provided by "Wise." At least two of the members of the Committee have the complete and formal opinions of the American Bar Association.

The following inquiries have been considered by the members of the Committee and have been disposed of as is indicated in each case.

No. 1: An inquiry was made as to whether or not a lawyer should become a member of a non-legal association as a condition for retainer, and should a lawyer pay dues to a non-legal association as condition for retainer, or should a lawyer pay dues to a non-legal association as a condition for such association's placing the lawyer's name or firm name in the trade association journal as retained counsel?

The general conclusion of the Committee was: The answer was negative to all three.

Inquiry No. 2 was centered about a previously-licensed lawyer continuing to practice law without having paid — I believe its annual license fees; and the conclusion of the Committee was that the Court can properly refuse to permit unlicensed counsel to practice before the Court and should not honor a request on behalf of unlicensed counsel for statutory fees and contingent fees. The Committee differed on the question of whether a Court can properly require repayment of attorney's fees theretofore paid to counsel for services performed while the counsel was unlicensed to practice in the State of North Dakota. It was also decided that concurrent jurisdiction exists in the Ethics and Internal Affairs Committee and Unauthorized Practice Committee over unlicensed practice of law, and the Committee concluded that unlicensed practice of law is a violation of the North Dakota statute code, which is obvious, and should be referred to the proper prosecuting authority for criminal prosecution.

Another question was whether a lawyer holding a position as a County Justice should represent a client in a criminal proceeding if the County Justice disqualifies himself as such County Justice and does not otherwise gain any information in his capacity as County Justice concerning the offense involved. The issue may have been properly triable before the County Justice of the Peace, but was transferred to another County.

The Committee concluded that a lawyer, acting as a County Justice, may not represent a client in any case which may in any way directly or indirectly involve the attorney as County Justice. Further, the Committee was of the opinion that a lawyer, whether as prosecuting attorney or whether in the position of a part-time judge, should disqualify himself from any case wherein a violation of law may appear, at whatever level of government.

Another inquiry was posed as to whether or not a lawyer making a change in the physical location of his office should be permitted to provide notice in newspapers of general circulation that he is about to make an office move. The Committee decided that an announcement of establishment or relocation of a law office may properly be made only by a news release sought and obtained by a regular news agency, and not at the initiative of the lawyer.

Inquiry No. 5 was: Should a lawyer offer his professional card for publication indicating contribution to a high school annual or yearbook?

The conclusion of the Committee was that the Committee was of the opinion that the publication of a professional card, whether in a high school annual or a publication of general circulation, stands in direct violation of the Canons of Professional Ethics.

Gentlemen, the general recommendations of the Committee:

The Committee is unanimous in its opinion that the functions of the Ethics Committee should command the highest attention and respect of the Bar Association, and that the Committee is one of the more important committees of the Association. The Committee also believes that it has been severely handicapped, principally because of an abbreviated budget of only \$100 for postage and communication, when nothing was appropriated for Com-

mittee expense for travel costs and adequate source materials. For these reasons, it is the recommendation that the following be done:

1. An adequate budget should be provided to the Committee to enable it to hold at least quarterly meetings and to provide for adequate source materials of not less than "Drinker" and the American Bar Association Informal Opinions.

2. The activities of the Ethics Committee should be coordinated with the Grievance Committees, with at least one member serving jointly on both Committees, and a minimum of one scheduled joint meeting of the two Committees during each year.

3. That all rulings of the Ethics Committee should be disseminated to all members of the North Dakota Bar Association, as the same are drawn and concluded, by written publication.

4. That a permanent record of all complaints made to the Ethics Committee, and determinations thereof, should be established and should be made available to all members of the Bar Association upon request, and that such record be made on a factual basis, with the complainant and the alleged offender remaining anonymous.

5. That all opinions of the North Dakota Ethics Committee should be authoritatively annotated from adequate source material.

6. That the Executive Committee of the North Dakota State Bar Association proceed forthwith to define and clarify the function and jurisdiction of the Ethics Committee and the Grievance Committees. And it is further requested that the Executive Committee define with clarity procedures to be followed in the filing and prosecution of a complaint for ethical violations made to the Committee.

The next aspect of the Report deals with the Preliminary Draft of the Code of Professional Responsibility, which the A.B.A. is presently studying for adoption.

The American Bar Association's Special Committee on the evaluation of ethical standards has presented the Ethics Committee of the respective States with a preliminary draft of a Code of Professional Responsibility dated January 1, 1969. Your President has requested that this Committee review that preliminary draft and make its report thereon, such report to be submitted to the American Bar Association's Special Committee on Evaluation of Ethical Standards.

The Committee believes the treatment of the ethics of its members should be taken with a great deal of consideration and introspection. As heretofore stated, this Committee has been forced to operate within a limited budget, which has prohibited it from meeting in person to discuss these matters which we believe to be of vital importance to every member of the North Dakota State Bar Association and to the Bar in general. Unless an adequate budget can be established whereby this Committee will find it possible to have at least one general meeting to discuss the preliminary draft, no formal Committee opinion thereon could justifiably be rendered. It is important, therefore, that this Association do provide the Committee with a budget to cover minimum expenses of Committee members to attend at least one such meeting in order that a recommendation on the preliminary draft may be made to the American Bar Association.

Respectfully submitted, Alfred A. Thompson, Chairman of the Ethics Committee.

Mr. Chairman, I move the acceptance of this Report.

PRESIDENT PRINGLE: You have heard the motion. Is there a second?
(Motion duly seconded.)

PRESIDENT PRINGLE: Any discussion?

FRED SAEFKE: Mr. President, by accepting this Report, are we adopting their recommendations insofar as their attitudes on the various requests they receive or inquiries they received, as to what the policy should be?

PRESIDENT PRINGLE: It would be my feeling that this is a report and their conclusions and recommendations. They have reached these conclusions and they have been given, as I understand it, by the Committee in the particular instances where requests were made, and they are now reporting to the Association on five points where they have had requests for opinions, and they have rendered opinions.

DICK MCGEE: Don't we just receive the report and file it?

PRESIDENT PRINGLE: I think that's all — that it be received this morning.

DICK MCGEE: A substitute motion, that we receive and file the report. (Said substitute motion duly seconded.)

PRESIDENT PRINGLE: You have heard the substitute motion and second. Is there any discussion?

(Substitute motion put and carried.)

PRESIDENT PRINGLE: Thank you very much, Curt, and to the members of the Committee. And I know the Budget Committee will be meeting this afternoon. I don't believe we've had any requests for specific funds for this Committee. This will be given consideration, Curt, and you can inform the other members of the Committee.

PRESIDENT PRINGLE: Is Bob Bain present in the room at the present time? Bob Bain would like just to make a brief report on our accidental death and dismemberment policy. Bob, the microphone is yours.

Mr. Robert Bain made a report to the members concerning accidental death and dismemberment insurance.

PRESIDENT PRINGLE: Is Linn Sherman in the house? Linn, are you ready to make your presentation on the proposed amendment to our Bylaws? Linn's committee, the Title Standards Committee, made a report to the Executive Committee on Wednesday, and the result of that report was a recommendation from the Executive Committee, as well as the Title Standards Committee, for an amendment of our Bylaws, that Linn will now explain, and at the conclusion of his explanation and motion, we will put it to a vote. Linn?

LINN SHERMAN: Thank you, Mr. President.

Gentlemen, the Title Standards Committee, when it was first appointed many years ago as a Committee of this Association, and which is now one of the standing committees of the Association, was originally formed for the purpose of adopting — studying and adopting title standards for the examination of real estate titles, publishing those standards after the approval of the Executive Committee, and that has been done with many standards, as many of you know; but as time has gone on, there have been additional duties and functions, in some cases, I suppose, assumed by the Committee and in some cases assigned to the Committee by the Executive Committee and by the Association itself, beyond the scope of merely preparing title standards or standards for the examination of real estate titles. For example, the last meeting of this Association in Fargo directed that the Title Standards Committee should study the question or the proposition that was proposed at that time that there should be some provision made in our statutes for the collection of indebtedness of a deceased joint tenant whose property, by virtue of the joint tenancy, has all passed to the surviving joint tenant and left nothing for the creditors.

Another question that has been proposed to the Title Standards Committee for study has been, and which the Committee is now studying, is the propo-

sition of trying to work out some statute, some method of showing the termination of a life estate upon the death of the life tenant, without the necessity of going through an estate tax procedure, which is now apparently required in most instances and which is requested in all cases, as I understand it, by the State Tax Department.

Because many of these questions that are not strictly standard questions have been proposed to the Committee and have been sent to the Committee for study, and upon which the Committee has studied, including such things as the preparation of forms of deeds, which the Committee has been doing, some of which have been approved by the Association and others of which are in the process of approval, the members of the Committee have felt that the name of the Committee and its functions, as set forth in the present Bylaws of the Association, were not properly descriptive of its duties and functions and what it was doing and was being asked to do. And so we have been proposing in our report to the Association for the last two or three years that the name of the Committee be changed from "Title Standards Committee" to the "Real Property, Probate and Trust Law Committee" and that it have duties and functions that would be somewhat similar to those of the Committee of the American Bar Association of the same name.

Now in making that suggestion and that proposal, we are not proposing in any way supersede or take over the functions of the special committee that was recently appointed by the Executive Committee for the study of the proposed Uniform Probate Code. That is a special committee and we're not intending to take that over and we are not intending or not requesting a change in this Committee in the name or the functions for the purpose of getting any additional funds from the Budget Committee or from the Association. The Title Standards Committee is a fairly large committee. It consists of 15 members. The budget allotment that has been approved for it in the past two years, and I suppose before that, has been \$200 a year, and in the past two years in which I have been the Chairman of the Committee, our expenditures have not exceeded \$100 a year in either of those years. So we are not trying to get more money. We are not trying to get anything, except a proper description — what we feel is a proper description of the title and the duties and the functions of the Committee.

