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Proceedings of the Annual Meeting of the State Bar Association of North Dakota

North Dakota State Bar Association

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**Proceedings of the Annual Meeting
of the
State Bar Association of North Dakota**

The annual convention of the State Bar Association of North Dakota was called to order at nine-thirty o'clock a.m., of Thursday, August 14, 1952, at Jamestown, North Dakota, Eugene A. Burdick, President, presiding.

(Invocation by Rev. C. F. Miller.)

PRESIDENT BURDICK: I wish to announce the appointment of two committees. First, the Resolutions Committee: Robert A. Birdzell, Chairman; John A. Stormon, John A. Zuger, Cytella D. Rittgers, Arley R. Bjella; and the Auditing Committee: George A. Soule, Chairman; H. A. Mackoff, Mack V. Traynor, and Charles H. Shafer.

At this time I will call on the report of the Committee on Continued Legal Education of the American Law Institute, Mr. Sperry of Golden Valley.

MR. FLOYD B. SPERRY: (Golden Valley) Mr. President, Members of the North Dakota State Bar Association: The work of this committee during the last year is quite well known to many of you, due to your attendance at the Institutes that were held. We do want to briefly review the work that has been accomplished, in addition to informing you of the plans and recommendations of the committee.

Two institutes were arranged for by us, with the cooperation of the Committee on Continued Legal Education of the American Law Institute, collaborating with the American Bar Association. The first one was held at Bismarck on November 15th and 16th, 1951. The program for this meeting included lectures and discussions covering practical and leading problems involved in the preparation of Federal Income Tax Returns, including returns of individuals, partnerships, corporations, fiduciaries, and with special emphasis on the returns of farmers. In addition there were discussions of typical tax problems of small business, and the planning of estates. In this tax work efforts were made throughout to cover the type of work with which our North Dakota lawyers are most frequently confronted. The lecturers were Jack R. Miller, James F. Fitzgerald, and Professor Edmund O. Belsheim from the University Law School of Nebraska, all outstanding men in this field of law.

In addition to the tax work taken up at the November, 1951 Institute, we also had a Federal Trial Practice Panel, in which United State District Attorney P. W. Lanier and Assistant Harry A. Lashkowitz, discussed the Federal rules of the procedure, and answered questions in regard thereto.

This November Institute was attended by 73 paid registrants,

who were charged a fee of \$10.00, for which they were given certain booklets pertaining to the matters covered by the program, and some paid a fee of \$12.00 for which they were given an additional book.

The second Institute held during the past year was on Oil and Gas Law. This meeting was held on March 28th and 29th at Bismarck, and the lecturer was Professor Wilmar D. Master-son, Jr. from the Southern Methodist University of Dallas, Texas. This Institute was prompted by the current interest in Oil and Gas Law in our State and the aim was to prepare a program to bring to the attorneys a thorough, basic and practical coverage of the subject, in coordinated fashion. The lectures specifically covered the following:

1. History and Evolution of Oil and Gas Leases.
2. Governmental regulation of drilling, producing and utilization of oil and gas.
3. The interest of an oil and gas lessee.
4. The primary term and delay rental provisions.
5. Lease clause affecting employed covenants, and
6. Tax problems.

These Oil and Gas lectures were recorded and later reproduced, copies of the same having been made available to those desiring them at a cost of \$4.00 each. We had an attendance of 144 registrants at this Institute, who paid a fee of \$10.00 each, making a total income of \$1440.00.

Obviously, both of the above institutes more than paid the expenses of conducting the same. Plans have been made for the holding of an Institute on Federal taxation, in November of this year, it now appearing to be an established fact that an Institute upon this subject should be held at least once a year. A great variety of subjects can be added to make these programs more valuable and interesting. It was our hope to have this next Institute include as one of the subjects, a demonstration of resistance proceedings in tax matters, and the trial of a case in the Tax Court. It appears that handling such cases on the administrative law side have involved some rather baffling procedures. This would relate to the demonstration of techniques and factors employed in resisting proposed deficiencies, appealing the same to the Tax Court, trying a case in the Tax Court, and then arguing it on appeal before the Circuit Court. We are informed, however, that the reorganization which the Bureau is now undergoing may not be sufficiently developed in fact as well as in theory by the time of the holding of our Fall Institute to make this undertaking produce its greatest value. It appears that other states are bypassing this subject, for Institute purposes, because of these considerations, and we, therefore, believe that it would be advisable for us to do likewise until probably sometime in the year of 1953.

The proposed Institute for this fall will, however, include talks on the reorganization of the Bureau and the procedure referred to, in addition to up-to-date discussions of the tax problems and

returns of small businesses, partnerships, fiduciaries, corporations, and farmers, similar to the Institutes held in prior years.

Due to the fact that the principal aim of this Committee is to provide continued legal education for lawyers, under circumstances making it convenient and inexpensive for them to attend the same, we believe that these Institutes should be brought closer to those interested. To accomplish that we recommend that this Institute be held in two places, having one in the eastern part of the State and the other in the western half of the State, with perhaps a day for travel in between, in order that the same speakers may be used in both places. A Tax Institute ordinarily must be held late in the fall due to the fact that the changes in the law are not available prior to that time.

It would be possible to hold one of these Institutes in each District Bar Association of the State, as it only requires an attendance of 50 attorneys to finance a two-day Institute, and approximately 40 registrants to finance a one day Institute. By localizing more in this manner, the meetings no doubt would be smaller and more time would be available for question and answer periods. We believe that we should first experiment by holding the two meetings as indicated, and then probably during the next year or two the matter could be extended.

Generally, we would like to observe that Continued Legal Education for attorneys has become a well established organization, existing for the sole purpose of performing a further service for the legal profession. It was originally commenced through a grant from the Carnegie Corporation, and since the same became organized, it has been financed principally through registration fees similar to those charged at our Institutes. Over 500 speakers are now available through the National Committee for this work, and there is very little limitation upon the number of Institutes that can be held in any state, or in the subjects that may be covered. In the development of this work, the tendency is towards the holding of more Institutes from year to year, in order to take advantage of the opportunities through it. While we believe that we have progressed rapidly in that direction, there is room for much more progress. In some of the States projects of this kind are carried on repeatedly in dozens of communities. Some of these courses, in the larger cities, run for several weeks, indicating that the work of this Committee can be greatly extended.

In addition to our Fall Tax Institute, we would also recommend that another institute be held on Gas and Oil Law, perhaps in the Spring of 1953, it appearing that such an institute should be considered an annual affair, similar to that on federal taxation because of the present developments in this industry in our state.

In view of the foregoing, we would further recommend that the name of this Committee be changed from the "American Law Institute Committee" to the "Committee on Continued Legal Education." We believe that this latter name will more readily sug-

gest the work that the Committee is doing, and we have made these additional remarks in this report to explain the possibilities of this work, it appearing that the work of the American Law Institute has been relatively new in our State. In fact, members appointed to the American Law Institute in the past did not know what work awaited them, and I personally had to engage in a bit of research in order to learn just what this Committee was for. We believe that this change in the name of the Committee will save the future members of it some of that work and it will also provide a title that will explain the work that we are trying to do through this branch of our Bar Association.

Respectfully submitted by the American Law Institute Committee; Floyd B. Sperry, Chairman; Paul L. Agneberg, and Richard P. Rausch.

Mr. President, I move the adoption of this report.
(Motion carried.)

PRESIDENT BURDICK: Next report is the North Dakota Business Corporation Act Committee. On that we have a report from Philip B. Vogel, Chairman, who writes as follows:

"Both Mr. A. R. Bergeson and I had expected to be at the meeting of the State Bar, but I find that two hearings have been set down for me in Minneapolis and St. Paul the latter part of this week, so that my attendance is impossible.

I have just talked with Mr. Bergeson and because of illness he is unable to attend. Both he and I join in the request that the committee on corporate laws be continued for another year. We have made some investigation of the Minnesota Business Corporation Act and of the Model Business Corporation Act proposed by the American Law Institute. We find that before either one of these acts could be adopted by our North Dakota legislature, it would probably be necessary for some changes to be made in our constitution. Mr. Bergeson joins with me in the request that the committee be continued for another year."

MR. HARVEY B. KNUDSON: Move that the report be accepted.
(Motion carried.)

PRESIDENT BURDICK: Committee on Revisor of Statutes. I believe Professor Tisdale was the chairman of that committee. The members of his committee include Mr. Duffy and Mr. Tenneson. Mr. Duffy, would you care to give the report of that committee? I believe Mr. Davies has a copy of it here.

MR. CLYDE DUFFY: I suggest that Mr. Davies proceed to read it.

(The report was read by Mr. Ronald N. Davies as follows:)

"Your committee in relation to the office of revisor of statutes functioned entirely by correspondence. A brief summary of our conclusions is perhaps in order.

"An independent office of Revisor of Statutes is not feasible in North Dakota.

"It is essential that a revisor function in connection with the Legislative Research Committee. Our judgment is that the above committee has neither the time nor the inclination to undertake the function of revision unless directed so to do by the legislature.

"Unless continuous revision is undertaken, we will be again faced with large expenditures to bring our statutes up-to-date.

"It is possible to save the state and the attorneys considerable money in connection with the publication of the laws through ownership of the plates—thus enabling republication without additional cost except as to new or revised matter.

"A revisor could undertake immediately the specific tasks of preparing an adequate index and annotations for the existing code. He would serve to draw the attention of the Legislative Research Committee to needed changes in form, useless or harmful duplications and redundancy in the statutes and could serve as a central clearing house for attorneys to contact when obvious matters of this kind come to their attention.

"It is the opinion of your committee that the question of necessary legislation to implement the creation of an official statutory revisor to operate under or in connection with the Legislative Research Committee be referred to the committee on Legislation for further study, and that your committee be dismissed."

Submitted by the Committee on Revisor of Statutes; Ross C. Tisdale, Chairman; Norman Tenneson, Clyde Duffy, C. Emerson Murry, Bessie Olson.

PRESIDENT BURDICK: What is your pleasure on the report?

MR. CLYDE DUFFY: I move that it be adopted.

(Motion carried.)

PRESIDENT BURDICK: Committee on Ethics and Internal Affairs, Mr. Robert A. Birdzell, Bismarck.

MR. ROBERT A. BIRDZELL: Mr. President and Members of the Bar Association:

During the time since the last report of this committee a number of complaints concerning professional conduct of some ten of our members have been handled by this committee. To take care of what we felt was the necessary work this committee held three meetings in Bismarck during the course of the year. It is our belief that all of the complaints which came to our attention have resulted in explanations or arrangements satisfactory to the complaining parties, except for complaints against one member which were recently referred to the Bar Board. This committee was also favored with the opportunity to furnish the United States Treasury Department with a list of North Dakota attorneys and accountants who had been convicted of crime. We were informed that no members of the accounting profession had been so convicted. With the cooperation of the Clerk of the Supreme Court we supplied the Treasury with the desired information regarding members, or former members, of this association.

Another matter presented to us was the request of the special committee of the American Bar Association for study of and action upon a recommended form of resolution condemning Communism. The members of this committee individually and in committee meetings have given much thought to this matter and desire to recommend that this Association proceed as promptly as may be, through the proper channels of its organization, with the drafting, consideration and passage of a resolution similar in pattern to the resolution recommended by the special committee of the American Bar Association. The members of this committee stand ready to cooperate with the officers and with the other committees of this Association in the accomplishment of this work.

Although your committee disclaims any intent to trespass on the domain of any other committee, some of our members desire to express the belief that the statutes of this state having to do with real estate tax titles need revision and simplification and that the penal statutes dealing with the offense of champerty should be strengthened and put to appropriate use wherever and whenever the occasion demands. This possibly unhealthy background situation does not excuse the tactics of some members of our association whose activities have come to the attention of this committee. The basic rules of ethical professional conduct must govern our membership in all of their professional work even though the temptation to gather in sizeable fees may be very strong, or the glory to be gained in battling valiantly to retrieve the homestead of the poor but worthy widow may seem to justify resort to unprofessional conduct. Our contact with one shrewd and capable member who has been working diligently and effectively, not to say notoriously, for years in the business of breaking tax titles was both enlightening and saddening. This committee has submitted the complaints against that member to the Bar Board for investigation and handling.

Quite recently it has been suggested to us that it is unethical for any States Attorney to handle tax title litigation on behalf of clients other than his county. This suggestion seems to some of us to be broader than the accepted standards of ethical conduct require, but some members of your committee believe there may well be cases where it would be imperative that a States Attorney should disclose fully and candidly to the governing board of his county and to his individual client the exact nature of his existing or intended professional relations with another party in the case. He should also explain to clients in such cases the extent of conflicts and possibilities of conflicts of interests, and obtain complete approval of his position from both or all clients. This problem is being studied by your committee, which would be glad to receive further suggestions and comments from States Attorneys and from other members giving their ideas as to proper standards of conduct in this field. We recommend further study of the subject by the next Ethics Committee.

Another problem which we believe is of general interest to our

membership results from Opinion No. 284 of the American Bar Association Committee on Professional Ethics found in the October 1951 issue of the Journal beginning at page 751. The syllabus paragraphs heading Opinion No. 284 are as follows:

"ADVERTISING—A lawyer may not with propriety obtain any distinctive listing in a classified telephone directory which is different from the manner and method adopted therein for all other lawyers.

"ADVERTISING—The listing of a lawyer's name in distinctive type in a telephone or city directory is condemned, even where in the non-classified section."

It has been suggested that, since this Association has subscribed to the Canons of Ethics of the American Bar Association, our membership should take appropriate measures to eliminate all objectional directory listing at the earliest practicable time. This committee believes this should be done.

This committee has benefited from help given it by numerous members of the Association, by President Burdick, and by our Executive Director, Mr. Davies, to all of whom we wish to express our appreciation. In the committee itself Nels G. Johnson has served as a voice of experience and has contributed very substantially to everything that has been done by us during the past year. All of us appreciate his faithful service.

Respectfully submitted, by Robert A. Birdzell, Chairman; Richard P. Gallagher, Nels G. Johnson, S. E. Halpern and Clarence J. Schauss.

Mr. President, I move the adoption of the report.
(Motion carried.)

PRESIDENT BURDICK: Committee on Fee Schedules, Mr. H. A. Mackoff.

MR. H. A. MACKOFF: Mr. Chairman, Members of the Bar Association. Your Committee on Fee Schedules has given consideration to the schedule of fees heretofore adopted by the Association in August 1949. In view of the increasing cost of office overhead, cost of living and other expenses and the schedule of rates charged in other states similar to ours, the Committee recommends the following changes in that schedule.

The charges for Federal Court civil cases should be divided into charges in the U. S. Circuit Court of Appeals and in the U. S. District Court. In the case of

U. S. CIRCUIT COURT OF APPEALS:

Appearance and Brief	\$350.00
Oral argument	150.00

The charges as given in the 1949 schedule under Federal Court civil should remain the same but the title should be changed to "U. S. District Court."

The schedule for Federal Court—Criminal, we recommend remain the same.

The charges in the North Dakota Supreme Court we recommend should be changed as follows: Charge for appearance and brief from \$200.00 to \$250.00 and for extraordinary remedies from \$200.00 to \$250.00. The remaining charges to remain the same.

In the North Dakota District Courts we recommend that the provision for "per diem," at least \$75.00, be changed to provide "except in the case where the amount involved is under \$1,000.00 that the per diem is to be \$50.00." This recommendation for a reduction in the figure is to enable litigants who have smaller amounts involved to afford the employment of counsel.

We also recommend the following increases:

Action to Quiet title, from \$125.00 to \$150.00;

Each additional chain of title, an increase from \$35.00 to \$50.00;

The cancellation of land contract, an increase from \$125.00 to \$150.00; and Foreclosure of real estate mortgages, an increase of \$125.00 to \$150.00.

In the schedule of charges in County Courts your Committee recommends that the Petition Hearing an Order on Tax Clearance in joint tenancy matters be increased to \$100.00 and that no distinction in charges be made to resident or non-resident persons.

We also recommend the following change in the schedule of fees in County Court: At the end of the line providing for 3% of inventory value, etc., that an asterisk be placed and at the end of the schedule for County Courts another asterisk be placed with the following wording: "In estates having a value of \$1,500.00 or less no recommendation is made."

Under corporations we recommend that the fees for charitable organizations of \$25.00 be stricken and that in the heading after the word "corporations" the semi-colon should be eliminated and the words, "other than charitable" should be added. In other words, we think it would be well to leave out the charge of \$25.00 for charitable organizations. That can be left to the individual member. Maybe he wants to do it for nothing. We merely fix the charge for business corporations and therefore we suggest changing the headings to show "corporations other than charitable corporations" the charge should be so much. Also there should be added thereto at the end thereof the following: "Dissolution of Corporation (Not Including Tax Problems), \$150.00"

Under "Office and Miscellaneous Business," we recommend that the fee for investigation of automobile liability claims be a minimum per diem of \$35.00 per day instead of the present schedule of \$25.00 in the office and \$35.00 out of the office. This minimum per diem of \$35.00 to apply in either case. Also, under the same heading, Dissolution of Partnership, should be increased from \$25.00 to \$35.00.

Under the same heading giving the fee for examining Abstract of Title and Opinion, we recommend that immediately after the word "Opinion" there be inserted "Other Than Verbatim Abstracts", so that it will read "Examining Abstract of Title and Opinion, Other

Than Verbatim Abstracts", at least \$.25 per entry, and not less than \$10.00. The charge was left the same but in view of the oil activity it was necessary, in the opinion of the committee, to leave that open because the verbatim abstracts are quite lengthy and a different schedule of fees would be adopted by those who are actively engaged in it, and we felt that should be clarified so that it will not cover verbatim abstracts. As it is, it is really left open as to what the charges are, although I understand it is quite common to charge somewhere around fifty or sixty cents per page. They generally run into pretty good sized abstracts, anywhere from four or five hundred to several thousand pages. That was left open.

We further recommend that another sub-head be set up under contingent fee claims to provide for fees in Workmen's Compensation cases. There is no provision in our law for the payment of a claimant's counsel fees on appeal from the board except where he is successful and then the Court fixes the amount of the fee. As you all know, we had considerable controversy; we had it up several times at our meetings, and the Committee gave it rather serious consideration because of the demand by the members of the Bar as a whole that something be done in that particular field. It is the consensus of this Committee that under existing North Dakota laws claims handled against the Workmen's Compensation Bureau are in every respect contingent and should be treated accordingly. The amounts that have heretofore been fixed by the Court have invariably been inadequate because there was no measuring stick by which to determine the reasonableness of such fee, insofar as any expression of the Bar in North Dakota is concerned. We are of the opinion that this Association should go on record declaring the handling of such claims as being on a contingent fee basis and to pay at least somewhere near the usual and ordinary fee paid for handling claims on a contingent fee basis.

We therefore recommend that under the last sub-head of the schedule of fees providing for contingent fee claims, there be added the further sub-heading concerning Workmen's Compensation cases. We suggest the following fee: Where there is an appeal from the Bureau to the Courts there shall be paid 25% of the amount to be computed on the cash value of the claim at the time of the entry of Judgment, and in no event less than \$100.00 in the District Court. Where the case is appealed to the Supreme Court the fee shall be not less than 33 1-3% and in no event less than \$250.00 for the appeal from the District to the Supreme Court, (this in addition to the minimum \$100.00 fee for services in the District Court). In other words, you would have a total minimum fee if you went to the District Court and then to the Supreme Court. There would be a minimum fee of \$350.00 for the trial of the case in both the Courts, the District Court and the Supreme Court. If the percentage is higher, of course, that fee would prevail.

