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## An Editorial

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Ray H. Walton Jr.

Edward J. Bosch

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## BENCH AND BAR

*An Editorial*

## THE CONTINUED EDUCATION OF THE BAR

The learning of lawyers is never complete, and one of the most difficult tasks faced by the members of the legal profession is that of providing for their own continuing education in the face of the demands upon their time made by the necessities of practice and community activity. As Chairman of the Program Committee of the Grand Forks County Bar Association since 1940, the writer has learned of these problems at first hand. The outstanding fact about lawyers is that they are busy—and while they are always willing to put forth the effort needed to prepare program for their fellows, the time needed to select a topic, research it, and prepare a report often represents a substantial investment of one of the principal stocks in trade of every lawyer.

For several years, this problem has been the focus of a good deal of work by professional societies and institutions which have prepared outstanding programs. One of the most noteworthy efforts in this field has been that of the Practicing Law Institute of New York, a non-profit educational institution which formerly collaborated with the "Section on Legal Education" of the American Bar Association. The Practicing Law Institute has published four series of monographs. There are seventeen studies in a series on General Practice, twenty-eight on Trial Practice, fourteen on the Fundamentals of Federal Taxation, and fourteen dealing with Current Problems of Federal Taxation. These were prepared by skilled practitioners and designed for practicing lawyers. It would be a sound professional investment for any attorney to purchase the whole series—or if a local bar association secured the series and loaned copies to its members, each monograph could be used as the subject matter for a talk, followed by a discussion. In time each member of the local bar would participate and thus contribute to the educational program of the association. Many of these monographs would be of special value if annotated to the statutes and case law of this state.

In 1948 an arrangement was made between the American Bar Association and the American Law Institute, whereby a joint committee on Continuing Legal Education of the American Bar Association and the American Law Institute was formed. Mr. John Mulder of Philadelphia is director, assisted by Prof. Charles Joiner of Michigan and Mr. James Brenner of California. The committee

has promoted institute meetings in cooperation with local, district and state bar associations. The North Dakota State Bar Association with the assistance of the Committee on Continuing Legal Education has sponsored institutes on the law of Taxation and of Oil and Gas. This Committee has also been active in preparing monographs or pamphlets for professional use. The subjects discussed in Series One of these monographs are: Legal Problems in Tax Returns (1951); Lifetime and Testamentary Estate Planning (1951); Drafting of Partnership Agreements (1951); Labor Relations Law (1951); Price Discriminations and Related Problems Under the Robinson-Patman Act (1952). Under Series Two, the following subjects are included: Procedure Before The Bureau Of Internal Revenue; Organizational Problems of Small Business; The Drafting of Corporate Charters and By-Laws; Bankruptcy And Arrangement Proceedings; Family Law; and the Federal Wage and Hour Law. The most recent works issued include Preparation for Trial of Civil Actions; The Preparation and Trial of Cases in Tax Court of the United States; and Eleven Years of Two-State Law. The price is \$12 for each series, or \$2.50 for single copies.

The senior members of the bar can render a real professional service by encouraging local bar associations to secure these practical works from the Committee on Continuing Legal Education and the Practicing Law Institute. Similarly the younger lawyers have an opportunity to become better acquainted with their colleagues in their local and district bar associations by preparing lectures on these basic, practical law books. For the first time in the history of the legal profession in the United States, text materials are available in a form which allows every lawyer to participate in educational programs by lawyers for the benefit of lawyers. The opportunity is one which should not be neglected.<sup>1</sup>

O. H. THORMODSGARD  
Dean, School of Law

**EXPENSES OF ATTORNEY ATTENDING INSTITUTE ON TAXATION HELD DEDUCTIBLE.** Attorneys will be gratified to learn that a Court has finally taken a realistic view of the deduction of the expenses of professional men in attending specialized courses relating to their practice. In *Coughlin v. Commissioner*,

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1. The address of the Practicing Law Institute is: Practicing Law Institute, 57 Williams Street, New York 5, N.Y. The address of the Committee on Continuing Legal Education is: Committee on Continuing Legal Education, 133 South 36th Street, Philadelphia 4, Pa.

C.C.A. (2d), the Court on April 14, 1953, reversed the Tax Court and allowed as a deduction the taxpayer's cost of attending New York University's Tax Institute. The taxpayer was a member of a law firm engaged in general practice. The firm did considerable work which required at least one member to be skilled in matters pertaining to Federal taxation. His partners relied on taxpayer to keep advised on that subject and he accepted that responsibility. In 1946 he attended New York University's 5th Annual Institute on Federal Taxation. In so doing he incurred expenses for tuition, travel, board and lodging of \$305, which he claimed as a deduction under Sec. 23 (a) (1) (A).