Now at the present time, Section 10, Article VIII of our Bylaws, which pertains to this Committee, reads as follows:

"Section 10 — Title Standards. This Committee shall study and approve appropriate title standards to be adopted by the Association, and shall conduct related studies designed to facilitate the marketability and conveyability of real property."

Now at this time I would like to move, and do move, that Section 10 of Article VIII of our Bylaws be amended and reenacted to read as follows:

"Section 10 — Real Property, Probate and Trust Law: This Committee shall conduct a continuing study of the laws relating to real property, probate and trust matters, shall make appropriate recommendations for change or amendment of the same to the Association and the Executive Committee, shall study and approve appropriate title standards to be adopted by the Association, and shall conduct related studies to facilitate the marketability and conveyability of real property, the probate of estates, and administration of trusts."

I move, Mr. President, that the amendment be adopted.

PRESIDENT PRINGLE: Gentlemen, you have heard the motion. Is there a second?

LEWIS OEHLERT: I second it.

PRESIDENT PRINGLE: Under our Bylaws, all that is required for amend-

ment thereof is a vote of the majority present at an annual or a special meeting. So it is appropriate at this time to consider this matter, and the floor is open for discussion or questions. If you will just hold tight here, Linn.
(Question called for.)

PRESIDENT PRINGLE: The question has been moved.
(Motion put and carried.)

PRESIDENT PRINGLE: We thank you.

LINN SHERMAN: Thank you, Mr. President, and Members.

PRESIDENT PRINGLE: Are there any other committee reports that should be delivered at this time?

Frank Magill, Chairman of our Legislative Committee, has the floor.

FRANK MAGILL: The Legislative Committee met at the spartan hour of eight o'clock yesterday morning and gave birth to two motions. The first one is as follows:

That the Bar Association officials appoint or designate a committee to study and participate in the Legislative Council Judiciary Subcommittee Hearings on Senate Concurrent Resolution 9 on the issue of abolishing or modifying the doctrine of governmental immunity, and report back with recommendations at the 1970 convention for action by the membership.

I would move the adoption of that.

PRESIDENT PRINGLE: You have heard the motion. Is there a second?
(Motion duly seconded.)

PRESIDENT PRINGLE: Is there any discussion or questions?
(Question called for and motion put and carried.)

FRANK MAGILL: The last one was that we favor a continuing study by the Bar with a view to establishing more efficient criminal prosecution and defense offices in North Dakota, with a view to establishing full-time prosecutors where the need indicates.

I move the adoption.

PRESIDENT PRINGLE: You have heard the motion. Is there a second?
(Motion duly seconded.)

PRESIDENT PRINGLE: Any discussion?
(Question called for, and motion put and carried.)

FRANK MAGILL: That's it. Thank you very much.

PRESIDENT PRINGLE: There have been many committee reports filed. Are there any others that should be made from the rostrum at this time?

If any of the committee chairmen present this morning have not yet filed their report with Al Schultz, will you please do so, if not before the end of the day, as quickly as possible, so that our committee records will be complete for the year.

At this time we will proceed to the election of officers, and I know that there is a contest in the offing for the office of President-Elect, and so I'm going to call at this time for nominations for the office of President-Elect, and we will then proceed with the election of a Secretary-Treasurer.

I'm going to ask that the nominating speeches be limited to approximately five minutes, and that one seconding speech of two minutes or less for each candidate be the limitation. I've talked to some of the people that are promoting candidates, and they seem to be agreeable to this arrangement. So we'll proceed at this time.

The floor is open to nominations for the office of President-Elect. Arley Bjella.

ARLEY BJELLA: Mr. President, Mr. Secretary, and members of the Bar. I shall attempt to keep this within the time limitations as set by the President.

Last year I was asked to support Jerry by Jerry himself, and I told him at that time that I was committed to Herman, but this year, if I could do anything to help his election, I'd be happy to do so, and, as a result, I am here this morning, gentlemen, and it's my pleasure and privilege to nominate one of North Dakota's distinguished lawyers as your next President, known to each of us as Jerry Nilles. Mr. Bjella then gave his nominating speech.

PRESIDENT PRINGLE: Is there someone who would like to second that nomination?

IDEAN LOCKEN: Yes. Mr. Locken then seconded the nomination of Jerry Nilles.

PRESIDENT PRINGLE: Are there further nominations? Bruce Bair.

BRUCE BAIR: Mr. President, Fellow Members of the Bar Association:

I'm very honored this morning to place in nomination the name of a brilliant young man from Bismarck, North Dakota. Now there are so many brilliant young men from Bismarck, North Dakota, that I won't hesitate to reveal his name immediately, so that you won't be kept in suspense.

I am very pleased to nominate for the office of President-Elect of the Bar Association, Mr. Patrick A. Conmy. Mr. Bair delivered his nominating speech.

PRESIDENT PRINGLE: You have heard the nomination. Is there someone who would like to second that nomination? Dick Thomas.

DICK THOMAS seconded the nomination of Pat Conmy.

PRESIDENT PRINGLE: Thank you, Dick. It's real interesting this morning that we have two candidates for the office of President-Elect who are sons of former Presidents of the Association. I don't know whether that's ever happened in the history of the organization.

I'm going to appoint as tellers Larry O'Connell, as Chairman; Harris Kenner and Bill McMenemy, and at this time, if you gentlemen will see that ballots are circulated.

While these ballots are being passed out, gentlemen, a telegram arrived this morning that I would like to read at this time. It's addressed to the "State Bar Association."

"Please extend to members of State Bar Association of North Dakota my warm regard and best wishes for a most successful convention. I will be arriving in Bismarck late Friday evening but not in time to greet you personally."

Signed "Tom Kleppe, Member of Congress."

Gentlemen, while the ballots are being — are all the ballots in? Are there any ballots out? Way in the back of the room.

While the ballots are being counted, we will proceed here shortly to the election of Secretary-Treasurer; but, first, I have an announcement.

The Procedure Committee ballot that was taken yesterday resulted in a vote of 102 who said "yes", 18 who said "no", and 1 "maybe". Joe Loder thought this might be of interest to the group.

There's a question. Have you got a copy of that ballot here? Is Joe Loder here? Joe, what was the specific wording of the question yesterday?

JOE LODER: Disclosure of insurance coverage on contents.

PRESIDENT PRINGLE: And that was the "yes" vote, 102.

The floor is now open to nominations for the office of Secretary-Treasurer of this Association. Are there nominations for this office?

(No response)

PRESIDENT PRINGLE: Gentlemen, we can't function without a Secretary-Treasurer.

DICK MCGEE: I nominate Phil Johnson.

PRESIDENT PRINGLE: You have heard the nomination. Dick McGee made the nomination.

AL OLSON: I'll second the nomination.

PRESIDENT PRINGLE: Are there further nominations?

IDEAN LOCKEN: I move that the nominations cease and I move the steamroller.

PRESIDENT PRINGLE: It's been moved that the nominations cease and that the Secretary-Treasurer be authorized to cast a unanimous ballot for himself. You have heard the motion. Is there a second?

(Motion duly seconded.)

PRESIDENT PRINGLE: It's been seconded.

(Above motion put and carried.)

PRESIDENT PRINGLE: Where's Phil? Stand up. (Applause)

PRESIDENT PRINGLE: Do you want to cast that ballot for yourself now, Phil?

PHIL JOHNSON: I can't do it. My friends won't vote for me.

PRESIDENT PRINGLE: While we're waiting for the results of the election, is there any other report or any other business that should come before this group before I call on the Resolutions Committee?

Are the Resoluters ready to resolve?

FRANK JESTRAB: Ready to go.

PRESIDENT PRINGLE: All right, Mr. Jestrab, if you will step forward.

FRANK JESTRAB: Mr. President, the Resolutions Committee presents the following report:

RESOLUTION

WHEREAS, the sixty-ninth annual meeting of the State Bar Association of North Dakota is drawing to a close; and

WHEREAS, this has been an outstanding annual meeting, in that the sessions thereof have been conducted on time and with dispatch, the programs and speakers have been outstanding, and the facilities, entertainment and hospitality have made this a most instructive, entertaining and pleasant convention;

NOW, THEREFORE, be it resolved by the State Bar Association of North Dakota, in annual meeting assembled, that we hereby express our appreciation and thanks to the Burleigh County Bar Association and the Morton County Bar Association, and the officers and members thereof, for their untiring efforts in making this sixty-ninth annual meeting so enjoyable and profitable.

BE IT FURTHER RESOLVED that we extend our hearty thanks to the Ladies Committee, who so graciously entertained our ladies;

BE IT FURTHER RESOLVED that we thank the City of Bismarck for its gracious welcome and for permitting us the use of its facilities;

BE IT FURTHER RESOLVED that we thank the speakers who have appeared before us and taken part in our meetings and proceedings, and have shared with us their knowledge and experience;

BE IT FURTHER RESOLVED that we thank President Pringle, President-Elect Weiss, Secretary-Treasurer J. Philip Johnson, Executive Director Schultz, and the members of all of the committees of the Association for the hard work and untiring efforts they have extended in making the past year an outstanding one for our Association, and this annual meeting a memorable one;

BE IT FURTHER RESOLVED that we extend our appreciation and thanks-

to the law book publishers and others who have contributed to our entertainment and have provided door prizes for the lucky ones of our members;

BE IT FURTHER RESOLVED that we, the members of the State Bar Association of North Dakota, do hereby pledge to Herman Weiss, our President for the coming year, and the officers and committee chairmen and members who will serve with him, our support and best efforts and wishes for another successful year of our Association.

Frank F. Jestrab, A. J. Pederson, Lowell O. Tjon.

Mr. President, I move the adoption of the Report.

PRESIDENT PRINGLE: You have heard the report of the Resolutions Committee, and it's been moved that it be adopted. Is there a second?

(Motion duly seconded by Phil Johnson; put and carried.)

PRESIDENT PRINGLE: We thank you, Frank, and the members of your Committee.

