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Memorials

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Memorials



THE HONORABLE ALVIN C. STRUTZ

(1903-1973)

Alvin C. Strutz, Chief Justice of the North Dakota Supreme Court, died at Bismarck on June 19, 1973, at the age of 70.

Prior to his appointment to the Court in 1959, Strutz was a former State Attorney General and senior partner in a major Bismarck law firm.

He is survived by his wife, Ina Vee Strutz, his son, Bismarck attorney William A. Strutz, and two daughters, Mrs. Donald Scott of Beverly, Kentucky, and Mrs. Craig Gannon of St. Paul, Minnesota.

Judge Strutz was a graduate of Jamestown College and of the University of North Dakota Law School, from which he graduated in 1930. He practiced in Jamestown before coming to Bismarck.

The true worth of Justice Strutz to the bench, the bar, and his State can only be characterized in the words of his children, in their statement of thanksgiving for their father's life:

Father has given to each of us matchless gifts of which we have made only imperfect use. These are a few of his legacies:

LOVE: Our parents lived together in such a manner that no lectures concerning the meaning of love were required. Love simply overwhelmed us.

HONESTY: He said and did precisely what he believed without a trace of deception. Not once did he lie to us.

COURAGE: He was a lonely but fearless dissenter when his convictions differed from those of the crowd. His dissents were not the bashful firing of a B-B gun, but the resounding boom of a cannon.

GENEROSITY: He gave of his time, of his possessions, and of himself very quietly and without hesitation.

LOYALTY: He cared intensely about his country. He cheered for the same baseball club for twenty-five years, and they never won a pennant.

BEAUTY: He loved a North Dakota marsh at twilight more

than all the splendid creations of mankind. He loved poetry better than prose.

JOY: He knew how to be happy when he was not sad. He retained a song in his heart when the world seemed to fall apart.

FAITH: He knew that Christ was born two thousand years ago in Bethlehem and that He died that we might live. He was certain of Easter and of Christ's resurrection, and thus he now is not surprised by eternal life. He did not stumble but marched into Heaven.

God help us to be worthy of such a heritage.

Alvin C. Strutz, as an attorney, was a vigorous advocate, regardless of the size of the case or the type of client. As an appellate judge, he was especially diligent in his research, searching in his questions to counsel on oral argument, and tenacious and aggressive in presenting his views at conference with his fellow Justices. As Chief Justice, he demonstrated his executive and administrative abilities, and conscientiously strove to expedite the flow of work in the court system.

As a person, he was devoted to his family and his church, yet he found time for active leadership in his service club and to be an avid and enthusiastic sports fan and hunter. A man of strong views seriously held, Alvin Strutz nonetheless possessed a strong sense of humor, and an aptitude for repartee and badinage. He will be sorely missed by those who knew him best.

JUSTICE ALVIN C. STRUTZ

At this annual meeting of the North Dakota Bar Association it is appropriate that all members pause to reflect on the untimely passing of Chief Justice Alvin Strutz on Saturday, June 16, 1973, at Bismarck, North Dakota.

Judge Strutz was born in Milbank, South Dakota on May 27, 1903, the son of Rev. and Mrs. R. E. Strutz. At an early age he moved with his parents to Jamestown, North Dakota, and he lived the rest of his life in North Dakota. He attended Jamestown grade and high schools and then graduated from Jamestown College with a B.A. degree in 1925. He taught high school for two years and then entered the University of North Dakota School of Law in the fall of 1927 and graduated with a Juris Doctor degree in 1930. After graduation he practiced law in Jamestown until April, 1933, at which time he moved to Bismarck and practiced until Governor Langer appointed him Attorney General in December of 1937. He was elected Attorney General in 1938 and was re-elected in 1940 and 1942.

After leaving the Attorney General's office he practiced law in Bismarck until his appointment to the Supreme Court by Governor Davis on April 11, 1957. In 1960 he was elected to the eight remaining years of the term and was re-elected in 1968. Judge Strutz had been Chief Justice since January of 1971. At the time of his passing he had served on the Court for fourteen years and two months. Only seven of the 36 judges who have served on the Court have served longer than Judge Strutz.

