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Law School News

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Law School News

Authors

O. H. Thormodsgard, John Traynor, Bruce B. Bair, S. B. Severson, Weston Christopherson, and Philip R. Bangs

LAW SCHOOL NEWS

On February 1, 1951, the following eighteen students completed the requirements for their law degrees: Robert E. Bjerke of Valley City, Robert L. Burke of Pembina, Donald H. Crothers of Fargo, Robert P. Dorsher of Grand Forks, Aurell E. Eckvall of Mahnomen, Minnesota, James B. Graham of Ellendale, Burton L. Green of LaMoure, Louis E. Green of Fargo, Hakon P. Hanstad of Grand Forks, James P. Hesketh of Grand Forks, Harvey L. Knauss of Grafton, David R. Lowell of Turlock, California, Gordon N. Miller of Minot, Kenneth N. Olsen of Grand Forks, Frederick E. Saefke of Fargo, Alfred A. Thompson of Lisbon, John F. Unwin of Minot and Roy J. Winchester of Grand Forks. Of these, Robert L. Burke, Aurell E. Eckvall, and David R. Lowell were awarded the Juris Doctor degree and the others received the LL.B. degree.

On June 5, 1951, five students were awarded the Juris Doctor degree. They were Myron H. Atkinson of Bismarck, Weston Christopherson of Minneapolis, Minnesota, David Kessler of Grand Forks, Ludwik Kulas of Grand Forks, and John T. Traynor of Devils Lake.

The following seventeen graduates were awarded the LL.B. degree: Donald A. Anderson of Manfred, Eugene K. Anthony of Watford City, James Barrett of Devils Lake, Thomas W. Benson of Grand Forks, Paul W. Buehler of Washburn, Thomas D. Butler of Bantry, Glen G. Gense of Drayton, Earl N. Gregory of Fargo, Norton N. Hatlie of Wahpeton, Lloyd W. Hensrud of Mekinock, Arthur H. Lieb of New Salem, Wilmar A. Pewsey of Calvin, Leland G. Ulmer of Mandan, George N. Unruh of Grand Forks, Florence A. Vande Bogart of Helena, Montana, and Clarence J. Winbauer of Mandan.

The degree of Doctor of Laws, Honoris Causa was conferred on Edward H. McDermott at the recent University Commencement. Dean O. H. Thormodsgard presented the Citation which is printed in this issue.

The twenty-seventh annual dinner program of the North Dakota Chapter of The Order of the Coif was held on April 26, 1951. The Chapter elected Attorney Robert H. Bosard of Minot as an honorary member. The student-elects were Robert L. Burke of Pembina, Thomas D. Butler of Bantry, David R. Lowell of Turlock, California, David Kessler of Grand Forks, and John T. Traynor of Devils Lake. President Philip R. Bangs presented the North Dakota Bar Association Legal Research Awards on April 26, 1951, to the following students for their contribution of legal writing in form of case-notes, case comments, and book reviews which were published in

the North Dakota Law Review: Thomas W. Benson, \$100.00; David Kessler, \$100.00 David R. Lowell, \$100.00 Robert L. Burke, \$75.00; Alfred A. Thompson, \$75.00; Richard L. Healy, \$50.00; Russel G. Nerison, \$50.00; John T. Traynor, \$50.00; and Myron H. Atkinson, \$25.00.

Professor Robert H. Ford has for the past two years been Faculty Advisor to the Student Editorial Board of the North Dakota Law Review. He has been eminently successful in encouraging the law students to engage in Legal Writing. The law faculty is of the opinion that the skills and techniques which students acquire in making scholarly use of the law library, to engage in legal research and write, edit and revise their manuscripts are effective means and methods in the training of future lawyers. Professor Ford has plans to engage in the practice of law in Chicago. His colleagues and students appreciate the two years he worked with us as an excellent law teacher and as a successful supervisor of legal writing.

Professor Charles L. Crum has been appointed to take over the duties of Professor Ford. Professor Keith W. Blinn, who, during the school year 1950-51, had a Sterling Fellowship in the Yale University School of Law has returned to continue his law teaching.