The Commissioner disallowed the deduction and the Tax Court upheld the disallowance on the ground that the expenses were not business ones because of the educational and personal nature of the object pursued by the taxpayer. In reversing the Tax Court, the Circuit Court held that since professional men are permitted to deduct such items as dues in professional societies, attendance at conventions and the costs of books, professional journals, etc., the instant expenses are analogous. Taxpayer was morally bound to keep currently informed as to the law of Federal Taxation, and did so in part by means of attending the Institute. Taxpayer's immediate and overall professional need in incurring the expense was paramount, and the general educational gains derived were merely incidental.

## USE OF INHERITED PHYSICAL CHARACTERISTICS IN PATERNITY SUITS\*

The form of ear muscles and the papillary patterns of fingertips can effectively contribute toward freeing a man in a paternity suit. To a constantly increasing degree, the courts are making use of the new provisions of law which provide that presentation of evidence in paternity suits, in addition to determination of blood groupings in the event such gives no guidance, also may include "other investigations concerning hereditary characteristics." The child, in such cases, should be at least two years old.

These anthropological studies are carried out principally at the government racial biological institute in Uppsala, and there are brought the mother, the child, and the presumptive father—or

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\* This is a translation of an article entitled "Fingers and Ears Free False Father," appearing in the December 8, 1952, issue of *Dagens Nyheter*, a daily newspaper of Stockholm, Sweden. The translation was made by Mr. William S. Murray of the Bismarck, N.D., Bar.

"the presumptive fathers." In ten to fifteen per cent of the cases, a fairly certain result is reached, according to Dr. Jan E. Böök.

"We still know very little about the inheritance of normal characteristics, therefore we can more seldom give absolutely certain information, but have to be content with different gradations of probability," explains Dr. Böök. Unusual characteristics give better information, but admittedly are not present so often. It has, however, occurred, that actual abnormalities have been able to markedly strengthen the evidence, for example in a Norwegian case, where both child and the presumed father had abnormally shortened fingers, a characteristic which is very seldom seen and is inherited dominantly.

One must watch out for drawing conclusions from general resemblances. It is the anthropological details which are usable in such investigations as these, primarily the anthropology of the head. The ear-muscles' form and development give good information, as do details of the mouth and nose's form, color of the eyes and structure of the iris.

Fingerprints are important—they are always checked. Certainly the papillary patterns are individual, but the principle of the pattern is hereditarily influenced and can be used with very great certainty. In the best cases, one can with their assistance exclude the possibility of fatherhood.

#### *Best With Two "Fathers"*

It is always easier to eliminate a wrongly presumed father than to positively prove that some person is the father of the child in question. The greatest possibilities are present when two fathers (persons who could be the father) are possible; then one can often by comparisons eliminate the one, or at least express an opinion as to which of them is most certainly the one.

One of the difficulties of the method of investigation is that one is compelled to compare the characteristics of children with those of adults. They must, therefore, be characteristics which do not change as a result of age or environment.

Between twenty and thirty paternity investigations a year are carried out at the racial biological institute, it is estimated by Dr. Böök. As a rule, it is the presumptive father who requests that blood group examinations shall be supplemented in this fashion. The initiative can also be from the court, and then it is the government which pays for the travel and stay at Uppsala for the parties involved. It is a very expensive procedure. In the case of the blood

groupings investigations, the government doctors can work with the materials at hand, but the anthropological investigations must from the beginning be handled by experts with necessary instruments.

The methods of investigation are still in their earliest infancy in this country, Dr. Bööck states. Much can be done to improve them. The grant of funds is needed in order to determine the frequency of usable anthropological characteristics within the population, and in known fathers to a number of children. If one is able to compute possibilities by statistical methods, one can get more certain results.

If the methods are developed, there is no theoretical barrier preventing one from being able to give determinative information in each specific case. Because the interest of the courts has now grown to be so great, the authorities are now being compelled to give us the needed subsidy. There may, however, be presented a reason against staking these anthropological investigations, namely that the blood grouping investigations are going forward on such a huge scale. Already, now, by that method around fifty per cent of wrongfully presumed fathers can be eliminated. Perhaps in the future this will cause the anthropological investigations to be superfluous.