Judge Strutz was also very active in community affairs as a member of the First United Methodist Church, the Bismarck Lions Club since 1935, Masonic Lodge No. 5 and Scottish Rite.

Judge Strutz will be remembered by his contemporaries as an unrelenting, vigorous advocate for his clients and he will be remembered by younger lawyers who had the good fortune to know him for his compassion and his ever present desire to assist them in pursuit of their profession.

He will also be remembered by all who knew him for his sense of humor and his telling of anecdotes such as how he happened to become a lawyer. He would say that he had been forced into the profession because his father and an uncle were ministers, as were two of his brothers and three of his brothers-in-law, and because of that his conscience told him that someone in the Strutz family should make an honest living.

Most of the members of this association are aware of his legal talents but perhaps not many are aware that as a young man he and his brothers raised and displayed prize-winning purebred sheep in many states throughout the country.

That he loved North Dakota was obvious as indicated from the following quote from a speech he once gave: "As I approach the end of a very interesting life, at least, I can say, as we used to display signs over our sheep pens when showing in other states, 'The Best of the West—North Dakota.' "

The North Dakota Bar Association has lost a fine advocate and a dedicated jurist and it extends its sympathy to the Judge's family which includes his widow, Ina Vee, and his children, William A. of Bismarck; Donna Vee Scott of Beverly, Kentucky; Judith Ann Gannon of St. Paul, Minnesota; and his brothers and sisters and grandchildren.

JUDGE LUTHER E. BIRDZELL

(1880-1973)

Luther E. Birdzell was elected to the Supreme Court of North Dakota in 1916, shortly before he became 36. He resigned that of-

office effective November 1, 1933, having commenced his final periodic term as Chief Justice of the Court September 1, 1933, and having served on the Court continuously from 1917. The last opinion he wrote for the Court appears to have been filed October 31, 1933 in *Anderson v. Fargo*.

Judge Birdzell was well endowed physically; his stamina was extraordinary, his health the best, and he was widely known for the common sense, friendly and pleasant approach he always made. Born in Champaign County, Illinois, December 1, 1880, the third of the four sons of Mr. and Mrs. E. A. Birdzell, he grew and was educated in the country town of St. Joseph, convenient to the law school of the University of Illinois, from which he received the degree of Bachelor of Laws in 1903. After practicing law a few months in Chicago, he accepted employment teaching law at the downtown law school of the University of North Dakota in Grand Forks. On December 27, 1904, in Illinois, he married Bessie Leola Perring.

During the years the Birdzells lived in Grand Forks, the young professor was active both in and out of the old Clifford Building law school classrooms and offices. He served on the Carnegie Public Library board, the local school board, and as adviser to law student groups, organizing a chapter of Phi Delta Phi legal fraternity. Interested and active in political matters, a Democrat with progressive leanings, he received a John Burke appointment to chair the State Tax Commission. That service was performed on a two year leave-of-absence basis.

During his successive terms of service on the Court, Judge Birdzell was chairman of the World War I state exemption board, a body which met frequently to deal with draft hardship cases. He affiliated with Bismarck Lodge No. 5 A.F. & A.M., was a charter member of Kiwanis, and was active in the state historical society and as an instructor for law classes sponsored by the American Bankers Association.

He was appointed as the first General Counsel of what became the Federal Deposit Insurance Corporation following his resignation from the Court. In collaboration with many in the FDR administration (including former North Dakota lawyer, then Comptroller of the Currency, J.F.T. O'Connor) and members of committees of Congress, the needed Act was drawn and passed and approved. The work of the new legal department increased steadily, and its counsel met hundreds of new co-workers and friends, among whom was the chairman of the Board of the Bank of America, Mr. A. P. Giannini.

Early in August, 1940, Mr. Giannini announced that Judge Birdzell had become associated with the Bank of America as vice presi-

dent and senior trust officer. The chairman was quoted in the press as follows:

For some time past we have been endeavoring to persuade Judge Birdzell to join our organization, feeling that he was by character and training the ideal man for the post of senior trust officer of an institution like the Bank of America, which handles the estates of thousands of people over the entire state of California. It is a job which calls for the highest of integrity, a comprehensive knowledge of all phases of law and banking, good judgment, with special emphasis on safety.