The foregoing is applicable to cases where no allowance is made

by the Bureau. In the event an allowance is made by the Bureau the fee shall be not less than 1-3 of the increase thereof on appeal to the District Court, but in no event less than \$100.00 and $\frac{1}{2}$ of the increase on appeal to the Supreme Court, but in no event less than \$150.00 for the trial in the Supreme Court plus the \$100.00 for services in the District Court. This was felt necessary because generally the handling of the claim where you contend that the amount allowed was inadequate, that your recovery is bound to be considerably less than where the Bureau denies liability entirely, in which case you would be receiving a very substantial amount of what you recover, but the percentage of recovery in the cases of increases are higher than they are in the cases where no allowance was ever made. In connection with this last one, we feel that there is a temptation to make side agreements with the clients when the the law doesn't contemplate that and, as I have already pointed out, I think that all of you know the allowances that have heretofore been made have been rather skimpy considering the services that have been rendered and we feel this schedule of recommended fees reasonable.

I move the adoption of this report, Mr. Chairman.

PRESIDENT BURDICK: You have heard the motion to adopt the report of the committee on fee schedules. Is there a second?

MRS. S. H. STENERSEN: I second it.

PRESIDENT BURDICK: Now, as I understand it, Mr. Mackoff, this is a recommended minimum fee schedule.

MR. MACKOFF: That's right. I would like to state that there should be, perhaps, a more specific resolution passed here recommending to our courts the recognition of this schedule that has been adopted here. We can't pass any fee bill here that the court is bound by. We can ask them to follow it, but if we had a resolution expressing the wishes of this organization I am quite sure that the courts will respect it except in isolated cases where some particular circumstances would make it impossible for the court to follow it.

PRESIDENT BURDICK: What is your wish in that respect, that it be added to the report, or do you want to make a separate motion?

MR. MACKOFF: I wonder if a separate motion wouldn't be better, I don't know; it doesn't matter. I'll add it. I may as well add this resolution to our report as a supplement to our report, asking the courts to recognize the resolution passed at this meeting in the adjusting of fees that are allowed in connection with Workmen's Compensation cases as being the fee that has been recognized by this Association as reasonable and that we would like the courts to take cognizance of and give recognition to.

PRESIDENT BURDICK: Mrs. Stenersen, is that agreeable? Do you wish that included in the second?

MRS. STENERSEN: Yes.

PRESIDENT BURDICK: Is there any further discussion? (No response). Now, as I interpret the adoption of this report, this would become a group of amendments to the recommended minimum fee schedule already in force, and I presume you will want the Executive Director to issue a revised fee schedule.

MR. MACKOFF: Yes.

PRESIDENT BURDICK: Take care of that in a separate motion. We will first dispose of the adoption of this report.

(Question put and motion carried.)

PRESIDENT BURDICK: Did you wish to make your separate motion in connection with this fee schedule?

MR. MACKOFF: Yes, I move that the Executive Director be instructed to revise the schedule and have it printed to include the amendment offered at this meeting.

PRESIDENT BURDICK: Is there a second to that motion?

MR. WM. ECKES: I second the motion.

(Motion carried.)

PRESIDENT BURDICK: Next we will have the report of the Committee on Uniform Laws, the Hon. John C. Pollock.

JUDGE JOHN C. POLLOCK: Mr. President: Your Committee on Uniform Laws for the year 1951-1952 begs leave to report:

Correspondence with the Chairman of the Commercial Code Committee of the National Conference of Commissioners on Uniform State Laws elicits the information that the Code was introduced into three state legislatures which held 1952 sessions, namely: New York, Pennsylvania, and Mississippi. At the time of such introductions the Code was not in its final draft and was introduced for the purposes of education only.

The final draft of the Uniform Commercial Code, together with comments, is now in the process of printing and should be distributed within the next few weeks.

The Uniform Laws Committee of our Association for the ensuing year will have the duty of determining whether or not such committee should prepare the Code for introduction by the legislature and to lay the groundwork for preliminary presentation to each member before the 1953 Session convenes.

The magnitude and scope of the Code itself is such that much of what it contains will have to be taken on faith by the members of the legislature. As mentioned in previous reports of this Committee, the Uniform Commercial Code is the work of a twelve-year period by the American Law Institute and the National Conference of Commissioners on Uniform State Laws. The Code has been submitted to and considered by the organized associations of Bankers, Warehousemen, Railroads, and all business interests which will be affected by its adoption. All such groups and associations have now approved the final draft of the code.

While it is not claimed to be a perfect act, it is the contention

of those responsible for its draft and content to be a modernization of the existing statutes on commercial paper and that upon its adoption will make uniform the law with reference to the subjects covered.

This committee recommends that the Uniform Laws Committee of this Association, to be appointed for next year, urge the adoption of the Code by our State Legislature and that such committee determine the manner in which the legislators are to be informed about the Code and the desirability of its adoption.

Copies of the final draft of the Code will be available for distribution to members of the Legislature. A suggestion to the new Uniform Laws Committee is that the members of our Association living in each Legislative District of the State undertake the task of delivering to each elected member of the 1953 Legislature, after the November elections, a copy of the Code; that they inform him as to its purpose and urge him to work for its adoption. The members of the Uniform Laws Committee should also plan to meet with the proper committees of the Senate and House to urge its adoption. To these suggestions many more can be added by the members of our Association who are familiar with the introduction and adoption of legislative bills.

Uniform Reciprocal Enforcement of Support Law:

The 1951 Session of the Legislature adopted the Uniform Enforcement of Support Act. Correspondence by the chairman of this committee with the chairman of the Committee of the Conference on Uniform State Laws which was in charge of the drafting of the Act for the Conference, discloses that the same administrative problems experienced in North Dakota have also risen in many of the forty or more jurisdictions which have adopted the act. The present committee of the Conference has prepared amendments to the Act to clarify the law and provide for its better administration. Such amendments will be submitted to the Commissioners of the Conference at the annual meeting in San Francisco next month. Such amendments as are adopted by the Conference and approved by the House of Delegates of the American Bar Association should be recommended to our Legislature for adoption if they are adaptable to correct existing administrative difficulties in our law.

Revisor of Statutes:

This committee also desires to recommend that the new Uniform Laws Committee of this Association for next year study the advisability of adoption of a bill creating the office of Revisor of Statutes in North Dakota. Such study should cover investigation of the plan which has been in operation in the State of Wisconsin for more than forty years and has been adopted in several other states.

The plan has much to recommend it. In North Dakota we had no Code Commission revision of the statutes from the year 1905

until the present Revised Codes of 1943. In the interim we had only the Compilation of 1913 together with the 1925 Supplement and the biennial Session laws.

Under the Wisconsin plan there is a continuous revision after each session of the legislature rather than an intermittent general revision such as we have had. A new book of the complete statutes is issued following each session of the legislature at an average cost over a long period of years of less than \$5.00 per issue. Thus the practicing lawyers of the state have available every two years a new edition of the complete statutes at a nominal cost.

The office of the Revisor of Statutes in Wisconsin is maintained upon a very reasonable annual budget of less than \$20,000.00. Among other duties the office drafts bills for members of the legislature and determines what prior laws should be repealed by the adoption of any proposed act. This practice avoids discrepancies and confusion by deleting all obsolete laws from the new volume of statutes when it is issued.

At the close of each legislative session the Revisor immediately prepares all adopted acts for the printer, deletes the repealed laws and within from sixty to ninety days after the close of the legislative session the lawyers of the state have a complete copy of the existing statutes available.

Many years ago Wisconsin adopted the plan of owning the plates from which the statutes are printed. Consequently each new issue is reduced in cost by the amount of prior matter not subject to change which can be used for printing the new volume. A practice which results in large savings on each new issue of the statute book.

The following excerpt from the 1949 annual address of President Albert J. Harno of the Conference on Uniform Laws effectively shows the success of the Wisconsin plan:

“ * * * A pioneer in this field is the State of Wisconsin, in which state our fellow-worker in the Conference, Commissioner Brossard, is the revisor of statutes. We have other representatives who are revisors of statutes with us. As a result of Commissioner Brossard's work, the volume of statutory law in one five-year period was increased by only sixteen pages. These moves are aimed to remedy an almost intolerable situation. But is this as far as these moves will go, or are they, in fact, initial steps that lead to a more comprehensive and substantive program? I venture the judgment that they represent the stirrings of public imagination which foreshadow more extensive movements toward statutory revision, statutory consolidation, and codification—that have unity and substance, and that contemplate in their execution a high degree of craftsmanship.” (1949 Handbook of National Conference of Commissioners on Uniform State Laws, pages 47-48.)

It is the thought that the adoption of this plan would be an addition to the work of our present Legislative Research Director necessitating appointment of another lawyer as Revisor of Stat-

utest. The present director is a lawyer. Of necessity the Revisor must be a lawyer and the two could cooperate and amplify the present system without friction.

That this suggestion is not new in this state is shown by correspondence between the Revisor of Statutes in Wisconsin with Mr. Paul L. Agneberg in 1939. Such correspondence discloses that over an eight-year period the cost of publication of new volumes in Wisconsin varied from a low of \$2.64 per copy in 1933. to a high of \$4.22 in 1940. Costs in the other two years reported were \$2.93 in 1931 and \$3.98 in 1937. By law copies are sold by the state at cost, which includes the cost of all copies necessarily furnished to legislators, courts, state and county officials designated by law. Thus it will be seen that the Wisconsin plan of operation merits study and careful consideration by the Uniform Laws Committee of this Association.

In passing it might also be proper to mention that the Revisor also prepares a workable index to each new volume of statutes issued.

In conclusion your committee recommends:

1. Consideration and development of a plan to insure adoption of the Uniform Commercial Code;
2. Careful consideration of proposed Amendments to the Uniform Reciprocal Enforcement of Support Act and recommendation for adoption of such amendments as will clarify the present law and aid in its administration;
3. Also that the Committees study such new proposed Uniform acts as may be promulgated by the Conference on Uniform State Laws and approved by the House of Delegates of the American Bar Association at their meetings in September with the view of recommending to the Legislature those acts which are adaptable to conditions in our State with a view of promoting uniformity between the statutes of the several states; and,
4. Lastly that we recommend to the new Committee on Uniform Laws of our Association that further study be given to the advisability of the creation of an office of Revisor of Statutes by our Legislature in event that such further study results in making favorable recommendation for the adoption of a law creating the office.

After I had done some investigation as to that part of the report I found that this committee has had, for more than two years, a committee working on that particular thing, and undoubtedly there will be a report—

PRESIDENT BURDICK: They have reported.

JUDGE POLLOCK: They have reported?

PRESIDENT BURDICK: Unfavorably.

JUDGE POLLOCK: I'm sorry to hear that. Anyway, I am not going to cover that part of the report because it is already covered. Mr. President, I move the adoption of the report.

PRESIDENT BURDICK: I assume the motion to adopt the report does not include the recommendation to create an office of Revisor of Statutes.

JUDGE POLLOCK: You say the other had been turned down?

PRESIDENT BURDICK: Yes, there was a recommendation that it be dropped by the Association unless the majority saw fit to recommend the creation of the office. Is that not correct, Mr. Duffy?

MR. CLYDE DUFFY: The report that you have adopted is to consolidate the Revisor of Statutes with the Legislative Research Committee so that the revision would be made under the direction of the Legislative Research Committee rather than as an independent office.

PRESIDENT BURDICK: Thank you. Is there a second to the motion to adopt the report of the Committee on Uniform State Laws?

MR. CYRUS LYCHE: I second it.

(Motion carried.)

PRESIDENT BURDICK: Committee on Legal Services to the Armed Forces, Judge Burtness.

JUDGE O. B. BURTNESS: The Executive Director has the report and I think he can read it.

(Report of Committee on Rendering Legal Services to the Members of the Armed Forces was read by Mr. Davies as follows:

"To the Officers and Members of the State Bar Association of North Dakota:

"Your Committee on Rendering Legal Services to the Members of the Armed Forces of the United States has not held a formal meeting, but all requests from the servicemen received by your chairman have been given prompt attention. Not only all the members of the committee, but all the members of the bar have stood ready to assist in matters submitted to the committee. The requests were referred to lawyers residing at or near the home of the serviceman and the committee greatly appreciates the cooperation which has been uniformly given by the individual members of the bar.

"The work of the committee during the past year has not been onerous and the number of matters submitted to it is but a small percentage of the matters that had to be taken care of during the period of the second world war, when the writer of this report served in the same capacity on the committee.

"Respectfully submitted; O. B. Burtness, Chairman."

MR. RONALD N. DAVIES: On behalf of the Chairman, Hon. O. B. Burtness, I move the adoption of the report.

(Motion carried.)

PRESIDENT BURDICK: At this time we will have the report of the Committee on Memorials. Mr. Newton.

MR. J. H. NEWTON: Mr. President, Members of the State Bar Association:

Since our last meeting the following members of the Bar of this State have received their final summons:

K. E. Edwardson
Richard F. Gallagher
P. B. Garberg
Karl Gruenwald
Halvor L. Halvorson
J. V. McCormick
Gunnar Olgeirson
George M. Register
George D. Smith
Clayton O. Stockstad
Judge P. C. Arildson.

Appropriate memorials have been prepared in each instance and published in the *North Dakota Law Review*. Your Committee assumes copies of the *Lake Review* containing such memorials have been furnished the survivors.

In almost every instance our departed brothers were men of advanced years and of long standing at the Bar of this State. The pioneer attorney contributed much to the business, social and cultural life of the community in which he resided. Their practice was varied and all were experienced and capable trial lawyers. There was color and showmanship in the practice of law during the active period of their careers, which seems lacking in present day court procedure. In most instances these lawyers accumulated little in the way of material wealth, but gained the respect and admiration of their fellow men. They contributed to their respective communities far more than they took from it.

In closing we would like to repeat a few lines contained in a eulogy delivered by the late Matt Murphy in speaking of the passing of a country lawyer. He said:

“Warm summer sun, shine friendly here;
Warm western wind blow kindly here;
Green sod above rest light, rest light—
Good night, old friend, good night, good night.”

Respectfully submitted, Committee on Memorials; Robert A. Case, Ray N. Friedrich, Ernst N. Paul, W. F. Reichert, Bert L. Wilson, Jr., J. H. Newton, Chairman.

Mr. President, I move the adoption of this report.
(Motion carried.)

PRESIDENT BURDICK: As a token of respect and the memory and esteem in which these departed friends are held, I wish you would all please rise and observe a moment of silence.

(All rise.)

PRESIDENT BURDICK: The report of the Committee on

Title Standards. I believe that's Mr. H. G. Ruemmele of Grand Forks.

MR. H. G. RUEMMELE: Mr. President, Members of the Bar; This is the report of the Committee on Title Standards.

Your President, Eugene Burdick, appointed a Title Standards Committee of W. Fulton Burnett of Fargo, Theodore C. Kellogg of Dickinson, C. F. Kelsch of Mandan, Glenn K. Swanson of Bottineau, and H. G. Ruemmele of Grand Forks as Chairman, to succeed W. Fulton Burnett, who for many years pioneered the field in North Dakota, and to whom this Association is greatly indebted for his accomplishments.

Due to the inability of your chairman to find a suitable meeting date, the committee was unable to meet and this report is that of the chairman only.

In order to lead up to the recommendations that follow, it might be well to go into the history of this committee. Some years ago the Bar Association recognized the need for a committee to study and propose certain title standards to which all the attorneys in the state could look as the uniform interpretation of certain discrepancies in the record title, in order to eliminate the so-called "fly-specking" and to combat the seemingly natural reluctance of a client to have his title examined only to have to go to another attorney to have the opinion interpreted. After several years of study and following the lead of the Bar Associations in several of the counties of the State, the 1950 meeting of the State Bar Association at Minot adopted the North Dakota Title Examination Standards, which apparently were promptly forgotten and disregarded.

During 1951 the Committee was continued under the able chairmanship of W. Fulton Burnett, but through inadvertence several additions to the standards were not presented to the 1951 meeting, so that the standards as they exist today are the same as adopted in 1950. However, that committee did finally see its recommendation of several years adopted when the 1951 Session of the Legislature passed Chapter 280, which is commonly referred to as the "Marketable Record Title Act."

With the advent of oil and the highly increased value of real estate, the necessity for some uniform standards which are readily available and constantly kept to date to meet new problems, has been highlighted and the haphazard function of the Committee on Title Standards has been brought to the fore.

In order to find a solution for Title Standards which would be used and which would be based upon good legal authority and principles, an investigation was made of the solutions adopted in many other states.

Based upon this investigation it is recommended that the North Dakota Bar Association at this meeting empower its Executive Committee.

(1) To employ, on a part time basis at least, an active practitioner to prepare and compile for distribution, under the direc-

tion of the Executive Committee, an adequate type binder for the adopted title standards.

(2) To adopt a system for the proposal, legal research, and adoption of additional standards to be published and furnished to members of the Bar under any system that the Executive Committee shall select, and

(3) To carry out those purposes to continue or discontinue the committee on Title Standards as such, as they see fit, but any committee or group selected to carry out the purposes be selected on the basis of persons willing to assume the responsibility of membership on such committee, and not primarily upon geographical considerations for the purpose of having all portions of the State represented.

Respectfully submitted, H. G. Ruemmele, Chairman, Committee on Title Standards.

Mr. President, I move the adoption of this report.

(Motion carried.)

PRESIDENT BURDICK: Is Mr. Soule here?

MR. GEORGE A. SOULE: Mr. President, I would like to use the Burtness system. The Executive Director has a copy of my report. Ron, would you just read the first page of it?

PRESIDENT BURDICK: This is the report of the Committee on Law Lists.

(The report was read by Mr. Davies as follows:

"State Bar Association of North Dakota, Jamestown, North Dakota.

"Gentlemen:

"Your LAW LISTS COMMITTEE reports:

"1. During the year we have answered about fifteen inquiries from our members in regard to law Lists.

"2. We believe the Standing Committee on Law Lists of the American Bar Association is doing a good job. We suggest our members subscribe only to Lists holding Certificates of Compliance from that Committee. We therefore attach to and make a part of this report a copy of the last report of this ABA Committee, revised to July 23rd, 1952.

"3. We recommend this Committee be continued.

"Anyone desiring information on any law List may secure same through the undersigned Committee.

"Respectfully submitted, Lyle Huseby, Herschel Lashkowitz, George A. Soule, Chairman."

MR. SOULE: Mr. President, I move the adoption of the report.

(Motion carried.)

RELEASE—By the Standing Committee on Law Lists of the American Bar Association, 209, South LaSalle Street, Chicago 4, Illinois.

Revised to July 23, 1952

December 26, 1951

The following publishers of law lists and legal directories have received from the Standing Committee on Law Lists of the American Bar Association certificates of compliance with the Rules and Standards as to Law Lists, as to their 1952 editions.

