



1951

## 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 23, 1951, at Bismarck, North Dakota, Philip R. Bangs, President, presiding.

**PRESIDENT BANGS:** The first report is the report of the Committee on Unauthorized Practice of Law, E. T. Conmy, Jr., Chairman.

**E. T. CONMY, JR.:** (Fargo) Your Committee has had a rather quiet year so far as complaints are concerned, there having been only four that came to our attention. Of these, two were found to be matters which properly belonged with the Committee on Ethics and Internal Affairs, and they were referred to that Committee. Both of the others were promptly investigated. In one case the complainant was asked via letter for further information; however, our letter was never answered. In the other case, investigation disclosed no unauthorized practice and the complainant member of the bar expressed himself as fully satisfied. We want to thank Ron Davies and Richard McGee for their assistance in these investigations.

This Committee has spent some time in discussion and study of the methods and operations of various lay collection agencies and collectors in Fargo and other places in North Dakota. We think that some of these people are doing legal work without being admitted to the bar, and the complaints received by this Committee over the years clearly demonstrate that the orderly processes of the law are being misused and simulated to frighten into payment parties who in many instances are not liable or are liable for far less than the collector attempts to extract from them.

We think it is high time that something specific be done about this and submit herewith as Exhibits "A" and "B" attached to this report, two bills which we think should be submitted to the Legislature at the next Session. It is not our intention to usurp the functions of the Legislative Committee of this Association, but we have drawn the bills ourselves because they deal with a pressing problem which is the business of our Committee on Unauthorized Practice. We have made quite a study of this matter and have carefully examined the Statutes of Wisconsin, Texas and other states. This proposed legislation is submitted now so that there will

be plenty of time for the Legislative Committee to consider the matter and because we think that nobody wants to be for or against a bill unless he knows what is in it.

If there is any argument made that these bills are so-called "lawyers' bills" it can be easily refuted by pointing out the truth, namely, that the bills are designed to protect people from predatory and conscienceless bill collectors.

Our Committee also feels that the time has come when serious consideration should be given to legislature licensing, bonding and regulating collection agencies, and we recommend that the Legislative Committee study this and report to the Association at the next Annual Meeting.

We also recommend that careful and serious consideration be given to a proceeding on behalf of the Association against one or more of the many "tax consultants", etc., who are preparing thousands of income tax returns in this state every year. This Committee believes that it is next to impossible to prepare many tax returns without giving legal advice, and Courts are showing an increasing tendency towards this view as is evidenced by a recent decision in Minnesota to this effect. We think that too many lawyers are defeatists in these matters and suggest that it is most peculiar for any lawyer to concede that a bookkeeper, or even an accountant, knows more about the law than he does. Let's protect both the public and ourselves.

#### EXHIBIT A A BILL

FOR AN ACT making it a misdemeanor to print or produce for sale or distribution, or to circulate, distribute, publish or offer for sale, any letter, paper, document, notice of intent to foreclose mortgage, bring suit or garnishment, or other notice or demand which simulates a form of court or legal process; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. Any person, firm or corporation, who shall print or otherwise produce for the purpose of sale or distribution, or who shall circulate, publish, sell or offer for sale any letter, paper, document, notice of intent to foreclose mortgage, bring suit or garnishment, or other notice or demand, which simulates a form of court or legal process, shall be guilty of a misdemeanor, and upon conviction shall be punished by a

fine of not less than TEN DOLLARS (\$10.00) or more than ONE HUNDRED DOLLARS (\$100.00) for the first offense, and not less than ONE HUNDRED DOLLARS (\$100.00) or more than FIVE HUNDRED DOLLARS (\$500.00) for the second offense.

Section 2. It shall be no defense that the paper or other instrument referred to in Section 1 shall declare that it is not a court or legal process.

Section 3. Nothing in this Act shall prevent the printing, production, publication, sale or distribution of genuine legal forms for the use of attorneys, clerks of court, justices of the peace, or others legally entitled to use them.

Section 4. **EMERGENCY.** The fact that sundry lay agencies are making use of forms which simulate court or legal process in the attempt to collect claims, and through their use of such forms, the orderly processes of the law are being parodied or simulated to frighten into payment parties who may or may not actually be liable, creates an emergency. Therefore, an emergency is hereby declared and this Act shall take effect and be in force and effect from and after its passage and approval.

## EXHIBIT B

### A BILL

FOR AN ACT making it unlawful to send or deliver or cause to be sent or delivered any letter, paper, document, notice of intent to foreclose mortgage, bring suit, or garnishment, or other notice or demand, which simulates a form of court or legal process, with intent to lead the recipient or sendee to believe the same to be genuine, for the purpose of obtaining any money or thing of value; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

Section 1. **CIRCULATION OF SIMULATED PROCESS PROHIBITED.** It shall be unlawful for any person, firm or corporation to send or deliver, or cause to be sent or delivered any letter, paper, document, notice of intent to foreclose mortgage, to bring suit or garnishment, or other notice or demand, which simulates a form of court or legal process, with intent to lead the recipient or sendee to believe the same to be genuine, for the purpose of obtaining any money or thing of value whatsoever. The sending of such simulating document

shall be prima facie evidence of such intent, and it shall be no defense to show that the document bears any statement to the contrary, nor shall it be a defense to show that the money or thing of value sought to be obtained was to apply as payment on a valid obligation.

Section 2. EVIDENCE OF DELIVERY. In prosecutions for violation of this Act, the prosecution may show that the simulating document was deposited in the post office for mailing or was delivered to any person with intent to be forwarded, and such showing shall be sufficient proof of the sending or delivery.

Section 3. VENUE. Any person violating this Act may be tried therefor in the County where such simulating document was so deposited or the county where the same was received.

Section 4. EXCEPTION. Nothing in this Act shall be construed to prohibit the printing, publication or distribution of blank forms of genuine court or legal process.

Section 5. PENALTIES. Any person, firm or corporation violating this Act shall be fined, for the first offense, not less than TEN DOLLARS (\$10.00) nor more than ONE HUNDRED DOLLARS (\$100.00), and for the second and subsequent offenses not less than ONE HUNDRED DOLLARS (\$100.00) or more than FIVE HUNDRED DOLLARS (\$500.00).

Section 6. EMERGENCY. The fact that sundry lay agencies are making use of forms which simulate court or legal process in the attempt to collect claims, and through their use of such forms, the orderly processes of the law are being parodied or simulated to frighten into payment parties who may or may not actually be liable, creates an emergency; therefore, an emergency is hereby declared and this Act shall take effect and be in force and effect from and after its passage, and approval."

This report is respectfully submitted by the Committee on Unauthorized Practice; E. T. Conmy, Jr., Charles Bangert and J. Hjellum. Mr. President, I move the adoption of this report.

PRESIDENT BANGS: Do I hear a second?

CHARLES FOSTER: Second the motion.

(Motion carried.)

PRESIDENT BANGS: If there is no objection I will follow the recommendation and submit it to the Legislative Committee for study.

Report of the Committee on Ethics and Internal Affairs, Nels Johnson, Chairman.

NELS G. JOHNSON: Mr. President and Members: Before I make this report I must make a confession. It has been impossible for me to get the consent of all the members of the committee for this report, so I do not know whether it is the report of the entire committee or my report, but I am going to submit it at any rate. First I want to discuss the work of the committee.

To give the Association some idea of the work of the Ethics and Internal Affairs Committee, we want to briefly set forth the activities that have been performed this last year.

The Committee has handled 123 letters. Fifty-four letters were written by the chairman of the Committee, involving many types of complaints, and other matters, that came to the attention of the Committee.

The Committee has, through its members, made two investigations during the year. One investigation was made by the chairman of the Committee and the other by Mr. Birdzell. The complaint investigated by your chairman was cleared up at once, as it involved only a matter of oversight. The matter investigated by Mr. Birdzell is still under consideration by the Committee.

The Committee has had two meetings during the year to consider the more serious types of complaints that have come to the attention of the Committee. These complaints were discussed and the Committee determined to turn the most serious complaint made to the Committee over to the Bar Board for investigation and such procedure as is provided by law. This was done. The nature of another complaint is such that the Committee, after a personal investigation, has decided to call in the lawyer involved and give him a chance to explain the various matters involved before the whole Committee, before any further proceedings are taken.