The family moved to San Francisco; eventually the Birdzell's bought a residence in Palo Alto. The Judge was actively engaged in his duties with the Bank during the ten years ending with 1950, and continued in touch with bank people as consultant until he was injured in an auto accident in 1958. The years with Bank of America included much travel on business and some opportunities to renew North Dakota connections. In 1948, the University of North Dakota conferred on him the degree of Doctor of Laws. A heart attack in 1965 slowed the life pace some; the Judge continued to live at his Palo Alto home in touch at all times with members of his family and friends. He greatly enjoyed occasional trips by car or train to San Francisco and Bank of America Center.

On February 2, 1973, he was admitted to Stanford Hospital for treatment. He died there February 23. Surviving are four sons, Robert A. of Bismarck; Dr. John P. of Crown Point, Ind.; L. E. Jr. of Greenwich, Conn.; Floyd Douglas of Arlington, Va.; nine grandchildren and five great grandchildren.

JUDGE P. M. PAULSON

(1883-1973)

Judge P. M. (Paul) Paulson belied the theory that a useful and enjoyable life ends at age 65. The Judge was 90 years of age when he passed away in 1973, and filled 39 of his final years with dedicated public service as a Cass County Court Judge.

The Judge was first elected to the position in 1929. He held the position continuously until retiring in 1968. Judge Paulson had the respect of the bench, the bar and the entire community during his years of service. He was opposed in only two elections.

Judge Paulson was especially noted for his patience, his compassion, his protection of the rights of juveniles, and his concern for the dangers posed by drunk drivers.

Though the Cass County Court had one of the heaviest case-

loads in the state, Judge Paulson was equal to the task. A hard-working man, he often sacrificed a leisurely vacation for the demands of his office.

As a mark of its respect for the Judge, the Cass County Bar Association declared April 12, 1961, JUDGE P.M. PAULSON DAY. He was awarded an elaborate set of weather recording instruments because of his avid interest in weather watching. The Judge was again recognized for his service to the community in 1968 when the Fargo Kiwanis Club gave him its Distinguished Citizen Award.

Judge Paulson married Ruth Miller in 1920. They had one son, John Q. Paulson. There are three grandchildren, James, John and Jean.

Judge Paulson came to the United States from Denmark at the age of 19, unable to speak English. He settled in Jamestown, North Dakota and later attended the Fargo College Academy.

Before entering the University of North Dakota Law School in 1912, the Judge taught school in Harwood and Gardner, North Dakota. While attending UND, he supported himself by working as a streetcar conductor. Judge Paulson was on the UND debate team and edited the Law Review. He received his law degree and was admitted to the North Dakota Bar in 1915.

In 1915, Judge Paulson began a practice in Michigan, North Dakota. He also purchased the newspaper, *Michigan Arena*, and served as its editor for two years. While at Michigan, he was appointed U. S. Commissioner.

The Judge was an army lieutenant during World War I. After leaving the army, he taught at Bottineau, North Dakota, and Roy, Montana.

He returned to Fargo in 1922, and practiced law until 1925. From 1925 to 1929, he was the Cass County Police Magistrate. In 1929, he began his long and distinguished career as Cass County Judge.

During his long years in Fargo, Judge Paulson participated in many clubs and organizations, including the Elks—Exalted Ruler; Eagles; Ancient Order of the United Workmen (now Pioneer Mutual Insurance Company); American Legion and 40 et 8; Fargo Cosmopolitan Club—President; and UND Alumni—President.

GEORGE THOM, JR.

(1883 - 1973)

Judge Thom was born at Correctionville, Iowa, on December 30, 1883. After graduation from high school, he went on to the University of Iowa where he received his law degree in 1907. He was admitted to the Iowa and North Dakota bars that year, and began the

private practice of law in Denhoff and Goodrich, North Dakota. For many years he operated the *Denhoff Voice*, the local newspaper. Subsequently he was elected States Attorney of Sheridan County and moved to McClusky where he continued his practice until 1947, when he was appointed to the Fourth Judicial District Bench by Gov. Fred Aandahl. He was elected to a full term in 1950, and served as District Judge in Bismarck until his retirement in 1963.

He was a man of high ideals, devoted to his profession and interested in the welfare of others, particularly young persons wishing to better themselves. He was very cooperative with the members of the bar while in office and it was never too early or late to accommodate them in the pursuit of the business of their profession.