Commercial Law Lists

A. C. A. LIST (October, 1951-1952 Edition)

Associated Commercial Attorneys List
165 Broadway
New York City 6

AMERICAN LAWYERS QUARTERLY

The American Lawyers Company
1712 N.B.C. Building
Cleveland 14, Ohio

B. A. LAW LIST

The B. A. Law List Company
161 West Wisconsin Avenue
Milwaukee 3, Wisconsin

CLEARING HOUSE QUARTERLY

Attorneys National Clearing House Co.
1645 Hennepin Avenue
Minneapolis 3, Minnesota

THE COLUMBIA LIST

The Columbia Directory Company, Inc.
320 Broadway, New York City 7

THE COMMERCIAL BAR

The Commercial Bar, Inc.
521 Fifth Avenue
New York City 17

C-R-C ATTORNEY DIRECTORY

The C-R-C Law list Company, Inc.
50 Church Street
New York City 7

FORWARDERS LIST OF ATTORNEYS

Forwarders List Company
38 South Dearborn Street
Chicago 3, Illinois

THE GENERAL BAR

The General Bar, Inc.
36 West 44th Street
New York City 18

INTERNATIONAL LAWYERS LAW LIST

International Lawyers Company, Inc
33 West 42nd Street
New York City 18

THE NATIONAL LIST

The National List, Inc.
75 West Street
New York City 6

RAND McNALLY LIST OF BANK RECOMMENDED ATTORNEYS

Rand McNally & Company
536 South Clark Street
Chicago 5, Illinois

WRIGHT-HOLMES LAW LIST

Wright-Holmes Corporation
225 West 34th Street
New York City 1

General Legal Directory**MARTINDALE-HUBBELL LAW DIRECTORY**

Martindale-Hubbell, Inc.
One Prospect Street
Summit 1, New Jersey

General Law Lists**AMERICAN BANK ATTORNEYS**

American Bank Attorneys
18 Brattle Street
Cambridge 38, Massachusetts

THE AMERICAN BAR

The James C. Fiffeld Company
121 West Franklin
Minneapolis 4, Minnesota

THE BAR REGISTER

The Bar Register Company, Inc.
One Prospect Street
Summit 1, New Jersey

CAMPBELL'S LIST

Campbell's List, Inc.
905 Orange Avenue
Winter Park, Florida

CORPORATION & ADMINISTRATIVE LAWYERS DIRECTORY

Central Guarantee Company, Inc.
141 Jackson Boulevard
Chicago 4, Illinois

INTERNATIONAL TRIAL LAWYERS

Central Guarantee Company, Inc.
141 West Jackson Boulevard
Chicago 4, Illinois

THE LAWYERS DIRECTORY

The Lawyers Directory, Inc.
1204 Traction Building
Cincinnati, Ohio

THE LAWYERS' LIST

Law List Publishing Company
111 Fifth Avenue
New York City 3

RUSSELL LAW LIST

Russell Law List
10 East 40th Street
New York City 16

Insurance Law Lists**HINE'S INSURANCE COUNSEL**

Hine's Legal Directory
38 S. Dearborn St.
Chicago, Ill.
(Cert. issued 5-17-52)

BEST'S RECOMMENDED INSURANCE ATTORNEYS

Alfred M. Best Company, Inc.
75 Fulton Street
New York City 7

THE INSURANCE BAR

The Bar List Publishing Company
State Bank Building
Evanston, Illinois

THE UNDERWRITERS LIST

Underwriters List Publishing Company
519 Main Street
Cincinnati, Ohio

Probate Law Lists**RECOMMENDED PROBATE COUNSEL**

Central Guarantee Company, Inc.
141 West Jackson Boulevard
Chicago 4, Illinois

SULLIVAN'S PROBATE DIRECTORY

Sullivan's Probate Directory, Inc.
84 Cherry Street
Galesburg, Illinois

State Legal Directories

The following state legal directories published by
THE LEGAL DIRECTORIES PUBLISHING COMPANY
1072 Gayley Avenue
Los Angeles 24, California
DELAWARE-MARYLAND-NEW JERSEY LEGAL DIRECTORY
FLORIDA-GEORGIA LEGAL DIRECTORY
ILLINOIS LEGAL DIRECTORY
INDIANA LEGAL DIRECTORY
IOWA LEGAL DIRECTORY
KANSAS LEGAL DIRECTORY
MISSOURI LEGAL DIRECTORY
MOUNTAIN STATES LEGAL DIRECTORY
(for the States of Colorado, Idaho, Montana, New Mexico,
Utah and Wyoming)
OHIO LEGAL DIRECTORY
OKLAHOMA LEGAL DIRECTORY
PACIFIC COAST LEGAL DIRECTORY
(for the States of Arizona, California, Nevada, Oregon and
Washington)
PENNSYLVANIA LEGAL DIRECTORY
TEXAS LEGAL DIRECTOR
WISCONSIN LEGAL DIRECTORY
KENTUCKY-TENNESSEE LEGAL DIRECTORY
(Cert. issued 4-15-52)

Foreign Law Lists

**CANADIAN CREDIT MEN'S COMMERCIAL LAW AND
LEGAL DIRECTORY**
Canadian Credit Men's Trust Association, Ltd.
519 McIntyre Block
Winnipeg, Manitoba, Canada
CANADIAN LAW LIST
Cartwright & Sons, Ltd.
24 Adelaide Street, East
Toronto, Ontario, Canada
EMPIRE LAW LIST
Butterworth & Co. (Publishers) Ltd.
4, 5 & 6 Bell Yard, Temple Bar
London, W. C. 2, England
THE INTERNATIONAL LAW LIST
L. Corper-Mordaunt & Company
Pitman House
Parker Street
London, W. C. 2, England

KIME'S INTERNATIONAL LAW DIRECTORY

Kime's International Law Directory, Ltd.
4 New Zealand Avenue
London, E. C. 1, England

PRESIDENT BURDICK: Report of the Committee on Income Tax Laws, Roland Heringer.

MR. ROLAND A. HERINGER: Mr. Chairman, Members of the Bar Association:

The members of the Committee on Income Tax Laws hereby make their annual report to the officers and members of the North Dakota Bar Association, and recommend that legislation be enacted in the State of North Dakota covering the following:

(1) That "periodic payments" made by a husband to a wife pursuant to a court order or decrees in divorcing or legally separating the spouses or pursuant to the terms of a written agreement incident to such divorce or legal separation decree, are to be included within the gross income of the wife and excluded or deducted from that of the husband.

(2) That the present exemptions now allowed to a husband and wife or a head of a family and dependents, and an unmarried person, be substantially increased so as to reduce the ever increasing tax burden. In that connection I might add that the committee was in contact with the late John Gray, the Tax Commissioner, and he favored legislation in accordance with the recommendation made.

(3) That the exemption for dependents and married persons be determined as of the last day of the calendar year or fiscal year of the taxpayer instead of prorating the same as is now required under our present law. This particular matter was also taken up with Mr. Gray and he advised the chairman of the Committee that the state is now spending more money on postage trying to iron out these matters than they were actually receiving in additional income.

(4) That the earnings of a minor child who is taken as a dependent by a parent or guardian be excluded as income to be reported by such parent or guardian if such earnings are less than the exemption allowed for such dependent. In the event the earnings should exceed the amount of the exemption, then the minor should be required to file a return and pay the tax computed to be due.

(5) That percentage depletion on minerals, oil and gas royalties be treated the same as provided for under the Internal Revenue Code of the United States.

(6) That breeding livestock requirements be kept in harmony with the federal law so as to avoid undue complexity.

(7) That income "in respect of" decedents be treated the same as provided for under Section 126 of the Internal Revenue Code, so as to tax certain income that is now escaping taxation.

Respectfully submitted, Committee on Income Tax Laws; Roland A. Heringer, Chairman, Robert E. Dahl, J. K. Eckes.

Mr. Chairman, I move the adoption of the report.
(Motion carried.)

PRESIDENT BURDICK: The next committee to report is one of our most important committees, not that the others are not important, but this one is of outstanding importance, I feel, to the work of our association. The Committee on American Citizenship, Mr. James E. Leahy.

MR. JAMES E. LEAHY: Before giving the report of the American Citizenship Committee for the past year, I take this opportunity to sincerely thank the members of the bar for their cooperation in carrying on this program. A successful Constitution Award Program requires the cooperation of the general membership of this Association, and I am very happy to be able to state that we had a very successful Constitution Award Program this last year.

This Constitution Award Program has become so important that many of the high schools of the state have adopted it as a regular part of their curriculum. Many of the schools have informed us that they are way ahead of us as far as choosing and setting up the program prior to the date of the announcement that is sent out by the committee.

To give you just an idea of the type of letters the Committee has received from the various schools I would like to take this time and read two brief excerpts from two letters I have received.

"I have your letter inviting us to have a part in the award made by your group and I assure you that it is with pleasure that we accept. We have used this award two years in (I'll leave the name of the town blank) and the last two years at _____ and I believe that it is an effective manner in making people more aware of the great heritage that the American Constitution is. Many people at the commencement season, especially those who have graduating sons or daughters, are in a mood to take inventory of the opportunities that they have and I feel that this key with the presentation during this program is a worthwhile project and I want to express my appreciation to you and your group for this type of promotion."

Another letter along similar lines but I think it is worthy of mention.

"Received your notification of the Constitution Awards for schools in North Dakota again this year. I wish to inform you that we have already held our test and our student has been selected on the basis of the test scores. Each year since you have been making these awards, I as a school man have been having them in my school. I wish to commend your organization for the part they play in making our students aware of the merits of our government. I do know that it is an added incentive each year in our schools to these young folks, it creates an interest in obtaining information about our great document; the Constitution."

Not only have we received many letters from the various schools commending us on this promotion, but I have received many letters from the various members of the bar, and this is a typical one:

"I attended the commencement exercises at the..... which were held last evening and made the presentation of that Award. The response was very good, everybody in the audience seemed to enjoy it and share the sentiments I expressed, and I enjoyed it immensely."

The Committee's files contain other letters similar to these and from them we are convinced that this program has done a great deal to better the public relations of the Bar, and this is especially true where an opportunity has been afforded to the individual members of the Bar to appear on some program at which not only the high school students are present and invited but at a program where there are members of the public. I would like to urge each member of the Association that when you are called upon to present the Award in a high school in your community you should try to arrange to do so at some public function, and if that is possible prepare a few remarks to be given at that time. It has been said that the best defense is a good offense, and it is with that thought in mind that the program is being carried on.

We believe that we have no need for fear of Communism or any other 'ism' if our people are given an opportunity to understand the rights and privileges and the duties guaranteed under the Constitution. On our stationery those of you who have received letters from us will notice we have a quote from a Supreme Court case decided in 1951 to the effect that "The Constitution of the United States was made by, and for the protection of, the people of the United States." If we can bring that point home to the people we have done a great service to the country. I will now read the report of our committee.

To The Honorable Eugene Burdick, President, and to the Members of the State Bar Association of North Dakota:

The Fourth Annual Constitution Award Program, carried on by the American Citizenship Committee, has now been brought to a close and the Committee herewith submits a report.

The Fourth Annual Constitution Award Program was commenced about the middle of March, 1952, at which time posters announcing the Program were sent to all of the high schools in North Dakota. At the same time all members of the Association were sent a copy of this poster together with a letter requesting each member of the Bar to contact the school officials in their respective communities with regard to this Program. Some lawyers reported that they had complied with this request.

Following the announcement of the Program the respective school superintendents began to inform us of their intention to participate in the Program. However, as the May 1st deadline approached and we had not heard from many schools, we sent a letter to approximately 100 attorneys throughout the State, ask-

ing them, if possible, to personally contact certain schools in their localities and request participation in the Program.

After all of the entries were in we noted that 219 schools chose students to receive the Award and that in six schools there were two students who were equally deserving of the Award, and we therefore allowed duplicate Awards to be made. Thus we presented 225 keys to 225 students in 219 North Dakota high schools.

Actual presentation was made to the deserving student at some appropriate function, by a member of the Bar, wherever possible. Approximately 180 lawyers took part in the presentation this year, it being necessary in some counties, however, to call on the same lawyers who were called on in previous years, and in some cases to assign two or more schools to a lawyer. The response from the members of the Bar has been very gratifying. Many have sent reports on the presentation of the Award and indications are that the Program is well received in those schools which participated.

As Mr. Bangert reported last year, this Program has received national recognition and has been adopted by many other State Bar Associations. It has also been discussed at the annual meeting of the American Bar Association, and we understand that there will be a round table discussion of the citizenship problem at the 1952 annual meeting of the American Bar Association to be held in San Francisco in September.

Your American Citizenship Committee was allotted a budget of \$1,000.00. Of this sum the following amounts have been expended to date:

To: Richtman's, printing for letterheads	\$ 40.53
Josten's, for 250 bronze keys	357.50
Interstate Duplicating Service, mimeographing and printing	144.01
Cupler, Tenneson, Serkland & Leahy, stenographic service, phone calls, stamps, and miscellaneous supplies	100.00
Total	\$642.04

The Committee has on hand 295 bronze keys for use in 1953.

Recommendations:

The Committee recommends that the following changes be made in the Program:

1. That the Program be initiated in the fall for the school year commencing at that time.
2. That after the original announcement has been sent to the schools, a follow-up letter be sent about the first of December and again about the first of February.
3. That the date by which names of students should be received by the Committee should be set up as April 15th.

4. That study be given to the use of a pamphlet entitled "Sweet Land of Liberty" by Francis L. Bacon, published by Denoyer-Geppert Company, 5235 Ravenswood Avenue, Chicago 40, Illinois. This pamphlet can be purchased in lots of 100 to 500 for 25c each. In the opinion of the Chairman of the Committee, this pamphlet would be a valuable aid to the study of the Constitution. Whether or not the Association should purchase these pamphlets and distribute one to each high school in the State, or to each high school participating in the Program, is a question which merits the consideration of the 1953 Committee.

5. That the new American Citizenship Committee consist of a chairman appointed for a two-year term with an assistant appointed every other year. Thus, a member of the Bar will serve three years on the Committee. The first year a member would serve as assistant, the second year he will serve as chairman alone and the third year he would serve as chairman with an assistant to train to take over the following year. In this manner a continuity of the method of carrying on the Constitution Award Program can be obtained and an assistant serving one year as such will be able to put into effect in the following years any new ideas that he has acquired after he has served for one year as assistant and gains some knowledge of the Program.

If I may I would like to discuss that point for a moment. The other day when I was going through material we had received I counted the letters the Committee has received alone, none of outgoing correspondence, and not taking into consideration any of the correspondence we have had with the present association, with the Executive Director, we handled 377 pieces of mail, and you can readily see that it takes a new man with a little time to work out a system that he can use and at the same time serve the program. That is the reason for the recommendation that we train a man each year to take over the following year because it has gotten to be quite a program, and I think that before long we are going to be having this Program in the some 400 schools we have in the state, not only the 225. I have several other recommendations which I will not read at this time but are part of the report.

The following was not read but is hereby made a part of the report:

6. On September 17, 18 and 19, 1952, there will be held in Washington, D. C., the Seventh National Conference on Citizenship sponsored by the National Education Association in cooperation with the United State Department of Justice. This is a conference of organizations and agencies engaged in citizenship activities. In 1951 the Conference was attended by 1200 delegates, representing 600 organizations. It may be that the State Bar Association would gain immensely by sending a delegate to the Conference where ideas and methods of furthering citizenship are discussed and available. No specific recommendation is made on this point by the Committee.

7. The Annual Meeting of the American Bar Association will be held at San Francisco, September 15 to 19, 1952. It is the understanding of the Committee that a round table discussion on citizenship is scheduled to be held at this meeting. We understand that it has been the practice of the Bar to send a delegate to this meeting in order to take part in the discussion of the problems on citizenship. No specific recommendation is made as to whether a delegate should attend the Annual Meeting of the American Bar Association this year, but we do point out that with this meeting and the meeting of the Seventh Annual Conference on Citizenship being held in Washington, D. C., it would seem that the Association would benefit a great deal by having a delegate at either of these two meetings.

Mr. President, I move the adoption of the report.
(Motion carried.)

Report Showing Students and Schools Participating in the American Citizenship Award

DISTRICT No. 1:	No. of Students	No. of Schools
Barnes County	9	9
Cass County	13	12*
Grand Forks County	8	8
Griggs County	1	1
Nelson County	6	6
Steele County	2	2
Traill County	5	5
Totals, District No. 1	44	43

DISTRICT No. 2:		
Benson County	5	5
Cavalier County	6	6
McHenry County	3	3
Bottineau County	8	8
Pembina County	6	6
Pierce County	4	4
Ramsey County	8	8
Renville County	2	2
Rolette County	3	3
Towner County	3	3
Walsh County	9	8*
Totals, District No. 2	57	56

*Two participants in one school in this County.

DISTRICT No. 3:	No. of Students	No. of Schools
Dickey County	5	4*
Emmons County	4	4
LaMoure County	5	5
Logan County	1	1
McIntosh County	1	1
Ransom County	4	3*
Richland County	6	6
Sargent County	5	4*
Totals, District No. 3	31	28

DISTRICT No. 4:		
Burleigh County	3	3
Eddy County	3	3
Foster County	2	2
Kidder County	3	3
Stutsman County	6	6
McLean County	8	7*
Sheridan County	2	2
Wells County	6	6
Totals, District No. 4	33	32

*Two participants in one school in this County.

DISTRICT No. 5:		
Burke County	1	1
Divide County	3	3
McKenzie County	3	3
Mountrail County	5	5
Williams County	8	8
Ward County	8	8
Totals, District No. 5	28	28

DISTRICT No. 6:		
Adams County	2	2
Dunn County	5	5
Golden Valley County	2	2
Grant County	2	2
Hettinger County	1	1
Mercer County	5	5
Morton County	4	4
Oliver County	1	1
Sioux County	2	2
Stark County	8	8
Totals, District No. 6	32	32

GRAND TOTALS FOR ALL SIX DISTRICTS	225	219
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PRESIDENT BURDICK: Next will be the report of the Committee on Rules of Civil Procedure, Mr. E. T. Conmy, Chairman.

MR. E. T. CONMY, SR.: Members of the Bar Association: Many members of the Bar have expressed a wish that our State Rules and Civil Procedure could be made to conform more closely to the Federal Rules of Civil Procedure. With this in mind, your Chairman secured copies of the new rules of Civil Procedure, modeled on the Federal Rules, recently adopted in the State of Minnesota, and sent one to each member of the Committee.

If we undertake this job it will be a big one and it is not clear at this time that even a majority of the Bar want such a revision. We think that this matter should be considered by the whole Bar at its Jamestown meeting in August and it can then be determined whether to proceed with this work.

May I add that, as I think all of you know, the power to make rules or civil procedure is vested in the Supreme Court. It was there vested at the time the Code revision was made in 1943. The chairman of this committee happened to be on a committee which worked on the civil procedure rules we at that time presented. To give you a little history of the situation so you can see what it is, we presented our report back to the main committee and in that report we included several rules that were in conformity with the federal rules of civil procedure. We didn't go very far into it, and the Supreme Court did adopt several of the suggested rules.

Now, bear in mind that under the then existing law the Supreme Court was to make the rules, but the very next legislative session after these rules were adopted the legislature turned around and wiped out two or three of them and put back the old ones, and I think particularly of the law relative to making of motions for directed verdicts, and also a rule relative to the filing of notices of trial, that is, abolishing the necessity of making notice of trial.