#### TYPE OF COMPLAINTS

Just to give the Bar Association some idea of the type of complaints involved, we list them briefly:

The most serious complaint is an alleged embezzlement of funds of a client.

The next most serious complaint coming to the attention of the Committee is solicitation of business; sending summons through the mails in which no action has been filed; alleged attempts to entice business away from another lawyer or law firms, and actually taking on such business.

Professional cards of lawyers in which reference is called to a specialty of a lawyer involved has been the subject of several complaints.

Other complaints, in order, are charges of the use of the name of a judge of the district court in the firm name long after he was on the bench, clearly a violation of Canon 33; overcharging or excessive fees; defense by a State's Attorney of a resident of his county prosecuted in another county in the State, of violation of the law in the county where the prosecution arose; delays in answering inquiries and correspondence involving matters intrusted to the lawyer or the law firm. These, in general terms, are the type of complaints that the Committee has received this last year.

Some of them are trivial, and we are most happy to state that most of them have been settled by correspondence. We are also happy to state that only 10 lawyers in the State are the subject of the complaints involved and, out of those 10, only two were of a serious nature.

#### PROCEDURE

To conform to the democratic process, we feel that where several complaints of a nature that needs explanation are lodged, that it is only fair to the lawyer involved that he have a chance to explain the charges to the entire Committee. Where the complaint is of a trivial or not serious nature we give him a chance to explain by correspondence. Hence, in connection with several complaints now lodged against a lawyer in this State, the Committee intends to have sort of a hearing. It has gathered the facts for that purpose and will confront the lawyer with these facts and give him a chance to explain or refute the charges.

It is vitally important that the public retain confidence in the judicial system of the State and the Nation and in the Bar. Hence, it may not be amiss to refer to the preamble of the Canon of Professional Ethics of the Bar Association of this State, adopted in toto by the North Dakota State Bar Association, which reads as follows:

#### PREAMBLE TO CANONS OF ETHICS

"In America, where the stability of Courts and all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon

our maintenance of Justice pure and unsullied. *It cannot be so maintained unless the conduct and the motives of all members of our profession are such as to merit the approval of all just men.*"

Maybe none of us needs to be reminded of this preamble, but I think it is well that we be.

The Committee feels that it might be well for all of the Bar to review again the Canons of Professional Ethics contained in the April 1951 North Dakota Bar Association Journal at page 243. There are 47 Canons of Ethics. Briefly, they are as follows:

1. The Duty of the Lawyer to the Courts.
2. The Selection of Judges.
3. Attempts to Exert Personal Influence on the Court.
4. When Counsel for an Indigent Prisoner.
5. The Defense or Prosecution of Those Accused of Crime.
6. Adverse Influences and Conflicting Interests.
7. Professional Colleagues and Conflicts of Opinion.
8. Advising Upon the Merits of a Client's Cause.
9. Negotiations with Opposite Party.
10. Acquiring Interest in Litigation.
11. Dealing with Trust Property.
12. Fixing the Amount of the Fee.
13. Contingent Fees.
14. Suing a Client for a Fee.
15. How Far a Lawyer May Go in Supporting a Client's Cause.
16. Restraining Clients from Improprieties.
17. Ill Feeling and Personalities Between Advocates.
18. Treatment of Witnesses and Litigants.
19. Appearance of Lawyer as Witness for His Client.
20. Newspaper Discussion of Pending Litigation.
21. Punctuality and Expedition.
22. Candor and Fairness.
23. Attitude Toward Jury.
24. Right of Lawyer to Control the Incidents of the Trial.
25. Taking Technical Advantage of Opposite Counsel—Agreements With Him.
26. Professional Advocacy Other Than Before Courts.
27. Advertising, Direct or Indirect.
28. Stirring Up Litigation, Directly or Through Agents.
29. Upholding the Honor of the Profession.
30. Justifiable and Unjustifiable Litigations.
31. Responsibility for Litigation.
32. The Lawyer's Duty in Its Last Analysis.
33. Partnerships—Names.



34. Division of Fees.
35. Intermediaries.
36. Retirement from Judicial Position or Public Employment.
37. Confidences of a Client.
38. Compensation, Commissions, and Rebates.
39. Witnesses.
40. Newspapers.
41. Discovery of Imposition and Deception.
42. Expenses.
43. Approved Law Lists.
44. Withdrawal From Employment as Attorney or Counsel.
45. Specialists.
46. Notice of Specialized Legal Service.
47. Aiding the Unauthorized Practice of Law.

The Committee feels that it might benefit all of us to study these Canons. It might also be well, because the ethics of our profession are so vital to the retention of the confidence of the public, that we again review the Oath which all of us took. Perhaps the younger members of the Bar who have just been admitted will remember it clearly. As an older member of the Bar I admit I have forgotten some of its contents, so I am going to read it. It reads as follows:

"I DO SOLEMNLY SWEAR:

"I will support the Constitution of the United States, and the Constitution of the State of North Dakota."

I may say in passing that when it appears to some of us that Constitutional Government is in danger it might be well to give this part of our oath considerable thought.

"I will maintain the respect due to Courts of Justice and judicial officers;

"I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the Judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

"I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. SO HELP ME GOD."

That is a very significant oath, and when I reviewed it, it impressed me as much as it did, I think, when I took it.

The Ethics Committee feels that, on the whole, the members of the Association in North Dakota are of the highest caliber and that, although there has been an increase in complaints this year, many of them, we are happy to state, are of a trivial nature and due to misunderstandings that arise. Aside from the serious complaints made, the greatest cause of the complaint is delay or failure to answer correspondence concerning matters intrusted to a lawyer. If a lawyer does not have time to attend to a matter immediately, and that is entirely possible, if he will merely advise his client that he will attend to it as soon as convenient, that usually will satisfy the client; or if delays occur, answer promptly any inquiry concerning the matter. Refusal to answer letters or ignoring them for a long period of time always breeds trouble.

The Committee has no recommendations to urge upon the Association as a whole, unless it be the recommendation that was made in the report by this Committee in 1950.

Respectfully submitted, Nels G. Johnson, Chairman, Robert A. Birdzell, C. J. Schauss, Richard P. Gallagher. I move the adoption of the report.

PRESIDENT BANGS: Motion for adoption. Any second?

O. H. THORMODSGARD: Second.

(Motion carried.)

PRESIDENT BANGS: American Law Institute, Floyd Sperry, Chairman.

FLOYD B. SPERRY: Mr. President, Members of the Bar: The members of the committee on the American Law Institute wish to make the following report:

Almost simultaneously with the appointment of the members to this committee, arrangements were made for a Federal Income Tax Institute at Fargo. That Institute was held on December 2, 1950; it was attended by 93 registered attorneys, and in addition 14 senior law students from the University attended, without being charged. By comparison this atten-

dance showed an increase of twenty-six registered attorneys over the record of the attendance at the preceding Tax Institute held in 1948.

These Institutes were supervised by the Committee on Continuing Legal Education of the American Law Institute. At the 1950 Institute lectures were given by Jack R. Miller, a Cornell University graduate, who has specialized for 19 years in Federal Taxation, and Laurens Williams of Omaha, Nebraska, formerly in the office of the chief counsel in the Bureau of Internal Revenue. The principal subjects covered at this Institute included Tax Problems and Returns to Farmers, selected Tax Problems of the General Practitioner, Tax Problems and Returns of Estates, and Gains and Losses from Sales or Exchanges of Property. These gentlemen are experts in Federal Tax Law and their presentations were excellent.

These Institutes were self sustaining, having been financed through a charge to each registrant, the fee being \$5.00 at the December, 1950, Institute.

Throughout the year our committee has planned for additional Institutes; we had planned to hold one on Trial Practice Technique in May, but it was decided to have it during this convention, hoping that it would then be better attended. I am referring to the one to take place this afternoon.

