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President's Page

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BENCH AND BAR

PRESIDENT'S PAGE

LIBERTY, as conceived and secured by the founding fathers of this great nation, is a precious heritage. For the most part it finds expression in the Bill of Rights. No freedom loving American would propose any direct assault upon our fundamental charter of human rights. While our citizens would never vote to surrender a single safeguard, these rights may be invaded through insidious means. Global thinkers in our government, motivated by communistic trends and policies designed to subordinate the dignity of the individual to the omnipotent will of a benign government, have invented a modern Trojan Horse.

Through the treaty-making power the Senate of the United States is asked to adopt the Covenant of Human Rights proposed by the United Nations. A careful reading of this document will reveal the most shocking assault on our Bill of Rights. Trial by jury is replaced by a "hearing." Traditional rights are preserved except as may be limited by law and except as may conflict with basic tenets of the Universal Declaration of Human Rights. Fundamental rights, as we have known them, are thrown unceremoniously out the window. As largely lawyers only know, the Covenant when approved becomes a treaty and thus the supreme law of the land even to the extent of governing the internal affairs of our citizens. It therefore behooves the lawyers of America to awaken our citizens, yea our statesmen, to the dangers of this monstrous document.

It would be a strange paradox for history to record that while we had no peer in agricultural or industrial production and military might and had a strong basic moral and spiritual fiber, we voluntarily and unwittingly surrendered the basic freedoms we had so dearly cherished. It can happen. The time is at hand for lawyers to lead our citizens in repulsing these abhorrent encroachments on our fundamental freedoms.

In closing may I urge all of our practitioners to attend our annual meeting in Jamestown, August 14, 15, and 16.

I also wish to acknowledge the unfailing cooperation I have received during the past year from committee chairmen and members, and the entire executive committee. Our Association is well knit and continues to discharge its obligations in the interests of the people of North Dakota. I wish my successor continued success.

EUGENE A. BURDICK

AMENDMENT OF THE CANONS OF PROFESSIONAL ETHICS

In the issue of April, 1951, the NORTH DAKOTA LAW REVIEW reprinted in their entirety the Canons of Professional Ethics of the American Bar Association, in response to the requests of many members of the Bar. At its 1951 meeting, the American Bar Association amended Canon 27. The amended Canon is here reprinted:

CANON 27: *Advertising, Direct or Indirect*

It is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communications or interviews not warranted by personal relations. Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible; but the customary use of simple professional cards is not improper.

Publication in reputable law lists in a manner consistent with the standards of conduct imposed by these canons of brief biographical and informative data is permissible. Such data must not be misleading and may include only a statement of the lawyer's name and the names of his professional associates; addresses, telephone numbers, cable addresses; branches of the profession practiced; date and place of birth and admission to the bar; schools attended; with dates of graduation, degrees and other educational distinctions; public or quasi-public offices; posts of honor; legal authorships; legal teaching positions; memberships and offices in bar associations and committees thereof, in legal and scientific societies and legal fraternities; the fact of listings in other reputable law lists; the names and addresses of references; and, with their written consent, the names of clients regularly represented. A certificate of compliance with the Rules and Standards issued by the Special Committee on Law Lists may be treated as evidence that such list is reputable.

It is not improper for a lawyer who is admitted to practice as a proctor in admiralty to use that designation on his letterhead or shingle or for a lawyer who has complied with the statutory requirements of admission to practice before the patent office, to so use the designation "patent attorney" or "patent lawyer" or "trade-mark attorney" or "trade-mark lawyer" or any combination of those terms.

JUDICIAL COUNCIL APPROVES PLANS FOR CONSTITUTIONAL AMENDMENTS

The amendment of the North Dakota Constitution to permit the legislature to revise the judicial system of the state pertaining to courts other than the Supreme Court was recommended to the legislature by the Judicial Council at a meeting in Bismarck, May 20, 1952.

With Chief Justice James Morris of the North Dakota Supreme Court presiding, the Council also adopted motions which:

1. Recommended that Section 14-1104 of the 1949 Supplement to the North Dakota Revised Code be amended so as to provide for the taking of consent for adoption outside of the state of North Dakota by American courts, American consuls, and by proper military authorities where the consent to adoption is being given by persons in the armed forces. The Legislative Research Committee was requested to draft the necessary legislation.

2. Established a committee to review and draft a set of canons of judicial ethics for the judiciary of the State of North Dakota. The committee consists of Judge O. B. Burtness of Grand Forks, Judge G. Grimson of Bismarck, and Dean O. H. Thormodsgard of the School of Law.

3. Asked that favorable consideration be given to the furnishing of child guidance and psychiatric assistance for the benefit of boys and girls at the State Training School and young offenders at other state institutions, including the penitentiary and the state farm.

4. Recommended that an act be drawn amending Section 27-0213 of the North Dakota Revised Code of 1943. This section established a procedure for putting new rules or amendments to rules of practice adopted by the Supreme Court into effect. The purpose of the proposed amendment would be to simplify the procedure for adoption of rules and to clarify the procedural provisions of the statute.

5. Established a committee to investigate, report, and recommend methods by which the instructions of the trial courts may be clarified and made more intelligible to juries. Judge Albert Lundberg of Grafton, Judge A. G. Porter of LaMoure, and Mr. Robert A. Alphson of Grand Forks were appointed to the committee.

No formal action was taken with respect to the date of the next meeting.