FRANK JESTRAB: Well, I'm glad you do, but I've got some more here.

PRESIDENT PRINGLE: Good.

FRANK JESTRAB: Fred Saefke has presented to your Committee the following resolution, which your Committee will now present to you:

"WHEREAS, the Thirty-Eighth Legislative Assembly of the State of North Dakota did enact House Bill No. 720, which Act was approved by the Governor on the 8th day of March, 1963 and became law on July 1, 1963, allowing persons practicing a licensed profession to form a professional corporation under the Business Corporation Act for the purpose of rendering professional service but preserving the relationship between the person rendering and the person receiving professional services and providing for continuing regulation by appropriate boards of such professions; and

WHEREAS, lawyers licensed to practice law in the State of North Dakota are members of a most august and time-honored profession, governed and regulated by the laws of our State; and,

WHEREAS, recent legislation, together with existing law as stated above, has made changes which would make it a matter of concern for such lawyers to consider; therefore,

BE IT RESOLVED by the State Bar Association of North Dakota, in its Annual Meeting Assembled, this 20th day of June, 1969, that it approve the incorporation by its members for the practice of law, pursuant to Chapter 10-31 of the 1967 Supplement of the North Dakota Century Code."

Mr. Chairman, I move the adoption of that resolution.

PRESIDENT PRINGLE: You have heard the motion. Is there a second? (Motion duly seconded.)

PRESIDENT PRINGLE: Any discussion?

PRESIDENT PRINGLE: Phil Johnson?

PHIL JOHNSON: Has this been considered by the Ethics Committee or any of the other committees of the Bar Association — the question of the propriety or desirability of a professional corporation?

PRESIDENT PRINGLE: I could not answer. When that law was originally passed, I would assume our Bar Association had a contact with it.

Bob, you raised your hand.

BOB DAHL: I can inform you that the A.B.A. Standing Committee on Professional Ethics has approved the position of lawyers in incorporating; in fact, there are some firms in the United States already that have. So there's nothing unethical about it.

PRESIDENT PRINGLE: Any other questions or discussion?

HARRIS KENNER: What's the purpose of the Resolution, if it's per-

fectly legal and approved by the A.B.A.? Why do we have to pass a resolution on it?

PRESIDENT PRINGLE: Mr. Saefke?

FRED SAEFKE: That has been a question, Mr. President, of why, and in discussing this with some of the other members, there was an uncertainty, and whereas it is legal under the laws of the State of North Dakota, I would know of no reason why lawyers who practice under those laws shouldn't be able to incorporate. However, there has always been this doubt as a matter of ethics as to whether or not we could incorporate and, if it's legal, I think this Bar should recognize it, and I think we should make it permissive and approve it.

PRESIDENT PRINGLE: And that's the purpose in your presentation of this Resolution?

FRED SAEFKE: Yes.

PRESIDENT PRINGLE: Phil Johnson?

PHIL JOHNSON: Well, if it's a matter of a question of determining the ethics, it should properly be submitted to the Ethics Committee. I don't know that this is a policy matter — that the Association is in a position to wholeheartedly approve or support professional corporations as a matter of policy.

PRESIDENT PRINGLE: Now you have heard Bob Dahl's comment on that in terms of the A.B.A. Ethics Committee. Bert Wheeler?

BERT WHEELER: Mr. President, I think we have already taken a position. At one time, we lobbied for that bill as an Association —

FRANK JESTRAB: Our Chief Lobbyist.

BERT WHEELER: — in connection with the State Medical Association.

HARRIS KENNER: I offer as a substitute motion that the Resolution be referred to the Ethics Committee.

PRESIDENT PRINGLE: You have heard the substitute motion. Is there a second?

FRED SAEFKE: Mr. President, if it appears to be the consensus then of this group that we lobbied for it and supported that bill, and that it is perfectly legal, and what Mr. Dahl says — the American Bar approves of it — I would move a substitute motion to withdraw the resolution.

HARRIS KENNER: I'll second that.

PRESIDENT PRINGLE: We have a substitute for the substitute, which has been seconded. Any discussion?

(Question called; motion put and carried.)

FRANK JESTRAB: The following resolutions were submitted by Leonard Bucklin:

"BE IT RESOLVED that

WHEREAS, it is expensive for the North Dakota Law Review to print proceedings of the Bar Association in full; and,

WHEREAS, many parts of the proceedings at the Bar Convention are not of permanent reference value;

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee is empowered and encouraged to edit the transcript of the Convention proceedings and have printed in the Law Review only those portions of the Convention proceedings or summaries thereof which appear to have general reference for historical value."

Mr. President, I move the adoption of this Resolution.

PRESIDENT PRINGLE: You have heard the motion. Is there a second? (Motion duly seconded.)

PRESIDENT PRINGLE: For the information of the membership, I can

state for several years the proceedings have been edited, and in editing the proceedings last year, I think I cut out about half of the total transcript.

But you have heard the motion; it's been seconded.

(Question called; motion put and carried.)

FRANK JESTRAB: And the second submittal by Mr. Bucklin:

"WHEREAS, the members of this Association wish to continue a strong and active Bar Association; and,

WHEREAS, it is desirable that the members have basic information in order to assess priorities and gain ideas as to possible additions to or subtractions from expenditures of funds,

NOW, THEREFORE, BE IT RESOLVED that the Association direct its Executive Committee that, prior to the 1970 Annual Convention, the Executive Committee shall prepare a brief summary of the annual expenditures of the Association. This summary shall be prepared shortly before the Annual Convention and shall be submitted to the members. This information should be a summary only and should not be full of detailed information. The information may be submitted to the members in the form of a short part of a monthly newsletter preceding the Annual Convention."

Mr. Chairman, I move the adoption of the Resolution.

PRESIDENT PRINGLE: You have heard the motion. Is there a second? Any discussion or questions?

LEONARD BUCKLIN: Say, the reason for the Resolution: Yesterday, listening to the discussion as to raising license fees, I voted to raise the license fee because I think it should be raised; but, really, I don't know how much it should be raised or I don't know what priorities should exist in the expenditure of money. I heard the people on the Grievance Committee say, "Well, we'd like to have some more money," and I think, "Gee, they should, but what else are we spending money on?" It's a matter of perhaps priorities in determining what the money should be used for, and I thought we should have the same sort of basic information we talked about yesterday, so that we could intelligently decide: Do we want to add more projects? I think possibly we do. Unless we know basically what we are spending money on, what money we've got coming in, the general membership is not in a position to encourage the leadership to embark on these projects.

PRESIDENT PRINGLE: Thank you. The suggestion was made on the floor yesterday along similar lines. Maybe you were the one that made it, Len — or I think it was someone else, and I think the point is well taken. To me, it fits into the same category, gentlemen, as our own relationship with our clients, in keeping them informed, and I think perhaps the point is well taken and should be done. Any other discussion?

(Question called; motion put and carried.)

PRESIDENT PRINGLE: Thank you very much, Frank, and other members of the Resolutions Committee.

The tellers have brought in the results of the election, and I would like at this time to ask Jerry Nilles to stand and come forward. Jerry is your new President-Elect. (Applause)

PRESIDENT PRINGLE: Jerry, I turn the microphone over to you.

JERRY NILLES: Thank you, Ken.

Members of the Bar: I am pleased. I can't help but say that I am pleased to be given the opportunity to serve you as President-Elect, and of course in the succeeding year, to serve you as President.

One of the things that's been going around in my mind, in terms of the Association's relationship to lawyers, is the question: What does the Association mean to me?

I think that our Association has done many things, but I have a feeling that we haven't related to the members of the Association as we should, and one of the things that I am personally going to try to see that the Association does is to become closer to the members during the interim season, during the season when we're not in session, and to seek out in more detail what the Association should, in your opinion, do for you — what we should be doing so that the Association can better serve you and better serve the general public in its function.

I think this Association is the most — has the most potential of any organization in this State in a wide variety of fields — not only the matter of the improvement of the administration of justice — improving our public image — but in many other fields, and I think we've got the potential. I know it's a matter of voluntary help and assistance by the members that makes this Association go, but I think, if we all work together and if everyone will do his share, I think we can continue to be a great group, we can improve our profession, we can improve our relationships, we can improve many things that need improving in this State, and I again want to thank you for giving me the opportunity to serve.
(Applause)

PAT CONMY: Mr. Chairman, could I say a word?

PRESIDENT PRINGLE: You certainly may. The rostrum is yours, Pat.

PAT CONMY: I just simply want to say that I intend to speak with Jerry at some length, to give him whatever dubious benefits he may gain from my own observations and my own comments, and I would urge all of you — all of us who have a tendency perhaps to be critical and to criticize and to let it stop there — to do the same, because he will be effective only if he understands and knows what you want and what we all want. Thank you.

(Applause)

PRESIDENT PRINGLE: Thank you, Pat. This is your Association — not the Association of the Executive Committee — and those words were well taken, Pat.

Al gives me a note indicating that the sectional meeting booklets have arrived from the printers. You don't know the crisis that developed here in the last couple of days. The State printers were supposed to have had this ready before the meeting commenced, and yesterday they hadn't started printing yet at noon. But they are available and they will be handed out at the door of each of the three meeting rooms this afternoon at two o'clock. They are printed up in a size and punched, if I'm not mistaken, to fit into the booklets that you already have your Fee Schedule and Desk Manual material in, and it is the thought of the CLE Committee that, in future years, this same practice can be followed, not only on the Annual Meeting seminars, but also on seminars between meetings, and that volumes — new covers can be added as needed. If some of you don't have covers for the Desk Manual or the Desk Manual itself, they are available at the registration desk for \$4.00.

Al was smart yesterday afternoon — or yesterday morning; he got out of the place, so he wouldn't have to be bored by my report. But he missed my remarks and my expression of appreciation to him for the job that he does for this Association, and I would like at this time to ask Al just to stand up, and let's give him a hand, since he wasn't here yesterday. (Applause)

PRESIDENT PRINGLE: Is there any further business to come before this meeting?