During the first semester of 1950-51, there were enrolled 36 first year students, 45 second year students and 55 third year students. This semester, there were 32 first year students, 36 second year students, and 39 third year law students. Since 1946, the law schools have been overcrowded. Beginning with the school year 1951-52, we not only expect to, but will see the enrollment below normal, due to the emergencies.

O. H. THORMODSGARD, *Dean*

CITATION

A native of Cooperstown, North Dakota and a son of a pioneer settler, Edward H. McDermott received his A.B. from the University of North Dakota. He is a veteran of World War I. In 1919, he enrolled in the Harvard Law School and was granted the LL.B. degree in 1922. For two years he was with the Boston law firm of Warner, Stockpole and Hopkins. From 1924-27, he was with Hopkins, Starr and Hopkins in Chicago. In 1927, he was called to Washington, D. C. to serve as Assistant Counsel of the Joint Congressional Committee on Internal Revenue Taxation. In 1929, he rejoined the Chicago law firm. In 1934, Mr. McDermott started his own firm, McDermott, Will and Emery. During World War II, he served as Consultant in the Office of War Mobilization and worked with John Hancock, one of our leading and honored alumnus. Edward

H. McDermott is nationally known as an expert tax attorney.

While a student in the University of North Dakota, he was a member of the Phi Delta Theta social fraternity and of Bruce Inn of Phi Delta Phi Law Fraternity. In his present home city of Chicago, he is a member of the Board of Managers of the Y.M.C.A.

Because of his remarkable knowledge of business, Mr. McDermott has been made a director of Bell & Howell Company, Crane Company, Jewel Tea Company, Standard Railway Equipment Company and other institutions and civic organizations.

The University Council takes pride in recommending to you, President West, that the degree of Doctor of Laws, Honoris Causa, be conferred upon our worthy alumnus, Edward H. McDermott.

O. H. THORMODSGARD, *Dean*

JUNIOR BAR ASSOCIATION NEWS

The Junior Bar Association of the University Law School honored Dean Thormodsgard on April 14, 1951, for his twenty-five years of faithful service to the law school. A banquet was held at the University Commons in the Dean's honor. The main speaker of the evening was Chief Justice James Morris of the North Dakota Supreme Court. Justice Morris delivered a very informative and interesting address on conditions in Germany under the Nazi dictatorship. The Dean was lauded by David Kessler speaking for the law students, by Professor Robert Ford speaking for the faculty, and by President John C. West speaking for the University. A scroll was presented to the Dean in appreciation for his devotion to the interests of the School of Law.

The other activities of the Junior Bar Association are proceeding satisfactorily. The speaker's bureau of the association presented State Senator J. B. Bridston, Grand Forks, who spoke to the law students on parliamentary procedure and legislative procedure on May 1. The members of the association thoroughly enjoyed the dynamic delivery of Mr. Bridston. The legal placement service is enjoying increasing success in the placement of law school graduates. That service is now under the direction of Harris Kenner of Leeds.

New officers for the coming year were elected in the first week of May. Those elected were Jerome Shermoen, president; LaVern Neff, Vice-president; Daniel Twichell, Secretary; and Leonard Iljana, Treasurer. Under the capable administration

of these men, the association is looking forward to a successful year. The law students were sorry to lose the faculty advisor of the Junior Bar Association, Mr. Robert Ford. In appreciation for his work with the Junior Bar and the School of Law the members of the Junior Bar Association gave him a golf bag and cart at the last meeting of the year. Mr. Ford has accepted a fine position with a firm in Chicago and the law students of the Junior Bar Association wish him every success.

JOHN TRAYNOR
Past-president
Junior Bar Association

PHI DELTA PHI NEWS

Bruce Inn has completed a most successful and fruitful year under the able leadership of Norton Hatlie, outgoing magister. The year was begun with the inauguration of a familiarization service for the freshman students. Members of the Inn prepared short lectures on such subjects as the art of briefing and writing examinations. The freshmen were allowed to ask questions on all phases of law school life which were answered as frankly and fully as possible. The service gave the freshmen an opportunity to find out what was expected of them as law students, and gave the members of the inn the opportunity to become acquainted with the freshmen.

Most of the year's regular meetings were dinner meetings held at the Golden Hour Cafe. This type of meeting allowed us to combine business with pleasure. It also made it possible for us to recruit excellent after dinner speakers from the ranks of the law school faculty and the Grand Forks County Bar Association.