A blood-grouping investigation is always more exact: either the person concerned has a certain blood-group or not. In contrast, it is often difficult to decide if a nose-opening has a certain form.

#### *An Authentic Case*

In conclusion, Dr. Bööck tells of a case which was recently handled at the Institute:

The presumptive possible fathers were K. and P. Blood examinations did not result in the elimination of either K. or P. The anthropological examination showed, among other things, that the child and P. had dark brown irises. The mother and K. lacked, both completely, brown pigmentation, being, in other words, blue-eyed completely. Despite intensive research, we at the Institute have not found any brown-eyed (progeny) who stemmed from completely blue-eyed parents (if one of the parents has eyes which appear blue, it is shown by closer examination that they are mottled, and have brown pigmentation by sprinkling.) Therefore, K. is considered with probability verging upon certainty, incapable of being the father to the child.

The finding is not based however only upon color of the eyes.

Papillary patterns, muscles of the ears, and form of the nails showed correspondence between the child and P., but contrarily, not between the child and K., nor either between the child and the mother. X-Ray examination of the ribs was made, and the result of that also tended to show that P. could be the father. The Institute's finding was so formulated that the anthropological investigation, with probability verging upon certainty, excluded the possibility that K. could be the father to the child N.N., that certain observations rendered it highly probable that P. is father to the child N.N., and that the probability that P. is father of the child becomes a practical certainty if it can be shown that no other (unconsidered) man can be brought into the case."

### LAW SCHOOL NEWS

The fifty-fourth school year began on September 15, 1952, and terminated on June 9, 1953. The enrollment by classes were as follows: First year, 26; second year, 26; and 30 third year law students. Four students completed their three year law study on February 1, 1953. They were: Everett J. Hammerstrom of Worcester, Massachusetts; Thomas L. Hunt of Duluth, Minnesota; Leonard G. Iljana of Adrian, North Dakota; and VeLoyce G. Winslow of Grand Forks, North Dakota.

On June 9, 1953, the following graduates were granted the degree of Juris Doctor: Jim R. Carrigan of Grand Forks, N.D.; Marie Mynster Feidler of Grand Forks, N.D.; Frederick E. Martin of Fargo, N.D.; Michael R. McIntee of Williston, N.D.; John G. Mutschler of Wimbledon, N.D.; and William E. Porter of Langdon, N.D.

The degree of Bachelor of Laws was granted to John E. Adams of Grand Forks, N.D.; Robert L. Alderman of Casselton, N.D.; Allan D. Buchanan of Bemidji, Minn.; James A. Dahl of Gwinner, N.D.; Rodney H. Ecklund of Carrington, N.D.; Robert H. Forsythe of Ulen, Minn.; Casper F. Hanawalt of Champaign, Ill.; Frank J. Kosanda of Fargo, N.D.; A. Robert Kringlie of Portland, N.D.; Maurice G. LaGrave of Grand Forks, N.D.; Emmett W. O'Connell of Grand Forks, N.D.; Richard H. Picken of San Diego, Calif.; Alfred C. Schultz of Upham, N.D.; Jack O. Severson, Jr. of Grand Forks, N.D.; James L. Taylor of Alexander, N.D.; and James H. Williams of Grand Forks, N.D.

The Order of The Coif is a national law school honor society founded for the purposes of encouraging legal scholarship and

advancing the ethical standards of the legal profession. Its members are selected by the faculty from the 10 per cent of the third year class who rank highest in scholarship. The North Dakota Chapter of The Order of The Coif held its twenty-ninth annual dinner program on April 14, 1953. The students-elect were: Jim R. Carrigan of Grand Forks, N.D.; John G. Mutschler of Wimbledon, N.D.; and William E. Porter of Langdon, N.D. The Honorary-elect for 1953 was James Morris, Chief Justice of the Supreme Court of North Dakota. Mr. Ronald N. Davies, Lecturer on Legal Ethics and Judicial Administration and Professor Paul C. Matthews were elected to The Order of The Coif by virtue of being members of the Law Faculty.

Honors Day Convocation was held on May 13, 1953. President E. T. Conmy presented the North Dakota Bar Association Legal Research Awards to the following third year students:

Jim R. Carrigan, Grand Forks, N.D.  
 Marie Mynster Feidler, Grand Forks, N.D.  
 Everett J. Hammarstrom, Worcester, Mass.  
 Frank J. Kosanda, Fargo, N.D.  
 Frederick E. Martin, Fargo, N.D.  
 Michael R. McIntee, Williston, N.D.  
 John G. Mutschler, Wimbledon, N.D.  
 William E. Porter, Langdon, N.D.  
 James L. Taylor, Alexander, N.D.  
 VeLoyce G. Winslow, Grand Forks, N.D.