PHIL JOHNSON: Mr. Chairman, perhaps I could just say it from here. There is a Secretary under the Constitution and he perhaps was forgotten long ago and some invidious discrimination somehow cropped up. The Secretary-Treasurer is not a voting member of the Executive Committee as such, perhaps because, until up to recent times, he was paid some compensation.

Unfortunately, he's no longer paid compensaton. But the Constitution provides, in order to be amended, that it be brought up at one previous annual meeting, and so I just want this in the record, because I would heartily support a change in the Constitution the next time around.

PRESIDENT PRINGLE: You are proposing that type of change at this time?

PHIL JOHNSON: I think you just have to announce it, I believe, or something of that nature.

LEWIE OEHLERT: You better move an amendment.

BUD WEISS: Mr. Chairman, I believe our Bylaws permit amendment at this meeting, and I would move the amendment, so we can give Phil some work.

PRESIDENT PRINGLE: I'm not sure whether it's a Bylaw or Constitution provision. Have you checked it, Phil?

PHIL JOHNSON: It is a Constitution provision.

BUD WEISS: It is a Constitution provision. I withdraw it.

PRESIDENT PRINGLE: Do one of you want to move the amendment of our Constitution in this respect, to be considered next year, or that the language be placed —

FRANK JESTRAB: The language of the Constitution is that the amendment must be suggested — whatever that means — at the preceding — at the meeting preceding the meeting upon which it is put forward.

PRESIDENT PRINGLE: I believe then, if that language is the language of the Constitution, that this suggestion by Phil, noted in the record, would be sufficient to bring it before the membership next year.

Where's my Parliamentarian? Where is he? Lynn?

LYNN GRIMSON: I think, as long as Frank drew the Constitution, his recommendation should be satisfactory.

PRESIDENT PRINGLE: Did everybody hear that? He said "as long as Frank drew the Constitution, his recommendation should be satisfactory." That's the ruling of the Parliamentarian.

FRANK JESTRAB: That isn't my language.

PRESIDENT PRINGLE: Is there further business to come before this Session? Fred?

FRED SAEFKE: Mr. President —

PRESIDENT PRINGLE: Should this be on the mike? Fine. Why don't you step forward?

FRED SAEFKE: No, I think they can all hear me. They all see what I have in my hand. Some of them have read it. The reason I'm bringing this up is that there may be some of you who have not read it. I know you are all concerned with the public relations of the Bar Association and the image of the lawyers in their relationship with their clients. It's been a difficult task throughout the years that I've been practicing, and I know it has for the rest of you.

It's my position and my belief that a lawyer puts in more time, devotes more hours to his clients' interests than what he actually bills the client for.

Now in last night's *Bismarck Tribune*, dated June 19, there's an editorial by our Editor, Mr. John Hjelle, over here at *The Tribune*, concerning the "Cass Court Prunes the Bills," and there are quotations in this editorial made by — or quotations of statements made by Judge Redetzke, and I, for one, think this Bar Association should take some exception to it, and I want to quote for you the particular paragraph that I am referring to, to first of all just give you a little background.

PRESIDENT PRINGLE: Can everybody hear Fred? Fred, come on up.

I think it would be better that you be at the microphone, so that you will be heard by all.

Excuse me. Let me interrupt you just a moment. Will the new officers — the new President-Elect and the Secretary-Treasurer of the Association — please step over in the corner here to have your picture taken, while Fred proceeds. We're keeping the photographer waiting.

Fred, it's yours.

FRED SAEFKE: I might add this: That possibly I'm not taking a very enjoyable position, but, nevertheless, I'm a sole practitioner. I'm not going to jeopardize anyone but myself, in a partnership or anybody else, but I think you should all hear about this.

The Cass County Commissioners apparently were talking about budgets and, as far as the court system in Cass County and in that District is concerned, Judge Redetzke was making the presentation and he was telling about how he would prune the bills and how he was taking care of the economics of that part of the program in Cass County.

"'For instance,' said the judge, 'if an attorney submits a bill for one hour of work on a preliminary hearing, I know from 40 years of experience that he works no more than 15 minutes and his bill is paid accordingly. He gets paid for 15 minutes of work.'"

Well, possibly our President-Elect could have a little meeting with the Cass County Bar and have a meeting with The Honorable Judge Redetzke and maybe, since he quit practice and has been on the Bench, that the lawyers are devoting more time to their clients' efforts and are actually submitting bills for the work they do, and I'm sure, as I know in my own practice, that the clients are not being billed for nearly the hours of time that I spend in research and devote to their interests.

JOHN ADAMS: Fred, as long as you're there, could you read the part about the prices he puts in there too?

FRANK JESTRAB: He tells us a lot about The Honorable Judge Redetzke.

FRED SAEFKE: What was that comment?

JOHN ADAMS: He talks about the prices he paid for legal services in County Court and, also, District Court, and this isn't the way I remember reading our fee schedule.

FRED SAEFKE: Well, I'll read the whole editorial. It isn't that long. And then you'll have it.

"Judge Roy K. Redetzke of Cass County District Court made an impressive case for his diligence as an economizer recently.

"Urging the County Commission to grant an increase of approximately 13 per cent in his budget for the coming year, the good judge was modestly eloquent in his own praise.

"'You have a district court you can be proud of,' he assured the commissioners. 'You have two judges that can take care of many cases each day. In fact, I've been told by other cities that we are creating a good image for the profession.'

"That's real good, and it's also the way it ought to be. It's important that the judicial 'profession' have a good image. This long has been the case in Burleigh County, where judicial speed and solomonic wisdom are the rule.

"Of course, a 13 per cent budget increase isn't peanuts. With economizing like that year after year, Cass County taxpayer backs will suffer severe strain.

"Judge Redetzke, however, may have provoked strain in other

neighborhoods when he cited one example of how he saves money. When it comes to paying attorney expenses for courtroom activities, he revealed, he employs a discreet pruning knife.

" 'For instance,' said the judge, 'if an attorney submits a bill for one hour of work on a preliminary hearing, I know from 40 years of experience that he works no more than 15 minutes and his bill is paid accordingly. He gets paid for 15 minutes of work.'

"Since anyone with 40 years of experience must be acknowledged as a professionally-established expert, a layman would be ill-equipped to dispute his testimony on this score. He said it; it must be so.

"Thus is established a precedent. If Judge Redetzke can cut such bills to a quarter-fraction, so possibly can anyone else. After all, county government should have no more right to force people to work for it at cut-rate fees than should any individual.

"But don't bet on it. You just might wind up in court again. If it were in Cass District Court, it would be interesting to see how the court would rule on it."

JOHN ADAMS: I apparently read something different. I read an editorial, but I think it also mentioned defense fees in County Court in Cass County for five dollars and-some-cents; that defense fees in District Court were nine dollars and-some-cents. I'll check my papers.

PRESIDENT PRINGLE: Fred, you're making this as a report to the Association, without recommendation, or are you —

FRED SAEFKE: I don't know what authority we would have over the Judiciary.

A VOICE: They took care of Fortas.

FRED SAEFKE: I've raised the matter directly, so that those judges who are here and of course the lawyers, in making public statements would have some — some consideration for possibly those who are devoting a great deal of their time and, as a matter of fact, I know of no lawyer who is making such a practice of billing people for work he's not doing for them, whether it's the county government, the State government, or anyone else. I think the statement by the Judge may have been made in jest or something else, but still, in all, the public is waiting for these little tidbits and, as I've practiced law, and juries and the public, whenever a judge says something, that's gospel; right or wrong, it doesn't make much difference, and the public doesn't like lawyers generally. We hear comments from other news analysts, and so forth, that when your check goes to a lawyer on a land transaction or a house buying or something, it's gobbled up and it's gone — you don't know what you're getting. A lawyer image generally is bad, and I don't think this type of thing helps it.

PRESIDENT PRINGLE: Thank you, Fred, for calling it to our attention.

J. F. X. CONMY: I might make a comment —

PRESIDENT PRINGLE: Jim.

J. F. X. CONMY: I think Judge Redetzke is certainly forgetting his early years' experience. I know personally that years ago, when I was in Fargo, Roy officed on the same floor, in the same building. I asked him — at the time, he was representing a lot of criminals — or alleged criminals. (Laughter)

I asked him how he could afford — and I know this took place — how he could afford to be running up to the jail and interviewing these men and appearing for them, and he said to me — this was back before the court was appointing someone to represent every criminal who claimed not to have the funds — an alleged criminal — I'm forgetting that word — and Roy said to me: "I make money at it because I don't leave my office until I get \$50 in my hand before I go up there."

Those were his words to me. Now that's back when the dollar was worth a dollar. I think he's forgetting it and, believe me, I think Redetzke is a very, very capable judge and I like him, but he's forgetting his own practice and his own experience, and that should have some relation to us here and somebody ought to go back and talk to Roy. He could correct it.

JUDGE MAXWELL: Mr. Chairman —

PRESIDENT PRINGLE: Judge Maxwell.

JUDGE MAXWELL: Well, sometimes statements like this are taken out of context and I don't know, on the basis of this one report in a newspaper and the embellishment of it in an editorial, if it's being exactly fair to Judge Redetzke, who is my cohort in the First Judicial District. I don't think any action on the part of this organization would be appropriate at this time. It's been called to the attention of the group. I think it should rest right there, and I don't think any condemnatory action or interference is appropriate at this time.

LEWIE OEHLERT: Mr. President, may I rise to a point of order? There is no motion before this august body. I move we adjourn.

PRESIDENT PRINGLE: May I, before the adjournment . . .

PRESIDENT PRINGLE: There are a couple or three announcements, if there's no further business.

PRESIDENT PRINGLE: The sectional meetings will be in these same rooms promptly at 2:00 P. M. this afternoon and, since there is no further business to come before this Session, when we adjourn here this morning, the business meetings will be over.

