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Melvin Koons Jr.

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A History of the GRAND FORKS COUNTY BAR ASSOCIATION

1937 — 1959

1937 — 1940

In 1937 with 34 members present the Grand Forks County Bar Association met in the Belmont Cafe and drew up a Constitution and elected officers for the coming year. Officers elected were: C. F. Peterson, President; E. C. Lebacken, Vice-President; and S. T. Rex, Secretary-Treasurer. A committee was established to make proper recommendations to the State Legislature regarding a law on foreclosures. Another committee, headed by Dean Thormodsgard, was appointed to draw up By-Laws.

The first of many resolutions favoring or opposing certain pending legislation was presented to the members during the first year. The Association went on record opposing a law pending in Congress which would authorize the appointment of additional judges to the Supreme Court at the will or pleasure of the President. North Dakota legislators in Washington were urged to vote against the proposed law. Other resolutions included the indorsement of Judge L. E. Birdzell for Justice of the United States Supreme Court and the commemoration of North Dakota Supreme Court Justice John Burke.

Officers for the next year were: C. E. Lebacken, President; J. B. Wineman, Vice-President; and S. T. Rex, Secretary-Treasurer.

The year of 1938 began with an indorsement of Judge Bronson for the position of member of the Board of Governors of the American Bar Association for the 8th Federal Judicial District. Later in the year, Dean Thormodsgard spoke on the subject of Federal Court Procedure relative to Declaratory Judgments which started the custom of providing entertaining and instructive programs for each meeting. Carroll Day spoke on the subject of The Tenure and Appointment of State Judges, and as a result of this talk, the Association initiated a plan to form some specific way of making appointments of judges in North Dakota.

A dinner was given in honor of the Law School seniors. W. J. Holland, Marian Jane Leslie, Peter Hoehland, and Gordon Aamoth gave short talks. The last meeting of the Association featured a law student, Gordon Heller, who explained a proposition for a Legal Aid Society in Grand Forks. He requested that an appro-

provision be made and that an organization be set up immediately. To this date nothing has been done.

Officers elected for the coming year were: J. B. Wineman, President; H. D. Shaft, Vice-President; and S. T. Rex, Secretary-Treasurer.

Among the outstanding subjects presented at various meetings during the year 1939 were the following: The History and Scope of the New Federal Rules; Depositions, Discovery, and Summary Judgments; Trials, Provisional and Final Remedies and Special Proceedings. Judge Grimson of the Second Judicial District continued the informative and educational sessions speaking to the members about the activities of the state judicial council and their efforts to cope with youthful law violators, first timers, and minor offenders. He spoke of the need for a prison farm and for reforms in the pardon and parole system of the state. The Association, through the legislative committee, proposed certain reforms and recommended that a prison farm be established. Another topic dealing with future legislation was presented by Ross C. Tisdale, who spoke on "Proposed Amendments to the 1939 Financial Responsibility Act". Henry Ruummele and Mildred Burns of the senior class spoke briefly.

H. D. Shaft was elected President for the coming year along with Fred Harris, Vice-President and Mildred Burns, Secretary-Treasurer.

1940 was the year of the adoption of a minimum fee schedule. The first speaker, Mr. T. H. Thoresen, presided over a discussion upon the subject "Should the Grand Forks County Bar Association Adopt a Fee Schedule?". Taking part in the discussion were Fred Harris, Dan Letness, Bruce Arnold, Sam Rubin, and Philip Bangs. A committee was appointed and instructed to report on the following points: 1) whether or not a fee schedule is desirable; 2) if so, should it be flexible, minimum, or maximum; 3) what should be done about legislative attempts to increase the dignity of the law profession; and 4) what should be done in regards to fee schedules to aid in maintaining the dignity of the profession.

Disagreement among the members was evident when the recommendations of this committee were taken up. Discussion ensued as to whether an irreducible minimum or a recommended fee or both should be adopted. Mr. Harris pointed out that the schedule submitted was that of an irreducible minimum; several motions were introduced to change the fees recommended. Another motion was

made that the recommendations be returned to the committee to draw up an average or recommended fee schedule in addition to the minimum schedule submitted. A substitute motion was passed making Mr. Philip Bangs a committee of one to fix the recommended or average fee schedule.