"The Charles E. Dahl Award in Law" was presented to Michael R. McIntee, a senior law student. This award is made upon the recommendations of the law faculty on the basis of scholarship, contribution to the university life, and demonstrated capacity for constructive leadership.

The North Dakota Law Review is a quarterly legal periodical and published by the North Dakota Bar Association. The Law Review presents opportunities to the faculty and students of the School of Law and to the lawyers and judges of this state to serve the public by writing on legal problems. Student Editors are chosen from the second and third year class on the basis of scholarship and evidence of aptitude for editorial work. Professor Charles L. Crum is Faculty Advisor. The success and quality of the law review in a large measure is due to many hours of intense work that is devoted by the Faculty Advisor in teaching Legal Writing and by improving the readability of what has been written by the students. The North Dakota Bar Association is rendering a real public service in presenting the Legal Writing Awards to those



third year students who have been diligent in preparing notes on recent cases, articles and comments on interesting legal subjects and reviews on current law books.

The primary purpose of legal education is to educate lawyers. It is reasonable to bring legal education in law schools closer to actual practice in law offices and courts. Experiences in several law schools have given proof that there are educational merits in having a proportionate number of practitioners to teach law courses. There are five full-time law teachers and five part-time law teachers. A total of 13 credit hours out of 90 credit hours are taught by the part-time teachers during the school year. Approximately one-seventh of law school courses are taught by practitioners. This arrangement is desirable in that the full-time teacher has time for research and for personal guidance of students. The students will also secure personal contact with those who are actively engaged in the daily practice of the law. We are grateful as to the cordial and close relationship between the School of Law and the North Dakota Bar Association. We share in the responsibility for legal education, legal writing, publication of the Law Review, and in the granting of awards. The school year 1952-53 was a successful year.

O. H. THORMODSGARD, Dean

#### CITATION

Canadian born, shifted to North Dakota in his youth, Fred J. Traynor began his professional career in midwestern tradition by teaching school. In 1898 he entered the University of North Dakota and graduated in 1903 with the degree of Bachelor of Arts. His scholastic ability was recognized by election to Phi Beta Kappa. He graduated in 1904 from the School of Law with the degree of Bachelor of Laws. The same year he set up his law office in Devils Lake and entered into partnership with Attorney William Anderson. In 1909 he formed a partnership with Attorney Edward F. Flynn. When his brother, Mack V. Traynor graduated from the School of Law in 1916, his firm's title was changed to Traynor & Traynor.

During his career, Mr. Traynor has repeatedly demonstrated a keen interest in public affairs. He served in the House of Representatives of the State of North Dakota for one term; as City Attorney of Devils Lake; as Assistant States Attorney of Ramsey County; and as a member of the Board of Education of the city of Devils Lake for eight years. On August 16, 1930, the North Dakota Bar

Association elected Fred J. Traynor as President for the year 1930-31. Recognizing his exceptional standing as a lawyer, he was selected by the Law Faculty as the 1935 Honorary-Elect to the North Dakota Chapter of The Order of The Coif.

For his service to education and for service through law to all the people, the Governor of North Dakota appointed Fred J. Traynor in 1939 as a member of the newly formed constitutional State Board of Higher Education. He served faithfully on this important Board for 13 years. He declined a reappointment on account of his retirement from the legal profession and his other business activities.

Fred J. Traynor has devoted his time to the advancement of government, education, and law in this State. For his contribution as a worthy alumnus of the School of Law, as Past President of the Alumni Association of the University of North Dakota, and for his unique services on the Board of Higher Education, the Faculty of the University recommends that the degree of Doctor of Laws, honoris causa, be bestowed upon him, as an expression of our deep esteem.

O. H. THORMODSGARD, Dean

#### PHI ALPHA DELTA NEWS

In the annual royalty election held in the law school, Corliss Chapter of Phi Alpha Delta elected candidates to the offices of King, Queen, and Chancellor. They were Ray McIntee, Ray H. Walton, and Robert Johnston. An extensive fall campaign proved very successful to the organization for the entire freshman class supported all of the programs sponsored by P A D.

Ray H. Walton and William Porter attended the Golden Anniversary Convention of Phi Alpha Delta held in Chicago, Ill. on the first part of September of 1952.

The chapter held the usual Smokers in the fall Semester of this past year and members and guests enjoyed the brief respites from the books.