Now, what I am trying to get at and what I want to get you all thinking about is this: It probably would be very nice if we could have our state rules of civil procedure conform with the federal rules of civil procedure, but it's rather a delicate situation inasmuch as the power is in the Supreme Court and the most the Committee can do is suggest and there appears to be quite a number of members of the bar who are not interested in this change of the rules and as a result there isn't much support for the change. What I would like to see done is that each and every individual member of this bar secure, if he can, and I think he can, from the West Publishing Company, a copy of the revised rules made by the State of Minnesota after three or four years of study, rules that do conform with the federal rules, study them, and then write to the Executive Director here, or the president of the Association, with your ideas. We want to find

out, or would like to find out, who would be willing to work on a proposition of this kind.

I move the adoption of this report.

PRESIDENT BURDICK: Is there any discussion? Seems to me here is a problem to discuss, something that I know all of you have ideas upon.

JUDGE A. G. PORTER: A recent issue of the Law Review stated that the Judicial Council had met and the rules were discussed, and the reason they had not come out was mainly because of the highly technical and burdensome manner necessary for the amendment and the adoption of the rules and at that meeting of the Judicial Council in May it was recommended that the present existing statutes be made more workable and that until the next legislature has met and has considered the present existing proposed amendments it is questionable that the Supreme Court will come out with any new set of rules.

PRESIDENT BURDICK: Any one else have any remarks to make on this matter?

MR. JOSEPH P. STEVENS: (Minot) From discussing this matter with the members of the Bar I find that generally it is the younger men who are in accord with the change and a great number of the older practitioners prefer to have it stay as it is. I say most of the younger members of the bar are in accord with the adoption of the federal rules and there are some of them that just won't work on our state practice, so it is going to have to be approached with a great deal of caution, and it is going to be a benefit to the lawyers if the rules are adopted and they will be familiar with them so that when they go into federal court they will not be lost.

I think a committee should be given some funds with which to operate and really study out the whole situation.

PRESIDENT BURDICK: If there is no specific recommendation the matter will simply be the subject of further study by the Executive Committee. However, if any member wishes to make any particular recommendation now would be the time to do so, but the motion at the moment is on the adoption of the report.

(Question put and motion carried.)

(Adjournment.)

9:30 a. m., Friday, August 15, 1952

PRESIDENT BURDICK—The meeting will please come to order. We are still on committee reports. We got through most of them yesterday but we have a few remaining, and at this time I will call upon the Committee on Legal Education and Admission to the Bar, Dean Thordmodsgard.

DEAN O. H. THORMODSGARD: Members of the North Dakota Bar Association; The Committee on Legal Education and Admissions to the Bar begs leave to submit the following report:

"The American Bar Association is of the opinion that every candidate for admission to the bar should give evidence of graduation from a law school complying with the following standards:

(a) It shall require as a condition to admission at least three years of acceptable college work, except that a school which requires four years of full term work or an equivalent of part time work for the first professional degree in law may admit a student who has successfully completed two years of acceptable college work."

The American Bar Association does not approve of office law study as a method of securing a legal education. It recommends that all applicants to the bar should be graduates of an approved law school. The "1951 Review of Legal Education" which is published by The Section of Legal Education and Admission to the Bar of the American Bar Association presents the following information: There are 24 states in which a person to be eligible to take the bar examination must have secured his training wholly in a law school. There are 9 states which permit a person to take the bar examination if he has studied law in a law office for four years. There are 13 states, including North Dakota, which allow a person to secure his legal training in a law office for three years. In two states, there is no specific rule or statute on this problem. Minnesota and South Dakota, our neighboring states, have adopted the standards of the American Bar Association and do not give recognition to office study. To be eligible to take the bar examination in Montana, a person is required to have completed two years of college and two successive years in a law school. As a matter of fact, all their bar applicants have three years of law school training. The State of Kansas has a unique provision. If a student has a college degree, he is permitted to study law in a law office for four years in order to be eligible to take the examination.

The State of North Dakota is in the minority group of 13 states. The Committee on Legal Education and Admission to the Bar presents as its first recommendation that law office study, either under a judge or an attorney should not qualify the person to take the bar examination. In other words, the Committee favors the standards and the policies of the American Bar Association.

The above standard of the American Bar Association provided for three years of acceptable college work and three years of law or two years of acceptable college work and four years of full term work in a law school. Section 27-1103 of the 1943 Revised Code of North Dakota provides that applicants for admission to the Bar are required to have completed two years of college and three years of law. Your Committee recommends that Section 27-1103 of the 1943 Revised Code of North Dakota be amended to conform to the standards of the American Bar Association.

In five jurisdictions admissions of attorneys from other jurisdictions is only by examination. In two jurisdictions the applicant must present proof that he has been actively engaged in the practice

of law, judge or teacher of law for two years. In twelve jurisdictions the applicant is required to give proof that he has practiced law for three years. In one jurisdiction the applicant must present proof that he has practiced law for four years. In twenty-seven jurisdictions the attorney admitted to practice law in the highest court of another state or territory must furnish proof that he has practiced law for five years. Two jurisdictions require seven years of law practice, and two jurisdictions require attorneys from other jurisdictions to furnish proof that they have practiced law for ten years.

The third recommendation of this Committee is that an attorney duly admitted to practice in other states may be admitted upon motion, upon giving proof that he has been admitted to practice in the highest court of such other jurisdiction and has been actively engaged in practicing law therein for at least five years next preceding his application for admission. The Committee recommends that Section 27-1125, Paragraph 5, of the North Dakota Revised Code of 1943 be amended to read, "five years" instead of three years.

Respectfully submitted, Thos. G. Johnson, Hillsboro; John Traynor, Devils Lake and O. H. Thormodsgard, Grand Forks, Chairman.

Mr. President, I move that the three recommendations be approved and that the report be accepted and filed.

(Motion carried.)

PRESIDENT BURDICK: Next we will have the report of the Committee on Jurisprudence and Law Reform, Roy Ployhar, Valley City.

MR. ROY A. PLOYHAR: President Gene and fellow Members of the Bar:

Your Committee is fully cognizant of the fact that law reform is a matter that warrants the continuous effort of this association. While drastic changes are not advisable, a constant and sustained effort should be made toward improvement and modernization of our legal machinery if we are to keep in step with modern progress in the scientific and business world. Though modern living conditions are far different from those of our grandfathers, our courts, established to regulate the lives of our people, have in a large part maintained the procedures and practices of our forefathers. While justice should be swift, sure and readily available to all, the judicial process is frequently criticized as inefficient, slow, cumbersome and expensive. Due to the slowness and laxity to perfect reform on the part of the lawyers and courts, there has been a general trend on the part of the businessmen and citizens in general to go to the courts only as a last resort. Many legitimate controversies are compromised to the detriment of the party entitled to relief rather than employ counsel and submit the matter to the Court for determination. We have also seen a rising trend of adjudication by bureaus and commissions, which in many instances disregard the legal rights of the parties in making decisions.

With this in mind the American Bar Association has alerted itself to a study of law reform and minimum standards of judicial administration and your committee would recommend that every lawyer in this state make it a point to study an article published in the Iowa Law Review, Volume 36, Number 3, on Minimum Standards of Judicial Administration. The American Bar Association has selected fifty-three standards and your committee is proud to say that North Dakota substantially complies with thirty-five of such standards. New Jersey tops the list with forty-seven, and in our neighboring states, South Dakota complies with thirty-three, Minnesota thirty-one and Iowa twenty-seven. This indicates that North Dakota is at least on a par with our neighboring states, but there is still considerable room for improvements. Your committee has selected certain standards which we feel are of sufficient importance to warrant the further consideration of the bar through a thorough study of the same at sectional meetings. It is our opinion that these standards could receive much better consideration if they are made a topic of study and discussion at a sectional meeting so as to get the viewpoints and opinions of a large segment of the bar. One standard recommended for consideration is the time for charge to the jury by the trial court. The majority of the states, including North Dakota, still follow the practice of submitting the charge to the jury after final argument and your committee is in disagreement as to the benefits to be derived by charging the jury before trial. South Dakota has adopted the more modern version of submitting the charge before final argument and from what we can learn it has received general approval by most of the members of the bar. The argument used in favor of such method is that it gives the jury an opportunity to be informed on the law of the case before argument and in that way enables counsel to argue the facts on the basis of the law as announced by the Court. The argument against such methods can be summarized to the effect that it would lead to more confusion on the part of the jury as to the law governing the case and may work an unfair advantage to one of the parties to the litigation.

Another standard which the committee feels should be studied by the bar at a sectional meeting is the matter of partial new trials. To the best of our knowledge, this is not allowed or practiced in this state and we feel that the trial judge should be given the power to grant a partial new trial where in his judgment the issues are separable. According to the American Bar survey about one-half of the states grant such power and the other half do not. In the opinion of the committee such power in the trial court would eliminate the necessity of certain appeals and result in a more expeditious manner of disposing of certain issues in a lawsuit where the same are separable.

The last standard that the committee wishes to recommend for further study at a sectional meeting of the bar relates to survivor's testimony and the admission of statements made by deceased or insane persons. The Connecticut rule permits the testimony and also any oral or written statement of the decedent made in good

faith. This is followed by only a very few states and, of course, would result in a drastic change in our so-called "dead man's" statute. The committee feels that there should be some modification of our statute, but is doubtful if we would want to go as far as the Connecticut rule. The same line of thought prevails in connection with admitting statements of insane persons made during a period of sanity and should be considered in somewhat the same light as a modification of the "dead man's" statute. Very few states follow the Connecticut rule admitting survivor's testimony or the admission of statements from insane persons, but some of the more modern thinking advocate a change in the old rule on the theory that in many instances justice cannot be meted out because of the rule. This is a matter that can be argued with great force either way and should receive the study and consideration of a large segment of the bar.

In conclusion, the committee feels that if some of these reforms can be thoroughly considered by the bar, its ultimate recommendation would have great weight on the legislature in changing such rules, where the statutory law requires such changes.

Respectfully submitted, Roy A. Ployhar, Chairman; Albert Lundberg, Ralph Erickstad, A. N. Porter, Chas. S. Ego.

Mr. President, the committee moves that this report be accepted and ordered filed and that the suggestions made therein with reference to sectional meeting study be approved.

(Motion carried.)

PRESIDENT BURDICK: Is Mr. Moun here at this time? Will you present the report of the Junior Bar Conference Committee.

MR. HOWARD MOUN: Mr. President, Members of the Bar: At the last meeting of the North Dakota State Bar Association the Junior Bar Conference met and in accordance with the desires of the group and state association it was decided to integrate the work of the Junior Bar Conference of the American Bar Association with the regular work and activities of the North Dakota Bar Association. In order to carry this program into operation at least one member of the so-called Junior Bar, that is, an attorney under the age of 35, was appointed to serve on each standing committee of this association.

In addition, such Junior Bar members appointed to the State committees also worked in cooperation with the National committees of the Junior Bar Conference of the American Bar Association. This method was a means of coordinating the activities of the younger members of the Bar with the State Association and with the American Bar Association.

The following acted as standing committee chairmen of various Junior Bar Committees operating in conjunction with the Junior Bar Conference of the American Bar Association:

John Traynor, Continuing Legal Education
Richard Anderson, Courts of Limited Jurisdiction
K. S. Peterson, Legal Aid

Ernest R. Fleck, Membership
 Ralph J. Erickstad, Procedural Reform Studies
 Edward C. Gillig, Public Information
 Myron Atkinson, Traffic Courts

The activities of the Junior Bar as such are coordinated generally with the activities of the North Dakota Bar Association and their work is integrated in other committee reports of the various standing committees.

During the year 1952 officers of the Junior Bar were elected by the younger members of the Bar and such elected officers served in the capacity as committee members of the Junior Bar Conference Committee.

Your chairman makes the following recommendations for the ensuing year:

1. That the President continue to appoint one member of the Junior Bar to all standing committees of the association.
2. That in such appointment he consult with the Junior Bar Conference chairman so that there may be a greater continuity in the work of the Junior Bar Conference of the American Bar Association and the work of the State Association.
3. That arrangements be made so that at the next year's annual meeting of the Association there may also be time for a separate meeting of the Junior Bar Conference group.
4. That the state Association arrange to send the chairman of the Junior Bar Conference Committee, who also acts as State Chairman of the Junior Bar Conference of the American Bar Association, to the meeting of the American Bar Association where such state chairman will have the opportunity to meet with other members of the Junior Bars of the American Bar Association from all of the states or the Union and to constructively learn of the activities.

This, we believe, will lead to a much better coordinating program of the Junior Bar group in this state.

Respectfully submitted, Myron H. Bright, Chairman, Howard A. Moun, Wayne Marsh, J. Gerald Nilles, Dean Winkjer.

PRESIDENT BURDICK: Is there a second to the motion?

MR. FLOYD B. SPERRY: Mr. President, I wonder if I could interject a suggestion there that the motion be amended in order that the matter of sending the delegate to the American Bar Association be left to the Executive Committee of this Association.

PRESIDENT BURDICK: Are you seconding the motion to adopt the report?

MR. SPERRY: With that amendment to it, instead of making it mandatory as it is.

PRESIDENT BURDICK: I believe there should be a second to the motion first of all without any amendment and we will vote separately on any amendments.

MR. H. G. RUEMMLE: I second the motion.

PRESIDENT BURDICK: That is a second to the motion to adopt the report as presented. Now did you have an amendment?

MR. FLOYD B. SPERRY: I offer the amendment at this time.

PRESIDENT BURDICK: That the matter of sending a representative of the Junior Bar Conference to the ABA meeting be left to the Executive Committee, is that it?

PRESIDENT BURDICK: Is there a second to that motion?

MR. SAM DOLVE: I second it.

PRESIDENT BURDICK: It's been moved and seconded that the report be amended so as to provide that the matter of sending the delegate to the ABA meeting be left to the determination of the Executive Committee. Is there any discussion on that Amendment? (No response.)

(Question put and motion carried.)

PRESIDENT BURDICK: Now, on the motion to adopt the report as amended is there any further discussion? (No response.)

(Question put and motion carried.)

PRESIDENT BURDICK: We will now have the report of the Committee on Legal Aid and Lawyers Reference Plan, K. S. Peterson.

MR. K. S. PETERSON: Mr. President and Members of the North Dakota Bar Association:

Your Committee on Legal Aid and Lawyers Reference Plans submits the following report:

On December 1, 1951, the Chairman of your Committee called the members of such committee into conference. Two members of the committee, namely, George Longmire and I. M. Oseth were unable to attend. The members of the committee in attendance considered plans for opening a referral office at Fargo and Minot. The individual members of the committee had made some previous contacts with the local bar at Fargo and Minot. The bar members both at Minot and Fargo appeared to be of the opinion that unless a referral office could be opened with a lawyer in charge that they would not be interested in cooperating with some limited plan. The local bar in each of these cities were not inclined to furnish the funds necessary for setting up such office and hiring a lawyer to take charge. With the small appropriation of \$250 made by the Executive Committee for this work it would be impossible for your committee to finance a referral office that would meet the approval of the local bar. The committee appeared to be of the opinion that a limited plan whereby referrals would be made through the Welfare department would not be workable or feasible. In other words, unless the referral office was set up complete, with a probable annual cost of three or four thousand dollars, the local lawyers were not inclined to cooperate.

Your committee thereafter talked over a further plan. It was suggested that a referral office be opened in Grand Forks with the cooperation of the Dean of the Law School and the senior class.

Dean Thormodsgard was consulted and after consideration he expressed his willingness to cooperate with the committee starting in the fall of 1952. Your committee has made some contact with the local bar in Grand Forks and upon the suggested plan, with the assistance of the Dean and his senior class, we believe that the local bar of Grand Forks would cooperate. As the work would largely be carried on by the senior law school class under the guidance of the faculty, the experiment could be made without a great deal of expense. If this experiment could be made, your committee would be in a better position to determine the feasibility of opening referral offices in the other larger communities of the State of North Dakota.

The American Bar Association has a very active committee in the matter of legal aid and referral plans. This committee has worked out a code which lays out principles governing the organization of referral services. It is a very comprehensive code and it should be very valuable for all local committees in developing referral plans. Under the guidance of the American Bar Association committee, referral offices have been opened in a majority of cities where the population is 100,000 or more. It is the aim of this committee to open referral offices in all the larger communities, and they are also studying plans for the opening of referral offices in smaller communities.

Your committee would recommend that a committee on legal aid and referral plans be continued for the coming year; that an experimental plan for the opening of a referral office at Grand Fork in cooperation with the Dean of the Law School be completed and a referral office opened, and the results be reported by the committee.

No referral plan can be successful without the whole-hearted cooperation of the local bar. It would appear to your committee that if successful referral offices could be opened in some of our larger communities that it would be an important factor in bettering public relations. The law is a profession. It must meet its professional duties if it is to have the approval of the people.

Respectfully submitted, William H. Hutchinson, I. M. Oseth, George Longmire, K. S. Peterson, A. W. Shupienis.

MR. K. S. PETERSON: Move the adoption of the report.
(Motion carried.)

PRESIDENT BURDICK: Committee on Unauthorized Practice, Mr. Sam Dolve.

MR. SAM DOLVE: Mr. President, Members of the North Dakota Bar Association: Your Committee had several complaints during the year. One was against a collection agency using "simulated process." Another was against an attorney and this complaint was referred to the Committee on Ethics and Internal Affairs. The Chairman of this Committee, Mr. Birdzell, reported back that the complaint had been taken care of in a satisfactory manner after he had contacted the attorney involved. We had one com-

plaint which was of a very serious nature in that it involved advertising on the part of a lay agency wherein such agency advertised that it was in a position to furnish, "title opinions". Since this advertisement had been running several days before complaint reached the committee, your chairman called this lay agency on the telephone. He was informed that the attorney member of the organization was out of town when the advertisement was placed in the newspaper and when he returned he saw it and "killed" the ad. The attorney apologized for the work of his associates, offered to publish a retraction or do anything he could do to right the wrong that had been committed. Since that time, the Chairman of this Committee has personally talked to all members of this organization in their office including the attorney referred to and is thoroughly satisfied that the attorney did not know of the advertisement until he saw it in the newspaper and that the member of the organization that placed the advertising did so by mistake insofar as it related to "title opinions."

Many attorneys sent this Committee ads appearing in newspapers throughout the state wherein laymen advertised their income tax business.

A year ago this Committee recommended passage of two bills by the Legislature which may be found in the report published in the North Dakota Law Review for October, 1951 on page 437. We recommend that serious consideration be given to that recommendation.