Bruce Inn has enjoyed its most successful year since the war. In the fall elections, Norton Hatlie was elected king of the law school and T. K. Ford, our baldheaded beauty, queen. This spring, Jerome Shermoen was elected president, Daniel Twitchel secretary, and Leonard Iljana treasurer of the North Dakota Junior Bar Association. In our own annual spring elections, Bruce Bair was chosen magister, T. K. Ford exchequer, Lyle Bullinger clerk, and Jerome Shermoen historian.

The Phi Delta Phi freshman scholarship award, which is given to the freshman law student with the highest scholastic average, went to James E. Olson for the school year ending in 1950. The Phi Delta Phi achievement award, which is presented to the man who has done the most for Bruce Inn in the past year, went to Norton Hatlie for the school year ending in 1951.

The annual spring initiation and banquet proved to be a most memorable event. Mr. C. H. Shafer of Hillsboro, N. D., was chosen as this year's honorary initiate because of his outstanding services throughout the years to the State Bar Association and the profession. Mr. George Hoke, our province president, was the main speaker at the banquet. Dean Thormodsgard was presented with a gavel in appreciation of his 25 years of faithful service to the law school. The following men were initiated: John Anderson, Leonard Iljana, Frank Kosanda, Gerald Krengel, Eugene Landenburger, Frederick Martin, Paul Pancratz, Comart Peterson, John Smith, and George Unruh.

BRUCE B. BAIR, *Magister.*

THE ORDER OF THE COIF

The history of The Order of the Coif in this country may briefly be stated as follows: A society known as Theta Kappa Nu was founded at the University of Illinois in 1902 to promote scholarship among American law students. In 1910 this national society had six chapters. Meanwhile, in 1907, at Northwestern University Law School, there was organized a local society with the same object and purpose. It adopted the name "Order of the Coif," no doubt suggested by the "Order of Serjeants of the Coif" in English legal history. Desiring to affiliate with a national organization in 1910, the Order of the Coif at Northwestern University accepted a chapter from the larger organization, Theta Kappa Nu. At a national convention of Theta Kappa Nu in Chicago in 1911, it was recommended that the constitution of the society be revised and that its name be changed to "The Order of the Coif." These changes were ratified in 1912 by its various chapters. The present Order of the Coif, therefore, dates from 1912. Today there are about thirty-five chapters. Annual new membership is restricted to ten per cent or not less than three students, of the senior class in a membership school who have attained the highest rank in their law school work, with the exception that each chapter may annually elect also a practitioner at the bar. There has been a chapter at the University of North Dakota School of Law since 1925.

The Order has greatly stimulated legal scholarship in this country. Election to membership is now everywhere regarded as a singular honor, corresponding in a general way, to that of being elected to Phi Beta Kappa in a college of science, literature and arts.

The ideals and traditions which the name "Order of the Coif" suggests can be adequately elucidated only by reviewing the history of the Order of Serjeants of the Coif which origin-

ated in England in the middle ages. No doubt it is from that Order that the American society derives both its name and its inspiration.

Since there was no secular law in England which could properly be called common law, or even a system of law, prior to the Norman Conquest, there obviously was no secular legal profession, at least not from any modern viewpoint. However, there were even then men of the law, in a broad sense of the term law, and it has been said that an order called The Order of Serjeants of the Coif had its beginning even before the Conquest, and antedates the three great courts of Common Pleas, King's Bench and Exchequer in which the common law was moulded. Whether or not such an order preceded the Norman Conquest, we know that a legal profession in England began to take shape as soon as the common law assumed sufficient volume and complexity to require persons of special skill for its proper administration. There is clear evidence that the earliest common law lawyers had become organized into a professional guild by the latter part of the thirteenth century. The members of this body were called Serjeants of the Coif. In time the judges of the Court of Common Pleas came to be appointed exclusively from their number: and until well into modern times, these serjeants enjoyed the exclusive privilege of practicing before the court. They are known to have been exceedingly resourceful and brilliant in disputation.