The culmination of the year's events under the able direction of M. R. McIntee, Past Justice, was the annual spring banquet and initiation held in the Elks Club and the District Courtroom respectively, on February 13, 1952, at which time 20 new members were initiated into the fraternity. In addition, Eugene A. Burdick, Williston attorney and former president of the North Dakota Bar Association was initiated as an honorary member.

Main speaker at the banquet was Anthony A. Di Grazia, Chicago attorney and Supreme Marshall of the National Chapter.

New members initiated at that time were: Harry Schwenke, John Homme, Kenneth Moran, Roy Olson, Richard Wicka, Gordon Thompson, Tom Eid, Dale Jensen, Edwin Gajeski, Harold Lucking, W. James Liebeler, Darwin Mueller, Roger Persinger, Robert Johnston, Donavon Stetson, Edward Dessert, Bayard Lewis, James Murray, Neil Thompson and Harold Myhre.

In addition to the aforementioned events, Corliss chapter sent delegates to the annual District Conclave held in Topeka, Kansas this year, Benson Chapter at Washburn U., being the host Chapter. Delegates attending on March 27 and 28 were: Ray H. Walton, Harry Schwenke, Darwin Mueller, Dick Wicka, and James Liebeler. Dick Wicka was elected to the office of Secretary of the 7th district.

Our annual Mock trial was held on April 20th, in the District court rooms, T. W. Atwood, Presiding Judge. In a personal injury action, Albert Rinker was the Plaintiff, and Tom Eid and Harold Lucking were the Defendants. Judgment was for the Plaintiff. Members of the Fraternity who served as Counsel were: Vincent LaQua, Gordon Thompson, Harry Schwenke, Donavon Stetson, Harold Myhre and Alfred Schultz.

The annual Legal Writing award, sponsored by Corliss chapter, was presented to Albert Christopher on May 13th at the Honors Day convocation. This award is given for outstanding publications in the North Dakota Law Review.

The new officers for the coming year are Ray H. Walton Jr., Justice; Vincent La Qua, Vice-Justice; Darwin Mueller, Clerk; Bayard Lewis, Treasurer; and Neil Thompson, Marshall.

Ray H. Walton Jr., Justice

#### PHI DELTA PHI NEWS

Bruce Inn began the school year with the return of eighteen of its members. The first meeting dealt with the arrangement of a familiarization course for the freshmen. The purpose of the course being to aid the freshmen in the art of briefing and other helpful points. Under the able leadership of Everett Hammerstrom, magister during the first semester, a mock trial was held in which many of the members of the fraternity participated. Undergraduates were chosen to play the parts of defendant, plaintiff, and jury.

The regular meetings were held at the Golden Hour Cafe. The

Chapter offered a full schedule of speakers at most of these meetings. The outstanding speakers the members were fortunate to hear were: Wallace Warner, former Attorney General; Elmer Hanson, local Sports Commentator; and E. T. Conmy, President of the State Bar Association. In our annual spring election, Christopher Sylvester was elected magister; Harold Bullis, clerk; Robert Lundberg, exchequer; and Edward Bosch, historian. The Phi Delta Phi freshmen scholarship award, which is annually given to the freshmen with the highest scholastic average, was given to Harold Bullis. The Phi Delta Phi achievement award which is given to the person who done most for Bruce Inn during the past year went to Frederick Martin. James Carrigan was named the Bruce Inn man of the year and his record of achievement was sent to the National Headquarters to be entered in competition with candidates of other Inns for selection of the Phi Delta Phi man of the year.

Initiation ceremonies were held at the County Court House at which David Birdzell and Allen LeMeiux, freshmen, were initiated. The fraternity was also fortunate in being able to initiate E. T. Conmy, President of the State Bar Association, and C. C. Wattan, President of the State Bankers Association, as honorary members. Following the initiation a banquet was held at the Golden Hour Cafe at which both new and old members were in attendance.

Edward J. Bosch, Historian

#### SCHEDULE FOR STATE BAR ASSOCIATION MEETING

The State Bar Association of North Dakota will hold its annual meeting on August 6, 7 and 8 in Fargo, North Dakota. For the convenience of members, a schedule of events is printed below.

##### *THURSDAY MORNING, AUGUST 6, 1953*

- 9:00. Registration, Gardner Hotel.
- 9:30. Call to order, E. T. Conmy Sr., President, presiding.
- 10:00 Committee Reports and Announcements.