A questionnaire was mailed out during the summer to ascertain the desires of the members of the Bar with reference to having a three day Institute in the fall of 1951. The answers received showed that a great majority, of those who responded, favored having such an Institute in Bismarck, two days to be devoted to Tax work and one day to Trial Practice Technique. The dates selected for this must provide for sufficient time in which to obtain the 1951 changes in the Revenue Laws. We have tentatively fixed November 15, 16 and 17 for this institute. Outstanding lecturers will again be provided, among whom we expect to have Robert Throckmorton from Des Moines, Iowa, and Jack R. Miller from Sioux City. The first day session will deal with Income Tax Returns, and a review of Legal Problems involved in preparing the same. The second day session will be devoted to other aspects of our income tax laws, including problems to be considered in forming a business entity such as a partnership or corporation, and those most frequently arising in estate planning.

The third day will be devoted to Trial Techniques. This phase of the work will be started with a lecture on initial

pleadings and preparation for trial, followed with all other subjects leading up to the opening of the trial, including pre-trial and discovery, and the trial itself. We hope that our new members of the Bar, and those who are not already experts in trial matters, will especially benefit by this part of the institute.

A series of books on these and other subjects may now be obtained through the State Bar Association, at a cost of \$2.00 per book. New books to cover the work of the coming institute are in the process of preparation, and will be available for distribution upon the dates set.

We expect a registration fee of \$10.00 for this institute to cover all expenses, including the materials necessary to the respective courses. Registration blanks will be mailed out early, with the hope that the institute may be set up well in advance. We further hope that all of those who have indicated through the questionnaire mailed out that they favor the holding of this institute, with many more, will attend.

We believe that this committee may in the future prove to be more helpful by providing an agency to bring, in condensed form, continued legal training and education to every lawyer. This can now be made available if the committee will work with the Committee on Continued Legal Education of the American Law Institute, collaborating with the American Bar Association. That committee offers its services to assist in the creation of State and Local Organizations to sponsor further legal training programs. We believe that much can be accomplished if the work is continued, and extended to include institutes by the separate District Bar Associations in the State. Subjects found to be very much desired, and which could be made available include Taxation, Estate Planning, Legal Problems of Small Business, Legal Draftsmanship, Accounting for Lawyers, Bankruptcy, Labor Relations Law, and Trial Techniques. Through more localized meetings, the work will be more accessible and many local speakers could be found for certain phases of it.

Respectfully submitted, Floyd B. Sperry, Chairman,  
Lynn G. Grimson, and Paul L. Agneberg.

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

O. H. THORMODSGARD: Second.

(Motion carried.)

PRESIDENT BANGS: I think I will say the seconds are automatic. Report of the Legislative Committee of the State Bar Association, Roy Holand, Chairman.

ROY A. HOLAND: Mr. President and Members of the Bar Association:

This is a report of the Legislative Committee of the State Bar Association of North Dakota for 1950 and 1951.

During the 1951 Session of the North Dakota Legislature, the Legislative Committee of the Bar Association was instrumental in securing the passage of several measures that will aid in the administration of justice and facilitate the operation of our Courts. This accomplishment was due to the work and cooperation of many persons. Of great help was the preliminary work done by the preceding Legislative Committee of the Bar Association under the chairmanship of Vernon Johnson, which committee contacted the lawyers of the State for their suggestions regarding needed legislation. They screened these suggestions down to the most important, which were passed on to the present Legislative Committee. After further meetings and conferences we selected the most vital measures and had the proposals drawn into bill form. The bills were then introduced into the Legislature either by the Legislative Research Committee or through individual members of the Legislature. Although the measures proposed were in the public interest, we wish to thank the lawyer members of the Legislature for their support of these measures. These include Chairman Day of the Senate Judiciary Committee and Senators Duffy, Knudson and Shure, and that hard-working Chairman of the House Judiciary Committee, Storman, and Representatives Beade, Jansonius and McLellan. Due to the number of bills enacted into law and the short time available for this report, it will be possible to only mention the laws that were enacted at the 1951 Session of the Legislature, either with the sponsorship or encouragement of the Bar Association Legislative Committee. They include:

Chapter 196 of the 1951 Session Laws of North Dakota, which provides for a long overdue increase in salaries of the Judges of the Supreme Court and the District Courts of our State.

Chapter 198 increases the pay allowed to bailiffs for their services.

Chapter 208 changes the nature of the citation in probate proceedings and makes it a notice. It simplifies the notice and makes it more understandable and less confusing to the average person.

Chapter 209 increases the pay allowed to Executors and Administrators. No increase had been made in their pay since the turn of the century and the present

schedule of payments is closer to what they should receive for their services.

Chapters 210 and 211 provide for the handling of unclaimed portions of the residues of estates and guardianships to permit their closing.

Chapters 278 and 279 deal with the recording of death certificates in terminating joint tenancies. These acts permit the recording of such death certificates in such cases only after there has been recorded a certified copy of an order of a County Court or a statement of the state tax commissioner relating to estate tax determination of said estates. Because of the failure of so many parties to pay an estate tax where the property is in fact an inheritance by means of joint tenancy, this will close one of the several loop-holes in our state estate tax system and make it operate more equitably.

Chapter 280 is the Marketable Record Title Act. It defines a marketable record title and requires the filing of notices of claims by other parties of interest in such real estate in certain cases within a definite period of time and requires the recording thereof and it makes invalid all claims with respect to the real estate affected thereby where no such notices of claim of interest are filed within the required period. The purpose of this Act is to simplify and facilitate real estate title transactions by allowing persons to deal with the record title owner as defined therein and to rely upon the record title covering a period of thirty years or more subsequent to the recording of the deed of conveyance.

This, incidentally, is a very important piece of legislation.

Chapter 291 dealing with redemption after retaking of property under a conditional sales contract is a long overdue protection to the buyer in such cases. It provides, in brief, that whenever a seller under a conditional sales contract does retake the property, such seller must within 4 days after such retaking give notice to the buyer of the retaking, said notice to also contain the amount necessary to redeem, date of such retaking and that the buyer may redeem said property within 15 days from the date of such retaking, provided if such retaking is accomplished by legal process no such notice thereof need be given. It also requires that such seller shall retain the

property for 15 days after the retaking during which period the buyer, upon payment or tender by him of the amount due under the contract at the time of retaking, may redeem the property.

Chapters 324 and 325 pertain to estate taxation. The first of these provides for the determination of the gross estates of non-resident decedents and for reciprocity in the taxation of intangible personal property.

Chapter 325 relates to the determination of net estate for estate tax purposes and makes available what is known as the marital deduction in state estates, similar in principle to that found in federal estate taxation.

The above laws are the more important ones in which the Legislative Committee of the Bar Association was interested. There were a number more that were introduced and passed in which we were interested and to which we gave our support. Limitations as to time available make it impossible to consider others at this time.

A report on legislative activities would be incomplete if it referred only to measures passed. One of the bills introduced into the Senate was to repeal the portion of the law levying the additional \$2.50 charge for filing fees and turning it over to the State Bar Association. The officers of the State Association and the lawyer members of the Senate went to work on this proposition, and after one hearing they had the repeal of this measure promptly and effectively disposed of.

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

(Motion carried.)

**PRESIDENT BANGS:** Report of the Committee on Legal Education and Admission to the Bar, Dean Thormodsgard, Chairman.

**O. H. THORMODSGARD:** At a meeting of the American Bar Association, September 1, 1921, a resolution was passed declaring in substance that every candidate for admission to the Bar should have at least two years of study in college before entering upon the study of law. The Legislative Assembly of North Dakota in 1931 enacted (C. 30, Sess. L. 1931) such a requirement into law effective July 1, 1936. In 1937, O. B. Burtness as Chairman of the Committee on Legal Education and Admission to the Bar reported: "The next logical step would probably be a requirement of three years of college work in this state and your committee is of the opinion that this is a matter which can appropriately be kept in mind, although it feels that the time is not ripe for such

additional requirement." In 1947, the Committee on Legal Education and Admission to the Bar with E. T. Conmy of Fargo as Chairman, recommended that pre-legal education be extended to three years. This recommendation was approved by the North Dakota Bar Association. In February, 1948, the University of North Dakota School of Law adopted a requirement that beginning with the school year 1950-51, only persons who had completed three years of acceptable college work and had earned ninety semester credit hours were to be eligible to enroll in the Law School. Two exceptions were made to this basic requirement: Persons who were twenty-five years of age or older, whose experience indicated that they were prepared for the study of law, and war veterans might be admitted to study law upon completion of two years of acceptable college work. These exceptions were made to meet cases of hardship.

