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Law School News

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BENCH AND BAR

LAW SCHOOL NEWS

The sixty-first school year began on September 17, 1959. Twenty third-year students were enrolled, twenty-nine second-year students enrolled and forty-nine registered as first-year law students making a total of ninety-eight regular law students. Three students were granted the LL.B degree on January 30, 1960. They were Charles R. Adams of Minot; Glenn S. Birkeland of Gonvik, Minnesota; and Arvid C. Malnaa of Crosby.

Leo H. Whinery, Associate Professor of Law for five years, resigned in July 1959. He accepted a teaching position in the University of Oklahoma College of Law. Professor Whinery will continue to publish his commendable research studies on "The Uniform Rules of Evidence and the North Dakota Law of Evidence" in the *Law Review*.

James P. White of Iowa City was appointed as successor to Mr. Whinery. Mr. White secured the A.B. degree in 1953 from State University of Iowa. He was awarded the Juris Doctor degree in 1956 from the State University of Iowa School of Law. He was a member of the Iowa Law Review Editorial Staff. He served as a first lieutenant in the United States Air Force for two years from 1956-58. In 1957-58 he was a staff judge advocate at the Kunsan Air Base in Korea. He was granted a teaching fellowship in George Washington University School of Law for 1958-59 and was awarded the Master of Laws degree in June 1959. During the past year he taught Common Law Pleading, Equity, Legislation, Taxation and Legal Bibliography. The title of his master's dissertation was "Protection of Foreign Investment Aboard." His first article to be published in this *Law Review* was "Taxation of the Family Farm Corporation and Partnership: Variations on a Theme".

The North Dakota Chapter of the Order of the Coif held its thirty-fifth Annual Dinner Meeting on May 5, 1960. Based on their scholastic law average, James M. Corum of Upham, William F. Hodny of Lankin, and James W. Johnson of Grand Forks were the three students-elect to the Order of the Coif, a national honor legal society. Mr. Corum talked on "Talley v. State of California—Constitutional Safeguard of Freedom of Speech or License for Irresponsible Speech." The talk by William Hodny was on "Pre-Trial Discovery of Insurance" and James Johnson's topic for analysis was "Implied Warranty in the Sale of Food to Third Parties". Attorney William R. Pearce of Bismarck was the honorary-elect for 1960.

Each year a judge or a lawyer who has acquired distinction in the legal profession is elected as an honorary member of the Order. Mr. Pearce's excellent speech was on "The Philosophy of Law and Science".

William S. Murray of the Class of 1939, a practicing attorney in Bismarck, established the "Murray Award in Law" in honor of his father, J. K. Murray; his uncle, William Stuart Murray; and his mother, Paul Emma Murray. Each year a \$100 scholarship will be granted to a graduating law student who excels in legal writing and draftsmanship. William F. Hodny of Lankn was the first recipient of the "Murray Award in Law." This award is primarily given in honor of J. K. Murray, who took pride and excelled in preparing his pleadings and briefs and who was well known as a trial lawyer in the Northwest.

The "Nels G. Johnson Award in Law" for 1960 was given to John D. Mariani of Hibbing, Minnesota, for receiving the highest grade in the class of Commercial Law, which includes the subject matter of Sales and Negotiable Instruments.

Olger B. Burtness, Class of 1907, died on January 20, 1960. At the time he was serving his tenth year as Judge in the First Judicial District. In 1957 he was awarded the honorary degree of Doctor of Laws by the University of North Dakota. Judge Burtness taught Constitutional Law during the second semester of 1933-34. He was vitally interested in the University and the School of Law. Mrs. Olger B. Burtness established a \$2,000 scholarship fund in memory of her husband. The income from this fund will be awarded annually to the second year law student achieving the highest scholastic average in the Class of Constitutional Law.

Robert D. Langford of Bismarck was elected Vice-President of the American Law Student Association of the Eighth Circuit. The Conference of the Eighth Circuit was held in Sioux Falls, South Dakota on March 18-19, 1960. His election was a tribute to the Law School and its active Junior Bar Association. The Junior Bar Association in this law school was organized in 1934.

The State Bar Association of North Dakota on May 17, 1960, presented research awards to William F. Hodny of Lankin, James W. Johnson of Grand Forks, James M. Corum of Upham, Lyle R. Carlson of Langdon, Alan B. Warcup of Grand Forks, David Orser of Finley, and Hans Walker of Mandaree for their excellent work in preparing materials for the "North Dakota Law Review" during the 1959-60 school year.