Do I now hear a motion for adjournment or is it still on the floor?

MR. O'CONNELL: Mr. President, what about — when do we consider who gets next year's meeting?

PRESIDENT PRINGLE: The Executive Committee will be taking that up on Saturday morning, at its first meeting of the new Committee. You have heard the motion. Is there a second?

(Motion duly seconded.)

PRESIDENT PRINGLE: All in favor, stand and leave. Thank you.

(Session adjourned at 11:55 A. M., Friday, June 20, 1969.)

COMMITTEE REPORTS

CONTINUING LEGAL EDUCATION COMMITTEE REPORT

During the 1968-1969 year, the Continuing Legal Education Committee instituted a program of cooperating with the Director of Continuing Legal Education at the University of North Dakota Law School. Your Committee also made preliminary contacts with the Continuing Legal Education Committee of the State Bar Association of South Dakota. It is thought that in the coming years, it would perhaps be economically and educationally beneficial to the lawyers in North Dakota to cooperate with the lawyers in South Dakota in bringing in speakers either to joint seminars or on a share-the-cost bases. It is also felt that cooperation with the Director of Continuing Legal Education at the North Dakota Law School will help the Continuing Legal Education Committee in being able to make contact with outstanding speakers.

The Continuing Legal Education Committee, in conjunction with the Director of Continuing Legal Education at the University of North Dakota, conducted an automobile seminar held at Bismarck, North Dakota, on November 22, 1968. The speakers and the topics delivered were as follows: Attorney Patrick

W. Fitzgerald, Minneapolis, Minnesota — New Claim Handling Techniques; Attorney Richard R. Quinlivan of St. Cloud, Minnesota — Reciprocal Rights and Duties of Insurer, Insured and Attorney; Attorney Marvin E. Lundquist of Wheaton, Minnesota — Uninsured Motorist Coverage and First Party Coverage; and Attorney Lynn Crooks, Bismarck, North Dakota — North Dakota Unsatisfied Judgment Fund.

In connection with this seminar, your Committee secured copies of the automobile insurance practice manual developed and published by the Division of the University of Minnesota and the Minnesota State Bar Association. This is a hard cover loose leaf manual very similar to the Lawyer's Desk Manual. Mr. Robert P. Brady of the UND Law School added North Dakota citations to the material contained in the Minnesota manual and added an article on the North Dakota Unsatisfied Judgment Fund prepared by Mr. Lynn Crooks. This was sent to persons in attendance at the seminar.

The CLE Committee also arranged the educational portion of the annual meeting program held in Bismarck. A sectional seminar type program was arranged on various subjects. Sectionals given were as follows: Basic Tax Considerations Involved in the Formation, Operation and Dissolution of Partnerships, by Attorney John M. Sullivan, St. Paul, Minnesota; Foreclosure of Personal Property Security Interests under the Uniform Commercial Code, by Attorney John M. Nilles of Fargo, North Dakota; and Lawyers' Refresher in Principles of Legal Research, by Attorney James B. Loken, of Minneapolis, Minnesota.

The Committee feels that the educational process of the Bar should be continually expanded and improved upon. One method of doing this would seem to be the practice of cooperating with other agencies such as the South Dakota Bar Association and Continuing Legal Educational facilities at various educational institutions in order to make outstanding programs from other parts of the country available to us. The Committee also feels that it should attempt to make it easier for the lawyers to utilize the written materials which are secured in attendance at the seminar. Accordingly, this year your Committee is instituting the practice of presenting the written material in loose leaf form, and of such size that it will fit into the Lawyers' Desk Manual. This is an attempt to get this material onto the lawyer's desk and into his individual office rather than continuing the former practice of providing bound materials which almost must, by its form, remain in the lawyer's library.

It is hoped that your Committee can constitute a practical working tool to aid the lawyer in his everyday practice of our profession.

Respectfully submitted,
Walfrid B. Hankla, Chairman

REPORT OF LEGAL PAMPHLETS AND NEWS ARTICLES COMMITTEE

The committee has completed a final revised draft of the **Jurors' Handbook**. Prior to the preparation of this draft, your committee solicited the comments of all the judges in the state of North Dakota and received many fine comments and suggestions from the judges, many of which are incorporated in the revised draft of this **Jurors' Handbook**.

Repeated references in the handbook make it clear that the handbook is not a substitute for the court's instructions in any particular case, but is merely a general informational guide for the elucidation of jurors. Your subcommittee feels these handbooks when used by jurors are of great aid to jurors in orienting them in their function in the administration of justice, and while the ultimate determination as to the use of these **Jurors' Handbooks**

is up to the trial judge, it is hoped that the use of these books will become universal practice within this jurisdiction.

Respectfully submitted,
Raymond Rund, Chairman
Charles A. Feste
Wm. R. Tschetter
J. Gerald Nilles

LAW DAY USA

(Duane Ilvedson acted as state chairman for and on behalf of Mr. Murray, who was tied up with the legislature.)

Essentially, what was done is this: A letter and attached memorandum to county Law Day chairmen were sent to the various local Bar Association presidents. Copies of the letter and memorandum are attached. Arrangements were made with the Superintendent of Public Instruction to contact all of the various superintendents of the school districts of North Dakota suggesting Law Day programs. A copy of Superintendent Peterson's letter of April 8, 1969, is enclosed. A proclamation by Governor Guy was obtained.

Yours very truly,
Duane H. Ilvedson, Acting Chairman

AMERICAN CITIZENSHIP COMMITTEE

The main activity of the committee consisted of the Constitutional Key Award project. As in the past year, notice of presentation of the award by brochure was mailed to all high schools in the State.

Of the 289 high schools contacted, 227 responded, making a total percentage of 78.5%. This is the highest percent of response to date since the institution of the Constitutional Key Award.

The award was highly complimented in the schools by the officials, parents and students. It was pointed out, time after time, that an award stressing knowledge of the Constitution and of our Government is particularly valuable and fitting at this time in our country's development.

The previous problem of broken plastic boxes containing the Constitutional Key Award was successfully remedied by Alfred C. Schultz and staff and no complaints were received of the Key and container. Mr. Schultz and his staff are to be commended on the excellent handling of correspondence and inquiries regarding the awards and their immediate solving of the problems as they arose.

The entire Bar Association is to be commended on their act of participation in the program. One hundred thirty-one lawyers presented keys, some at two, three and four schools. The thanks of the committee goes to all who assisted and participated.

It is suggested that in the future the committee investigate the possibility of enclosing the letter of presentation in a plastic page protector. Thereby giving the recipient a much more permanent and official appearing award letter which better fits the formality of the award.

Respectfully submitted,
William R. Tschetter, Chairman
Walter C. King
H. Morris Borstad
Lowell Tjon
George Longmire

LEGISLATIVE COMMITTEE REPORT 1969-70

Numerous bar-sponsored statutes were engrafted on the books at the Forty-First Legislative Assembly. In House Bill 159 enabling legislation was passed to increase the license fee of attorneys. House Bill 271 broadened summary administration increasing those estates which may come under summary administration to \$5,000.00 after deducting last expenses, and providing short term notice to creditors.

In addition, judicial salary increases were achieved from County Courts up to the Supreme Court.

Numerous uniform acts were passed such as the Uniform Enforcement of Foreign Judgments Act, the Uniform Juvenile Court Act, the Uniform Anatomical Gifts Act, the Uniform Child Custody Jurisdiction Act, the Revised Uniform Reciprocal Support Act, and the Uniform Revised Recognition of Acknowledgments Act.

Senate Concurrent Resolution No. 9 directs the Legislative Research Council to conduct a study to determine the feasibility of the modification of the Doctrine of Governmental Immunity for the purpose of providing redress to citizens injured or damaged through the courts or wrongful acts of employees and agents of the State and its political subdivisions. This resolution is presently before the Judiciary Committee of the Legislative Council of which Senator Elton Ringsak is chairman.

Respectfully submitted,
Frank J. Magill, Chairman

REPORT OF THE COMMITTEE ON PROCEDURE AND ADJECTIVE LAW

The work of the Committee during this past year dealt with the proposed amendments to the existing Rules of Civil Procedure for the District Court of North Dakota and with a proposed new rule of Civil Procedure dealing with professional liability claims against members of the medical profession.

At the annual meeting in June, 1968, the proposed new rule dealing with professional liability claims against members of the medical profession was adopted. The Executive Committee then directed our Committee to petition the Supreme Court for a hearing on this new rule. A petition was prepared and circulated in each of the six judicial districts.

On February 26, 1969, our Committee was present for the hearing had in the Supreme Court upon the question of adoption of the new proposed rule and amendments to the existing rules. Our Committee presented to the Court testimony for the adoption of the rules. Because of stormy weather, the hearing was recessed and continued to April 25, 1969, to allow others who were unable to attend, to present material. Our Committee was also present at the continued hearing.

The Committee is presently studying further proposed amendments to the Rules of Civil Procedure in District Court. We are considering the proposed amendments to the Federal Rules of Civil Procedure relating to discovery and deposition.

We would welcome comments from any member of this association on any suggestions that they would have relating to problems or proposals in the area that our Committee deals with.

Respectfully submitted,
LeRoy A. Loder, Chairman

REPORT OF THE TITLE STANDARDS COMMITTEE

The Title Standards Committee held three meetings during the past year, June 27, 1968, November 22, 1968, and January 17, 1969. During the year the following actions have been taken by the committee:

1. The committee has recommended forms of deeds from Administrators, Executors and Guardians, and deeds for land sold under contract and conveyance subsequently made by an Executor or Administrator. Forms were prepared for conveyance to individuals, and to joint tenants, and have been submitted to the Executive Committee for approval. Such approval by the Executive Committee has not yet been received.

2. Prior to the 1968 annual meeting, the committee submitted to the Executive Committee for approval a proposed Title Standard, No. 1.132, relating to tax deeds as the source of title under the North Dakota Marketable Record Title Act. Further requests for approval have been made, but the Executive Committee has not yet acted on this request.