ARRANGEMENTS FOR 1952 CONVENTION

Chief Justice Charles Loring of the Supreme Court of Minnesota will address the annual banquet of the State Bar Association of North Dakota on Friday, August 15, in Jamestown, it has been announced by members of the committee on arrangements for the annual convention.

The 1952 convention will open in Jamestown on the morning of August 14. It will continue through August 15 and 16.

Seven sectional meetings will be held for the benefit of attending members of the bar, in addition to the morning business sessions. Most of the sectional meetings will be held at least twice, in order to allow attending attorneys to take part in as many of them as possible.

Topics to be discussed in the sectional meetings include: (1) "How to Examine an Abstract," conducted by Henry G. Ruemmele, Grand Forks; (2) "The Creation of a Corporation," by Franklin Van Osdel, Fargo; (3) "North Dakota and Federal Marital Deductions," by Forrest Henderson, Fargo; (4) "Preparing a Trial Brief," by Roland Herringer of the Pierce County Bar; (5) "Automobile Negligence Cases," by Arthur Stokes, Grand Forks; (6) "Will Clauses," by Jack R. Miller, Des Moines, Iowa; and (7) "Tax Problems of the Oil and Gas Industry," by Donald P. Moyers, Tulsa, Oklahoma.

A tentative schedule of sectional meetings follows:

THURSDAY, AUGUST 14

1:30-3:00 p.m.

1. How to Examine an Abstract.
2. The Creation of a Corporation.
3. North Dakota and Federal Marital Deductions.

3:30-5:00 p.m.

1. Preparing a Trial Brief
2. Automobile Negligence Cases
3. Will Clauses

FRIDAY, AUGUST 15

1:30-3:00 p.m.

1. Tax Problems of the Oil and Gas Industry

3:30-5:00 p.m.

1. How to Examine an Abstract
2. Creation of a Corporation
3. Will Clauses

SATURDAY, AUGUST 16

9:30-11:30 a.m.

1. Preparing a Trial Brief
2. North Dakota and Federal Marital Deductions
3. Automobile Negligence Cases

The schedule printed above is tentative only, and may be changed in order to meet the needs of various out of state speakers. The general chairman in charge of local arrangements at Jamestown is Mr. Henry K. MacKenzie and the vice-chairman is Mrs. Cytella Rittgers. Mr. Adrian O. McLellan, Fargo, is chairman of the committee on sectional meetings, and Mr. Dudley Butts, Jamestown, is chairman of the committee on reservations.

MEMORIALS

KASPER E. EDWARDSON

Kasper E. Edwardson, pioneer attorney of White Earth, North Dakota, who died at Williston on March 25, 1952, was born in Aafor, Norway, on September 23, 1879, the son of Edward and Anna J. (Kasperson) Evenson. His parents were natives of Norway, where his father spent his entire life as a sea captain.

Mr. Edwardson came to the United States at the age of 20 and maintained himself by working as a farm hand and at other general work. He attended Concordia College, Moorhead, Minnesota, graduating therefrom in 1903. Stimulated by the desire to devote his life to professional activity he became a law student at the University of North Dakota, from which he graduated in 1909 with an LL.B. degree. During his legal studies he was employed as a part time bookkeeper. In June of that same year he located at White Earth, where he continued to practice until 1946, when he moved to Williston. Mr. Edwardson was an extensive landowner of Mountrail County and carried on farming operations in connection with his law business. The law business was general in nature and in common with many of the early day attorneys he carried on a land and loan business in connection with his practice.

Mr. Edwardson was a stalwart Republican and for twelve years filled the office of Mayor of White Earth. He was also a member of the Township School Board and the Lutheran Church, and is

listed in North Dakota's Who's Who. Active in church and local affairs he gave full measure of his time and effort to those matters for the betterment of his community.

He was married in 1909 to Marit Grothe, who survives him. Also surviving is Mrs. Vern R. Mattson (Margaret), Williston, four brothers and two sisters. Burial was had at Riverview Cemetery, Williston.

Committee on Memorials:

W. F. Reichert
Robert A. Case
Ray R. Friedrich
Ernst N. Paul
Bert L. Wilson, Jr.
J. H. Newton, *Chairman*

KARL GRUENWALD

Karl Gruenwald, a member of the Bar of North Dakota since November, 1944, died at Chicago, Illinois, on January 20, 1952, following a gradual failing in health.

Mr. Gruenwald was born in Wuertenberg, Germany, August 14, 1881. He came to the United States in 1913 and became a naturalized citizen of this country. Prior to coming to the United States he studied both law and chemistry in Germany and upon moving to the United States was employed by a chemical company in Chicago. In 1916 he was employed as a consultant by the Carus Chemical Company of LaSalle, Illinois, with which firm he was connected in various capacities as director, general manager, and attorney until the time of his death. He attended the University of Chicago and received his degree of Doctor of Jurisprudence from that school. He was admitted to the Illinois Bar in 1921, and in 1923 became a member of the Chicago law firm of Cassels, Potter & Bently, with which firm he was associated until 1943.

Mr. Gruenwald was a lover of the soil and the promotion of soil building and since 1943 resided during the summer months on the Beckert Ranch near Killdeer, North Dakota. While he did

not enter into active practice in this state, he kept himself licensed and interested in the affairs of the profession in North Dakota.

He is survived by his aged mother, who resides in Germany. His remains rest in a vault in New London, Wisconsin.

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