Judge Thom was married to Willa M. McVey in 1909, and leaves surviving him his widow, a sister and some nephews and nieces. Mrs. Thom continues to live at the Patterson Hotel in Bismarck.

WILLIAM JAMES (JIM) AUSTIN

(1900 - 1973)

On April 1, 1973, retired Judge William J. Austin of the Burleigh County Court of Increased Jurisdiction, died in a Bismarck hospital.

Judge Austin was born in Akron, Iowa, on February 17, 1900, to James Mark Austin and Allie (Douglass) Austin. He grew up in Ellendale, where he attended grade and high school. He later attended Morningside College, and was admitted to the North Dakota bar in 1926.

"Jim," as his friends knew him, practiced law at Kulm, McClusky, and Bismarck. In 1963, he took office as the first judge of the County Court of Increased Jurisdiction, and served in that post in an exemplary fashion until he retired in late 1971.

Jim enlisted in the Army in 1942, and served in the infantry at Camp Wolters, Texas, and Fort Benning, Georgia, where he attended the Officers Candidate School.

Jim Austin was talented in many fields. He was a cartoonist, artist and sculptor, all self-taught, and all reflecting the vigor and humor in his personality. He was a prodigious sportsman, who hunted and fished throughout Western Canada and the United States.

A trained and qualified operator of the polygraph, he also had considerable experience, nationwide, as an arson investigator for insurance underwriters at one stage in his career.

As an attorney, he was an especially vigorous and well-prepared trial lawyer in all phases of general practice. As a criminal lawyer he was outstanding, giving of his talents unstintingly when it came to defending the indigent and the underprivileged.

Jim Austin was especially proud of the Scottish heritage of his family, and was an authority on the lore of the Scottish people.

Judge Austin leaves his widow, Mary Igoe Austin, a native of Chicago and secretary to Supreme Court Justice William Paulson; one son, Bismarck optometrist Dr. William G. Austin; two daughters, Bonnie Evelyn Austin of Bismarck and Maral A. Johnson of Simsbury, Connecticut; and four grandchildren.

He was a member of the State Bar Association and American Bar Association, American Legion, Capital City Lions Club, the Elks, Eagles, U.C.T. and National Association of Probate Judges.

Despite his aggressive representation of his clients' interests as a trial lawyer, Jim Austin was an especially calm, deliberate and decorous judge on the bench, earning the liking and respect of lawyers appearing before him, as well as that of their clients.

JOHN E. WILLIAMS

(1879 - 1973)

John E. Williams, well-known Washburn attorney and public official for many years, died May 21, 1973, at the age of 93 in a Turtle Lake hospital.

A state pioneer, Williams served in the North Dakota Senate in the early 1900s. In addition to his law practice and public service duties, he also had farm and ranch interests.

He was born in Oshkosh, Wisconsin, on October 21, 1879, to Thomas R. and Dorothy (Lloyd) Williams, who settled in North Dakota during Mr. Williams' youth. His father homesteaded near Cathay, in Wells County, where Mr. Williams attended county schools.

He later attended Methodist Red River Academy in Wahpeton, and taught school for one year. In 1906, he graduated from the University of North Dakota law school, and began the practice of law in Turtle Lake with Fred Larson.

Mr. Williams homesteaded near Turtle Lake, and married Maude Edgerton in Carrington in 1908. She died in 1933.

He served in the state Senate in 1911 and 1913, and in 1914 he moved to Washburn where he served as state's attorney for McLean County.

In 1933, Mr. Williams became the executive secretary of the State Relief Committee, and he continued in that position with its successor, the Federal Emergency Relief Association. He was also a field representative for the public welfare board, and state selective officer for the CCC. In 1944, Mr. Williams became counsel for the state public welfare board, a position he held until his retirement.

He married Ruth Wisnaes in Fargo in 1937, and the couple made their home in Bismarck from 1938 until 1944.

The present firm of Williams and Lindell was formed in 1923, and Lt. Col. Gustof A. Lindell was Mr. Williams' partner until his death in 1944.