The House of Delegates of the American Bar Association on February 27, 1950, adopted a resolution declaring in substance that an approved law school shall require as a condition to admission at least three years of acceptable college work, except that a law school which requires four years of full time 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. This resolution is to be in force and effect in the fall of 1952. Likewise the Association of American Law Schools on December 29, 1950, adopted a resolution which accepted the wording of the American Bar Association standards. Since no exceptions were made for veterans or for persons who are twenty-five years or older, the University of North Dakota School of Law will require all law school applicants beginning in the fall of 1952 to have completed three years of acceptable college work. Only veterans and those persons who are over twenty-five are presently eligible to enroll in 1951-52 with two years of college credit. After these standards and regulations have been enforced and found workable and adopted by all of the "approved" law schools, it may then be advisable to amend paragraph four of section 27-1103 of the N. D. Revised Code of 1943, which prescribes the qualifications of applicants for admission to the Bar. With three years of pre-law work, students will have an opportunity to study Accounting, Taxation, Corporation Finance, Labor Problems, Insurance, Philosophy, Psychology and other related college courses, which law students should know.

#### OFFICE STUDY

The American Bar Association has as one of its Standards, non-recognition of office law study. Of the 48 states of the Union, 24 states do not recognize office training. Three states



have no rule as to office law study. In nine states a person who studies law in an office for three years is eligible to take the bar examination. North Dakota is in this category. Nine states require a person who secures his legal education in a law office to study law for four years. In two states, only two years of office study is required, while in the state of Kansas, a person with a Bachelor of Arts degree is eligible to take the bar examination upon completion of two years of law office training. Minnesota has adopted the American Bar Association standard. If North Dakota is not prepared at this time to abolish office study, it would be advisable to require all office trained bar applicants to have three years of pre-law work. College training is far more necessary at present for a lawyer than in prior years.

#### LAW LIBRARY

The Committee visited the University of North Dakota School of Law. For the present adequate law book stacks are available. The second tier of stacks was erected in 1946 and in 1950 the third tier of stacks was erected. These are constructed so that a fourth tier may be added. The Law Library, which is a reference library only, may be used by lawyers, judges and the public. It is now being used extensively by members of the legal profession. Over 100 legal periodicals, law reviews and law journals are received, bound and accessioned. Reports of all the states and territories, either in their entirety or up to the beginning of the National Reporter System, the United States and Federal Cases, English and Canadian statutory materials and the Codes for all the states are available and kept up to date. A large selection of text books and books on Legal History, Jurisprudence, International Law and related subjects are available. Over thirty thousand well selected books have been accessioned.

#### REVIEW OF LEGAL PRINCIPLES

For the first time, a review course of the basic law subjects was offered during the Summer Sessions to recent law graduates. Fifty-two lecture hours were devoted to this no-credit course. The course was directed by Professor Charles L. Crum, who reported that the students worked with renewed interest in this comprehensive study. Plans have been made to offer it every Summer Session.

#### STUDENT ENROLLMENT

The peak of law school enrollment throughout the United States was reached in 1948-49. Each year thereafter enrollments have decreased. For the coming school year law school enrollment will be far below normal. Because of the war emergency and the demand for workers in defense plants, many of the prospective college students will defer enrolling

in institutions of higher learning. The requirement of three years of pre-law work will likewise limit the number of law students.

#### EMPLOYMENT OF LAW GRADUATES

Only a reasonable number of law graduates go directly into the practice of law. Many of the veterans who graduate from law have a family and by necessity are required to accept salaried positions in related fields. From each class, experience indicates, several are selected for the Federal Bureau of Investigation, where they begin with a salary of \$5200 a year. Others, being Reserve Officers, become active members of the Armed Forces. Many accept positions as adjusters or other positions with insurance companies. Several accept government positions and others accept positions with business firms. In other words, the study of law is an avenue for many other professions besides that of law. The legal profession will not become overcrowded with active practitioners. Members of this Committee have found it difficult to find qualified law graduates for several available positions. Many of the recent law graduates are mature in years, with families, and unable for economic reasons to go through a long period of waiting for clients or working several years as an apprentice in law firms.

#### THE SURVEY OF THE LEGAL PROFESSION

Progress may be reported on the "Survey of the Legal Profession" which is sponsored by the American Bar Association. Sixty-eight studies have been reported and printed by the American Bar Association. Sixty-one additional surveys are being made and will be written and published. These studies in time will influence the trends and standards not only of legal education and admission to the Bar, but also to the practice of law and the administration of justice.

Respectfully submitted, O. H. Thormodsgard, Chairman,  
Cyrus N. Lyche, Ralph S. Oliver.

Mr. President, we move this report be accepted and filed.

(Motion carried.)

PRESIDENT BANGS: George Soule, have you a report of the Committee on Law Lists?

GEORGE A. SOULE: I have, Mr. President.

PRESIDENT BANGS: All right, we will hear it at this time.

GEORGE A. SOULE: Mr. President: I presume that most of you will recall that last year we sent you this small red publication entitled "The Lawyer's Confidential Guide". It

is a publication that lists and rates all of the various law lists, both the commercial and the general lists. If you have lost your list or if you didn't receive them we still have a few on hand and if you write me at Fargo I'll be glad to send you one so long as the supply lasts.

During the year we have answered probably between twenty and twenty-five inquiries in regard to law lists and I am satisfied that by helping those who inquire in giving them the information in regard to those lists that we save those individuals considerable sums of money. During the year we have had the information that has been sent out by the Special Law List Committee of the American Bar Association. They are doing a great work. They are keeping in touch with all these lists and once a year they publish a list of those publications that they have approved. I am not going to burden you with reading that list at the present time but I will hand a copy of it to the reporter so that when you receive your copy of the proceedings of this meeting you will have a complete list of all the publications approved by the American Bar Association.

Your Committee feels that if you want to take a chance and subscribe to lists that aren't so approved you will simply be throwing away your money, so we urge that whenever you are solicited by a list that you refer to the volume containing the proceedings of this meeting and if that publication has not been approved by the American Bar Association that you save money and that you do not sign for it. We feel that our Committee is saving the lawyers of North Dakota considerable money. We feel that it is a worthwhile committee and we recommend it be continued.

Mr. President, I move the approval of the report.

(Motion carried.)

(The following is the list of publications approved by the American Bar Association as quoted from Page 139, Vol. 37, February, 1951, American Bar Association Journal:

"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 1951 editions:

**COMMERCIAL LAW LISTS****A. C. A. LIST**

(October, 1950-1951 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 Co., 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

**ZONE LAW LIST**

Zone Law List Publishing Company  
315 North Seventh Street  
St. Louis 1, Missouri

**GENERAL LAW LISTS****AMERICAN BANK ATTORNEYS**

American Bank Attorneys  
18 Brattle Street  
Cambridge 38, Massachusetts

**THE AMERICAN BAR**

The James C. Fifield 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**

(December 1950-1951 Edition)  
Campbell's List, Inc.  
140 Nassau Street  
New York City 7

**CORPORATION & ADMINISTRATIVE LAWYERS DIRECTORY**

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

**THE LAWYERS' LIST**

Law List Publishing Company  
111 Fifth Avenue  
New York City 3

**RUSSELL LAW LIST**

Russell Law List  
527 Fifth Avenue  
New York City 17

**GENERAL LEGAL DIRECTORY****MARTINDALE-HUBBELL LAW DIRECTORY**

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

**INSURANCE LAW LISTS****BEST'S RECOMMENDED INSURANCE ATTORNEYS**

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

**HINE'S INSURANCE COUNSEL**

Hine's Legal Directory, Inc.  
38 South Dearborn Street  
Chicago 3, Illinois

**THE INSURANCE BAR**

The Bar List Publishing Company  
State Bank Building  
Evanston, Illinois

**THE UNDERWRITERS LIST**

Underwriters List Publishing Co.  
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, 5225 Wilshire Boulevard, Los Angeles 36, California:

**ILLINOIS LEGAL DIRECTORY**

**INDIANA LEGAL DIRECTORY**

**IOWA LEGAL DIRECTORY**

**KANSAS LEGAL DIRECTORY**

**MISSOURI LEGAL DIRECTORY**

**OHIO LEGAL DIRECTORY**

**OKLAHOMA LEGAL DIRECTORY**

**PACIFIC COAST LEGAL DIRECTORY**

for States of Arizona, California, Nevada, Oregon and Washington

**TEXAS LEGAL DIRECTORY**

**WISCONSIN LEGAL DIRECTORY**

**FOREIGN LAW LISTS**

**CANADA BONDED ATTORNEY**

Canada Bonded Attorney & Legal Directory, Ltd.