As we would expect, the self-perpetuation of the legal profession in England of the middle ages rested upon a system of apprenticeship. It would seem that this apprenticeship system preceded even the famous Inns of Court. It has been assumed that the legal apprentices served under the Serjants of the Coif who stood in the position of highest rank in the profession and were most competent to impart instruction. New members of the Order of Serjeants were first selected from among the early apprentices. Later on came the Inns of Court, voluntary organizations endorsing the legal profession as a whole and composed of apprentices, students, barristers and counsellors, and, at an earlier date, also of the clerks of chancery, the attorneys and the solicitors. There were several of these Inns in the middle ages, but those from whose memberships new candidates for the Coif were usually chosen were: The Inner Temple; The Middle Temple; Lincolns Inn, and Grays Inn. Those exist to this day as societies of the legal profession.

While these Inns sponsored cultural pursuits in general, (one of Shakespeare's plays is known to have been staged there) and for that reason alone attracted the sons of the cultured classes, they were principally schools of law under

the apprenticeship system. They were, moreover, also a kind of lawyers' club and bar association put together, and through the Court of Common Pleas, exercised an indirect but powerful control over the profession.

The type of education of the Inns was of a practical, disputatious sort; a tough, virile training drawn from experience in the courts. Here experienced members of the profession would give lectures to, and answer the questions of, the apprentices, who appear not to have been informed of the propositions advanced by the lecturer. It appears that the apprentices were also accorded the privilege of a certain place in the court room, called "The Crib," where they might listen to the arguments of the serjeants and note the comments and criticisms of the judge, who, it is said, often went out of his way to expostulate for the special benefit of the apprentices. It is believed by some that the earliest kind of law reports which we have, namely, the Yearbooks, may have had its beginning in the notes which the apprentices made of the cases overheard from the Crib. When the day's work in court was concluded, the apprentices, serjeants and judges mingled at their Inn at meal time where discussion of the questions raised in court was often continued. After dinner moot cases would be conducted by the higher apprentices for the benefit of the others.

Each Inn had its own governing body called the Benchers, and whenever a member of an Inn was called to the Order of Serjeants he was also elected a Bencher in his Inn. However, he ceased to hold formal membership in his Inn but became a member of the Serjeants' Inn instead, which, however, was merely a law club and not an educational institution.

The Inns of Court declined as schools of law in the 16th and 17th centuries and never regained their earlier place. The four mentioned still exist in England as societies of the legal profession, and exercise the right to call persons to the bar as Barristers, (who become responsible to their Inn rather than to the court), and also exercise some supervision over the practical training of the Barrister.

But to return to the Serjeants of the Coif, Serjeant Pulling, who wrote the standard history of the Order of the Coif in 1884, says that it was for the judges to determine among themselves who were most fit to be selected to the Order and that it was for the Chief Justice of the Court of Common Pleas to recommend for admission a certain number from the various Inns to the Lord Chancellor. These would then be summoned by the King's Writ to take upon themselves the state and degree of Serjeant. To comply appears to have been

a duty as well as a privilege. However, no apprentice without considerable means would be able to stand the expense attendant upon his induction into the order. The ordinary court work at Westminster was suspended; feasting, ceremony and pomp continued for several days at the expense of the newly elected Serjeant. The feasts were attended in full state by judges, serjeants, members of the nobility and the church, and in some instances, even by the King and Queen. Among the other ceremonies and observances was the profuse presentation of gold rings by the newly chosen serjeant to the King, the Lord Chancellor, and others similar to the custom at great weddings in those times.

The Serjeant was compelled to wear a cap or coif, originally of white lawn or silk, forming a close fitting hood. This coif was not to be taken off even in the presence of the King. When a serjeant was appointed Judge, or to some other office, he was released from the duty of wearing the coif and robes of the serjeant at law. Becoming judge, however, was merely assuming different duties as a serjeant; it did not connote elevation in degree or status within the profession.