He was a member of the First Lutheran Church in Washburn, and was the first lay president of its congregation. He was a member of the First Lutheran Church brotherhood, and served on the board of trustees and the building committee of the church. He was a member of Fellowship Lodge 122, where he had served as master in 1926.

Mr. Williams was a member of the State Bar Association, the American Bar Association, the McLean Historical Society, the Washburn Lions, and the Lewis and Clark Senior Citizens Club of Washburn.

Mr. Williams also was engaged in farming and ranching in the Washburn area for many years.

He leaves his widow; one daughter, Mrs. Warren (Shirley) Lee, Turtle Lake; four grandchildren and two great-grandchildren.

E. G. LARSON

(1888 - 1973)

E. G. Larson, a long time Valley City attorney, died in a local hospital April 7, 1973, at the age of 84.

Enoch Germain Larson was born July 27, 1888, in Dunn County, Wisconsin, the son of Erik and Elise Larson. He attended grade school in Dunn County, and later he and his parents moved to Minneapolis where he graduated from North High School and Augsburg College. In 1913, he completed his legal education and graduated from the University of Minnesota law school.

On January 1, 1917, he married Julia Lee of Aneta, North Dakota, where they resided until 1925, when they moved their family to Bismarck and subsequently to Valley City where they have resided ever since.

Mr. Larson was an active member of the First Lutheran Church of Valley City and served on the Board of Trustees, as well as other offices of the church. A member of the Masonic Lodge and a Shriner, he was Past Master of the Valley City Lodge. He also served for 40 years on the State Masonic Council. He was a member of the North Dakota Bar Association, and past president of both the Kiwanis Club and the Valley City Chamber of Commerce.

He is survived by his widow; three sons, Edson Germain of Mayville, Robert and Franklin of Valley City; and two daughters, Mrs. Louis (Elaine) Kievman of Pacific Palisades, California, and Mrs. John (Carol Jean) Carlisle of Valley City; a sister, Miss Edna Lar-

son of Minneapolis, Minnesota; eleven grandchildren and seven great grandchildren.

CLINTON WHIPPLE

(1891 - 1973)

Clinton A. Whipple died February 14, 1973, in Fargo at the age of 81.

Born March 9, 1891, at Lisbon, he attended the University of North Dakota, Grand Forks. He was a veteran of World War I. On August 25, 1920, he married Marjorie Knapp.

Mr. Whipple practiced law in Ellendale, from 1919 to 1933, when he moved to Fargo where he was employed by Home Owners Loan Corporation. He was later chief of Loan Services and Claims for the Veterans Administration in Fargo, retiring in 1966.

He was a member of First United Methodist Church, American Legion, Veterans of Foreign Wars, Veterans of World War I and Retired Federal Employees Association.

His wife survives, as does a son, Edgar L., Show Low, Arizona.

CARL V. PETERSON

(1926 - 1973)

On March 19, 1973, Carl V. Peterson, a long time Fargo resident and attorney, died at the young age of 46. Mr. Peterson was born at Hastings, North Dakota, on April 10, 1926, and grew up in that small rural community. He left home to attend college at Gustavus Adolphus and the University of Minnesota. He graduated from the University in 1946 with a B.S. degree and an ensign's commission in the United States Navy. After serving on active duty with the Navy until 1947, he returned to the University of Minnesota and graduated from the law school.

In 1950, Mr. Peterson joined the Fargo law firm of Wattam, Vogel, Vogel & Bright. In his legal practice Mr. Peterson served as general counsel for the Fargo Urban Renewal Agency since 1956. He enjoyed an active trial practice and was particularly knowledgeable in the fields of personal injury negligence cases and land condemnations. He appeared on behalf of numerous clients at sessions of the North Dakota Legislature and otherwise advised and represented many businesses and individuals all over the state. He died at the height of a very active, varied and rewarding legal career.

In addition to his law practice, Mr. Peterson maintained a close association with the United States Navy. He remained in the Naval Reserve after leaving active duty in 1947, rising to the rank of Cap-

tain and eventually became Commanding Officer of the Naval Reserve Center in Fargo. He was a member of numerous social and charitable organizations, including the Masonic Bodies, El Zagal Temple, Elks, Eagles, Sons of Norway, VFW and the American Legion.