223 Lonsdale Road

Toronto 12, Ontario, Canada

**CANADA LEGAL DIRECTORY**

Canada Bonded Attorney & Legal Directory, Ltd.

223 Lonsdale Road

Toronto 12, Ontario, Canada

**CANADIAN CREDIT MEN'S COMMERCIAL LAW & LEGAL DIRECTORY**

Canadian Credit Men's Trust Association, Ltd.

456 Main Street

Winnipeg, Manitoba, Canada

**CANADIAN LAW LIST**

Canadian Law List Publishing Co.

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.

50 Carter Lane

London, E. C. 4, England

The ABA Journal for July 1951, Page 542, contained the following from the Committee on Law Lists: "On June 2, 1951, the Standing Committee on Law Lists issued Certificates of Compliance to the following covering 1951 Editions:

**INTERNATIONAL TRIAL LAWYERS**

Central Guarantee Co.  
141 West Jackson Blvd.  
Chicago 4, Illinois

**MOUNTAIN STATES LEGAL DIRECTORY**

(Including States of Colorado, Idaho, Montana, New Mexico, Utah and Wyoming)

Legal Directories Publishing Co.,  
5225 Wilshire Boulevard  
Los Angeles 36, California

**PRESIDENT BANGS:** At this time we will have an address on "The Disorganized Bar", by Edward B. Love, Director of Activities of the American Bar Association. Mr. Love.

**ADDRESS BY EDWARD B. LOVE**

Mr. President, Officers and Members of the North Dakota State Bar Association, Honored Judges, Distinguished Guests:

As I came into Bismarck this morning it reminded me of another trip into Bismarck some thirty-six years ago, and I was then thinking how much better the transportation facilities are for Bismarck than they used to be. We came here through the Black Hills. I was about eight years old and it was hot and extremely dusty and I was very dirty.

I was very glad to get here and I am happy to be among you. I think the most useful thing, perhaps, that I can do for you would arise from the fact that perhaps I have been going to more Bar Association meetings than the rest of you, and I should like to draw some comparisons, adduce some facts that may be new and some that you may have forgotten, and perhaps draw also some conclusions along with the comparisons that you might find useful and perhaps of value.

Of course, I didn't come all this long way just to tell you some stories, but I am somewhat in the position of the newly-arrived convict who came to a penitentiary, and arriving there, of course, he was new to the place and didn't know the ropes, but the first night he was there he was lying in his bunk, everything was quiet, there wasn't a sound, and suddenly someone shouted against the court "347" and immediately the whole penitentiary broke into gales of laughter. Everybody



howled, you can just imagine, they were rolling on the floors of the cells. He didn't know what to make of it; he didn't know anybody and so he said nothing. The next night he was sound asleep and he was wakened out of his sleep, the whole place being dark and quiet, by someone that screamed "609" and again gales of laughter rocked the penitentiary. Well, he didn't know what to make of it, but he did make a friend that day, fellow convict, and when he talked to him he asked him what that was all about and the fellow convict said, "You see, we don't get to talk very much to each other and there is a joke book in the prison library and all of us have read it time and again because it's the only joke book there, so we have all memorized the jokes and we know just what page each joke is on, so that is how the fellows tell stories; they just give the page number and, of course, everybody can then remember the story and enjoy it". Well, he thought that was all right, so he went to the prison library and he went through that book which he found until he discovered a very fine story; it was a whale of a story. So that night when the place was all quiet he waited until there wasn't a sound, everybody was asleep, and he yelled "226"; and there wasn't a sound and nobody laughed. He was quite disappointed and the next day he asked his friend, he said, "What was the matter; I told a swell story last night", he said, "I called off the story on Page 226 and nobody laughed", and the fellow said, "Well, you know, some fellows can tell stories and some can't".

(Laughter.)

In the short time since I came to the bar things have changed a great deal, and the change has been going on for perhaps forty years before my time, and I should like to remark on some of the things I noticed then and how they stand at this time and see if you don't have perhaps the same opinions about those changes and about what they may foreshadow.

I recall distinctly that when I went to Illinois to practice, having previously practiced briefly in Michigan, that no lawyer in the town where I practiced spoke to any other lawyer. In fact, I was quite shocked to find that in a few rare instances they even cursed each other on the street as they passed. I thought that was very strange, so I inquired in the surrounding counties and other towns and I found out that somewhat the same situation prevailed throughout in that state, and I have found the same thing in Michigan.

So I think in that day perhaps, not so long ago, lawyers were not so friendly as they are today. Also, everything was noticed. We did not get anybody into Court until we noticed

them; we didn't get an appeal on its way up until it was noticed. Nothing was done by agreement. When lawyers had meetings they were pretty stuffy affairs; they were hardly the jovial things we have everywhere today, and those were the same meetings whether we had them in southern Illinois or northern Illinois. They were just not very friendly. The fellows didn't seem very glad to see each other; in fact, they were about half way sorry, you might figure out.

So I think there has been a change in the attitude of the lawyers to each other just in that short a time. Now, you might think that when my time started out the depression was just going strong and perhaps the competitive conditions that existed at that time might have made lawyers a little more keenly aware of the business the other fellow had and he didn't have, but I understand that had been the situation, for many years at least, in that part of the country. I think it might have been a lot different here because you have more closely knit bars and you lawyers, I hope, got along better then and get along better now.

Also, there was absolutely no cooperation. We couldn't get together on fee schedules; we couldn't get together on title rules; we couldn't get an agreement about anything. So we find today it's not very difficult to get minimum fee schedules that are agreeable to the fellows and that they will half-way live up to, and you have title rules; you have all sorts of agreeable things that are done within local bar associations, and I may interpolate here that so far as I am concerned, or ever have been concerned, the only lawyer that counts, the only bar association that counts, is the local lawyer and the local bar association. That is the seat of public opinion, that is where the influence, if any, originates. The finest program in the world by the most intelligent men in the world, whether it is done at the institute of advanced learning at Princeton, by Einstein or by John C. Cooper, the chairman of the American Bar Association Committee on American Citizenship, or whoever it is, must necessarily fail unless that program means something in a local community and is made to mean something by the local lawyers.

But to advert again to the differences I have found just in my short span of practice, I noticed too that fee schedules didn't mean much. Fellows were cutting fees to outrageous amounts and they were good lawyers who were doing it. I also observed it was considered quite an improper thing for younger fellows to go in and try a case, particularly when they won. That is done more now and not much is made of it, but I remember the first case I won; I almost had to leave town. It happened to be against one of the older men and a

very fine lawyer, and I wonder if he ever did forgive me for that.

So we have seen a change in the friendliness of the lawyers, in the way they cooperate together, in the way that they keep agreements, and that kind of thing. Also there have been some other changes. The meetings, the local lawyers' meetings and the state meetings and the American Bar Association meetings used to be very scantily attended. We didn't have very many of the fellows there. They always had some reason why they couldn't go. And today you go into the lawyers' meetings, whether it's an annual meeting or any other kind of meeting, and no matter what bar association it is, it is pretty well attended; you find the fellows interested.