##### *THURSDAY AFTERNOON, AUGUST 6, 1953*

- 1:30 - 3:00. Sectional meetings:
  1. Joint Tenancy in North Dakota. John Hjellum, Jamestown, speaker; J. F. X. Conmy, Fargo, chairman.
  2. Pitfalls in Actions to Quiet Title. Emanuel Sgutt, Fargo, speaker; Norman Tenneson, Fargo, chairman.

3. Changes in Statutory Law by the 1953 Legislature. Roy Holand, LaMoure, speaker; A. R. Bergesen, Fargo, chairman.

4. Conveyance of Interests in Oil and Gas and Other Minerals. Frank J. Jestrab, Williston, speaker; Everett B. Palmer, Williston, chairman.

3:00. Intermission.

3:30 - 5:00 Sectional Meetings:

1. Fundamentals of Oil and Gas Law. William R. Pearce, speaker; C. L. Jansonius, Bismarck, chairman.

2. Some Phases of Medical Evidence and How to Use it. Lewis H. Oehlert, Fargo, speaker; P. W. Lanier, Jr., Fargo, Chairman.

3. Common Deficiencies in Appellate Practice. Hon. Thomas J. Burke, Supreme Court, Bismarck, speaker; Philip B. Vogel, Fargo, chairman.

#### THURSDAY EVENING, AUGUST 6, 1953

7:00. Cocktail Party and Smorgasbord, "Top of the Mart", Frederick Martin Hotel, Moorhead, Minnesota, *for members of N. D. Bar Association and their ladies, compliments of Cass County Bar Association.*

#### FRIDAY MORNING, AUGUST 7, 1953

7:30. "Red Mass," St. Mary's Cathedral.

8:30. Breakfast meeting, States Attorneys for North Dakota; Breakfast meeting, Junior Bar.

9:30. Business Session:

1. John E. Conway, Revisor of Statutes, Madison, Wisconsin.

2. Report of Ronald E. Davies, Executive Director.

3. Election of officers.

4. Unfinished business.

12:00. Luncheon, North Dakota Law School Alumni; Luncheon, Minnesota Law School Alumni.

#### FRIDAY AFTERNOON, AUGUST 7, 1953

1:30. Sectional Meetings:

1. Lifetime and Testamentary Estate Planning. Harold Frederickson, Minneapolis, speaker; A. O. McLellan, Fargo, chairman.

3:00. Intermission.

3:30. Sectional Meetings:

1. Joint Tenancy in North Dakota. John Hjellum, Jamestown, speaker; J. F. X. Conmy, Fargo, chairman.

2. Pitfalls in Action to Quiet Title. Emanuel Sgutt, Fargo, speaker; Norman Tenneson, Fargo, chairman.

3. Changes in Statutory Law by 1953 Legislature. Roy A. Holand, LaMoure, speaker; A. R. Bergesen, Fargo, chairman.

4. Conveyancing of Interests in Oil, Gas and other Minerals. Frank J. Jestrab, Williston, speaker; Everett E. Palmer, Williston, chairman.

*FRIDAY EVENING, AUGUST 7, 1953*

7:00. Convention Banquet, Town Hall, Gardner Hotel. Main address by William J. Jameson, Billings, Montana, President-Nominee, American Bar Association.

*SATURDAY MORNING, AUGUST 8, 1953*

8:30. Breakfast meeting, Phi Alpha Delta; Breakfast meeting, Phi Delta Phi.

9:30. Sectional Meetings:

1. Fundamentals of Oil and Gas Law. William R. Pearce, Bismarck, speaker; C. L. Jansonius, Bismarck, chairman.

2. Some Phases of Medical Evidence and How to Use it. Lewis Oehlert, Fargo, speaker; P. W. Lanier, Jr., Fargo, chairman.

3. Common Deficiencies in Appellate Practice. Hon. Thomas J. Burke, Supreme Court, Bismarck, speaker; Philip R. Vogel, Fargo, chairman.

11:00. Final business session.

12:00 Adjournment.

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Chairs  
1 Large table

For Sale—Volume 1 through 38, North Dakota Reports; other miscellaneous law books. Write or contact Mrs. Gordon Oberg, 409 N. Third Street, Grand Forks, N.D.

## Memorials

The following tributes to the memory of those members of the Bar of North Dakota who have passed away have been prepared by the Committee on Memorials of the North Dakota State Bar Association. The Committee is under the chairmanship of The Honorable J. H. Newton, Esq., Clerk of the Supreme Court of North Dakota, and consists of Messrs. A. W. Aylmer, Vernon D. Forbes, William T. DePuy, Joseph P. Fleck, Roy A. Ilvedson, and Orrin B. Lovell.