3. The committee prepared a proposed amendment to the Short-Term Mortgage Redemption Act, and with the able assistance of Daniel Chapman the amendment was enacted by the legislature and signed by the Governor. The committee feels that this amendment greatly increases the value and effectiveness of this act.

4. The committee had been asked to arrange with the abstracters of the State for a uniform fee for recertifying abstracts of title to real property. In cooperation with the North Dakota Title Association, legislation was proposed and subsequently enacted to extend the liability of abstracters on abstract certificates to 20 years. It is felt that this will eliminate much of the necessity for requests for recertifying abstracts.

5. The committee gave its endorsement to the enactment of master mortgage legislation, and it is our understanding that such a bill was passed and has become law.

6. The committee was asked to prepare proposed legislation dealing with the matter of clarifying Sec. 47-19-06, N.D.C.C., relating to estate tax clearance requirements in connection with the termination of life estates. Due to the short time available before the legislative session, and the inability of the committee to get the views of the State Tax Department upon this matter, no such legislation was prepared or proposed, but it is one of the matters the committee has under consideration for action at a later date.

7. At the annual meeting in Fargo in 1968, there was referred to the committee the matter of preparing proposed legislation to protect the rights of creditors of a deceased joint tenant. The committee feels that some such legislation should be enacted, and has had a sub-committee prepare a report outlining possible procedures. Such legislation might impose liability for the indebtedness upon the surviving joint tenant, or might make such indebtedness a lien or charge upon the property interest of the deceased joint tenant. The committee recommends making the indebtedness a lien or charge upon the property, rather than a personal obligation of the surviving joint tenant, and that appropriate provisions be made for publication of a notice to the creditors of the deceased joint tenant. However, we feel that this is a matter that should be decided by the members of the association, and not by the committee alone, before legislation is proposed to the legislature.

8. The committee approved a form of escrow agreement for use in connection with sales on contract for deed, and recommends the use of such an escrow agreement in appropriate instances, which will sometimes eliminate the need for a probate in case of the death of the vendor. This form of escrow agreement has been published in the Association's News Letter, at the request of the committee.

9. The committee has in the past recommended that its name be changed to a "Real Property, Probate and Trust Law Committee" with functions similar to those of the American Bar Association Committee of the same name, but no action has been taken by the Executive Committee. The committee has, both by request of the association and by its own initiative in some instances, extended the scope of its activities beyond merely proposing and preparing standards for the examination of real estate titles, and we feel that there is a distinct need for this enlarged activity by this or some other committee of the association. We renew the request for this consideration of this change by the Executive Committee and by the Association.

10. The committee has under consideration other matters, including proposals for a change in the form of acknowledgment; for a revised form of real estate mortgage, or mortgages in view of the amendments to the Short-Term Mortgage Redemption Act and the federal Truth in Lending Act; additional title standards; and proposed legislation relating to the lien of judgments upon the interest of vendors and vendees under contracts for the sale of land.

Respectfully submitted,
Linn Sherman, Chairman

THE REPORT OF COMMITTEE ON UNIFORM LAWS

During the past year, your committee on uniform laws submitted the following acts to the executive committee of the State Bar Association as a result of the efforts of the prior years committee and had the following acts approved for submission to the 1969 session of the legislative assembly of North Dakota:

1. The Uniform Deceptive Trade Practices Act.
2. The Uniform Principal and Income Act.
3. The Uniform Enforcement of Foreign Judgments Act.
4. The Model Defense of Needy Persons Act.
5. The Model Special Power of Attorney for Small Property Interests Act.
6. The Uniform Revised Recognition of Acknowledgments Act.

Among the bills that were channeled through this committee onto other State Bar Committees were the following:

1. The Uniform Post Conviction Procedure Act, which was submitted to the Ways and Means Committee of the Judicial Council.
2. The Uniform Child Custody Jurisdiction Act referred to the Ways and Means Committee of the Judicial Council.
3. The Revised Reciprocal Support Act referred to the Committee of States Attorneys.
4. The Uniform Juvenile Court Act referred to the Judicial Council.

On January 11th, the Executive Committee of the State Bar Association ruled that they would no longer consider any bills for submission to the '69 session. Among other bills being considered by the Committee at that time were the following:

1. The Uniform Consumer Credit Code.
2. The Model Choice of Form Act.
3. The Uniform Anatomical Gifts Act.

As a result of the cooperation of the members of the 1969 State Legislature who are also members of the State Bar Association, the Uniform Prin-

cial and Income Act and the Uniform Enforcement of Foreign Judgments Act were passed. The remaining acts of prime responsibility to our Committee were either defeated or were not introduced because of the heavy workload which had accumulated upon the legislators who were members of the State Bar. The following uniform acts handled by other committees were subsequently passed:

1. The Uniform Post Conviction Procedures Act.
2. The Uniform Child Custody Jurisdiction Act.
3. The Revised Reciprocal Support Act.
4. The Uniform Juvenile Court Act.

Unfortunately, much of the material received by the members of the Committee came at such a late date that it was most impossible for the Committee to express an opinion as to the desirability or undesirability of the new acts which were under consideration. Accordingly, it is certainly felt that an effort should be made to have the drafts of the proposed acts circulated at an earlier date to enable the Uniform Laws Committee to more properly function in its capacity as an arm of the State Bar Association.

Respectfully submitted,
Benny A. Greff, Chairman

GRIEVANCE COMMITTEE NO. 1

Grievance Committee No. 1 met three times during the last fiscal year. The following is the status of all complaints processed during that period.

Complaints being processed at beginning of year	— 2
Complaints received and processed during year	— 9
Complaints pending at end of year	— 2

Disposition of processed complaints:

Recommendation of dismissal	— 7
Recommendation of dismissal with admonition	— 1
Recommendation of disciplinary action	— 2

The vast majority of complaints which are considered by this Committee arise in two areas: (1) Failure of the attorney to commence or complete his work in a reasonable time; (2) Failure of the attorney to communicate with his client. This Committee urges all lawyers to establish office procedures such as tickler systems, forwarding copies of correspondence to clients, etc., which will prevent the occurrence of situations where a valid complaint by a client will arise in these areas.

Respectfully submitted,
Robert E. Dahl, Chairman

PATTERN JURY INSTRUCTIONS

Our first attempt to hold a meeting of the Pattern Jury Instruction Committee in conjunction with the Annual Meeting of the State Bar Association at Fargo, North Dakota, on June 27, 1968, was not a smashing success. Thereafter, however, a serious effort was made to select a date which would be suitable to the membership of the Committee. This was by way of a form prepared and sent to each Committee member, asking each to indicate the date and place most convenient for him. The response was fair.

Bruce Van Sickle was added to the Committee and a Subcommittee was appointed consisting of Judge Burdick and Bruce Van Sickle, to review and prepare proposed jury instructions for consideration by the entire Committee.

Each member of the Committee was advised of the creation of the Subcommittee and that the Subcommittee would review and revise, if necessary, any proposed instructions and, after having accomplished this, would submit it to the entire Committee for its consideration. A notice was also inserted in the SBAND that any individual wishing to have certain instructions reviewed or wishing to propose any new instructions should present same to the Chairman of the Committee.

Several proposals were received to revise existing instructions and some new proposals were received. These instructions are in the hands of the Subcommittee and will be reviewed and revised and will be submitted to the full Committee for consideration and final approval.

It is my suggestion that a Committee of this nature be for a longer period of time. It may be likened to a steam engine — it takes considerable time to develop enough steam for operational purposes . . . about the time the steam is built up, the year is over, particularly if you have such intervening activities such as a legislative session, flood and school problems. If the time of certain key members is pre-empted by such activities, little time is left for any accomplishment within such period of time.

No "Bar funds" were expended.

Dated this 4th day of June, 1969.

Paul M. Sand, Chairman
Pattern Jury Instructions Committee
State Bar Association

JUDICIAL IMPROVEMENT COMMITTEE REPORT

During the last half of 1968 emphasis was placed on securing voter approval of the judicial selection and tenure measure. This constitutional amendment was turned down by the voters in the September, 1968 election. Thereafter the measure was revised and offered to the 1969 Legislature where the measure was then turned down by the Legislature primarily on the grounds that it had been twice rejected by the voters, even though by relatively narrow margin. Lack of funding for promotional activities was perhaps the primary reason for voter rejection.

At the present time the Committee is working with three general propositions:

1. A study relating to the merits of redistricting the judicial districts in the State.
2. An application for federal funds to make a study of a single unified state court system.
3. An application for federal funds to make a study of judicial selection and tenure plans.

If grant funds become available for either or both of those studies, the studies will commence immediately under the supervision of the Executive Committee of the Bar Association and its Judicial Improvement Committee.

Respectfully submitted,
Hugh McCutcheon

ANNUAL REPORT FROM COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW

Your Committee on Unauthorized Practice of Law held two meetings during the past year and will be meeting again now on June 19, 1969. Throughout the past year, the work of the Committee on investigating complaints and

securing corrective action has been handled by assignment to individual members of the Committee except for three particular matters where we were able to have our Honorable Executive Director, Alfred C. Schultz, conduct investigations for us and in each instance he turned in a very fine report to the Committee.

At the commencement of the year covered by this report, no prosecutions were pending and none have been instituted during the year.

A total of twelve instances of questioned unauthorized practice of law received the attention of the Committee during the past year. All have been resolved to the satisfaction of the Committee members excepting for three matters which will be further considered at the time of our June 19th meeting.

Respectfully submitted,
Committee On
Unauthorized Practice of Law
Harris P. Kenner, Chairman

REPORT — TRAFFIC SAFETY COMMITTEE

I wish to submit the following as a report on the Traffic Safety Committee of the State Bar Association of North Dakota:

The 1969 North Dakota Traffic Court Conference was held in Bismarck, North Dakota, April 17, 18 and 19, 1969 and conducted by the State Bar Association of North Dakota in cooperation with the Traffic Court program of the American Bar Association and the Northwestern University Traffic Institute.