The first honorary memberships were made in this year. They were M. M. Oppegard, publisher of the Grand Forks Herald and Mr. Clyde Duffy of Devils Lake, president of the State Bar Association. Harry Mowry of the senior class discussed some of the benefits to be derived from a legal fraternity by persons attending the law school.

The following resolution was passed: "Be It Resolved, That in order to cooperate with the efforts of the United States for the National Defense and to be of as much assistance as possible to residents of this county who are required to register for Military Service, THE GRAND FORKS COUNTY BAR ASSOCIATION recommends that all members of the Bar of this County give such assistance and advice in the preparation of Conscription Questionnaires and other similar matters as may be requested by registrants, all without charge to the registrant".

Fred E. Harris was elected President for the coming year, Carroll E. Day, Vice-President, and Carlton Nelson, Secretary-Treasurer.

1941-1950

Perhaps because of the world situation the activities of 1941 were held to a minimum. The most noteworthy thing the Association did was to invite the State Bar Association to hold their state convention in Grand Forks. The invitation was accepted and in 1942 the convention was held in Grand Forks. From all indications it was a success.

Officers for 1942 were: Carroll E. Day, President; T. H. Thoresen, Vice-President; Donald A. McCallum, Secretary-Treasurer.

The officers for 1943 were: T. H. Thoresen, President; Philip R. Bangs, Vice-President; and Cyrus N. Lyche, Secretary-Treasurer.

1944 was a year of increased activity with meetings being held every month. The President was Philip R. Bangs; Vice-President, T. L. Degnan; and Cyrus N. Lyche, Secretary-Treasurer. The first meeting of the year was held at the Golden Hour Cafe with the speaker talking on income tax problems. The program for the subsequent meetings was varied and informative and included such subjects as "Joint Bank Accounts", "Detention of Arrested Persons

Before Presentation to Magistrate", "Municipal Liability for Torts", and "International Law Concepts".

The officers elected for 1945 were: T. L. Degnan, President; S. E. Paletz, Vice-President; Grave Alphson, Secretary-Treasurer.

The members of the Association went on record in 1945 as favoring the holding of terms of District Court in a month other than October. A precedent was established of inviting outside experts to speak on the law in related fields and how the law affects other businesses. The first of such speakers was Mr. Marvin Shutt Professor of Journalism, who spoke on "Law and Economics in Aviation".

1946 was another lean year as far as meetings went—only four were held, but the year brought much discussion on the subject of a County Court of Increased Jurisdiction. Apparently the members felt that the matter was not of great importance because in every meeting that year the subject was brought up only to have a motion pass that it be put off until the next meeting. With the coming of a new year the subject was dropped not to be picked up again until some years later.

The Association passed a resolution endorsing Judge Swenson for District Judge of the First Judicial District and at a later meeting passed a motion affirming the aforesaid endorsement. Then the members got busy and campaigned for Judge Swenson and according to the financial records spent \$11.20 for advertising. The campaign was successful. This was also the year the State Bar Association got in financial trouble and asked for a minimum contribution of \$10.00 from each member. A motion was made and passed that each attorney donate what he felt he could afford. Also that year, an attempt was made to reinstate the old license fee of \$15.00. The members were not in favor of such a move and the motion was withdrawn.

The officers for 1947 were: Ronald N. Davies, President; Arthur W. Stokes, Vice-President; Grace Alphson, Secretary-Treasurer.

In 1947 the members, under the leadership of Ronald Davies, had a very active year. They approved the idea of a County Court of Increased Jurisdiction and sent a letter to the members of Congress from North Dakota favoring the passage of a bill establishing jurisdiction in railroad injury cases. The railroad bill would require that suits for damages be brought only in the district or county where the accident occurred, or in which the employee resided at the time the accident occurred, with the exception that if the de-

defendant could not be served with process where the plaintiff resided or where the accident occurred suit could be brought in any jurisdiction where the defendant railroad could be served.

The programs for the year always included an interesting talk by some member of the legal profession. Typical of these was the talk by Professor Atwood of the Law School who spoke on "Liquor Control".