The Order of Serjeants of the Coif included the names of many of the greatest legal lights in English History: Coke, Littleton, Bacon, Blackstone, and many others. The order remained the sole body of legal practitioners of the Common Pleas bar down to the time of the great reforms in the English judicial system effected by the Judicature Acts of 1873 and 1875. But long before that time the Order had been in a state of decline, for various reasons: the exclusive right to practice in the Court of Common Pleas, originally a great advantage, gradually became a disadvantage, in that lucrative litigation in other courts came to be conducted by practitioners other than Serjeants and with less expense to litigants; and it may be said that the serjeants generally became out of date, and the pre-eminent rank formerly held by them was gradually assumed by another class of lawyers known as King's Counsel, whose number had increased considerably by the time of the Judicature Acts. The Order of Serjeants was formally dissolved, and Serjeants Inn sold, in 1877.

Although the golden days of the Inns of Court as schools of law ended with the advent of modern times, and the Order of Serjeants is extinct, the high standards of professional training and ability which they represented remain as ideals for the law-student, teacher and the lawyer of today. The utility of the hard, practical training of the Inns seems never to have been wholly lost sight of in England, although today most barristers complete courses in principles of law in the universities. Nor has it been ignored in this country. The case-

book system is a concession to the methods of the Inns, while most law schools attempt so far as practicable to keep their work in touch with that of the bar. As for the individual practitioner, the brilliant, well-trained Serjeant of the Coif may well continue to be a model of competence in the profession.

S. B. SEVERSON +

PHI ALPHA DELTA NEWS

For the second consecutive year Corliss Chapter of Phi Alpha Delta conducted a mock criminal trial. The defendant, John Kassis, was charged and convicted of aggravated assault and battery upon the person of Archie Monroe. Members of the fraternity who served as counsel were: Norbert Auer, Hakon Hanstad, Douglas Burau, Jack LaQua, Bernard Reeck, and Harris Kenner. Jurors for the trial were selected from the department of sociology. All those who participated in the event reported that they received much valuable experience. In addition to this activity, the chapter enjoyed the usual number of smokers, dances, and political machinations during the year.

Officers who were elected for 1951 are: Bernard Reeck, Justice; Al Hausauer, Vice-Justice; Harris Kenner, Clerk; Herman Elsen, Treasurer; and Douglas Burau, Warden. Judge O. B. Burtness of Grand Forks delivered the oath of office to the newly elected officers in the Courtroom of the County Courthouse.

Initiation was held on March 20, 1951. Those who were initiated are the following: Robert Alderman, Frederick Arnason, Thomas Butler, Robert Cavanaugh, Frederick Hodosh, LaVern Neff, Richard Picken, William Porter, Richard Schwartz, Edmund Weber, and James Williams. A banquet was held after the initiation ceremony. The members of the fraternity enjoyed an address by Harold Shaft, Grand Forks attorney. Mr. Shaft spoke concerning incidents which have occurred during his years of practicing law.

Corliss Chapter anticipates another successful year under the capable leadership of the new officers and the interest of old and new members.

WESTON CHRISTOPHERSON
Retiring Justice, Phi Alpha Delta.

+ Dean, St. Paul College of Law.

PRESIDENT'S PAGE

By the time this issue reaches you, my term of office as President will be about completed, so I am taking this opportunity to thank each and all of you for the help and assistance that you have given me during my term of office.

In the performance of the duties of my office, I have had some contact with all phases of the work that is being done by our Association, so I feel qualified to express an opinion I have long had, namely that the work that is being done, and the service that is being rendered by the Association, is definitely worth while and is of real benefit, not only to the Legal profession, but also to the Public.

My closest contact during the year, has been with our Executive Director, Ronald N. Davies, of Grand Forks, due to the fact that I used his offices as a clearing house for anything and everything that I did in the performance of my duties as President. My experience has convinced me that the Office of the Executive Director should be the clearing house for everything that is done, or proposed to be done, by the Officers and Committees of the Association in the performance of their duties.

With respect to our representation at the American Bar Association Meeting, I am of the opinion that it can be greatly improved by having our Executive Director as well as our Delegates, attend those Meetings and it might even be advisable to fix the term of our representative for a longer period than one year.

The Executive Committee has met as often as we thought was necessary and each meeting has been well attended. It is my opinion that the meetings of the Executive Committee during the year, are well worth while and that whatever expense is incurred in holding those meetings, is justified by the results.

Looking forward with a great deal of pleasure to seeing many of you at the Annual Meeting in Bismarck, I am,

Sincerely yours,

PHILIP R. BANGS, *President*