Carl V. Peterson leaves surviving him a daughter, Carla, his mother and four sisters. He was well liked and respected by his partners and associates, judges and members of the legal fraternity with whom he practiced, and by his many friends and clients. His advice, good will and companionship will be sorely missed.

ROMEN H. FITZNER

(1911 - 1973)

Romen H. Fitzner, of Valley City, North Dakota, died on Saturday, June 16, at the age of 62, after a lingering illness.

Mr. Fitzner was born January 11, 1911, at Echo, Minn., the son of Martin and Alma Fitzner. He graduated from Granite Falls, Minnesota, high school in 1929, subsequently attended Gustavus Adolphus College and the University of Minnesota. In 1937, he graduated from the St. Paul College of Law.

Mr. Fitzner was admitted to practice law in Minnesota and opened a law office in Granite Falls. He married Arla K. Anderson in Granite Falls October 1, 1939. During World War II, Mr. Fitzner enlisted in the government work force that was stationed in Canada to build the Alcan Highway. In 1943, he returned to Granite Falls and resumed the practice of law.

In 1945, Mr. Fitzner accepted a position with the Internal Revenue Service and moved to Valley City. Three years later he was admitted to practice law in North Dakota and opened a legal and accounting office in Valley City. He later became associated with Attorney L. T. Sproul in the general practice of law and in 1956, the law firm of Sproul & Fitzner was established.

Subsequently the law firm included A. J. Greffenius, R. Jon Fitzner and Dean E. Lenaburg, and is presently the firm of Sproul, Fitzner, Lenaburg & Fitzner.

Mr. Fitzner was a member of the American, North Dakota and Barnes County Bar Associations. He served as city attorney for Valley City from 1950 to 1960 and from 1964 to 1972. He was a member of the Valley City Lions Club and had served as its president. He was a member of Our Saviour's Lutheran Church of Valley City.

Romen H. Fitzner is survived by his widow; four sons, R. Jon, Rick and Mark of Valley City and Kurt of Boston, Mass.; one daughter, Mrs. Richard (RoAnn) Welk of Dickinson; and three grandchildren.

JACK R. CHRISTENSEN

(1932 - 1973)

The Burleigh County Bar lost one of its most prominent and active members with the death of Jack R. Christensen at the age of 41 on January 8, 1973. As one of the most energetic trial lawyers in the State Bar Association and a leader at the Bar and in the community, he won respect for his profession as well as for himself.

He believed in his profession, but most of all he believed in justice and duty. Though many clients and fellow members of the Bar described him as abrasive, Jack enjoyed being abrasive because it meant he was being successful in his goal, expressed in the apt phrase: "For a match to burn, it must be struck against something abrasive." If the match lit, it burned and it was noticed for it illuminated a cause, a problem, an equity and most of all justice. Justice was his master. He deeply believed in and attempted to live by the thoughts of Thomas Jefferson. He read more than once the last sentence of the Attorney's Pledge which each attorney recites at the time of his admission to the bar: "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice."

He was a lawyer's lawyer, a man to whom other professionals came for counsel. During his few but busy years of practice, he served the Bar as an officer at all levels and worked on many committees seeking to accomplish goals and urging others to meet and accept obligations.

To those who knew him best — his family, friends and partners — he was selfless, compassionate and loving beneath a facade of bluntness. His last major endeavor, just before undergoing open heart surgery in Houston, was representing the Director of Institutions at the hearings concerning the release of the Warden at the State Penitentiary. At the conclusion of that difficult and confused case, he summed up his creed with a simple statement of "I did my job."

He sought the highest and best with his whole being, and those whose lives he touched knew how well he succeeded. We grieve for his widow, his partner in his practice as in life, and his children, for the loss, in the prime of his life, of a loving husband and devoted father. We are grateful for the years shared with this gentle, kindly, and exceptionally different man, this gifted lawyer, this cherished friend.

ALBERT W. SHUPIENIS

(1909 - 1973)

Albert W. Shupienis was born February 3, 1909, in Farrell, Penn-

sylvania. He died on January 10, 1973, at Fargo, North Dakota.