Officers elected for the coming year were: A. W. Stokes, President; Dean Thormodsgard, Vice-President; and Robert Alphson, Secretary-Treasurer.

The records of 1948 are sketchy and show that only three meetings were held. However, the association was as active as ever as evidenced by the fact that they were host to the North Dakota State Bar Association convention.

In 1949 Dean Thormodsgard was unanimously elected President along with Robert Alphson as Vice-President and Mabel Vaaler as Secretary-Treasurer.

The first testimonial dinner was given by the Association in honor of one of its retiring members. The dinner, held in honor of C. J. Murphy, was a success. Approximately 30 members turned out to hear such outstanding members of the Association as Philip R. Bangs, Ronald N. Davies, C. F. Peterson, Dean Thormodsgard, and of course Mr. Murphy. This was also the year that the late J. F. T. O'Connor passed away. The members passed a resolution expressing their great sorrow and all the members stood in silence for a minute of tribute to a man who had distinguished himself in local, state, and national affairs for many years.

Officers elected for the coming year were O. B. Burtness, President; T. B. Elton, Vice-President; and Mabel Vaaler, Secretary-Treasurer.

1950-1960

Under the direction of program chairman, Dean Thormodsgard, 1950 started out with a very interesting four part analysis of Goldstein's book, *Trial Technique*. The speakers were Messrs. Harold Shaft, A. W. Stokes, Philip Bangs, and T. B. Elton.

A resolution was passed, in May of that year, which paid tribute to a most outstanding female member of the Association, Mabel Vaaler, who died in March of 1950. So unusual was her career that it seems fitting to present the resolution in its entirety:

"Miss Mabel Pauline Vaaler was a student or public servant all her life. She attended the public schools and the Park Region

College while she resided in Fergus Falls, Minnesota. For several years she taught in the public schools. In 1926 she was employed by the Extension Division of the University of North Dakota and worked there until 1933. In 1933 Miss Vaaler was appointed as Police Matron for the City of Grand Forks.

Ever eager to further her education, between 1933 and 1942, Miss Vaaler completed the pre-law requirements. Being a part-time student, she completed the first year courses in Law during the years 1942-44 and was awarded the Bachelor of Philosophy Degree (Ph.B.) in June 1944.

Continuing her part-time study of law, she completed the requirements for the law degree which was awarded to her on June 11, 1948. She was admitted to practice law on July 1, 1948. Without neglecting her responsibilities and strenuous duties as Police Matron, she did quality work as a part-time law student. Her experience as a teacher, office worker, Police Matron, and lawyer made her a worthy appointee as Juvenile Commissioner for the First Judicial District, which position she accepted in 1948 and held until her death in March 1950.

In the fall of 1948, Miss Vaaler was selected Secretary of the Grand Forks County Bar Association and re-elected in the fall of 1949. Whenever there was work to do, Miss Mabel Pauline Vaaler was always willing to give assistance.

The Grand Forks County Bar Association desires to spread upon its records its keen sense of personal loss in Miss Vaaler's untimely death. Be it therefore resolved that this expression of regrets and appreciation also be sent to her brothers and sisters."

After this resolution was passed the unanimous decision of the members was that Edward C. Gillig fill out the unexpired term of Miss Vaaler.

The Association made a contribution of \$25.00 to the Grand Forks Safety Council. This was the first time in the history of the Association that a contribution had been made outside the law profession. This was a year noted for, among other things, an attempt to hold a dinner party for members and their wives. Such an event was proposed by Carlton Nelson, Chairman of the Social Committee, and apparently nothing more was done about it. However, the Association did have a dinner in honor of Judge P. G. Swenson, who announced his retirement. The Association proceeded with arrangements for the dinner and also decided to present the Judge with a scroll signed by the members of the Association. Thus in November of 1950 the Association held a banquet in honor of Judge P. G. Swenson in the Dacotah Hotel.