Our Association was contacted by the North Dakota Society of Certified Public Accountants suggesting that our Association and their Association have representatives meet together and discuss the National Conference of Lawyers and Certified Public Accountants and work out an agreement for North Dakota. The Executive Committee of this Association directed the Chairman of this Committee to meet with the President of the North Dakota Society of Certified Public Accountants. This meeting was held and it was agreed that each organization appoint a member in each of the larger cities of North Dakota having certified public accountants to work together in event any complaint arises. The following attorneys have been appointed in the cities as follows:

Fargo—Philip Vogel
Grand Forks—Cyrus Lyche
Minot—C. A. Waldron
Bismarck—Arthur C. Bauer

The unauthorized practice of law is widespread in North Dakota. It is more common in the smaller cities and villages than in the larger cities. Bankers, operators of exchanges, real estate men, insurance men, Notaries Public and Registers of Deeds are the most common offenders. It is not an easy task to gather sufficient evidence against these offenders to warrant bringing Court action against them. Many lawyers are reluctant to have any part in action against these offenders in their counties for the main reason that they are friends of clients of theirs. Many lawyers also

claim that the unauthorized practice of law on the part of these people creates business for them in having to straighten out many of the entanglements created by the unauthorized practitioners. Most lawyers today have a sufficient volume of business to take care of so that they do not strenuously object to unauthorized practice. The public, far more than the lawyers, suffers injury from unauthorized practice of law. The fight to stop it is the public's fight. No man is required to employ a lawyer if he does not wish to. But every man is entitled to receive legal advice from men skilled in law, qualified by character, sworn to maintain a high standard of professional ethics, and subject to the control and discipline of the Courts. Not only this, he must be served disinterestedly by a lawyer who is a lawyer, not motivated or controlled by a divided or outside allegiance. Unauthorized practice of law is the attempt by laymen and corporations to make it a business for profit of giving the public, as a substitute, the services of unqualified and unprofessional persons, or to employ and furnish, for profit, directly or indirectly, the services of lawyers who may be willing to sabotage professional ethics in order to secure employment. In either case, the public is cheated either by receiving incompetent and unethical advice, or by being served by lawyers who are not disinterested, whose real client is not the person advised but the entrepreneur furnishing the services. The result is the breaking down of the standard of professional ethics or their entire absence, and a direct interference with the administration of justice and the protection of the public in the Courts.

We propose to prepare a pamphlet explaining what constitutes the unauthorized practice of law. We propose to secure the names of the offenders by making contact with lawyers in each county and other persons. We then propose to mail a copy this pamphlet to each of them together with a letter stating that it has come to the attention of the committee that the person addressed is unlawfully engaging in the practice of law and asking him to discontinue such practice. We propose to watch the results and obtain the evidence and commence Court action against some of them. We believe this, together with the resulting publicity will do a lot towards stamping out the unlawful practice of law.

It is impossible to get anyone to do all of this without remuneration of some sort in addition to expenses. The State Bar Association of Minnesota has recently employed a full time man to work with the Committee on Unauthorized Practice of Law. We do not believe a full time man is necessary in this state but we feel that something more than can be expected from this Committee serving without compensation should be provided. We believe that real steps to stamp out the unlawful practice of law should be taken now. We recommend serious discussion and earnest consideration of this problem by the Association.

Respectfully submitted, Committee on Unauthorized Practice of Law, Charles G. Bangert, John Hjellum, E. T. Conmy, Jr., F. Leslie Forsgren, Samuel Forsgren, Samuel H. Dolve, Chairman.

MR. DOLVE: Mr. President, I move the adoption of the report.

MR. L. R. NOSTDAL: It seems to be just the practice to move to be accepted and have it printed. We haven't had a chance to discuss all these things so I don't think we should adopt them without knowing anything about them.

PRESIDENT BURDICK: It is your privilege to make any remarks you wish before a report is adopted.

MR. MILTON K. HIGGINS: This would perhaps be an appropriate time to call attention to something I feel is a most outstanding and widespread violation of the unauthorized practice rules, and that is certificates of title being issued by most of the abstract companies in the state. I say most, because I happen to know that Mr. Ruemmele of Grand Forks has refused to follow that practice. There was a certain justification for it for a time due to the great amount of work that was being required and it was not possible to get legal opinions on all of them at the time the parties desired. Now that that has somewhat subsided it seems to me some action should be taken on the matter, because the abstract companies, nearly all of them, are wise enough to provide that they shall not be liable in any way. Some of them limit their liability. They are attempting to do something that is not in the field of abstracting, and that is to give an opinion as to ownership. Many of them, because of the small fee charged take the last instrument on record.

I feel that we ought to go on record in connection with that and I think something should be done to put an end to it because it is certainly resulting in a situation—many of the people who are procuring them are oil people with experience who know that they don't amount to much, but it is creating a situation where many people who are ignorant of the situation may feel that they have an absolute protection, and it certainly is not, and it is really an invasion of the province of the bar.

(Motion carried.)

MR. ECKES: In connection with what Milton said, there is another point in there that should be brought out, and that is the fact that where a lot of these companies have received the opinion of an attorney as to title on a large tract and then have subdivided them many times, into sometimes thousands of parcels, and they publish a mimeographed attorney's opinion with each of them, and I don't quite believe that is correct unless they do take it up with the attorney and get his permission.

PRESIDENT BURDICK: While we are on that subject, are there any motions with respect to the two matters that have been submitted?

MR. HIGGINS: Mr. Chairman, I move that this organization go on record as criticizing that policy of the issuance of title certificates by the abstractors and refer the matter to the appropriate committee, which I presume would be the one on the unauthorized practice of law, for appropriate action to contact the

abstractors association first to see if it can be worked out amicably and, if it cannot, take appropriate legal action.

PRESIDENT BURDICK: Would there be any objection to referring that to the committee on resolutions for an appropriate resolution along that line?

MR. HIGGINS: None whatever.

MR. SAM DOLVE: I would suggest that anyone having a complaint such as that should file it with the committee and we will take it up. Be glad to do that. That is what we want, is complaints.

PRESIDENT BURDICK: Is the chairman of the Committee on Resolutions here, Mr. Birdzell?

MR. BIRDZELL: Yes

PRESIDENT BURDICK: Does your committee have under consideration any resolution along the line suggested by Mr. Higgins?

MR. BIRDZELL: We do not. I was going to suggest, however, if I can make the suggestion, that we have quite a number of resolutions before us, more than we can digest and handle, and I personally would be inclined to favor Mr. Dolve's suggestion that the matter be considered by the standing committee.

MR. JOHN A. STORMON: May I suggest, Mr. Higgins, preparing a rather mild resolution on that subject and that can be forwarded to each of the abstracting companies in the respective counties of the state before complaint be made to the committee? I think if this is called to the attention of many of them it will rather remedy itself, and that could be a preliminary step before formal complaint.

PRESIDENT BURDICK: What is your wish with respect to that, Mr. Higgins?

MR. HIGGINS: Mr. Chairman, there has been no amendment to my motion. I believe I would be very glad to put it into a more formal motion, into a more formal and written shape and streamline it a little bit. I believe the suggestion by Mr. Stormon is quite okay. I do not feel the suggestion made by the chairman of the Unauthorized Practice Committee is very apropos because my objection is to the entire practice. I can't give you any particular instance, but it is being done. They are practicing law and they have no business doing it. They don't know what they are doing.

MR. S. E. HALPERN: I will second Mr. Higgins' motion.

PRESIDENT BURDICK: Any further discussion on the motion?

MR. MACKOFF: Are there others that are doing the same thing?

MR. HIGGINS: There may be, I don't know.

PRESIDENT BURDICK: Other than attorneys.

MR. MACKOFF: That's right.

(Question put and motion carried.)

PRESIDENT BURDICK: At this time I would like to introduce to the assembly a representative of the certified public accountants of North Dakota. Through the cooperation of the Bar Association and the American Bar Association we have embarked upon a program of public relations with the certified public accountants, and we are happy to exchange cordial relations with them, and as a token of our endeavor in that respect we have invited a representative of their organization to say a few words to us this morning.

At this time I introduce to you Mr. Charles E. Bailly, Certified Public Accountant, of Fargo, North Dakota. Mr. Bailly.

MR. CHARLES E. BAILLY: Mr. President, Ladies and Gentlemen of the North Dakota Bar:

If I appear to be a little apprehensive this morning and stutter and stammer there is a reason for it and it is not because I am afraid of talking to a group of attorneys, but I came down here this morning with the idea that CPA stood for certified public accountant. However, one of your members told me it doesn't stand for that at all, it stands for "can't prove anything." However, fortunately I am not going to try to prove anything this morning. I just want to extend our heartfelt thanks and appreciation of this opportunity and all of the cooperation that you have given the certified public accountants in this state in recent years and to point out that the certified public accountants and the attorneys have been cooperating very closely in recent years, principally on a national level through the Conference of Certified Public Accountants and Lawyers, and coming down to the local level the last year we have seen the North Dakota Bar Association representatives and the representatives of the North Dakota Society of Certified Public Accountants get together on this matter of income tax preparation and service to the tax payer, and I think it is very encouraging.

The principal thing I would like to mention this morning is something else that came out of the National Conference of Attorneys and Certified Accountants. At their meeting on February 2nd, 1952 they passed the following resolution:

"After discussion of the desirability of selecting a natural fiscal year for a newly formed corporation at the time of incorporation, it was resolved, on motion duly made and seconded, that the National Conference of Lawyers and Certified Public Accountants recommend that lawyers retained to draw up articles of incorporation and by-laws of new enterprises consult a certified public accountant with regard to the natural fiscal year of such enterprises."

Now, what is involved here is this: I think it is a natural inclination with an attorney in setting up a new corporation to make the by-laws as routine and standardized as possible. One of the provisions of by-laws that have become routine is to provide that the operations of the new corporation shall be from January 1st to December 31st.

The point we wish to emphasize very strongly is that with many corporations, in fact, with most corporations, that is not the natural operating year for that type of business. There are a few types of business, a few corporations, that naturally fall into the calendar year pattern, but the great bulk of businesses should be on a fiscal year with their year ending at some time other than December 31st.

Now, just a word about what is the natural business year. The natural business or fiscal year of an enterprise is the period of 12 consecutive months ending when its activities have reached the lowest point of its cycle of their business year. Now, the ordinary business will start at a low point take any 12 consecutive months and they will start at a low point somewhere in there where their business activity is very slow, their business volume is very low, their sales volume is low, and so on, and then they will build up to a peak during the year and then at the end of that 12 month period they will level off again to where they have a very low amount of activity. Some businesses will go through two to four of those cycles a year, perhaps look something like that (indicating) with a sharp drop. You will get a point for every business like that, including a hospital, mercantile, retail or wholesale, hotels, manufacturing organizations—every business has some type of cycle in every consecutive 12 months. At that point inventories have been depleted by heavy sales volume and they have not yet been replenished for the coming busy season, accounts are at their minimum, customers have paid all their large invoices, loans have been paid, bills liquidated and cash is at its maximum.

Now, this is a very important break in the present period of business operating with high taxes, high costs, high wages and it's essential in all lines of business and industrial activity that there is a high premium placed upon efficiency and there is an obligation upon executives to use every known device, including good accounting methods, to save a dollar, to save material, to save a day.

Now, briefly what are the advantages of the natural business year? In the first place, you've got a great advantage in the preparation of financial statements, that is, the balance sheet and profit and loss statements prepared at the end of the natural business year more accurately reflect the facts of the business. Inventory and receivables are usually, particularly in North Dakota business, the most important item on the balance sheet, and valuation involves a great deal of estimate on those things. You've got the problem of valuation reserve as well as bad debt reserves. When these items are the smallest, when they are at the low point of the year is at the end of their natural business year and they have been largely converted into cash and the degree of estimate is correspondingly less. The amount of work that is involved in making estimates of the proper inventory balances, and so forth, is a great deal simpler. Inventories have been sold and possibly have not yet been converted into new styles.

Then secondly, in addition to the greater ease of the prepar-

ation of financial statements and more accurate financial statements is the problem of tax liability. A company's tax bill for any fiscal year depends primarily on the amount of its income, of course. Now, tax liability can be computed most accurately at the end of the natural business year because profit determined at that time reflects fewer facts, or rather reflects more facts and fewer estimates, and, of course, it is only natural that an organization trying to determine its income after it has completed that normal operating cycle will show a more accurate picture of its true profit.

Now, I think it is relatively obvious if you think about it for a minute, that it is foolish for an organization to be paying its income taxes and determining its income taxes just at a point preceding a number of loss months. In one sense they are paying taxes on profits that they do not have. In North Dakota I think you will find that the bulk of the businesses that have such loss months realize those losses in the months of January, February and March, right after the end of the calendar year.

Then in addition to those first two advantages there is the advantage of inventory-taking. Taking inventories at the end of the natural business year has many advantages. Stocks are relatively small and are checked and tabulated much more quickly. There is minimum interference with production activities in the organization because normal operations have temporarily declined at the end of the natural business year. Regular employees relieved to some extent of their normal responsibilities have more time for inventory-taking.

Then, fourth, as far as the planning and controlling of the corporate activities are concerned, new policies are ordinarily introduced beginning and following the natural business year. Just think about that for a minute. You know most business men during the rush of the big volume business, in the middle of their heavy season, don't have time to stop and think about any planning or any control activity, but then when that peak levels off and they are down to the bottom of the cycle they have more time for planning and control. Financial statements, then, if they are made up principally at the end of the natural business year will give management more guideposts in aiding them in that planning and their control work they should do at the end of their operating season.

Then in addition to those four benefits there is a fifth benefit, and that comes in the field of bank credit. Many businesses in North Dakota, as you well know, have to go to the banks for a certain amount of money to help them in their operations. If the business executive takes advantage of the opportunity to review his business at the end of the natural business year he can most easily estimate the bank credit required for the succeeding twelve months. Also, when a banker passes on an application for credit he ordinarily requires a statement of financial condition and he ordinarily prefers a statement prepared at the end of a natural business year, for the same reason that it is advantageous to the business, because it reflects more facts and fewer estimates. Then in addition it is to the advantage of the applicant if the financial

statement submitted shows the concern in its most liquid condition, when cash is high and receivables and inventories are relatively low and when payables have been reduced to the minimum for the year.

And so just to reiterate briefly the five big advantages in the natural business year, the first is the aid in the preparation of better financial statements; secondly the aid in the computation and determination of tax liabilities; thirdly the assistance in inventory-taking; fourth, the great aid in planning and controlling of the corporation's activities and, finally, the facilitation of obtaining bank credit.

Now, the next thing I would like to also spend just a moment on is how to adopt a natural business year. Well, obviously, when you are organizing a new corporation—it is very simple, for if you take time and plan and consult the firm's accountant he will know what the natural business year for that particular type of business should be, and then you simply incorporate that idea into the by-laws of the corporation rather just standardizing it by putting in that the calendar year shall be the operating year of that corporation. We, incidentally, have changed quite a few corporation business years and then have come back later to read their by-laws and find the by-laws state that the corporation is supposed to be on a calendar year and here we've got it on some other operating year and it necessitates an amendment to their by-laws.

Where you've got a corporation that is on the calendar year but where it appears that they should be on a fiscal year coinciding with the natural business year, then the problem becomes one principally of clearing with the federal taxing authorities. There is a form provided for that by the the Commissioner of Internal Revenue, Form 1128. The form has to be sent in sixty days before the end of that natural year. If you have a calendar year corporation and they wanted to switch to April 30th the application would have to be sent to the federal taxing authorities sixty days before April 30th. Approval of such an application is almost automatic where you have sound reasons for such a change and, of course, the principal reason is ordinarily the corporation is not now on their natural business year. Similar authority has to be granted by the state taxing authority, but they have for the most part gone along with the federal taxing authorities and as soon as you indicate to the state taxing authorities why such a change is wanted they will approve such a change also.

This change to a natural business year may also have certain temporary tax advantages or it may not have any tax advantage, but that is not the key to the whole thing; that is not the thing to emphasize. The thing that should be emphasized is this great aid to the American businessman's day-to-day and in long range planning, and that is why it is so important that we feel and we hope that you will think about that in the future when you are organizing new corporations.

Now, I secured a little pamphlet that's been prepared by the

California Society of Certified Public Accountants entitled "Why Close Your Year on December 31st?" I have asked Jim Leahy to pass this out among you, if you don't mind, and some of you, of course, will just throw them away, but I just want you to read it over. It will be very interesting and it will really emphasize some of the things I have told you. In addition to that I've got here a little propaganda put out by the American Institute of Accountants. It is the national organization of certified public accountants. It is designed to assist other than accountants in realizing what the certified public accountant industry has to offer. Now, these I won't foist on any of you, but if you are interested in this little pamphlet, it explains what the CPA is, what they do, what type of work they do. In addition to that I've got a reprint of a magazine article called "Accountants Make You Money". It's more propaganda but there again it explains some of the things the certified public accountant is doing, what they are, and so forth. On these I would suggest if you would like to have one just indicate it in some way.

PRESIDENT BURDICK: Thank you, Mr. Bailly.

(Applause.)

PRESIDENT BURDICK: We have a couple of other matters that have to be taken up before we adjourn this morning. We will now have the report of our Executive Director on the activities of the past year. Mr. Davies.

MR. RONALD DAVIES: Mr. President and Members of the Bar:

Necessarily, the Report which I make to you this morning may embrace the activities of Committees which have reported or will report hereafter, but, since this is an over-all report of the activities of the State Bar Association since the last annual convention I ask your indulgence should some of the factual material be repetitious.

Since last we met in August of 1951 the State Bar Association of North Dakota for the first time in its history received from the American Bar Association the Award of Merit for the most outstanding and constructive work in its field during the current year. This award, made on September 19, 1951, at the annual meeting of the American Bar Association in New York, indicates the strides which you have made in the last several years in the Association's program of public service in harmony with Chapter 228 of the 1947 Session Laws of the Legislature Assembly.

The certificate which was presented to the State Bar Association last September, is of little intrinsic value, but to each of you it should bring a deep sense of pride when it is considered that the State Bar Association of North Dakota, although integrated, is one of the smallest numerically, in the United States. It is recognition of the enthusiasm and helpfulness of the members of this Bar in discharging an obligation to the people of this State. The very fact of our recognition is sufficient justification for the pro-

gram which you have laid out, and which you have carried out so successfully during the past years.

After five years of implementing the policies of this Association, as laid down by the membership in annual convention, or, in the interim, by the Executive Committee, I am unable to resist the opportunity to chide some of the members of this Association for their failure either to read or to understand informative materials sent them from time to time.

It is not possible for the Director's office to send each member of this Association a personal letter in matters concerning the Association. In the interests of economy it is necessary that most of our letters to you be mimeographed. Frequently they come other than first-class mail. It is becoming increasingly apparent that all too many of our members fail to read the materials sent to them and, as a result, there is a wholly unnecessary amount of extra correspondence between individual members and the Director's office.

On the 2nd day of November, 1950, every licensed attorney in the State of North Dakota was sent a copy of the Title Standards adopted by this Association at Minot on August 25, 1950. The covering letter especially requested that the members keep those standards for their own use and requested that they should not be given to persons who are not Attorneys-at-Law. In spite of that admonition and in spite of that letter the Director's office, in the past two years has received 71 requests from individual attorneys in North Dakota for copies of the Title Standards and in a great many such cases it was a direct result of failure to keep materials sent out by the Bar Association, failure to keep a proper file on Association publications, all of which resulted in a great deal of additional work by the Director's office.

Similarly, in March of 1952 the Association sponsored an Oil and Gas Institute at Bismarck. Thereafter, the edited works of Professor Wilmer D. Masterson, Jr., were sent to subscribing members and, in each case, statements were enclosed requesting that checks, in payment, be made to the State Bar Association of North Dakota. In spite of that request, made in capital letters, 21 checks came in made payable to the Director personally, necessitating a personal endorsement over to the State Bar Association, all of which creates unnecessary work in this office.