He completed his public school education in Sharon, Pa., and as a boy worked as a newsboy, a pinsetter in a bowling alley, a barber's apprentice, a steel miller and a shoe store clerk. He attended Southeastern University in Washington, D. C., obtaining his L.L.B. and B.C.S. degrees. He did post-graduate work at the U. S. Department of Agriculture Graduate School and George Washington University. He worked as a production clerk, car accountant, senior typist for the U. S. Department of Agriculture, Clerk-Stenographer, Assistant Law Secretary to U. S. Supreme Court Chief Justice Charles Evans Hughes, and as Secretary to the Director and Auditor in the Administrative Office of United States Courts. During World War II he served in the Navy. He was employed as the Regional Chief Attorney of U. S. Veterans Administration in Fargo from 1946 to 1965, when he moved to Portland, Oregon, where he was employed as Regional Chief Attorney of the U. S. Veterans Administration until his retirement in 1968. He returned to Fargo and, in 1969, joined the West Acres Development Company as executive vice-president, a position he occupied at the time of his death.

On February 10, 1945, he married Jean Cameron Heller who survives him along with two daughters, Mrs. Terry (Mina) Crooks, Champaign, Ill.; Mary Jo and a son, Mark, both at home in Fargo.

Al Shupienis was active in a wide variety of community activities in Fargo. He had been active in the YM-YWCA, the United Fund and worked on the Development Fund for St. John's Hospital. He served as an officer of the Rotary Club, Gethsemane Cathedral, Fargo Mental Health Association, and the Cass County Bar Association. He had also served on the board of the Fargo Humane Society. He was recognized as the Fargo-Moorhead Federal Council "Civil Servant of the Year" in 1963. He was also a member of the Elks and Fargo Country Club.

HARRY O. MOWERY

(1916 - 1972)

Harry O. Mowery was born February 19, 1916, in Fargo, and grew up in Napoleon, North Dakota. He died at his home in Fargo on October 20, 1972.

He attended grade school and high school in Napoleon, graduating in 1934. His parents operated a drug store and undertaking business in Napoleon during that time and Harry worked in the family business during these years. His father died when Harry was 16, at which time he became head of the household, assisting his mother with the business until leaving for college.

Harry attended the University of North Dakota at Grand Forks and received a Bachelors Degree in 1938 and a Law Degree in 1940. While in college, he ran a small grocery store on the campus and was also active in Playmakers.

He entered private law practice for a short time in 1940, prior to entering the military service. After returning from military service, he joined the Adjudication Division of the Veterans Administration in Fargo, becoming the Adjudication Officer at this Center in 1954. He served in this position until his retirement in 1972. He was given a Certificate of Appreciation by the North Dakota Department of Veterans Affairs and the North Dakota Veterans Service officers for outstanding service to veterans and their dependents.

He was a member of the North Dakota Bar Association and the North Dakota Chapter of the Federal Bar Association, serving as president of the latter organization. He was also a member of the American Legion, the Elks Lodge, and Kappa Sigma Fraternity.

On May 2, 1943, Harry married Avis Amonrud, who continues to reside in Fargo. They have three sons, Gary and Blair of Fargo, and Lt. Mark who is presently stationed at Fort Sill, Oklahoma; and two grandchildren.

Harry was very interested in photography and in gardening. He worked diligently in raising magnificent flowers, both at his home in Fargo and at the family lake home at Floyd Lake, near Detroit Lakes, Minnesota.

GEORGE V. COFFEY

(1901 - 1972)

George V. Coffey was a practitioner in the manner which most of the present members of the bar have never had the opportunity to observe. Born to farmer parents in Prairie Center Township, Walsh County, North Dakota, on April 28, 1901, he claimed Minto as his "home town" until his retirement from active practice.

After graduation from Minto High School in 1919, he completed his undergraduate work in 1923, and his formal legal training in 1926, at the University of North Dakota. Following graduate work at Harvard University, he returned to Minto to practice.

In addition to providing his friends and neighbors with legal advice and help, George Coffey contributed his intellect and time to his community. He was a state senator from 1934 to 1938. He served the City of Minto as auditor and city attorney for 28 years, and the Minto School District as clerk for 31 years. He was secretary and manager of Walsh County Farmer's Mutual Fire Insurance Company for 26 years.