But the last thing I have noticed is the increase in bar association activities, and you can compare your own journals of 20 years ago with those of today or those of other bar associations and you will discover that the ordinary lawyer is very much concerned with the administration of justice and has an anxiety to make it more efficient, more economical, to make it more readily available to rich and poor alike and as even-handed as it may be. I don't think that was troubling men back in that day. And to some of you that won't seem so very long ago, but I wonder if the same changes, the same flux, has taken place over a still longer period?

Although the lawyers are becoming more organized, and here in a state like North Dakota where you are integrated, you notice that over the nation already half the bar associations are integrated, and that must be the trend, because I am sure that is something that has developed quite recently. I don't know how long you have been integrated but I don't think it has been too long, and I think that will continue to be the trend, whether we like it or not. I happen to come from a rather large bar association, which is a voluntary association; in fact, it is the largest voluntary bar association in the world. Yet we recognize we do not have the strength, we don't have the influence we would have as an integrated bar. That is not to say we are going to integrate in Illinois. I came originally from an integrated bar and liked it very much, by the way, which was in Michigan. Now, while we have been working toward a stronger organization, yet other people have been organizing. The farmer has been organized; the laboring man has been organized; the artisan has been organized and other professions are virtually integrated across the face of the nation. Any doctor has to belong to his local, his state and national association or he can't do business, he can't even get a patient into the office. So it is with the dentist. I may say I have taken a very great interest in their

organizations, have spent some time studying them, and have been given the honor of the order by them. They have been very kind to me, so it is I notice that comparison which you yourself might not be so conscious of.

Also there are some things that have not changed. Lawyers, as I have known them, and I know a great number of them, are not very good business men. I don't think of myself as a good business man, and I don't know whether I tried hard enough to be. We are generally, and I am speaking presently in generalities, poor business men. In the first place, we are submitting to an income tax that is taking practically all of the increase over the depression fees that were being charged. I may say that I am not afraid to speak of money, although that may be considered by you of the older school as a little improper, and it is true our profession is a learned and honorable profession dedicated primarily to the public interest rather than to the making of personal profit, as opposed to any business which is solely dedicated to the making of personal profit. Yet I think that the economics of a lawyer's existence are of interest to him and they are of interest to his fellows. So the fees that I have seen over the country have not increased beyond just enough for a fellow to pay his taxes and still leave him about the depression wages. There are lots of lawyers that make more money than that, but I am speaking of the average.

Also the average lawyer advances his client's expenses and extends him credit far beyond anything that client's banker would think of doing.

And in addition, and this is a feeling I hope I speak of in the lodge and not for public consumption: I think it is a fact—I know it to be a fact—that lawyers generally charge too little out of tender-heartedness or modesty, I don't know, but they charge too little for the service they render to clients who are willing, ready and able to pay and then send the client away without a word and possibly with the apprehension that they were charged too much for a fee that was too little to begin with. That is dirt common in the legal profession in my own experience.

Then lawyers put up with an unwieldy court system all over the country. Why they do it, I don't know, except they are used to. A system where they often come away from the court wondering why they ever went in the place. They spend so much time with their appeals and they work hard at them and their clients are dissatisfied very often and after a fellow has been kicked up and down in the judicial system three or four times and still can't find out whether he won or lost he not only has a right to be sore but he wonders why he puts

up with it. I can see in North Dakota that you men are interested in doing something about your judicial system, just as we in Illinois are trying to do.

He puts up with practices in which he devotes so much time to those things which don't show up for the client and produce nothing and, after all, as I was saying to you, Mr. Bangs, this morning, it's not a question of whether you are going to make your issues on the pleadings or whether you are going to make them at the trial in evidence; it's really a question of whether you are the defendant's lawyer trying to pinpoint it down to a narrow issue and compel them to proof, or whether you are the plaintiff and want to complain everything beyond the green hills. If we can get a happy medium in each state that is all we could really expect, and I speak as a common law lawyer from a common law state who likes pleadings. However, they can get to be a hobby and are rarely a money maker. I might mention I have one case in which we have been pleading for five years and we haven't had the thing tried yet. You might think it is the lawyers' fault, but that is the way our pleadings run. So there are those respects in which we have not changed.

There are a few others. For one thing, I have always known lawyers as the most honorable men, the most honorable group of men, I have ever come in contact with, and in that respect they are as they have always been. To demonstrate that to those who think otherwise we have only to point to the fact that they are the most trusted men in the world, and still are. To them their clients confide their lives and fortunes and sacred honor, everything, and never wonder about it, and never have, but rarely, occasion to wonder.

Here we are, not very well organized, not very clear about where we are going, and something else has been happening all this while. In the last thirty or forty years I think you must all be aware of a wave of materialism that has crept over this country engulfing all the spiritual values we once knew to the point where they are hardly recognized any more. Everything is measured by the sign of the dollar, by its value in money. It isn't how rich is a man, as we say today,—did he make it honestly and honorably? It isn't a matter of whether he was in a legitimate business. Why, for goodness' sake, we know people today who made their money out of very shady dealings and yet they are very highly regarded by their neighbors. I don't know any lawyers who made any money that way, but no doubt there could be some. Every barrel of apples could have one bad apple. And in this wave of materialism we lawyers have been caught up by the same standards somewhat. It is very difficult for us. Today a lawyer's worth, his

success in life, in fact, is chiefly judged by the amount of money he made. At least so the public judges. We ourselves never planned it so and we would not have it so, but when everyone else's standard is money, and money only, we are bound to be a little affected by that pressure.

In this changing world pressures have grown up that as they say, "And Joseph died and a new king arose and knew not Joseph". So it is with us. In former days in your own local communities your people knew you. In the larger cities even there they knew you. But new generations have been born, new people have come along to an incredible number. If you ever stop and look at the population you will find that the people you don't know are far more numerous. It is due simply to the fact that a number of kids have been born and grown up and their ideas about the legal profession isn't what you think it is simply because nobody has bothered to tell them their ideas. Their idea about constitutional government may not be the same as yours. With this new generation new pressure groups have grown up that we didn't know about twenty, thirty or forty years ago, and these pressure groups of the farmers and laborers and artisans, and such people as that, and people who have special interests at your state capitol or special interests in Washington, and who lobby vigorously, are at work, but nothing is ever heard from the legal profession.

Now, probably bar associations originally came into being not as organized groups to bring pressure, but simply as organizations for good fellowship and to get the boys together once in a while, but these pressures have brought out the true character of local, state and national bar organizations, and that is that they are fundamentally service organizations, and they are that because there are some things that lawyers as individuals have neither the time nor the facilities to look after. In some fields that would include their personal interests. They have no time or facilities, unaided, to keep up with developments in court decisions and in legislation and in their friends. A bar association can do that for them.

They have no way to protect themselves against the unauthorized practice by which untrained men invade the field in which lawyers practice, and I don't allude particularly to any special group of people who try to practice law without a license, but I think you know whom I mean. And the only people that can fend those people off the ordinary lawyer are the people in the organized bar.

Also there are other things where a lawyer needs protection in his selfish interests, as, for example, he is the forgotten man in the field of income tax. He is the one man

who has no depreciation and every dollar that comes over his desk has a clip on it by Uncle Sam. Maybe Uncle Sam needs the money, and I don't mean to discuss that. I only mean to say that lawyers have not been as fairly treated as other men in the field of taxation.

Then there is the protection the lawyer needs, as for example, when one goes into military service, and in the last war many of our fellows went into battle as riflemen. Most of them were in the ranks. It might have been proper, but that's not the attitude of the particular organization with which I am concerned. A running battle has been carried on by the American Bar Association with the Secretary of National Defense to see if there isn't some way that lawyers' talents can be recognized, and we know them to be the most ingenious, resourceful and versatile men in the world. They run the country's business; poor business men though they may be on their own account, they are the best business men in the world for other people.

Although the official attitude of the Secretary of Defense is that there is no legal work to speak of, as such, in the services, that effort will continue until there is decent recognition of a lawyer's training and talents.