The Association maintains a complete file of its membership, originating in the first instances from the office of the Secretary of the State Bar Board. A two cent post card notifying the Director of a change of address can well save this Association many dollars. Too frequently our attorneys move, leave us no change of address and then complain that they do not receive the Association's publications and literature and apparently feel that it is incumbent upon us to learn of changes of address through the media of newspapers or the radio. It would be a tremendous help to the Association if individual members would open a file on State Bar Association activities and keep therein all mail received from the Association. It would do a very great deal to cut down needless corres-

pondence and expense and would enable us to devote our time to more fruitful efforts.

We are now about to close our 3rd consecutive year of newspaper columns. December 31st of this year will see the culmination of 156 consecutive weeks in which this Association has furnished to the newspapers of this State a weekly column as a public service, without charge.

While the subject matter of these articles is suggested by the Director's office, individual columns are prepared by our members on the statewide basis. In only two cases since the last annual meeting have our requests for columns been turned aside with excuses of one kind or another. This outstanding example of our sincere efforts to inform the public could not have been accomplished without the assistance of a great many of our practitioners. To the list of attorneys recognized in last year's report, I should like to add the names of the following attorneys who laid aside their work, and helped in the preparation of these columns during the Association's fiscal year 1951-1952:

Mr. Ward Kirby, Dickinson
Mr. Leonell W. Fraase, Fargo
Mr. Edward M. Peterson, Grand Forks
Mrs. Alan Foss, Fargo
Mr. Warren A. Tripp, McClusky
Mr. James E. Leahy, Fargo
Mr. Francis E. Foughty, Devils Lake
Mr. Joseph H. Woell, Castleton
Mr. Charles C. Wattam, Fargo
Mr. Robert D. Hoghaug, Lakota
Mr. James L. Lamb, Grand Forks

The other columns published were prepared by the Director with one exception and I must confess that I have one series prepared by some North Dakota lawyer who neglected to endorse his name on his series and hence I am unable to thank him for it.

To supplant the newspaper series the Director's office proposes to lay before the Executive Committee plans for a radio series of an informative and instructive nature, to be launched late in 1952 and to continue for a period of 13 weeks. A study of the technique employed in other states has indicated that the use of radio is very helpful as an adjunct to Association activities in the field of good public relations.

The latest in the Association's publications was released in the spring of 1952 and is entitled "Hand Book for Jurors". This booklet is designed to prepare citizens for Jurors duties and was submitted, in advance, to the Judges of the several Judicial Districts for comment and criticism. This handbook, although the net results of many minds was originally prepared, in draft form, by Mr. Roy J. Winchester, presently of the Burleigh County Bar, to whom the Association is indebted for considerable preparaton and research in this connection.

We are certain that the membership is well aware of the great value of the *North Dakota Law Review*, the Association's official

publication, whose subscription list has steadily increased the past several years. The case notes, comments and original articles have proven of great value to the practising lawyer in North Dakota and I cannot pay too great a tribute to the student members of the editorial board at the University of North Dakota, and their faculty advisors for the splendid contribution they are making in the field of research on North Dakota Law. Rarely does a week go by without an additional request for a subscription to the *North Dakota Law Review*, and it could only maintain its pre-eminence in the field of Law School Journals by maintaining a high professional excellence in its choice and treatment of subject matter.

During the last fiscal year the Association made available to the members in faculty of the School of Law at the University of North Dakota the sum of \$750.00 for scholarship awards and, in view of the financial condition of this Association, and because of the original research which these awards have fostered, I recommend that for the succeeding year the scholarship awards be increased to \$1000.00. The Dean, and the members in faculty of the School of Law are deserving of the sincere thanks of this Association for their guidance, helpfulness and assistance to the Student Editors and contributors who have made the *North Dakota Law Review* one of the very finest of its kind in the United States.

I have recommended to the American Law Institute Committee, whose name we propose to change to the "Committee on Continuing Legal Education", which is more appropriate, that during the year ahead when Institutes are to be held on such subjects as Taxes, Oil and Gas, Problems of Small Businessmen, Corporations and the like, we should make an effort to hold one such Institute in the western part of the State and another in the east, using the same speakers, and thus afford more of our members an opportunity to attend these institutions with less time from their offices and with less travel expense involved. The officers of the Association and the members of that committee agree that this division should be given a try-out during the coming year and it is my conviction that lawyers will find it much more advantageous and will result in smaller groups, thereby giving the lecturers greater opportunity to discuss problems of the individual lawyer.

One matter of the utmost concern to this Association is the Judiciary. More and more it is becoming evident that capable attorneys are reluctant to leave lucrative law practices for the salaries paid to the Judges of the several District Courts in the State of North Dakota. Although the Legislative Assembly raised the salaries during the 1951 session of the Legislative Assembly we are still not paying, to our District Judges, a salary commensurate with their duties and responsibilities. I consider it a duty of the State Bar Association to work for the enactment of Legislation that will increase the salaries of the District Judges in the 1953 Legislative Assembly. Any cursory examination of salaries paid to Judges in our sister states will readily indicate that even with the increased pay, our District Judges are underpaid and in almost every case they could earn a great deal more in the private

practice of law than is possible from the salaries now paid to them. I recommend that the Legislative Committee of this Association, together with the Committee on the Judiciary, keep this problem under constant study to insure the proper remuneration to those lawyers willing to accept the onerous burden of a District Judgeship.

While it is not possible to pay tribute to each of the Association's Committees I should like at this time to pay my respects to the Committee on Ethics and Internal Affairs whose problem it is to determine whether or not those of us who are complained against should be the subject of disciplinary action. During the past year a number of matters have been referred to the Ethics Committee. Where it has been possible to handle a complaint in the Director's office this has frequently been done. Reports of a more serious nature go to the Ethics Committee. The members of this Committee during the past year, under the chairmanship of Robert A. Birdzell, of the Burleigh County Bar, have given a great deal of time to consideration of complaints made against some of our members. Theirs is a difficult assignment and has been competently handled, with fairness both to the complainant and to the attorneys involved. The Bar as a whole does not generally realize the burden on this Committee, assigned to the delicate task of determining whether or not our professional conduct, or misconduct, is the result of deliberate intent and whether we are in line for investigation by the State Bar Board, with all that this may imply.

The year just concluded has been one of our finest. This is true in large measure because of our membership is increasingly aware of the responsibilities of lawyers in the general scheme of things. I have the honor to report to you that never has the Bar Association's financial condition been so sound; never has its Committee system functioned so competently; never has its program of public service been more adequate. If we continue to pull together it is quite possible that we can continue to be recognized as one of the truly effective Bars in the Nation.

(Applause.)

PRESIDENT BURDICK: Thank you, Ron. It was an excellent report. I will now call upon the vice-president, Mr. E. T. Conmy, who will introduce the president.

MR. E. T. CONMY, Sr.: May I present the president of your association, who will make his report, Eugene A. Burdick.

PRESIDENT BURDICK: Thank you. (Applause.) I would like to supplement with just a word the report of Ron Davies by advising you that our executive committee has inaugurated a new policy with reference to the Supreme Court. At their request we have chosen a graduate student from the university law school to serve one year as an internship, so to speak, and the selectee for the first year in this experiment is Russell G. Nerison, and I understand he will assume his duties at once. The purpose of this program is to eventually qualify a number of our practitioners

to have seen the inner workings of the Supreme Court and, at the same time, to provide assistance to the Court in clerical, research and otherwise, and for the information of the bar generally his compensation will be \$250.00 per month, and if the program works out satisfactorily the Supreme Court has indicated that they will request a budget for the continuance of that program for succeeding years.

As has been demonstrated by the several Committee reports and the problem of this Annual Meeting, our Association is carrying forward the broad program of public service which has evolved in recent years.

While the obligation of our Association to render service is imposed by statute, through integration of the Bar and the designated uses of moneys derived from filing fees, it is noteworthy that the members of our profession respond so willingly to the tasks assigned. This spirit of cooperation is nurtured by the satisfaction one derives from a worthwhile accomplishment. In recognition of the splendid service rendered by them, I salute all of the officers and committee chairmen and members and the rank and file who contributed to our united efforts during the past year. Whatever we have accomplished is due to the teamwork of the organized Bar under the invaluable coordination of our faithful Executive Director.

Without treading on the ground of others in review of our activities during the past year, I would like to emphasize the importance of several phases of our program.

It is essential that we expand our program in American Citizenship. Lawyers, as the natural guardians of our fundamental rights, are expected to provide leadership in the guidance of the youth of our nation in an understanding and appreciation of the form of government. We must assert leadership among citizens in all walks of life and in the legislative chambers to prevent unwitting encroachment upon or surrender of fundamental rights of the individual.

We must continue and broaden our program of continuing legal education. We owe a debt of gratitude to the American Law Institute for invaluable assistance in presenting our familiar institutes in the field of Federal Taxation and our historic institutes in the field of oil and gas law. The attendance records of our institutes speak eloquently of their appeal to the practitioner. The sectional meetings have become the indispensable feature of our Annual Meetings. We perform a disservice to the clients we represent unless we strive to be qualified as counsellors in the ever-changing developments in the law.

The North Dakota Law Review is a remarkable testament to the cooperation which exists between the Law School and the practitioner. The stimulus which legal writing provides in teaching the law has long been recognized. The practitioner, too, sees his Law Review as an invaluable aid to legal research and for analysis of current legal thought. Except for broadening the Law Re-

view with more contributed legal writing by practitioners, the Law Review may be considered to be fully developed.

We owe a continuing obligation to purify our membership by eliminating reprehensible practices and when necessary by disbarring or suspending the offending practitioner. Adherence to our oath as an attorney and our accepted code of ethics will go far toward removing professional abuses.

Cooperation between the Legislative Research Committee and our several committees has become well established. This cooperation should be continually expanded to the end that proposed legislation will be carefully considered and carefully drafted for integration in our statutes.

Efforts to improve the administration of justice should likewise have our constant attention. Plans for the unification of our courts should be given continued consideration. Judicial salaries and retirement benefits should be revised upward to attract the most competent lawyers to judicial service.

Finally, our continued efforts to improve public relations are bearing fruit. The weekly serial "Know Your Law" is becoming more popular and serves to caution the public against popular misconceptions and to point up to the need for competent legal advice in many complicated transactions commonly completed without benefit of counsel.

It has been a genuine honor and privilege to serve as your President. The task was lightened by the untiring and unfailing service of our energetic Executive Director and the cooperation received from everyone.

Especially do I desire to express appreciation to the spirited Jamestown Bar for the splendid arrangements they have made for our enjoyment at this Annual Meeting.

Our Association is in excellent condition and with your continued cooperation succeeding presidents will have occasion to report favorably on our efforts to serve the people of North Dakota. (Applause,)

Now we come to the phase of our Annual Meeting where it is necessary to elect the officers for the ensuing year.

MR. PAUL CAMPBELL: Something for my own information. Have we any method set up that gets us a contact as a bar association with those sudden changes in the law, striking out or changing the language without regard to their effect or their result, by which the Bar Association becomes familiar with that action other than through the legal research committee? Have we any method, such, you might say, as a committee to watch and call the attention of the Bar to what is being done, what the result might be of something proposed at the instigation of some interest that would cause a change in existing laws and perhaps emasculate them in part or in whole? Do we have any such a set up in our by-laws?

PRESIDENT BURDICK: No, as far as I know we have not except through our committee on the legislature, Legislative Committee, but I don't believe they have any program for dissem-

inating proposed changes in all fields. You have heard a good many of the recommendations that were made today and yesterday but there has been no program for disseminating proposed changes that are made by the Legislative Research Committee.

MR. PAUL CAMPBELL: I would like to have the Bar consider the matter. The suggestion came up at the last American Bar Association in connection with, you might say, placing a watchdog over that kind of activity in legislation, and today I just had a lawyer tell me about how he suddenly found that the law regulating workmen's compensation liability had been emasculated by a slight change that puts him in a position where he doesn't know now just where he is at.

PRESIDENT BURDICK: Possibly continue that tomorrow, if we may. I would like to get on with the election of officers. We have only a short time in which to elect a president, vice-president and secretary-treasurer, and tomorrow morning we will have another business session to take care of any general business of that character, or any other business. At this time I will entertain nominations for the office of president of this association.

MR. L. R. NOSTDAL: Just a moment, I believe it has been customary to elect the outgoing president a life member of the Association. Am I correct?

PRESIDENT BURDICK: I am not aware of any such custom.

MR. CARROLL DAY: That is when they were older men.
(Laughter.)

PRESIDENT BURDICK: I think that will be impossible under our present form of integration. I will accept Mr. Nostdal's honors anyway. The chair will now recognize anyone proposing a candidate for the office of president. Mr. Mackoff.

MR. MACKOFF: Mr. President, it is my pleasure at this time to submit the name of E. T. Conmy, our present vice-president, for the office of President of the Association.

PRESIDENT BURDICK: Mr. E. T. Conmy of Fargo has been nominated.

MR. ROY A. PLOYHAR: Second the nomination.

MR. JOHN E. WILLIAMS: I move the nominations be closed.

PRESIDENT BURDICK: It has been moved by Mr. Williams that the nominations be closed.

MR. MILTON K. HIGGINS: I second the motion.

PRESIDENT BURDICK: The motion that nominations be closed has been seconded. Any discussion on the motion? (No response.) I presume that will entail, if it is carried, that the secretary cast a unanimous ballot for E. T. Conmy.

(Question put and motion carried.)

PRESIDENT BURDICK: Mr. Secretary, you will cast the unanimous ballot of this Association for the Hon. E. T. Conmy, Sr. of Fargo as President.

MR. ROBERT A. ALPHSON: Mr. President, the secretary casts a unanimous ballot for E. T. Conmy, Sr. as President.

PRESIDENT BURDICK: The chair will now entertain nominations for the office of vice-president.

(Vernon M. Johnson of Wahpeton was nominated for the office of vice-president by Roy A. Ployhar. The nomination was seconded by Arley R. Bjella, John Hjellum and H. A. Mackoff.)

MR. S. E. HALPERN: I move the nominations be closed.

JUDGE ROY A. ILVEDSON: I second that motion.

PRESIDENT BURDICK: The motion has been made and seconded that the nominations be closed and the secretary instructed to cast the unanimous ballot of the association for Vernon Johnson for the office of vice-president. Is there any discussion?

(No response.)

(Question put and motion carried.)

MR. ROBERT A. ALPHSON: Mr. President, the secretary casts a unanimous ballot for Vernon Johnson as vice-president.

PRESIDENT BURDICK: The chair will now entertain nominations for the office of secretary-treasurer.

(Mr. Robert A. Alphson was nominated by Mr. Charles Foster for the office of secretary-treasurer. The nomination was seconded by Mr. H. G. Nilles.)

Mr. C. A. WALDRON: I move that the nominations for secretary-treasurer be closed and Mr. Burdick be requested to cast a unanimous ballot for Mr. Alphson.

JUDGE LUNDBERG: Second the motion.

(Motion carried.)

PRESIDENT BURDICK: As President of the Association it gives me great pleasure to cast the unanimous ballot of the Association for Robert A. Alphson of Grand Forks for the office of secretary-treasurer.

Now, it will only take a few more minutes for another little item of business. With respect for the past presidents of this Association in years gone by I would like to call the names of those who are believed to be the only living past presidents, and as the names are called I would like to ask them to come forward and stand near the flag.

John Knauf; Louis R. Nostdal; Arthur W. Cupler, I believe he is not here; Fiedel Young, I believe he is also absent; Aubrey Lawrence, also absent; John H. Lewis, also absent; Fred J. Traynor, also absent; W. H. Hutchinson, absent; Charles L. Foster; Charles J. Murphy of Grand Forks also absent; Aloys Wartner, Sr.; Clyde Duffy; Roy A. Ployhar; Herbert A. Mackoff; Mack V. Traynor; George A. Soule; Fred J. Graham, I believe he is absent, and Philip R. Bangs had an emergency call to return to Grand Forks and I don't believe he is here either. Herbert J. Nilles.

(Applause.)

PRESIDENT BURDICK: Director has prepared this certificate

which has been executed by the President and Secretary as a testament to the fine service that these men have rendered in years gone by.

This certificate that has been selected as the first certificate to be presented is to one who was admitted to the Bar as an Attorney in the year 1892, came to North Dakota in 1894, been a member of our Supreme Court and has practiced law here in Jamestown for many, many years. He is 84 years old, a venerable old practitioner, we are mighty proud of him and it gives me great pleasure to present this certificate to the Honorable John Knauf. (Applause.)

These certificates have all been framed under glass ready to hang, and they all look like Mr. Knauf's, so if you will examine his you will spare yourself of the necessity of opening the package and it will be a little easier to carry them home.

The Hon. Charles Foster, Hon. Louis Nostdal, Hon. Aloys Wartner, Hon. Clyde Duffy, Hon. Roy Ployhar, Hon. Herbert Mackoff, Hon. Mack Traynor, Hon. George Soule, Hon. Herbert Nilles.

(Applause.)

PRESIDENT BURDICK: Give them a standing round of applause.

(All stand and applaud.)

PRESIDENT BURDICK: I have several announcements and we will adjourn until the sectional meetings convene this afternoon.

(Announcements and adjournment.)

11:00 a. m., Saturday, Aug. 16, 1952

PRESIDENT BURDICK: The meeting will please come to order. We have several fairly short committee reports and then the Resolutions Committee will report and then will take care of any unfinished business and close, if we can, by twelve o'clock.

At this time I will call on Carroll E. Day. I believe Clyde Duffy has returned home and Carroll E. Day will make the report for the Judiciary Committee. Mr. Day.

MR. CARROLL DAY: We of the Judiciary Committee in the absence of our chairman apparently didn't prepare a written report. The principal item that the committee considered by correspondence was the matter of judicial salaries. I believe we can agree that the salaries of our judges are too low. When in spite of the efforts that have been had in recent years toward raising the salaries of judges we have qualified judges resigning because they cannot maintain themselves on present salaries, we have still a very serious problem.

I know that when the Governor had under consideration an appointment to fill a vacancy recently it was not a question of picking among good men; but it was a question of finding a man who could afford to sacrifice to take the job. We all know men who are in their prime, well qualified, but with families, who cannot think of accepting such an appointment until some time

in the future when they may be relieved of those financial burdens incident to raising families. Consequently a man was appointed who had been able to duck the marital deduction. Our Committee recommends that very strenuous effort be put forth to get adequate judicial salaries in the next session of the legislature.

PRESIDENT BURDICK: Thank you, Mr. Day.
(Applause.)

PRESIDENT BURDICK: We will entertain a motion, then, to adopt the report.

MR. DAY: Mr. President, I move that this Association go on record as favoring a very substantial increase in the salary of District Judges.

(Motion carried.)

PRESIDENT BURDICK: The Committee on Mineral Laws, Clifford Jansonius of Bismarck. He is not here. Milton Higgins, are you going to give the report?

MR. MILTON K. HIGGINS: He requested that I give the report, yes.

PRESIDENT BURDICK: Mr. Milton K. Higgins.