### THE HONORABLE LEO C. BRODERICK

The Honorable Leo C. Broderick, 67, Judge of the Sixth Judicial District since August, 1944, died February 18th, 1953, at the home of his son and daughter-in-law, Dr. and Mrs. William Broderick, at Modesto, California, where he and Mrs. Broderick had been visiting. He had been in failing health for the last few years, suffering from a heart ailment.

Born at Winona, Minnesota, December 27, 1885, he was graduated from high school there and received his law degree from the University of Minnesota. He was admitted to the Minnesota Bar in 1909. He came to Mandan later that year and was associated with the Hanley and Sullivan law firm for about ten years. Judge Broderick was admitted to the North Dakota Bar in 1910 and in 1911, was named district court reporter by the late Judge S. L. Nuchols.

He served as district court reporter under the late Judge Nuchols, J. M. Hanley Sr., and H. L. Berry. The late Governor John Moses appointed him Judge of the Sixth Judicial District in August, 1944, to fill the vacancy caused by the death of Judge Berry. He was elected at the 1944 election and again re-elected in 1950. He and the former Genevieve Metcalf were married at Casselton, North Dakota, about 38 years ago.

Besides his widow, he leaves the following children: Mrs. J. W. Buddeke (Jane), San Francisco, California; Dr. William Broderick, Modeste, California; Mrs. H. G. Brumbaugh, (Marjorie), Washington, D.C.; Mary, at home; and Mrs. Albert Craychee (Florence), Los Angeles, California. A son Jack, a pilot in the Air Force, was killed in World War II.

Judge Broderick was a member of the St. Joseph Catholic Church and a past exalted ruler of the Mandan Elks Lodge. He left a



splendid record as a judge and was highly admired and respected by his fellow citizens and members of the Bar.

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AUBREY LAWRENCE

Aubrey Lawrence, former prominent North Dakota attorney, died at Washington, D.C., April 21, 1953.

Mr. Lawrence came to Fargo in 1908 and became a member of the well-known firm of Ball, Watson, Young and Lawrence. Later he formed a partnership with the late M. W. Murphy under the firm name of Lawrence & Murphy. Later Mr. Herbert G. Nilles joined the firm and it became known as Lawrence, Murphy & Nilles.

Mr. Lawrence was born at Mineral Point, Wisconsin, on June 13, 1870. When he was nine years of age his parents removed to Arlington, Dakota Territory, near Arlington, South Dakota. He received his grade school education at that point and his high school training at South Dakota State College, Brookings. He later graduated from South Dakota with a Bachelor of Science Degree. Thereafter he entered the law office of Mr. J. F. Watson, DeSmet, South Dakota, studying law under his direction, and was subsequently admitted to the South Dakota Bar. He was married to Laura B. Remington of Mauston, Wisconsin, in 1890. To them was born one son, Raymond. Both Mrs. Lawrence and Raymond preceded Mr. Lawrence in death. Shortly after his marriage he moved to Oakes, North Dakota, and practiced there briefly. He then moved to Sumas, Washington. While at Sumas he was elected mayor and appointed as a member of the U.S. Boundary Commission. After a move to Bellingham, Washington, the Lawrences again returned to South Dakota where he reentered practice at Castlewood. He served as Assistant County Attorney of Hamlin County. Mr. Lawrence then moved to Brookings where he was a member of the law firm of Hall, Lawrence & Roddle. While at Brookings he served as Assistant Attorney General of South Dakota.

Immediately upon coming to North Dakota Mr. Lawrence became one of the leading lawyers in the state with appearances in both State and Federal courts involving matters of great public interest. He argued in the Supreme Court cases involving important constitutional questions, some of which went to the United States Supreme Court. Aubrey Lawrence was regarded by Bench and Bar as one of the state's outstanding lawyers. He was honored by the University of North Dakota of Law "for distinguished serv-

ice to the Bar of North Dakota." The Bar recognized his ability and service by electing him President of the State Bar Association for the year 1927.

From 1929 to 1946 Mr. Lawrence was with the United States Department of Justice as Assistant U.S. Attorney General. His appointment came from Attorney General William D. Mitchell and he continued under following administrations. His work in Washington was largely in connection with the Federal Farm Board and the Federal Power Commission. Upon his retirement the then Attorney General, Tom C. Clark, in a letter to Mr. Lawrence, said: "The distinguished qualifications which you have brought to this department have contributed much to the outstanding accomplishments of your section." Upon retirement from federal service, Mr. Lawrence joined with Edward E. O'Neill in private practice until his death.