The conference was a culmination of the activities of the Traffic Safety Committee of the Bar Association and was well attended by participants from all over the State of North Dakota.

Among its subjects discussed at the Conference were the laws of arrest, chemical tests in the law relating to DWI, suggested traffic complaints and legislation passed in North Dakota in 1969 as well as other subjects. Because of the flood in Minot, the chairman was unable to attend the Conference, however, in his absence Judge W. J. Austin, Bismarck, Joe Carlson of the Safety Division of the North Dakota State Highway Patrol and Al Schultz handled the arrangements, during the Conference, in a most satisfactory manner from the reports received by the chairman from the participants.

Respectfully submitted,
Richard B. Thomas

THE MEMORIALS AND 50-YEAR AWARDS COMMITTEE REPORT

We have been informed of the death of the following members of our Bar Association during this past year:

Fred Fredrickson, Valley City
J. H. Newton, Bismarck
Maurice Weeks, Bottineau
Ainsley Grady, Fargo
Edwin Sjaastad, Bismarck
Einar Johnson, Lakota
Judge W. H. Hutchinson, Elko, Nevada
Harry C. Lynn, Linton
George O. Brekke, Minot
Judge C. G. Mead, Lisbon
Charles Bangert, Fargo and Enderlin

Memorials have been requested for our deceased members, and will be submitted to the Association as received.

So far as we know at this time, Attorney Lynn W. Schwoebel, New Rockford, North Dakota, is the only attorney entitled this year to the 50-year award. A plaque has been ordered for Mr. Schwoebel and will be presented to him at the Association banquet.

Judges and Attorneys contacted by the committee for the writing of memorials to our departed members have been extremely cooperative and are entitled to the thanks and appreciation of the Association.

Respectfully submitted,

Memorial and 50-Year Award Committee
Francis Reichert, Chairman

MEMORIALS

FRED J. FREDRICKSON

Fred J. Fredrickson was a man of great ability and wide interests. His life was one of service to his fellow citizens. He was born April 25, 1891, in Walsh County, North Dakota, on the farm of his parents, who had homesteaded near Adams. He attended Mayville Normal School, Business College in Fargo, and settled in Valley City in 1911 where he began work in the law office of Winterer & Ritchie, studied law, and was admitted to the North Dakota Bar in the year 1918. After completing his military service in World War I, he opened his own law office in Valley City which he maintained until going to Washington, D. C., in the year 1942 as Washington Representative of the North Dakota State Water Conservation Commission and the Greater North Dakota Association. He served there for a period of twenty years during which time Garrison, Baldhill, Homme, Heart-Butte, Dickinson and Jamestown dams and reservoirs were constructed.

Although carrying on a very active law practice while in Valley City, Mr. Fredrickson found time for other work. He belonged to and was active in the Congregational Church, the American Legion, World War I Barracks, Kiwanis Club, and several Fraternal Organizations. He was Treasurer of the City of Valley City for seven years. Thereafter, he was Mayor of the City for 14 years, from 1928-1942, during which time the City saw many needed improvements and made great progress. He served one term as State Senator from the Fifteenth District in Barnes County, in which capacity he rendered valuable service in establishing the State Water Commission, was President of the League of North Dakota Municipalities, and for several years was a member of its Board of Directors. He was admitted to practice before the U. S. Supreme Court March 30, 1936.

After leaving his work in Washington in 1962, he served the State Water Commission here in North Dakota during which time he worked on the updating of the state water laws, giving North Dakota important revisions in this field of legislation. At the time of his death, June 25, 1968, he was deputy in charge of administration of the Souris-Red-Rainy Rivers Basin Commission. He never retired.

Mr. Fredrickson was known to many as "Mr. Citizen" because his entire life was given over to the interests and welfare of his fellow citizens for whom he worked. Because of his untiring efforts and work in the state in the interests of the State Water Commission, he was also known in many circles as "Mr. Water." He was honored many times for his extended service. Shortly prior to his death, he received the 50 year service citation of the Masonic Grand Lodge of North Dakota A.F. & A.M. and also the 50 year membership award of the North Dakota Bar Association.

He is survived by his wife, Ina, one son, Robert, of Lake Jackson, Texas, and one daughter, Mrs. Gene Hastings, of Seattle, Washington.

A good lawyer, well grounded in the principles of law, Fred J. Fredrickson has left his impression in the development of our state and its laws. His passing will be felt deeply by the people of North Dakota.

JOHN HENRY NEWTON

The legal profession is the poorer for the death of John Henry Newton, Clerk of the North Dakota Supreme Court for over a half century.

The son of a pioneer buffalo hunter and self-educated lawyer who passed the bar in 1920, he spent over 55 years before the Supreme Court bench.

He served faithfully until his death as Clerk of the North Dakota Supreme Court since being named Deputy Clerk April 1, 1913, succeeding R. D. Hoskins, the state's first Supreme Court Clerk, March 1, 1917. He died October 29, 1968, shortly after having announced his impending retirement. Death cheated historians and the bar of Mr. Newton's planned recount of the color of the high court during his tenure in which cases concerning the movement of the state capital, the impeachment of Gov. William Langer, and the disqualification of Gov. Thomas Moodie figured.

His encyclopedic knowledge of North Dakota case law was recognized during his life and often tapped by members of the bar.

His efficient, patient, loyal and conscientious service to the court and bar, and his love affair with the law earned the respect and affection of all who knew him.

Coincident with his clerkship he served as secretary to the State Bar Board. Most of the present members of the bar signed the Roll of Attorneys under his aegis.

Mr. Newton was born at Williston, North Dakota, July 31, 1891, the son of George and Anna Newton. He is survived by his widow, Elsa W. Newton.

His service to the court was marked at a special term of the North Dakota Supreme Court November 22, 1968. Mr. Newton's dedication to the court was perhaps only exceeded by his devotion to the law.

MAURICE WEEKS

Maurice Weeks was born November 18, 1905 in Bottineau, a son of Mr. and Mrs. James J. Weeks. He graduated from Bottineau High School, attended the N. D. State School of Forestry, graduated from Jamestown College, Jamestown, N. D. and received his law degree from the University of Minnesota. On July 12, 1938 he was married to Ruth Bower at Fargo, N. D. The couple has lived in Bottineau since. Mr. Weeks was a member of the Presbyterian Church and had served as a trustee and Sunday School teacher. He was presently an elder of the Presbyterian church. He was a member of Tuscan Lodge No. 44, the Phoenicia Chapter No. 17 of the Royal Arch Masons, and the Lorraine Commandery No. 13 of the Knights Templar.

Mr. Weeks passed away in the Bottineau Hospital on March 2, 1969. Surviving are his wife, one son, John of Sacramento, California, one daughter, Kathryn Boswell of Minneapolis, Minnesota; two sisters, Mrs. Raymond (Frances) Bartusek of Portland, Oregon, Mrs. Arthur (Margaret) Renning of Fresno, California, and one brother, James, of The Dalles, Oregon.

AINSLEE GRADY

Mr. Ainslee Grady passed away at his home on December 31, 1968, after a long illness at the age of 65.

Mr. Grady received his law degree from Stanford University and was employed as a Trust Officer by the Bank of America prior to his returning to Fargo, North Dakota, in the early 1940's to look after family business interests. Although Mr. Grady was never actively engaged in the practice of law, he was widely known in banking and financial circles and was a member of the Bar Association of the States of North Dakota and California.

Mr. Grady left no immediate survivors, his wife, Cora Brown Grady, having predeceased him on June 13, 1968.

EDWIN O. SJAASTAD

Edwin O. Sjaastad was born October 4, 1930 at Tagus, North Dakota, the son of Mr. and Mrs. E. Odin Sjaastad. His untimely death occurred on March 20, 1969 in Bismarck, North Dakota.

He received his high school education at Tagus, North Dakota and attended Harvard College, Cambridge, Massachusetts where he majored in business administration and was graduated Cum Laude in 1952. He then attended Naval Officers Candidate School at Providence, Rhode Island completing his training there in December, 1952 and was a Naval Intelligence Officer on active duty from 1953 until September, 1956. He then attended Harvard Law School and received his law degree in 1959, then returned to North Dakota where he served as Assistant State's Attorney in Williams County until 1961 when he entered private practice in Williston, North Dakota. From 1963 until 1965 he served as Assistant Counsel with the North Dakota State Tax Department. From 1965 until 1966 he served as Deputy Commissioner of Insurance, then was appointed by Governor William L. Guy to the Office of State Tax Commissioner. He was then elected to a full four year term as North Dakota State Tax Commissioner in 1968 and took office in January, 1969.

He was married to Marles Rasmussen, and they have three children, Vance Mark Sjaastad age 16, Robin Leigh Sjaastad age 14, and Susan Amy Sjaastad age 10, all living at home in Bismarck, North Dakota. He was a member of the Trinity Lutheran Church in Bismarck.

Ed, as he was commonly known, was a man of great personal convictions and was dedicated to his work and office. It can be said without contradiction that he provided North Dakota with one of its finest tax commissioners in the history of the State. The loss of this man's great ability and genius will be long felt not only by his immediate family and host of friends but the entire citizenry of the State of North Dakota.

EINAR JOHNSON

Einar Johnson was born on April 24, 1907, at Upham, North Dakota. He was the son of Gudbjartur and Gudrun Johnson.

He attended grade and high school at Upham and graduated from Upham high school in 1925.

He attended the University of North Dakota and was admitted to the Bar in 1935.

Einar married Helen Tollefson on July 2, 1932. They have three children, one of whom is Loren Johnson, a practicing lawyer at Lakota, North Dakota. He was a brother of Nels Johnson, former Attorney General and Judge of the Supreme Court of the State of North Dakota.