The "United States Law Week" award was granted in 1960 to Jake C. Hodny of Lankin. The Merchants National Bank and Trust Company of Fargo sponsors the "Estate Planning Contest". Stuart A. Lundberg of Grafton was granted the first prize of \$50, the second prize of \$35 was granted to Ronald A. Hoverson of Manvel, and the third prize of \$15 was presented to Richard H. Skjerven of Park River. Attorneys T. L. Degnan, Robert L. McConn, and Henry G. Ruemmele judged the contest. The North Dakota Underwriters Association held its annual meeting during the week of April 24 and served as host at the dinner meeting on April 26 to the second year law students and the law faculty.

On May 26, 27, and 28, Dean Robert E. Sullivan of the Montana State University School of Law representing Mr. John Hervey, Adviser to the Section of Legal Education and Admission to the Bar of the American Bar Association, visited the University Campus. The purpose of the official visitation was to inspect the school. During the past three years, representatives of the American Bar Association have visited all of the law schools approved by said Association. This law school has in letter and spirit tried to comply with the standards of the American Bar Association and the Association of American Law Schools.

On Commencement Day, June 5, the following graduating students were granted the Juris Doctor degree: Lyle R. Carlson of Langdon; James M. Corum of Upham; Wesley N. Harry of Grand Forks; William F. Hodny of Lankin; David Orser of Finley; James W. Johnson and Alan B. Warcup of Grand Forks.

The following students were awarded the Bachelor of Laws degree: John A. Alphson, Jr. of Grand Forks; Harold G. Annear of Dickinson; Delano H. Einess of Grand Forks; Robert L. Harrington of Devils Lake; Jake C. Hodny of Lankin; Benjamin Ostfield of Grand Forks; Gilbert L. Record of Grand Forks; Leslie Schippers of Blackduck, Minnesota; Hans Walker of Mandaree; and Karl K. Williams of Fargo.

Wesley H. Harry served on the Student Editorial Staff of the *North Dakota Law Review* for two years. He was recommended by the Law Faculty to the Attorney General of North Dakota for a one-year appointment as an Assistant Attorney General. This is the eleventh year in which the Office of the Attorney General has approved the law graduate recommended by the Law School Faculty.

Philip R. Bangs has served twenty-seven years as a Lecturer in

the School of Law. He has at times taught courses in Public Utilities, Negotiable Instruments, Evidence and Office Practice. Since 1945 he has taught only Office Practice. The School of Law offers ninety semester credit hours in law; eighty four credits are required for graduation. Of the ninety credits, eighty credit hours are taught by the full-time law teachers; ten credit hours are taught by the three practicing lawyers. There are merits to having courses in Practice Pleading and Procedure taught by lawyers. Mr. Bangs was an excellent and inspiring law teacher. The Law Faculty and the law students deeply appreciate his services to the University in general and to legal education in particular. Congratulations to Phillip R. Bangs on his appointment as Judge in the First Judicial District. Attorney Paul Benson has been selected to succeed him in teaching the course in Office Practice.

O. H. THORMODSGARD, DEAN.

DIGEST OF ATTORNEY GENERAL OPINIONS

COUNTIES — FEES TO BE CHARGED BY THE CLERK OF THE DISTRICT COURT

May 17, 1960

Section 11-1704 of the 1957 Supplement to the North Dakota Revised Code provides that "For the filing of an action, including an action transferred from another county, and for all things in connection therewith which are not hereinafter provided for, seven dollars and fifty cents".

But in an action originally begun in justice court for the violation of a state law and appealed from such justice court to the district court, no filing fee need be paid to enter such criminal case on the docket. This is because Section 33-1240 of the North Dakota Revised Code of 1943 in speaking of appeals to the district court provides that ". . . In other respects, the proceedings shall be the same as in criminal actions originally commenced in the district court and judgment shall be rendered and carried into effect accordingly."

However, an appeal from the justice court to the district court in a civil matter is of a different nature and the regular filing fee is to be charged.

DOMESTIC RELATIONS AND PERSONS — COMMITMENT OF INDIANS

May 24, 1960

Section 14-0905 of the North Dakota Revised Code of 1943 provides that "The mother of an illegitimate unmarried minor is en-