MR. MILTON W. HIGGINS: Mr. President, members of the Bar:

The members of the Committee on Mineral Laws present the following report for your consideration:

During the course of the year, two meetings were held, both at Williston, North Dakota. The first meeting was attended by all members and in view of the rapid development and expansion of the oil industry in the State of North Dakota, our first meeting was devoted chiefly to problems which the State and Bar Association would very shortly have to meet.

President Burdick announced at the first meeting that he felt there should be an added member on the committee. He suggested and summarily appointed Mr. Robert Birdzell of the Bank of North Dakota. The purpose of this appointment was very obvious when you consider that the State of North Dakota is perhaps the largest holder of minerals in the State of North Dakota. This ownership stems from the 5% mineral reservation enacted in 1939 and the 50% reservation law enacted by the Legislature in 1941. It also has tremendous mineral holdings by virtue of the land still held in the permanent school fund under the school grant. In view of the fact that Mr. Mackoff, one of the members of the Committee, was required to spend considerable periods of time outside the State, Bruce M. Van Sickle of Minot was recently appointed by our President to prepare another report for the State Bar Association.

At the first meeting held in Williston, it was decided that the several members of the Committee should be assigned separate topics for study and possible report to the State Bar Association. These reports will be filed with the Secretary of the Bar Association and be available to those interested, and particularly to the Legislative Committee, should they desire to study them.

The topics included, among other things, possible membership in the Interstate Oil Compact Commission; taxation; compulsory pooling and proration; conservation and the administration of oil and gas production within the State.

The committee at its first meeting in Williston was privileged in having the Hon. E. K. Cheadle of Shelby, Montana, who represented the Interstate Oil Compact Commission.

The Interstate Oil Compact Commission represents 22 States who have voluntarily associated themselves together in a program of waste prevention. It has as its purpose the promotion and encouragement of the conservation of oil and gas through the State agencies. It has at all times fought to preserve the rights of the State against the encroachment of the Federal Government in problems which are strictly local in their character. It was the consensus of opinion among the members of your Committee, that the next Legislature should take appropriate action to acquire membership in the Interstate Oil Compact Commission.

While it is a serious question whether a committee of the Bar Association should be so bold as to make any recommendations concerning taxation, this Committee did make a study of that topic. Mr. Arley Bjella of Williston made a study of the various types of taxation in the several oil producing states and will make a report to the Secretary. The only type of tax with which your committee was in full accord was the adoption of a statute similar to that enacted in the State of Mississippi on several minerals. In short, this tax is a documentary stamp tax, the stamps being sold by the Register of Deeds, based on the value of the several minerals and requiring the stamps to be fixed in order to make the document eligible for recording.

It was recognized, however, that a reasonable production tax would have to be enacted by the State once the property becomes productive. In this connection, your committee feels that the Bar Association should use its influence to see that this tax is kept at a reasonable level where the industry can be encouraged and where there will be an incentive for the industry to continue to expand its operations in our State. In this connection it should be remembered that because of the lack of market, the tremendous cost of transporting our oil, the depths to which they have to drill, the shortage of pipe and other factors, including the difficulty of drilling in the winter time, our production tax will have to remain much lower than in states where these conditions do not prevail.

The second meeting of your Committee was held in connection with a meeting of the Legislative Research Committee of the State of North Dakota. We discovered that at the time the Legislative Research Committee was giving consideration to the same subjects we had under discussion. At the meeting held in the Court Room at Williston, North Dakota, your President, Mr. Burdick, outlined the position of the Committee on Mineral Laws. At that time the Committee also considered the licensing and bonding of oil brokers as a protection to the citizens of North Dakota, and gave

further consideration to the preparation of abstracts. It has been felt by many that lands should be abstracted as to surface and minerals separately. This has become particularly true in areas where minerals have been purchased and sold so often that the mineral conveyances exceed the surface conveyances and encumbrances shown in an abstract. In areas like the Beaver Lodge Pool, five and ten acre mineral conveyances, running into thousands of dollars, are becoming the rule rather than the exception. Mr. Henry G. Ruemmele of Grand Forks is making a study of this situation and will file his report with the Secretary of the State Bar Association, and if time permits will probably deliver it to this convention.

Because of the situation which has prevailed in the practice of law during the past year, your Committee has perhaps not met as often as they should have, or given the Committee's work the attention it deserved. We do feel, however, that we have made a good start.

It is our thought that the Committee appointed to act the coming year can benefit by the preliminary studies which this Committee has made and we pledge our whole-hearted cooperation to the new committee.

We also feel that there should be the fullest cooperation between the Mineral Law Committee and the Legislative Research Committee of the State of North Dakota, in view of the fact that North Dakota is just entering the family of oil producing states and the problem is a long range one.

Respectfully submitted,
 Clifford Jansonius, Chairman
 Arley R. Bjella
 Milton K. Higgins
 H. A. Mackoff
 Henry G. Ruemmele
 Robert Birdzell
 Bruce Van Sickle

MR. HIGGINS: Mr. Chairman, I move the adoption of the report.

(Motion carried.)

PRESIDENT BURDICK: As to the report of the Legislative Committee, it is obviously very brief at this Annual Meeting because we have not had a meeting of the legislature during the past year.

Mr. Roy A. Holand, the Chairman, is not here at the moment, so I will read his report.

"August 6, 1952

"Mr. Ronald N. Davies
 Executive Director
 N. Dak. Bar Association
 Dear Mr. Davies:

Due to the fact that the North Dakota Legislature does not convene until January 1953, the Legislative Committee of the Bar Association does not have a report to make at this time of the

bills and legislation that it will introduce or have introduced into the 1953 Session of the Legislature.

A number of the other committees of the State Bar Association have been working on matters that will be followed by recommended legislation as have other lawyers of the State, not serving on specific committees. It is anticipated that during the next few months the newly appointed legislative committee will have the suggested legislation prepared into bill form and sponsored in the next session of the legislature.

Yours truly,

Roy A. Holand, Chairman
Legislative Committee, State
Bar Association."

PRESIDENT BURDICK: In other words, this is the lull before the storm. Is there a motion to adopt his report?

DEAN THORMODSGARD: I move that it be adopted.
(Motion carried.)

PRESIDENT BURDICK: Then there is a report of the Committee on International and Comparative Law which was prepared by Asmundur Benson. It is a very lengthy report and unless there is a demand it be read in full I would entertain a motion it be accepted and filed. There are voluminous quotations from American Jurisprudence, etc., in it.

MR. JOHN HJELLUM: I will so move.

MR. ADRIAN McLELLAN: Second.
(Motion carried.)

(The report reads as follows:

In trying to find out what is meant by the term "International Law" I turned first to Webster's International Dictionary and I found the following definition:

"International law, the rules regulating the mutual intercourse of nations. International law is mainly the product of the conditions from time to time of international intercourse, being drawn from diplomatic discussion, textbooks, proof of usage, and from recitals in treaties. It is called *public* when treating of the relations of sovereign powers and *private* when of the regulations of persons of different nationalities. International law is now, by the better opinion, part of the common law of the land." American Jurisprudence, Volume 30, page 174, has the following to say in definition of International Law:

"International Law, or the law of nations, consists of those rules and principles which govern the relations and dealings of nations with each other. The Roman jurists termed this law the "*jus gentium*." Formerly the publicists who wrote in French employed the expression "*droit des gens*," but recently the term "*droit international*" has come into general use. In the English language "law of nations" or its equivalent, "international law," is the form of expression used. The society of na-

tions is analogous in some respects to a society of individuals. Precisely as societies of men have created codes of laws for the governance of their mutual relations, so the society of nations, for the regulation of the conduct of its members, has adopted its peculiar body of rules. There is this distinction, however, between the law governing societies of individuals and the rules adopted by the society of nations. In every civil society or state there is always a legislative power which establishes; by express declaration, the law of that state, and a judicial power which interprets that law and applies it to individual cases, but in the great society of nations there is no common legislative power and consequently there are no express laws, except those which result from the conventions which states may make with each other. The nations of the world have not organized any common paramount authority for the purpose of establishing by an express declaration their international law, nor have they constituted any sort of common judiciary to interpret and apply that law, except to the extent that such purposes are accomplished by the establishment of the League of Nations and the Permanent Court of International Justice."

These definitions were true in the day of yore but are not true any longer. In those days there was no body that legislated for the world. In those days there was no organization of the world governments which could speak with authority and promulgate laws of its own in the field of International Law. All of that has now been changed. International Law at the present time is struggling desperately for a rebirth within the limits and bounds of the United Nations. This organization was founded by the representatives of the member nations of the world for the supreme and paramount purpose of outlawing war as all instrument of national policy in every state and nation in the world. The great dream of the founders of this organization, and of all who fondly and hopefully followed its progress to the present time, was that it would be able to avert war and thus meet the yearning hope of mankind for universal and permanent peace. This, however, does not look promising at the present time. Indeed when we look at the performance of the United Nations regarding Korea we are forced to admit that it is about as weak and helpless as was its predecessor, the League of Nations. The Korean War has continued for over two years and for more than one year the United Nations has spent in conference after conference talking things over with the Chinese Communists. During all of these conferences and all of this talk the Americans pay with their blood and their treasure.

We hope that the United Nations will succeed but up to the present time it seems that it has been very weak. What else can be expected? Take the Korean situation for instance. It is admitted by those in charge that 90% of the men and probably more than 90% of the cost of the Korean War is shouldered by the United States of America. If we expect to have a world organization that is going to be a force in the world it must be an organization that shares equal responsibility and distributes it proportionately and

equally among its members. Certainly that has not been done insofar as Korea is concerned.

When the above mentioned definitions were written, we, as a nation, were prosperous and we lived in peace and tranquility with the entire world observing the Monroe Doctrine. We had, up to that time, heeded the advice of the great leaders of the past to stay out of foreign entanglements. We had accepted the warning of Washington given in his famous farewell address. We had absorbed the advice of Jefferson, Lincoln, and other great statesmen of the past. However, in 1917 the Monroe Doctrine was forgotten and we entered World War I. Since that time, in the short space of a little more than a quarter of a century, we have gone through two great world wars which, through our aid, were brought to a successful conclusion and we are now engaged in the Korean debacle which is perhaps as costly and as deadly as any war in which we have engaged. During these years since we entered World War I science has marched hand in hand with inventions and development in every field of endeavor. Communications have been perfected to such a remarkable degree now that men can, in a few hours, span a space that hitherto took them many weeks. The submarine has been developed, the aeroplane perfected, and last of all, but not least, the atomic bomb. All these things have made the globe so small that many have argued that we must all band together or die in disunity.

"It is difficult now to recognize International Law, or if there is such a thing." The above remark is attributed to Vice President Alben W. Barkley and is said to have been made by him at White Sulphur Springs, West Virginia on August 11, 1951.

It is impossible to discuss International Law without considering it in relation to the foreign policy of the United States because the two are so interrelated. What is the foreign policy of the United States at the present time? It is almost impossible to define it. In the days of the glorious past this country had a definite and understandable foreign policy. For this continent the Monroe Doctrine was our guide as mentioned above. In the east we had always insisted upon the territorial and administrative integrity of China. We demanded the freedom of the seas, not only for ourselves but for all nations. We did not ask any privilege for ourselves that we desired to deny to others.

All of this has now changed. The present foreign policy of the United States has been designated as the good neighbor policy. Let us see and consider for just a little while how good it has been. Under it we have betrayed several great nations of the world, who were once our proud friends, into the eternal darkness of Russian Communism. China was our friend and trusted ally for one hundred years or more. We went into war with Japan principally over China, yet, at Teheran and Yalta, China was thrown to the Russian Bear. World War II was fought over the invasion of Poland by Hitler and Stalin. We believed in the sanctity of treaties, yet at Teheran, Yalta, and later at Potsdam, Poland too was turned over to the Russians. General Charles De Gaulle was a great hero in

the darkest hour of the war in France. He organized Frenchmen everywhere and fought for France, however, Roosevelt did not like him and Stalin hated him so the United States threw him overboard. Finland, another great friend of the United States and the only country that paid its debt, also was betrayed. In 1939 when Russia invaded Finland this nation was deeply touched. Great sums of money were raised to aid Finland. She was soon forgotten and abandoned to the Russians. Another great traditional friend of the United States was Yugoslavia. There Mikhailovitch organized the people to resist the Germans. He did a good job and this country liked him immensely but when Russia brought in Tito we abandoned Mikhailovitch and permitted the Russians to murder him. The result of all this is that the once friendly world has lost faith in the United States of America. An American passport is no longer what it used to be when it commanded the respect and honor of the world. It is now but another scrap of paper.

Out of all of this confusion and all of this chaos some day, perhaps, the United States will develop a sound foreign policy. When that happens International Law will be stabilized and strengthened. International Law today is undergoing a great transition. In the days gone by International Law concerned itself with disputes between nationals of different states or nations, which was designated or known as *private* International Law. It also concerned itself with disputes of problems of different nations, which was known as *public* International Law. Today the paramount aim and purpose of International Law is to convey to all of the nations of the world the desirability to live together in peace and harmony. It is our fond hope that that aim will be accomplished in the future.

In a very good article appearing in World Affairs in the fall of 1951, on page 114, Edgar Turlington of the Washington, D. C. Bar had the following to say on the subject:

"The world that is dead is the world in which great powers could go to war without an irreparable disaster to the whole community of states. The world that is struggling to be born is the world in which means will be provided for a peaceful change of conditions that are grossly unfair to any of the groups of human beings organized as states and in which the combined power of the community of states will check attempts to bring about change by violence."

Last fall there was submitted a draft declaration by the International Law Commission of the United Nations to that body, which draft defined the rights and duties of the various states under International Law. The fundamental rights of a state according to this document are independence, exclusive territorial jurisdiction, equality in law, and individual or collective self-defense. The duties of the state, according to this same document, are to refrain from intervening in the affairs of other states and from creating or fomenting civil strife in other states, and conditions menacing international peace and order; to respect human rights and fundamental freedom without discrimination based on race,

sex, language or religion; to settle disputes with other states or nations by peaceful means, and to refrain from resort to war as an instrument of national policy and to withhold assistance from any state so resorting to war or subjected to action by the United Nations. These are very fine objectives but they were by no means universally accepted when this draft of International Law was presented to the United Nations. There were many disagreements with it and many problems in the draft that had to be ironed out to the satisfaction of all concerned before it can be adopted. Probably the provision in the draft that was hardest fought was that which provided for the supremacy of International Law over the sovereignty of the different states or nations. It will be interesting to watch and see what comes out of the United Nations along this line.

We have tried in this report to show the concept of international law in the past, to bring up to date its development, and to show what it is at the present time.

Respectfully submitted:

Mack V. Traynor

Paul L. Agneberg

Asmundur Benson, Chairman.

PRESIDENT BURDICK: Then we come to the Blinn Report, Vernon Johnson of Wahpeton.

VERNON JOHNSON: Mr. President, Members of the North Dakota Bar Association:

There have actually been two committees directed to make a further study of the Blinn report—one appointed by the Judicial Council and the other by the State Bar Association. Association President, Eugene A. Burdick, Judge Nuessle, Judge Hutchinson and myself are members of both committees. Dean Thormodsgard is the fifth member on the Judicial Council Committee and H. G. Nilles is the fifth member on the Bar Association Committee. We have had several meetings during the course of the year and our recommendations were considered and acted upon at the last meeting of the Judicial Council.

We desire to make the following recommendations:

1. That the Judicial Article of the North Dakota Constitution be amended to delete the detailed structure of the North Dakota Judicial System and be modeled after the Federal Constitution by simply providing "The Judicial power of North Dakota shall be vested in one Supreme Court of North Dakota and such inferior courts as the legislature may from time to time establish and ordain." The Supreme Court's jurisdiction and composition should not be altered in any manner.

2. That a special committee be appointed to prepare such proposed constitutional amendments for submission to the next session of the legislature. It would necessarily follow that such constitutional amendments would provide that upon their adoption by the voters, the present judicial system would remain in full force and effect until modified by the action of the legislature.

3. It is further recommended that a committee be appointed to study and eventually recommend to the 1955 Session of the Legislature, changes in our Judicial System relating to District, County, Justice and Municipal Courts. It is further recommended that such committee work in close relationship to the State and District Bar Associations and the Legislative Research Committee.

Respectfully submitted,

Vernon M. Johnson, Chairman

Judge W. L. Nuessle

Judge W. H. Hutchinson

H. G. Nilles

Eugene Burdick

MR. VERNON JOHNSON: Mr. President, I move the adoption of the report.

(Motion carried.)

PRESIDENT BURDICK: Now we will have the committee on audit, George Soule of Fargo.

MR. GEORGE A. SOULE: Mr. President, Members of the Association:

Your Auditing Committee has worked long and hard on this report, four pages to it. We pick up some very, very interesting information, and I think that we should convey some of that information to the members of the Association.

During the last year we received \$18,086.00 through the so-called fee bill. We received through the State Bar Board our share of the license fees, \$7592.00, but they tell me that represents almost two years' receipts. We have around six hundred lawyers in the state at \$6.50 each, so that makes roughly in a normal year around \$3500.00 we will receive through our license fees. We have sold Bar Briefs to the extent of \$1218.00. We sold Oil and Gas Outlines, I believe that was for \$1740.00. All in all we took in \$28,821.50, and we started out in June, 1951 with \$17,768.15. That gives us a grand total of receipts of \$46,589.65.

Now here's our disbursements. The Executive Director's salary and expense—I'll leave out the cents—\$5755. Our secretary-treasurer for clerical salary and expense came to \$1128.00. Our Executive Committee had expenses of \$2952.00. Our American Citizenship Committee spent \$436.00. Cooperating with the American Law Institute, supplies, etc., came to \$2539.00. It cost us \$5379.00 to publish the Bar Review. We spent \$1094.00 on our Committee for Uniform Laws and \$700.00 for the scholarships at the law school. So all in all we spent \$21,370.00 and we ended the year on June 30, 1952 with \$25,219.00 on hand.

One thing I noticed at times in this Association, some members have sort of cast aspersions about Cass County and I think those members should note from this report that out of this \$18,000.00 that came into our treasury through the so-called fee bill, Cass County contributed \$1370.00. (Applause) I want to warn the other counties that they should be careful about talking too much because I noticed Grand Forks contributed \$1043.50, and we get

out to Ward County and we get \$1166.00 and Williams' comes to \$1110.00. I think those figures were interesting, particularly the first one I gave you.

In going through the report there were two or three items that came to our attention. One was we noticed it was prepared by a public accountant, and I don't think that we as an association with the high standards we have should be satisfied with a report from anyone else but a certified public accountant, and in particular where we have some members that are both certified public accountants and members of the State Bar Association that we should endeavor to have the work done by them.

There is one other suggestion that we would like to make, and that is that the report in future years contain some schedule showing the comparative figures of our receipts and disbursements over a period of two, three, four or five years so that your auditing committee of the coming year has an opportunity to compare the figures for the year they are auditing with other years and we can kind of see how the trends are with respect to income and disbursements.

Mr. President, I will hand you this report to return it to the files and I move it be received and filed.

(Motion carried.)

PRESIDENT BURDICK: Next report is the Committee on Resolutions. Mr. John Stormon is chairman.

MR. JOHN A. STORMON: Mr. President, the chairman of this committee is Robert Birdzell, who prepared the major part of this report and was ready to submit it yesterday forenoon but you didn't reach it and it was impossible for him to be here today, so as vice-chairman of the Committee it is my duty to present it to you.