Mr. Coffey was married to Clara Mach on June 6, 1934. They

were the good parents of Patricia (Mrs. Frank) Pulju, Fairfax, Virginia; Roberta (Mrs. C. S.) Lozinski, Edina, Minnesota; Judy (Mrs. Donald) Dolan, Grafton; George V., Jr., Tucson, Arizona; and Michael A., Jacksonville, Florida. One son died in infancy. The legal heritage is carried on by George V., Jr., an attorney.

Mr. Coffey retired from the practice of law in 1967, leaving Minto without a lawyer and marking another "finis" to the era of the small-town lawyer. Perhaps the method of practice today provides legal services more efficiently, but the leisurely manner of practice exemplified by George Coffey had certain advantages which are missing in the attorney-client relationship today.

George V. Coffey died in Fairfax, Virginia, on December 16, 1972, while visiting his daughter. He was a gentleman in the real sense of the word.

JOSEPH J. FUNKE

(1909 - 1973)

Joseph J. Funke, 63, a former Ward County official and a Minot attorney for more than 40 years, died at his home March 8, 1973. He had undergone throat surgery in St. Louis, Mo., last December and had never fully recovered.

Mr. Funke, a resident of the city since 1919, had served as county judge, states attorney and county clerk of court. Most recently, he was a member of the Minot law firm of Funke and Eaton.

Born in St. Paul on May 4, 1909, he came to Minot with his parents, the late Mr. and Mrs. Joseph Frank Funke, ten years later. Mr. Funke was graduated from Minot High School and studied law at St. Thomas College in St. Paul.

He was named Ward County clerk of court in 1930, serving under the late Judge William Murray. He was admitted to the bar in North Dakota the following year. In June 1937, Mr. Funke was appointed to fill the vacancy created by the death of Judge Murray and he served as Ward County judge for five years. During his tenure as county judge, Mr. Funke served as chairman of a state subcommittee to work on revision of the state probate code.

He became acting states attorney in 1942 when Ben A. Johnson left for naval service. He and Johnson had organized the firm of Johnson and Funke that year. Mr. Funke served as states attorney until 1948, when he opened a private law practice in the city.

In 1963, Mr. Funke and Jonathan C. Eaton announced their association in the general practice of law under the firm name of Funke and Eaton, headquartered in the Minot Federal Savings and Loan Association building.

Mr. Funke served as president of the Ward County Bar Associa-

tion. He also served as chairman of a building committee for the Minot Elks Lodge. For his services in that capacity, he was given an honorary life membership in the Elks. He was a member of the advisory board of St. Joseph's Hospital in Minot, and served as legal officer of the KX television network.

He is survived by his wife, the former Mary Jane Gill, who he married June 30, 1934, at Minot; one daughter, Mrs. Gloria Bottoms; a sister, Mrs. Gloria Buchmeier, Hastings, Minnesota; and three grandsons.

B. L. WILSON, SR.

(1880 - 1973)

B. L. Wilson, Bowbells, North Dakota, passed away May 2, 1973, at the age of 92 years. "B. L.," as he was known by his many friends, retired from his law practice last November, which marked the conclusion of 62 years of legal practice in Burke County. He began his practice at Flaxton in 1910, and when elected States Attorney in 1922, moved to Bowbells, the county seat, where he resided until his death.

Mr. Wilson served as States Attorney of Burke County for two terms in the 1920s. He was city attorney for most of the cities in the county for many years and had been Juvenile Commissioner of Burke County for over 40 years. He served on the school boards in Flaxton and Bowbells for several years and was active in many phases of community affairs.

B. L. Wilson was born in 1880 on a farm in Pike Township, Jay County, Indiana. He received his elementary and high school education in Indiana and received a Bachelor's degree from the University of Indiana. With a bachelor's degree in education he came west to North Dakota and taught school at Souris, Dazey and Churchs Ferry. Through practical experience, he qualified to complete law school at the University of Michigan at Ann Arbor in two years instead of three.

Mr. Wilson married Blanch M. Locker on April 18, 1907, at Portland, Indiana. He leaves his wife and six living sons and daughters. His son, Bert, Jr., is also a lawyer and practices law at Bowbells.

"B.L." was a member of the North Dakota State Bar Association, Bowbells Lions Club, Masonic Lodge and Rabboni Chapter. He will be missed by his many friends in Burke County and across the state.

BENCH

and

BAR