Burial was had at Washington.

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#### THE HONORABLE GEORGE A. MCGEE

Death came to the Honorable George A. McGee at his home in Minot, North Dakota, on the twenty-fourth day of March, 1953. Judge McGee, who was District Judge of the Fifth Judicial District of North Dakota, had returned to Minot from his chambers at Williston and was suddenly taken ill.

Judge McGee was 74 years of age at his death and had lived in Minot continuously since arriving in the city in November, 1901, following his graduation from Notre Dame University. His appointment as District Judge was made by Governor Norman Brunsdale on May 21, 1952.

Judge McGee was considered by his fellow lawyers to be one of the outstanding barristers of the state. He had a keen legal mind and was thorough and careful in his preparation of cases and legal matters. He was sought out by other attorneys for advice and Judge McGee was always ready to assist them, especially the younger men.

Judge McGee was a good and true patriotic and loyal American. All his sons served in the Armed Forces during World War II, and two of them are in the permanent Army of the United States, Col. John McGee and Col. George A. McGee, Jr. He was a devout member of St. Leo's Church.

During his first few years in Minot, he served as U. S. Commissioner for this territory, his principal work consisting of checking

homestead claims and final proofs. In 1904 Judge McGee was elected States Attorney of Imperial Ward County and served in that capacity four years. He was the last States Attorney of Imperial Ward.

A quiet man, Judge McGee was modest about the honors which came to him in a long life of law work in North Dakota. Two such honors were his appointment as District Judge and his initiation at the University of North Dakota into the Order of the Coif, honorary law fraternity.

Judge McGee was born September 13, 1878, at Amboy, Illinois. His parents were natives of Ireland and he was the youngest of a family of 12 children. It was the late District Judge John Cowan of Devils Lake who suggested to McGee that Minot needed a few more young and ambitious attorneys. Upon his arrival in Minot as a young attorney Judge McGee joined another recent law school graduate, John J. Coyle, in practice. In addition to John J. Coyle other partners with whom McGee was associated were the late E. B. Goss, who also became Judge of the Fifth Judicial District, L. W. Gammons, and John E. Greene, both in the early 1900's. Just before he was appointed to the District bench, Judge McGee had been associated in partnership with his son, Richard McGee, who is now carrying on the practice.

Judge McGee was a member of the Minot Lodge of Elks, the Holy Name Society, American Bar Association, Ward County Bar Association, and was a member of the Inquisitors' Club.

When Judge McGee was asked if he would accept the appointment as District Judge, he was silent a few moments and then said, "I think that would be a good way for me to end my career."

Judge McGee was a most honorable man who practiced what he preached in ethics and morality. He was a devoted family man. His wife died many years ago and Judge McGee continued to raise his family of three sons and a daughter and had right to be well proud of each of them.

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OSCAR J. THOMPSON

Oscar J. Thompson, States Attorney of Griggs County, died at Cooperstown on May 3, 1953.

Mr. Thompson was born at Cooperstown on April 29, 1886. He graduated from Cooperstown High School and attended the Law School of the University of North Dakota. He later entered the Law

Department of the University of Montana and graduated from the Montana Law School and was admitted to the Bar of that state on July 17, 1913. He practiced law in the counties of Dawson and McCone, with his greater period of residence at Circle, for a period of eight years. In January, 1921, he returned to North Dakota and was admitted to the Bar of this state during that month. He immediately established practice at Cooperstown and continued in practice there until his death. For a number of years and at the time of his death he was a partner of Mr. Maurice W. Duffy, Cooperstown.

Mr. Thompson was married to Florence Toppings at Delavan, Wisconsin, on July 18, 1919. Besides his wife Mr. Thompson leaves two sons, John, of Minot, and James, of Cooperstown; a daughter, Mrs. Ray Pfeifer (Carolyn), Buffalo, North Dakota, and a brother, also an attorney, Mr. T. A. Thompson, Pomona, California; also a sister, Mrs. Grace Seekins of Los Angeles, California.

Mr. Thompson was a past master of the Masonic Lodge at Cooperstown and also a member of the Knights of Pythias. He was very active in affairs dealing with civil defense during World War II, as well as in various local civic activities in Cooperstown and Griggs County.

Funeral services were conducted at the Masonic Temple in Cooperstown with burial in that city.