We have a number of resolutions that have been presented to the committee and approved by the committee and they will be presented to you and you will be asked to take separate individual action on the adoption of the first three resolutions that are submitted. I am sorry that the chairman handed this to me at 5:20 yesterday afternoon and it is not written up, so outside of quoting from specific resolutions the report will be oral and will have to be taken by the reporter.

The first resolution which we submit is one that was submitted to the committee by the President of the Association and it is a resolution that has already been adopted by the House of Delegates of the American Bar Association at its meeting held on February 26th, 1952. The resolution reads as follows:

"Resolved that the State Bar Association of North Dakota recommend to the Congress of the United States for consideration an amendment to the Constitution of the United States in respect to the treaty-making power reading as follows:

'A provision of a treaty which conflicts with any provision of this Constitution shall not be of any force or effect. A treaty shall become effective as internal law in the United States

only through legislation by Congress which it could enact under its delegated powers in the absence of such treaty."

If any statement is required I would ask that President Burdick, who has made a special study of it, be asked to make the statement. However, I believe that the matter is familiar to all of us, particularly those who read the Journal of the American Bar Association. I move the adoption of the resolution.

MR. CARROLL E. DAY: Second the motion.
(Motion carried.)

MR. STORMON: This resolution has been prepared by the Chairman of the Committee after considerable study and receiving considerable information from the American Bar Association and making a special study of the information furnished in pamphlet form by the American Bar Association and deals with the subject of Communism.

Whereas, the Communist Party and modern Marxism-Leninism call for the establishment in the United States of a dictatorship untrammelled by law, and

Whereas, the American Constitutional system and American concepts of the rights and obligations of free men and women would be violated by establishment of such a system in this country, and

Whereas, as American lawyers we have exceptional understanding of the ways and methods of free peoples and their governments, and have assumed special obligations to maintain and support the Constitution and laws of the United States and of the State of North Dakota, now, therefore,

BE IT RESOLVED BY THE STATE BAR ASSOCIATION OF NORTH DAKOTA:

1. That this association, proceeding in the manner provided by law and by its constitution and by-laws, will support action by the State Bar Board to disbar any and every individual who may be found to be a member of the Communist Party of the United States, or who deliberately advocates or takes action to accomplish overthrow of the system of government of the United States or of the State of North Dakota by unlawful means, thru Communism-Marxism-Leninism, or otherwise.
2. That copies of this resolution be circulated as the Executive Committee of this Association may direct.

Mr. President, I move the adoption of the resolution.

PRESIDENT BURDICK: Any discussion?

MR. CARROLL E. DAY: Mr. President, just one point. I recall the wording in there at one place where it says "we as lawyers have an understanding of the ways and methods of free people." I was just wondering if it wouldn't be better to word it instead of "understanding", that we have a "memory".
(Laughter.)

PRESIDENT BURDICK: Is there any further discussion?
(No response.)

Question put and motion carried.

MR. STORMON: The following resolution has been submitted by a member of the judiciary of this state and has been approved by the committee and it is submitted to you with its recommendation:

Whereas, it appears from a report appearing on Page 251 of the July 1952 *North Dakota Law Review* that a committee of the Judicial Council of North Dakota has under consideration the preparation of a set of canons of judicial ethics for the judiciary of the State, and

Whereas, the same issue of said Law Review, on pages 256 to 266, sets out the Canons of Judicial Ethics adopted by the American Bar Association, which Canons have twice (in 1926 and 1927) been approved by this Association,

NOW THEREFORE, Be it Resolved, That we again express our approval of the aforesaid Canons of Judicial Ethics of the American Bar Association and recommend their adoption by the Judicial Council.

In other words, not by this Association, but by the regularly set up Judicial Council presided over by the Chief Justice of the Supreme Court.

Mr. President, I move the adoption of the resolution.
(Motion carried.)

MR. STORMON: A further resolution by the committee has been prepared in the language of our chairman as follows:

BE IT RESOLVED BY THE STATE BAR ASSOCIATION OF NORTH DAKOTA:

That the members of this Association recognize that there exists today in this State a need for the kind of sound, hardworking, thoughtful leadership which lawyers are equipped to give and ought to give to the end that the State of North Dakota may continue to develop and prosper without the disorder, strife and bitterness which sometimes accompany rapid economic growth. That we believe lawyers throughout this nation can help our people become wiser in the responsibilities and the duties of citizenship, and in the competent discharge thereof. That the members of this Association feel that this meeting has proved again that meeting of lawyers are worthwhile and should be held more frequently, both statewide and at local and district levels, as may be practical.

That the members of this Association unanimously declare that the Bar Association of Stutsman County and the members thereof are to be commended most highly for the splendid arrangements for this 1952 Annual Meeting, and that the officers and committee members of the Stutsman County Bar should pass along to the numerous Jamestown people who have helped them with their job the sincere thanks of all of us for the delightful experiences of this occasion. We are particularly grateful to the Jamestown

Board of Education and Superintendent of Schools for making the facilities of the Junior High School Building available to us, and to the Jamestown Chamber of Commerce for cooperating in preliminary arrangements.

That the members of this Association appreciate the faithful work of their officers and committees during the year now being completed, and assure them, and their successors, that their efforts have been and will be expended in a cause the value of which cannot be counted in currency, no matter how sound.

And to that, Mr. Chairman, I would like to add orally the special appreciation of this Association to the Chairman of the Committee on Sectional Meetings, and others who participated in the sectional meetings to make them so successful, and that our special appreciation go to Chief Justice Loring of the Supreme Court of Minnesota for his fine and timely address delivered at our annual dinner.

Mr. Chairman, I move the adoption of this part of the report. (Motion carried.)

PRESIDENT BURDICK: And the remaining resolutions have been adopted.

MR. STORMON: Mr. President and Members of the Bar, on behalf of the Chairman of the Committee, Mr. Birdzell, I thank you for your favorable consideration of our efforts.

MR. MILTON K. HIGGINS: Mr. President, I am uncertain as to how the record is left on the matter of a resolution, or proposed resolution, on the matter of title certificates. I have prepared something which I would like to submit.

PRESIDENT BURDICK: I don't believe there is anything in the record on that, Mr. Higgins, and we will entertain any motion you wish to make with respect to it. Are there any other committees that have not been called upon? (no response) I believe we have covered all committee reports and we will soon close this annual meeting except for any new business. Mr. Higgins.

MR. HIGGINS: I believe, Mr. President, the suggestion was made that a mild resolution and written motion be offered, and I trust that this will meet those characteristics.

BE IT RESOLVED, that this Association consider the making by abstractors, and others not lawyers, of certificates of title which state a conclusion of record title ownership of land, to be legal opinions, and, when made for a monetary consideration, an illegal and unauthorized practice of law.

Further, that the committee of this Association dealing with such practice is hereby directed to ask the North Dakota Abstractors' Association to procure the immediate discontinuance of this practice, and to similarly advise others following the practice, and if requests for discontinuance are not heeded, to take proper steps to enforce the law.

I move the adoption of this resolution.

PRESIDENT BURDICK: Is there a second to the motion?

MR. KENNETH ECKES: I second it.

MR. H. G. NILLES: Mr. President, I would like to move to amend the resolution by providing that such certificates may be furnished if requested by an authorized and licensed member of the Bar of this State. I have found in my practice that for certain reasons I would want to get that from the abstractor. I know when I get that report from the abstractor that I can't rely on it too much. Possibly I have some other information that I want to recheck on it. I frequently request the abstractor to give me the name of the record title owner and the liens and encumbrances. I don't ask for it made up in the form of a certificate. Sometimes they certify it and sometimes they don't. It seems to me we are unduly limiting the abstractors and I see no harm in the furnishing of certificates of title by abstractors to North Dakota lawyers.

PRESIDENT BURDICK: Is there a second to the motion? The motion is made to amend the resolution to provide that the preparing of abstracts which state conclusions as to ownership shall be prohibited except insofar as the same may be furnished to licensed practitioners in the State of North Dakota.

MR. GEORGE SOULE: Second the motion.

MR. H. G. RUEMMELE: Mr. President, we had a little experience in that field, but the amendment seems to me to state that we are authorizing abstractors to give the attorney a legal opinion.

PRESIDENT BURDICK: That's correct, I believe. That is the effect of it.

MR. NILLES: I didn't suggest the certificate as to ownership at all. It is a question of furnishing information. All I am afraid of is the resolution goes too far. If any abstractor tells me according to the records as far as he can see "X" owns the property and there is a certain unsatisfied mortgage, it may be in the nature of a legal opinion, but I certainly don't want to have to buy a whole abstract just to get a little information.

PRESIDENT BURDICK: Is there any discussion on the motion to amend the resolution?

MR. HIGGINS: I agree with Mr. Ruemmele on this matter. We have, for instance, a provision in our statute of penalty consisting of disbarment, prohibiting the members of the bar from authorizing a non-member of the bar, or perhaps even another lawyer, to use his name. It seems to me that is getting awfully close into the same philosophy. I quite agree with Mr. Nilles they should be allowed to furnish information, and I think they can do that without in any way violating the provision set forth in the resolution, except where they make a certificate that so and so is the legal owner. I think when they do that they are clearly invading the province of the lawyer, and I don't think any lawyer should be permitted to say to someone "you may violate

the laws" and invite them to do that. I think it is improper and I am opposing the amendment.

MR. NILLES: Mr. Chairman, the resolution was offered by Mr. Higgins and in the light of his explanation I have no desire to press the amendment and I withdraw it.

MR. RUEMMELE: There would be no difficulty there with the abstractor because the title certificate can be made as a certificate of fact and not a legal opinion or a conclusion of law. It can very readily be made and the abstractors have no objection, and it is true, as Mr. Nilles said, a lot of this trouble arises because lawyers request these opinions, and I think that leaving the resolution as it is without sticking our necks out is giving it a little time. I think we are going far enough. The abstractor has considered the problem of title certificates and they stepped into a field in the same manner the accountants stepped into the field when the lawyers didn't want to do it, and they have taken a form that is given to them and they have executed it without any thought of the consequences, and now they are all aware of the consequences, and I am sure that a title certificate can be granted that the abstractor can execute that will not violate any of the laws of the state as to the practice of law.

PRESIDENT BURDICK: For my own information, Mr. Higgins, do you understand Mr. Ruemmele's statement there as to the preparation of a title certificate that would pass under the resolution?

MR. HIGGINS: Mr. President, I do understand. I have considered that and I am in favor of what he has said and I agree that they are legal opinions if they state a conclusion, but they could be so drawn as to state a statement of who is the last record title owner and I think that is proper and necessary.

MR. RUEMMELE: May I speak?

PRESIDENT BURDICK: Is there any objection to Mr. Ruemmele speaking? There is no objection.

MR. RUEMMELE: You get any number of types of title certificates. We have seen very few that did not state the record title owner. Put a paragraph down below "We deem the record title owner to be the grantee in the last deed of record." That is accepted without question. Now, it doesn't do you any good, but they apparently place as much reliance upon that as they put upon title certificates and it serves their purpose, and that is sufficient, but so far as you have your local communities where you have a lawyer or somebody else come up and say "give me the record title owner and the various liens and encumbrances" he takes it with the limitation that the man is not qualified to give a legal opinion.

PRESIDENT BURDICK: Is there any further discussion? (No response.)

(Question put and motion to adopt resolution carried.)

JUDGE O. B. BURTNESS: Mr. Chairman, I would like to have

a couple minutes. Of course, District Judges are interested in judicial salaries and those have been very well considered at this meeting, but I believe that your committees in considering the judiciary may have not had their attention called to another feature in connection with the administration of justice, which I regard of utmost importance and which has perhaps come more strongly to my attention during the last week, and that is the matter of compensation of court reporters.

I think it is no secret here that the gentleman reporting this convention, who is the reporter at the chambers of the 1st Judicial District at Grand Forks,—that we are losing him in this state. Mr. Petersen is going to be the court reporter at Marshalltown, Iowa, where he is to receive fixed compensation of approximately two thousand dollars a year more than our statutes provide. In other words, the courts of North Dakota with reference to reporters are, in a way, in competition with our adjoining states of Minnesota, Iowa, Montana, and so forth.

It is of great importance to the public and to the attorneys to retain competent court reporters. My suggestion is this: That the matter of their compensation be called to the attention of your executive committee, the legislative committee, and perhaps the committee known as the judiciary committee, with the view of not overlooking what may be done in the genuine public interest in that respect by the next legislative assembly. In other words, my feeling is that the salary, the basic salary, should be substantially increased.

Also, if the charges that were made for transcripts were proper twenty years ago, and which are still in effect, this certainly is true: Either we paid too much for transcripts twenty or thirty years ago than we should have, or else we are paying altogether too little now, because the compensation for transcripts has remained the same ever since the days when the dollar was worth a great deal more than it is now.

I simply want to call the situation to the attention of the group here. If anyone wants to make a motion on the matter referring it specifically to the attention of the executive committee and the legislative committee, the judiciary committee, or what not, I, of course, would be very glad to see that done, but I don't feel that we as individual judges should be intrusive in any of these matters but should simply call the factual situation to the attention of the bar.

PRESIDENT BURDICK: Thank you, Judge Burtness.

MR. JOHN A. STORMON: Mr. President, I may say that the judiciary committee of the house at the last session of the legislature considered the subject and did grant some relief in legislation that was enacted. However, we discovered and felt that court reporting has somewhat changed and that perhaps the entire law on court reporters with reference to compensation should be revised, and because of the experience in the judiciary committee of the house at the last session, I would like to move that a

special committee be appointed by the incoming president to give full consideration to this matter, with a view of submitting to the legislative research committee some recommendations regarding the new legislation and also increasing the compensation.

PRESIDENT BURDICK: Is there a second to the motion?

DICK BOLGER: I second the motion.

PRESIDENT BURDICK: Is there any discussion?

MR. CARROLL DAY: Mr. President, just a thought. I wonder if we hadn't ought to discourage any consideration of increasing the price of transcripts in that connection? It seems to me that the burden on the litigant is great enough under the present system of charges and that any increase ought to be in basic salary or other compensation that is borne by the taxpayers generally rather than by the individual litigant. I believe there is a tendency that way and unless we give it some attention the burden will become too great. This will be called to your attention by various people in your district and I believe that the Bar should help to discourage any increase of costs as far as litigants are concerned.

PRESIDENT BURDICK: Thank you, Mr. Day.

JUDGE O. B. BURTNESS: Mr. Chairman, I think that is a matter that should be left to the investigating committees. I feel there is merit to what Senator Day says, yet I do think that if our transcript costs are lower than they ought to be that the reporters should receive fair compensation in that work. I am not certain they are too low, but I have thought so and I think it is a matter that should be carefully investigated by the committee.

I was wondering, however, Mr. Stormon, whether this doesn't work in so directly with the committee dealing with judges' salaries that it might be better to have the same committees dealing with legislation along all lines of the judiciary rather than a special committee? I think it would be appropriate because the two are somewhat tied together and the legislature will probably consider the two of them together more or less.

MR. STORMON: I am willing to amend my motion to provide that the matter be referred to either the judiciary committee or the legislative committee, as the new president may elect.

PRESIDENT BURDICK: Is that agreeable to be included in the second to the motion, Mr. Bolger?

Mr. Bolger: Yes.

(Question put and motion carried.)

(Announcements.)

MR. L. R. NOSTDAL: It has been the custom for many years to elect a distinguished visitor as we had last night as an honorary member of our Association. I don't know whether Judge Loring would appreciate it or consider it an honor, but in the confusion last night there was no motion made, and I will move that Judge

Loring be elected an honorary member of the North Dakota Bar Association.

PRESIDENT BURDICK: Is there a second to the motion?

MR. A. J. PEDERSON: Second.

(Motion carried.)

PRESIDENT BURDICK: Mr. Hjellum, will you take care of the drawing now? We have a little more business after the drawing, but it will be very brief.

MR. HJELLUM: Before we go into that I would like to suggest that we give the outgoing officers a big hand for the big job they have done in the last year.

(Applause.)

(The drawing for the prizes was had and the following is a list of the prizes, names of donors and winners of the prizes:

Prize	Donor	Winner
U. S. Supreme Court Digest		Dudley Butts
3 vol. set of Jones on Evidence	Bancroft-Whitney	Forrest Henderson
U. S. Code, 7 vols.	Sen Milton Young	Glen K. Swanson
3 vols. CJS, Insur.	Am. Law Book Co.	Chilo Burnham, Jr.
Cowdry's Forms, 2 vols.		John A. Stormon
Clarks Summary of American Law, 2 vols.		A. W. Stokes
Automobile Damage and Negligence		Roy A. Ployhar
From American Jurisprudence		
1 vol. on Pre-Trial		Leslie Burgum
Successful Jury Trials	Bobbs-Merrill	H. L. Halvorson
Federal Criminal Procedure	Matthew-Bender	James Jungroth
The Law in the Scriptures	Thomas Law Book Co.	A. J. Pederson
Civil Rights in the U.S.	Central Law Book Co.	Adrian McClelland
1 year subscription or renewal to Shepard's N. D. citations	Shepard's Citations	Wm. L. Eckes
Federal Tax Course	Commerce Clearing	Norbert Muggli

PRESIDENT BURDICK: At this time I am going to appoint a committee of two, consisting of Louis Nostdal and Herbert G. Nilles, to conduct our incoming president to the chair to say a few remarks.

(Applause.)

PRESIDENT BURDICK: Members of the Bar, it gives me great pleasure to introduce to you President-Elect, the Hon. E. T. Conmy of Fargo.

PRESIDENT-ELECT CONMY: I think all of you or most of you know something of the time and effort our outgoing president has put in for the good of this Bar Association, and with that in mind, as my first official act as president of the Association I would like to present to Eugene A. Burdick the certificate of the Association under my signature. Gene, I give you this in appreciation of the time and effort and interest you have shown in the Association.

(Applause.)

PRESIDENT BURDICK: Thank you.

PRESIDENT-ELECT CONMY: I have no inaugural address. I know you all want to get away. I have no big ideas or fixed ideas as to what I might be able to do for the good and betterment of this Association. All I want to leave with you is this thought: That if any of you have any ideas that you feel might be for the good of the Association I want you to send them in to the Executive Director or to me and they will be given consideration. Understand, they may not be adopted or carried through, but we want you to feel—I certainly do—that you personally have an interest in this Association, and we want you to have the opportunity of putting in your word.

Now, before I entertain a motion for adjournment let me remind all of you who are members of the executive committee that there will be a meeting immediately after adjournment, so stick around.

Is there any further business?

MR. HJELLUM: Mr. President-elect, there have been at least three mentions in committee reports of the inadequacy of the judges' salaries, but it would seem to me that it is purely a practical problem, but if each of us in our own county would talk to our local legislators whom we all know and with whom we have some influence, that it wouldn't be a very difficult thing to get the salaries raised, so if each of us would do that in our own county we would have the job half done.

PRESIDENT-ELECT CONMY: Any further business?
(No response.)

MR. RONALD N. DAVIES: Mr. President, I move we now stand adjourned.

MR. SOULE: Second the motion.
(Motion carried.)

PRESIDENT-ELECT CONMY: I now declare the meeting adjourned.