So those are the fields in which lawyers are now serviced by their bar associations. And there are others. I can't enumerate them all, of course, in this brief talk. There is another field in which lawyers need service that they can't perform for themselves and that is the performance of the public obligations which every lawyer rightfully owes to the public. That is perhaps the most difficult of all, and in the performance of those things this bar association is the only organization, the only entity, that can do those things. A lawyer could spend all of his time trying to perform that job and would get no where unless there was some cooperation, some unity and some combined effort, and unless there were some men who, in addition to belonging to their bar association and coming to their meetings as we do, but in addition give a devoted and consecrated service to the bar, the time, the talent, the energy, and even the money, that the officers of your association give, and I speak now of your President, Mr. Banks, your secretary, Mr. Alphson, your executive secretary, Mr. Davies, and at the national level, which is a little different thing, Mr. Bangs as your state bar delegate, and Mr. Nilles—I don't know how to pronounce his name; I don't know if I have ever met him—who give something just a little more than the other lawyers do, and for that they should be honored, as they are.

Now, I have brought you to the point where we find that

the world is changing and lawyers have been slow and cautious as always. They have been dragging their feet a little bit, and I would like to speak of this one fact. You may notice that I am a little preoccupied with bar associations and what we might be able to do for lawyers, and if I seem so, perhaps I am in the same situation as the psychiatrist's patient. There was a certain psychiatrist who had a way of testing the people who came to see him to determine whatever he wanted to know about their head and their ego, and the like, and on one day in his office the first patient that came in the psychiatrist waved a handkerchief at him and he said, "What does that make you think of?" The patient said, "That makes me think of a beautiful day in the summer, white, fleecy clouds rolling by", and the psychiatrist told him, "You go into the next office and I'll see you later". The next fellow came in and he waved the handkerchief at him and asked him what it reminded him of and the patient replied, "That reminds me of factories, smoke coming out of chimneys, everybody making lots of money," and the psychiatrist told him to go into the next room and he would see him later. The third patient came in, fine looking fellow, and the psychiatrist waved the handkerchief at him and he said, "What does that remind you of?" Without an instant of hesitation he man said "Women". The psychiatrist said, "That's the first time I have ever had that kind of an answer. Why does that remind you of women?" "Oh", he said, "that's all I ever think about". Perhaps I also have an obsession.

What I was going to talk about now is what might be done by bar associations, how men coming together can accomplish more than each man working individually. I remember years ago a talk one night when the speaker was arguing for some kind of unity on some particular thing and he brought forth a wonderful illustration, which isn't available now, this being in the daytime. He had the lights darkened or turned out and he lit a match and he said, "So it is with me when I raise my voice and try to get these things done", and then he asked all who were present to strike a match and, of course, the tremendous burst of light from all those lighted matches illustrated as nothing else could, I think, the difference between the feeble glow of one man's intentions, one man's efforts, one man's ideals, and the combined effort of all those people together working in the same direction.

I think you are fortunate to be integrated because in every army there are some stragglers and in an integrated bar the stragglers have to keep up with the army somehow. Many bar associations have been afraid of regimentation; afraid that if they were integrated they would be regimented, but you people don't seem to be worried over it. The bar associations



that have integrated don't seem to have the problem, and I think that there will be a definite trend, although I do not mean to say by that that I am urging that the entire bar associations of the nation, the organized bar and the unorganized bar, should integrate to the point where every lawyer in order to go into court perhaps would have to show his paid-up dues certificates from the bar associations. I have no such idea as that, although I have heard it argued, and each of you will have to think as you choose about that.

Instead I should like to speak of what it is that bar associations have done, are doing and propose to do, and I speak of that in the light of what has been done, is being done and will be done for the average lawyer, and that is my obsession and my preoccupation. I have a terribly anxious concern over the economic plight, the general welfare and working conditions of the average lawyer working in the average place for too many hours for too little money and for too little recognition, even though we all know that there are wonderful personal rewards that come to every lawyer who enjoys his profession that can't be measured in money.

First I should like to speak of your local bar associations, your state bar association and the field in which they operate and which they preempt. If a local bar association has a strong program it can have a stronger program by following the program which is developed by your own men at the state bar level for all local bar associations. As an example, we are about to give wide circulation to a local bar association handbook which will contain the joint effort, of course, of a great many bar associations. It is designed for state and local bar associations and contains a wealth of tested materials which have been used and found successful for public relations. I am trying to get the committee to include in that material soon to be published a handbook for local bar associations to show them how they can carry out a definite program in such a definite field as American citizenship or a definite work with a definite budget in, say, public relations, or a definite program on judicial administration.

The odd thing about it is that the most definite things that have to be done always have to be done by the local bar associations, and that is the very place where the men are the most lost and haven't the least idea how to go about, for example, an American citizenship program in their own local community, which cannot be carried out anywhere else. Now, using that simply as an example of a great many things we have plans to achieve, it can be done at the national level. So adverting to the national level for a moment, let me point out to you again that the men who are working at the national

level are not people far away, just as the people working at the state level are not men far away and a different kind who look different and wear different clothes. They are exactly the same people you know, the man down the street, the man in the next town, your partner perhaps and, in fact, your very self.

So at the national level that plan can be conducted in this way and is, in fact, so conducted: General plans are laid out such as objectives, budget, and the like, at the national level for any particular program which is needed. Those programs or plans are broken down to state plans for use by local bar associations. The state gets the plans and works out plans to fit their local situations and break them down for the local bar associations who work out from those plans things which will fit their local situation.

Now, as men have come together in bar organization work to serve in their selfish interests and in their public obligations they have made demands upon their bar associations. They have suggested things. Ideas have come to them out of our own problems, and that is the program of the organized bar. It is the response of the men who are trying to serve you in these honorary capacities to these demands. If they aren't doing what you think they ought to be doing it is nobody's fault but your own, because you haven't made enough demands, you haven't made enough requests and you haven't made enough suggestions. So I wish to speak now of the things that are being done in response to those things because it was supposed that this is what the lawyers wanted. Now, if these aren't the things you want, if they are doing things you don't want but fail to do things you do think you need, then I should say it is time for a change, and you are the men to make it.

Let me take, for example, the long range program having top priority of the American Bar Association. It is now recommended that that program be extended to cover from five to fifteen years and to override every other program of your national organization. It's also recommended that it be somewhat expanded. I will not go into detail on that, but I can say it is best illustrated in six fields. These are the public obligations of the lawyer.

First in the field of American citizenship. That is the long range program and is presently being implemented by a printed bulletin sent out quarterly containing American citizenship materials for use by state and local bar associations, distributed free, as I understand, to every bar president, to every executive director or secretary and to every chairman of every American Citizenship Committee in every state

bar association. Additional copies are for sale at something like two-thirds of the cost of printing. Those are materials that solve the problems that we once thought couldn't be solved because I tried to do American citizenship work and like all the rest of you I circled around to the schools on Constitution Day and tried to tell the children what the fundamental principles are of the freedom of this country, tried to get them to understand the things that lawyers understand, of all men, the fundamental and underlying principles of constitutional government. I think there is no other group of men that understand that fully and in a practical hard-headed way. Lawyers are the only people who can translate abstract ideals into practical realities.

But in this field of American citizenship I want to say the six-pointed program that material is presently being collected—whatever anyone does on American citizenship is picked up by the committee and screened and if it's good enough for a trial run they put it in their bulletin and they reprint some of these things from time to time. The man who does that is one of the finest lawyers I think I know.

In the second field, judicial administration, committees have been created in every state in the nation in the American Bar organization to work with the state bar associations in such a way as it is possible in each local situation on the 62 points of minimum standards of judicial administration and the judicial systems of the states. Perhaps some of you may have read about those things in Judge Vanderbilt's book, or some of you may be on the committee and may know something about the American Bar Association plan for judicial revision. That's a tremendous task.

In the field of regional meetings the present policy is to take the American Bar Association, for example, to the grass roots lawyer, to take it as nearly as may be to his local community and to make it possible for lawyers to get to a meeting of the association at a different level, dealing with different things, putting on a program which is one which has not already been preempted by the state association or which a state association is simply not equipped to design or put on. Two regional meetings have been held in 1951 at Atlanta and Dallas, both of them tremendous successes. One was planned for Minneapolis for October of this year and only recently, the last few days, fell through because they couldn't get enough hotel space for the approximately one thousand lawyers that would be expected to attend. Next year there will be almost certainly three regional conventions, the first one at Louisville for about five states in that area, the next one at Yellowstone National Park for five states, and the third

one at Kansas City, again which is part of your natural territory which will probably draw some of you down there.