Officers that were elected to serve in 1951 were: T. B. Elton, President; George D. Smith, Vice-President; and Edward C. Gillig,

Secretary-Treasurer. This was the year that was noted principally as the year that Legal Aid and Lawyers' Reference Plan got the "bums rush" so to speak. It all started when Professor Paul Ford, of the University Law School faculty, spoke to the members and outlined such a plan that was being considered by the State Bar Association. After his talk the members voted to approve the plan in principle. Evidently this favorable vote induced the State Bar Association to select Grand Forks to try out or conduct a Legal Aid and Lawyers' Reference Plan on a trial basis. However a committee reported that nothing further be done with the plan until the fall of 1952 when the services of the senior class at the Law School would be available.

Officers for 1952 were: Olaf M.Thorsen, President; Cyrus N. Lyche, Vice-President; and Edward C. Gillig, Secretary-Treasurer.

Once again the question of a social meeting for the members and their wives was brought up. A committee was appointed to look into the matter and apparently they are still looking, for the records are silent as to whether they ever came to a decision. After an absence of a few years the senior law students were once again invited guests of the Association and four of them presented a round table discussion of the doctrines of contributory negligence and comparative negligence.

The last meeting of 1952 saw Cyrus Lyche elected President along with S. E. Paletz, Vice-President, and Edward C. Gillig as Secretary-Treasurer.

In 1953 the programs were good and they provided a varied field of knowledge. Examples are: recordings entitled "This Is The Law"; a discussion about Tax Deeds; and a review by Senator Carroll E. Day of some of the legislation which was passed by the 1953 North Dakota State Legislative Assembly. The Association sent a resolution to Washington urging the appointment of a North Dakotan to the vacancy in the United States Court of Appeals. The members went on record as favoring a February term of Court and Judge O. B. Burtness agreed.

At the last meeting of the year the following officers were elected: S. E. Paletz, President; Harold M. Hager, Vice-President, and Edward M. Peterson, Secretary-Treasurer.

1954 was a very active year for the members in that they were hosts to the State Bar Association Convention. Financially, the convention showed a profit which no doubt made the members happy as they had expressed their desire not to be assessed. The

question of social security for lawyers was brought up at several meetings and the Association went on record as being opposed to any form of social security for lawyers. At a later meeting, however, Mr. Kessler of the Grand Forks Regional Office of the Social Security gave a talk and convinced some of the members that it was a good thing to have. Accordingly, a motion was passed recommending that the program be made optional for lawyers who desired to share its benefits.

The Association passed a resolution endorsing Ronald Davies for the vacancy in the federal judgeship for the North Dakota District. This motion was sent to the North Dakota delegation in Congress and to the state Republican headquarters. A committee was appointed to study and report on the Proposed Uniform Rules of Evidence. At subsequent meetings, members spoke on the various phases of the new rules. Thal Evanson spoke on the subject of photography as relating to evidence in the trial of law suits, and Philip Bangs and Carroll Day spoke on the Laws of Evidence.

Officers elected for 1955 were: Harold Hager, President; Milton Moskau, Vice-President; and Edward M. Peterson, Secretary-Treasurer.

The year started out with a discussion and the appointment of a committee to look into the possibility of having a county bar party. Once again the members became dissatisfied with the terms of Court, and after much discussion a resolution was passed that they change the Court terms to October and March of each year. Two law students gave talks on the implications of legal definitions of insanity and the legal view of insanity as opposed to the medical view of insanity.

The following officers were unanimously elected for 1956: Milton Moskau, President; Daniel Letnes, Vice-President; and Robert Vaaler, Secretary-Treasurer.

This year saw the passing of a most active member of the Association—Carroll E. Day. A resolution was passed expressing the sorrow of the Association and read in part as follows: "Whereas the lawyers of Grand Forks have had the privilege of knowing and intimately associating with Carroll E. Day as a colleague in the legal profession, as a teacher of law, as a legislator, and as a friend, and therefore know the great loss which has been sustained by our profession, our community and our state through his departure from our midst, NOW, THEREFORE, BE IT RESOLVED by the members of the Grand Forks County Bar Association that we extend to

Mrs. Day and the members of her family our depest sympathy, and that we assure them that the name of Carroll E. Day and his work among us will not be forgotten in the years which lie ahead." After passage of the resolution the members stood in a moment of respect.