Einar practiced law at Rugby, North Dakota, from 1935 to 1937. He moved to Lakota, North Dakota, in 1937, and was elected State's Attorney of Nelson County in 1940, a position he held until 1946. Thereafter he practiced law in Lakota until he suffered a heart attack in 1962. Although he partially recovered he was forced to give up active practice on account of his illness.

Einar was a good lawyer and a man of honor and integrity. His pleasant and earnest manner won him a host of friends who cherish his memory. He passed away on March 20, 1969 at the age of sixty-one.

WILLIAM H. HUTCHINSON

Judge William H. Hutchinson, who had served as a District Judge for the Third Judicial District of North Dakota, and as a practicing attorney in LaMoure, North Dakota, passed away on May 3, 1969, at Elko, Nevada.

Born in Alexandria, Minnesota, July 24, 1882, W. H. Hutchinson came to North Dakota in 1886 and attended the rural school in LaMoure County, which was taught by his father, Charles I. Hutchinson in the family farm home near Grand Rapids. He enrolled in the high school course at Valley City State Teachers College in 1903 and graduated with a law degree from the University of North Dakota in 1907.

Judge Hutchinson served as LaMoure City attorney, states attorney for LaMoure County, and as LaMoure School Board member and a trustee of the University of North Dakota. After his appointment to the district bench by Gov. George F. Schafer, he resided in Wahpeton until his retirement.

In 1936, he was elected grand master of the grand lodge, A. F. and A. M. of North Dakota and later was elected sovereign of St. Felix Conclave, Red Cross of Constantine. He was also president of the North Dakota Bar Association in 1932. His wife, Mabel, had served as president of the North Dakota PEO Sisterhood. Mrs. Hutchinson died in August, 1961.

Mr. Hutchinson was an enthusiastic booster and worker in many civic, fraternal and church groups in LaMoure, as well as in Wahpeton. As the State's Attorney of LaMoure County he had an active part in the establishment of LaMoure County Memorial Park near Grand Rapids. This is a memorial to the Veterans of World War I and it is one of the most beautiful outdoor recreation areas of North Dakota.

He was an active member and worker in the Presbyterian Church. Mr. Hutchinson had one daughter, Ann, who now lives at Elko, Nevada, and who is practicing law with her husband.

Judge Hutchinson was an outstanding man and citizen and left an indelible mark on his community and state through his long service as an attorney, citizen and Judge.

HARRY C. LYNN

Harry C. Lynn, 80, Linton, retired attorney, died unexpectedly at his home sometime between 9:45 and 10:00 a. m., Monday, June 2.

Mr. Lynn was born September 17, 1888, two miles west of what is now Linton, which was named after his father, George Lynn. The original suggested name was Lynntown. He attended a rural school and in 1902 the family moved into Linton.

He graduated from high school at Aberdeen, S. D. in 1907 and received a law degree from the University of North Dakota, Grand Forks, in 1910. In July of that year he was admitted to practice law, but continued his studies in the law offices of Lynn & Coventry at Linton. The next winter he went to St. Paul to study court reporting. He practiced this for a time, mostly in land contest cases, and was appointed a U. S. commissioner in 1911.

In 1912 he joined his father in law practice at Linton and served as Emmons County state's attorney from 1914 until he enlisted in the Army in 1917. He served overseas a year in World War I and then was Kidder County state's attorney for two years. After that, he was Emmons County state's attorney several times over the years.

In 1935, he was elected state senator from this county, but resigned the post in 1938 to become assistant attorney general, resigning from that office in 1939. In 1949 he retired and sold his law practice to Adam Gefreh, who is now district judge.

Besides his legal work, Mr. Lynn was active in a wide variety of organizations and projects. He was a life member of the Linton American Legion post, served as North Dakota Department vice commander, 1929-30, and was a 40 et 8 member.

Interested in athletics and the propagation of wildlife, he was an early-day member of the University of North Dakota football team and in 1928 managed the Linton Junior American Legion baseball team to a state championship.

He brought the first pheasants into Emmons County in the summer of 1919 and assisted in stocking turkeys in the county in 1953.

He leaves his widow, the former Christy Solomonson, whom he married October 17, 1938, at Detroit Lakes, Minnesota, and a half-sister, Dr. Klonda Lynn, Tucson, Arizona.

GEORGE O. BREKKE

George Olson Brekke, who started the practice of law in Minot in 1922, died at the age of 80 April 27, 1969, in Sacramento, Calif.

Mr. Brekke, a native of Norway, lived in California recently after practicing law in Minot for more than 40 years.

Born in Telemarken, Norway, he immigrated to the United States in 1903 with his parents.

The Brekkes homesteaded on a farm near Tagus in North Dakota. George completed his elementary education, which he started in Norway, at schools in Tagus and Minot.

He received a bachelor of arts degree from Concordia College, Moorhead, in 1918. He received his bachelor of law degree from the University of Minnesota in 1921.

In 1922, he became an associate in law with E. R. Sinkler and that partnership lasted until Sinkler's death in 1938.

The Minot lawyer had been extremely active in Sons of Norway Lodge work in the city and the nation during his years in the city.

He was a past president of the Minot Sons of Norway Lodge, served as president of the Fourth District of the Sons of Norway, which included North Dakota, Montana and Manitoba, Canada, and was a national trustee of the lodge.

Mr. Brekke served on the Minot City Council as an alderman from 1938 to 1950, serving a term as president of the council.

He was a member of the Ward County, North Dakota and American Bar Associations, the Minot Elks Lodge, Masons, Shrine, Minot Country Club and the First Lutheran Church.

Mr. Brekke held farm interests in North Dakota and Minnesota and real estate interests in the Minot area.

Survivors include two sons, George, Jr., a lawyer in Carmichael, Calif., and Dr. Lowell, Portland, Ore.; a daughter, Mrs. Ambrose (Sylvia) Zeller of Minneapolis; seven grandchildren; and a brother, Clarence of Tagus. His wife preceded him in death.

His funeral was held at the Zion Lutheran Church in Minot May 1. Burial was in the Tagus Cemetery.

CLARENCE G. MEAD

Clarence G. Mead passed away Sunday, June 8, 1969.

Judge Clarence G. Mead, a long-time distinguished member of the Lisbon Community, was born in O'Brien County, Iowa on February 16, 1881. He was the second oldest of ten children born to his parents, Mr. and Mrs. Dwight Mead.

He received his schooling in Iowa, graduating from Primghar High School in 1902. Upon completion of high school, he was employed as a clerk in the

Farmers Bank at Primghar until he joined the Wolverton State Bank at Wolverton, Minn., as one of the incorporators. He sold out his interest in the bank in 1903.

He studied law under James W. Glassford, Fargo attorney, and in June, 1909, took the bar examination and was admitted to practice. He remained in Fargo with the firm of Glassford and Lacy until the firm dissolved, due to ill health of Glassford.

Judge Mead moved to Lisbon in January of 1910, and bought out the law practice of the late S. D. Adams. He also took an interest in real estate.

In 1904, Mr. Mead and Susan B. Bartholomew were married. To this union were born seven children. Mrs. Mead passed away in 1924.

In 1925, Katherine Zirnheld and Clarence Mead were joined in marriage in Lisbon. To this union four children were born.

Throughout the years Judge Mead was very active in civic affairs. He was a member of the Lisbon School Board, City Attorney for Lisbon from 1918 to 1954, clerk of the park board and County Chairman of the Republican Party.

He was also a charter member of the Kiwanis Club and of the Lisbon Golf Club.

He assumed the position of Judge of the County Court in 1955 and served in that capacity until his death.

Surviving are his wife, Katherine of Lisbon, eight children: Mrs. Roy Griffin of Denver, Mrs. Ralph Murphy of Denver, Mrs. Mirian McCarther of Sacramento, Calif., Clarence Jr., of Palos Verdes, Calif., Curtis of Brunswick, Maine, Lt. Col. Richard Mead of Denver, John of Woodbridge, Calif., and James of Minneapolis. Also one brother, Rex of Lisbon, two sisters, Mrs. Grace Louthan and Mrs. Ralph Milligan, both of Oregon. He is also survived by 23 grandchildren and seven great grandchildren.

Three children preceded him in death.

CHARLES G. BANGERT

Charles G. Bangert was born at Sabula, Iowa, March 7, 1879 and died at Fargo, North Dakota on June 10, 1969. He attended Westmar College at LaMars, Iowa; studied law in law offices in Sioux Falls, South Dakota and with Edmund Pierce in Sheldon, North Dakota, and by correspondence and brief attendance at the University of North Dakota. He came to Sheldon, North Dakota in 1904 and was admitted to the Bar in 1906. At Sheldon, he was associated with the Ransom County Immigration Association and the Ransom County Trust Company. In 1910, he established his own practice at Enderlin, North Dakota, in which he was active until his retirement in 1962.

During his practice at Enderlin, he was active in community affairs, serving for many years as city attorney. He represented Ransom County in the North Dakota State Senate in the 1933 session and in subsequent sessions acted as attorney for the Non-Partisan League faction of the Legislature. He was a life long Republican. In addition to his active practice, he was deeply involved in the development of many business institutions, including the Peoples and Enderlin State Bank, of which he was an organizer and the first president; the Winterhaven Company of Winter Haven, Florida, of which he was president; and The American Life and Casualty Insurance Company of Fargo, of which he was an organizer and director.

He was active in Masonry and was a member of the El Zagal Shrine and the Elks Club in Fargo. He served as president of the Third Judicial District Bar Association and was the first chairman of the Committee on Unlicensed Practice of the North Dakota Bar Association.

He was a lover of the outdoors and maintained homes in Enderlin, Bemidji, Minnesota, and McAllen, Texas, which permitted him to enjoy hunting and fishing almost to the end of his life.

He was married to Sarah Elizabeth Wallace of Rock Rapids, Iowa in 1903, who passed away in 1967. He is survived by three children, Harold W. Bangert, an attorney, Fargo, North Dakota; Mrs. C. C. Campbell, McAllen, Texas, and Mrs. S. C. Bacheller, Enderlin, North Dakota.

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