A question of whether the lawyers could list their names in bold face type in the telephone directory was raised. Professor Leo Whinery reported that from his research of the reports of the Ethics Committee of the American Bar Association he could find nothing that would indicate the Committee either approved or disapproved of such a listing. A motion was then passed that the attorneys in the City of Grand Forks list their names in regular print in alphabetical order.

The question of the Lawyers' Referral Plan was discussed by a Fargo attorney who described their plan. The usual committee was appointed to study the plan and give their recommendations and nothing more was heard of the subject that year. An effort was made to go on record as favoring the closing of the offices on Saturday during the summer months but when a motion was presented it was voted down.

Officers for 1957 were: Daniel S. Letnes, President; Robert Vaaler, Vice-President; and Lowell A. O'Grady, Secretary-Treasurer. This was a year of co-operation. The Association held informative and useful discussions with the Dean of Men of the University, the Sheriffs office and the Chief of Police relative to gaining a better insight into the problems of their respective offices.

At one meeting Dean Thormodsgard asked that in view of his eighteen years as program chairman he be given leave to resign. However, a motion was passed stating that for meritorious service rendered the Association he be elected to serve as chairman for the succeeding eighteen years. Thus, with renewed vigor, the Dean proceeded to set up a very informative and sometimes controversial program of speakers.

The officers elected to serve for the coming year were: Robert Vaaler, President; Lowell O'Grady, Vice-President; and Henry Rueemmele, Secretary-Treasurer.

1958 featured, among other things, a humerous and witty Secretary. To the writer, at least, it seemed that the Secretary enjoyed his work and took great pain to provide a complete and informative description of what took place at each meeting. The following are samples of the wit of H. G. Rueemmele, Secretary. "President

Valer opened the meeting by asking Dean Thormodsgard to say his piece before he left to have his teeth repaired." "In the absence of President Robert Vaaler, who was in Bismarck mending his political fences, Lowell O'Grady presided." "Dr. Philip Andrews addressed the meeting on 'The Neurological Aspects of Head Injuries,' and it was most interesting and informative, helping to explain the conduct of some members of the Association." "The nominating Committee nominated * * * with the usual railroad motion being duly carried. President Vaaler then sang his swan song by reporting on tax traps for corporations and expressing his appreciation to the membership for making him an ex-president." Thus ended the year for the Will Rogers of the Plains, "Bud" Ruemele.

The matter of getting a County Court of Increased Jurisdiction was brought up again and a committee duly appointed to look into the matter. A considerable amount of discussion was had as to what procedue to use in recommending to the County Commissioners, someone from the legal profession to fill the judgeship left by the death of Judge Lebacken. A resolution was passed asking the County Commissioners to appoint a member of the county bar and stating that the Association would recommend the names of those who were interested. The records are silent as to whether they did so recommend anyone. A senior law student addressed the members stating that the Junior Bar Association would like to meet with a committee to discuss the possibility of senior law students appearing in justice court. The President stated that he would leave the matter to the new officers and that is where the matter stands today. The Association went on record as adopting the State Bar Association minimum fees and the \$25 minimum for examining abstracts.

Officers for 1959 were: Lowell O'Grady, President; H. G. Ruemele, Vice-President; and George Longmire, Secretary-Treasurer. The activities that year were on par with the previous years. Discussion of getting a County Court of Increased Jurisdiction continued with the members finally deciding to delay circulating petitions until it was evident that some attorneys in the county would be interested in running for the office. The Association endorsed T. L. Degnan for the Vice-Presidency of the State Bar Association.

Law Day was co-sponsored with Order of the Coif, which was being held throughout the nation on May 1. Some hard work was put in by the members of the committee looking into the problem of minimum fees for expert witnesses. They presented a report

on what was charged in Minnesota. It was urged that all members support the establishment of the State Bar Association executive offices at the Law School. The support of the Association was not enough, however, as the offices were established in Bismarck. Grand Forks was to be host to the 1960 State Bar Association Convention and the various committees were appointed to handle all the items that had to be taken care of in order to assure success.

It is this writers opinion that the Grand Forks County Bar Association has been more than a mere collection of men holding meetings; it has been a moving force in the affairs of the county and the community of Grand Forks and is counted as one of the outstanding organizations of professional men in the county.

MELVIN KOONS, JR.