In the field of public relations, I have mentioned briefly and will say more about the public relations manual which is an entirely new venture in the field by the Public Relations Committee of the American Bar Association. There is ready for publication, but not for distribution, this public relations manual which contains a complete program of public relations, how to plan it, how to do it, the material needed, the various model forms selected by the Public Relations Committee, so that for the first time we can see what is good and what is bad public relations programs. Public relations programs have been tried by practically everybody and a lot of money has been spent,—although it doesn't compare with what a lot of others have spent, but it is a lot of money for lawyers,—on things the committee has found to be unsuccessful and, in fact, to create bad public relations. One example I can mention. In the business field they talk about product promotion as distinguished from trying to get the good will of voters, for example, and over the nation we find bar associations doing product promotion apparently trying to get more business for lawyers without realizing that they aren't getting any particular good will by that and without realizing too that most lawyers are completely buried with too much business now. So that we have found to be a bad public relations program unless you are trying to bring more people into the lawyers' offices than they already have. There will, of course, be other features of the manual which will be useful in fields other than public relations.

Then another committee called the Legal Aid Committee is working on justice for the poor, to set up in every community over the nation, if the states so will it, and if the local bar associations so will it, programs designed to more equitably distribute the justice for the poor that is being performed by the average lawyer in his office now with the difficulty that some lawyers are getting more of it than others and with the further difficulty that in your community they don't expect the hospital to be supported by the doctors, to be paid for by the doctors. Hospitals always operate at a deficit, I suppose you know, and that is considered a public burden, and so it should be with justice for the poor. That too should be a burden on the local community, not a government burden. And I don't wish to be misunderstood, but if the British people and the British lawyers were so incapable of administering justice to the poor that they would swallow whole the proposition that the government owes a duty to make justice free to poor people and to people who can't pay, say, an ordinary minimum reasonable fee, then they have

indeed exposed themselves fully to the slings and arrows of the Communists who have been propagandizing for years that the lawyer is for the rich. However false that may be, it is uncomfortable when they say that the lawyer is a parasite upon the property class. We must look after our poor people who cannot pay going fees for the purpose or we would have nobody else to represent but the property class. And that is what the British have done for themselves with their legal aid and advice plan.

That is designed not only to take care of our public obligation but to relieve our lawyers from a selfish viewpoint from some of the burden which they have assumed personally which they can't afford in too many cases. I speak as one who knows. I was appointed for four murder defenses and had psychiatrists involved which didn't work for nothing.

The sixth field is the field of legal referral service. That is the plan where every community can have a service for referring people to lawyers who don't know how to get into the judicial system, who don't know how to hire a lawyer, who never had a lawyer, don't know how to start and are scared to take on a lawyer from what they have read in comic strips and seen in the movies, perhaps. Those people don't even know how to start with their troubles or how to get advice. This is done by agreed consultation fees of five dollars, three dollars and even two dollars. That also is designed to help the lawyer in a selfish way by distributing more equitably these people who can't pay, some of them, as much as the going rates for work, and that has been used, in fact, by some of the communities as a means of referring clients to specialized lawyers, and back and forth, where in a larger community you may know who is a particular hot shot in oil and gas and you have had no experience with it yourself. It is cheaper to put him in the hands of another lawyer who does know about it than to try to educate yourself on a subject you will probably never use again.

In addition to satisfying a public obligation in a two year period in Philadelphia they studied the fees in cases handled by lawyers' referral service and found to their amazement that the business had gone to the younger lawyers who wanted it and who could afford to handle it, geared to handle it, but they have made an average of 20 dollars out of every one of those cases, and I suppose in many cases the lawyers earn more than that, and also in cases it was a decent fee for the work done. That's not free legal service.

Now, there are other things that we do in bar associations. It's been very difficult for lawyers to save money. There's another respect in which lawyers have not changed. It is

tradition that lawyers have worked hard, lived well and died poor. When I started out to practice I couldn't save any money, and I still can't to speak of, and I suppose that is quite common judging from complaints that reach my ears and the fixes I find my friends in. Part of that is because, I think, they are not very efficient in the way they conduct their business. I don't think I ever was, although I tried to be.

We spend too much time getting our offices all choked up with too much work and then it lies around to the point of diminishing returns and finally the right fee, the proper fee, has been eaten up by the amount of time wasted having it around the place and explaining it. In many ways we are not efficient. In one respect at least we are not to blame, as the very top of a lawyer's income has been cut off, the saving part of his income. It's not the kind of fair treatment that a lawyer should have; not the kind he gives to other people, nor the kind the government should give us.

So the American Bar Association worked out a principle of deferring part, up to ten per cent, of a lawyer's taxable income and putting it into a voluntary retirement fund to be drawn out by the lawyer at age 60 and taxed for the first time at that point. I am speaking now of lawyers' selfish interests. The Committee drafted a bill and then congressmen and senators took it up and presently there are three bills to carry out the principle of excluding income from income tax and putting it into retirement funds as a lawyer may choose as fast as he wants to up to 10 per cent each year and in a fund of his own choosing. There are three bills in Congress and one bill in the Senate. The Senate Finance Committee is presently considering the one bill and last week I sent out two thousand copies of the proposed bill that is in the Senate known as Senator Ives' Amendment to House Revenue Bill No. 4473. I sent out two thousand of those to local bar associations and state bar associations and others along with two thousand copies of the statement in the Senate of Senator Ives, along with a letter from the president of the American Bar Association, who is pulling out all the stops to see if they cannot get that thing enacted by the Congress so that lawyers may have the same treatment in their savings that employees have through Social Security and through pension trusts under Section 165 of the Code. That, of course, will also be available to other self-employed persons and partners if it should be enacted. Many of you have farmer clients and would be interested.

Now, I'm a little concerned with the lobbying. I don't wish to lobby, but if any of you are interested in that, or your clients are, and if you happen to know any congressmen or

senators you will probably know what to do about it. But it isn't going to get passed by Congress without pressure and a lot of it, of a lot of people from home. The American Bar Association isn't going to get that passed because that's an economic matter, a policy matter, and there is a limit beyond which your national organization just can't go.

Now, I have spoken of work that's been done and is being done to try and improve the situation of lawyers. In the armed forces also a great deal of work has been done to improve the administration of court martials in the service, where, if any of you have been in the service, you know the viciousness of command control of court martial proceedings where the commanding officer is judge, jury and prosecutor virtually, by reason of his control of the whole court. After a lot of effort Congress did pass a bill but they didn't take away command control but they removed some of the unfairness, some of the inequities, which attend trials of our boys who are in the service, where they should be entitled, if they ever are, to decently fair trials.

Now, I think I have taxed your patience about as long as one man ought to and I have only this further thing to say: That the bar association programs that I have spoken of, and that isn't all of them, a lot of fine, able men, our very best men, have worked for long on these programs. They are numerous. There are nearly 70 committee sections and special committees in the American Bar Association going full blast all the time. I don't know how many sections or committees you have in the state bar association, but those men are working and have been working for a long time, so if their programs do not represent what you think you want, be sure that you let them know what you do want if that isn't what you are getting. And, furthermore, this is your opportunity, and this is my suggestion to you, that you give them something besides suggestions for other men to work at, that you offer your own time, your own talents, your own willingness to work, and maybe a little of your own money, to carry out the things that will help the profession and help the publicity. I didn't come here to solicit memberships in the American Bar Association but I do happen to have a very few applications which I would be glad to make available to you.

Thank you.

(Applause.)

PRESIDENT BANGS: On behalf of the Bar Association I want to thank you, Mr. Love, for a very interesting address.

L. R. NOSTDAL: (Rugby) In appreciation of his splendid address given, I move that Edward B. Love of the Chicago Bar be elected an honorary member of the North Dakota Bar Association.

R. N. DAVIES: Second the motion.

(Motion carried.)

PRESIDENT BANGS: Mr. Love, you are an honorary member. The Resolutions Committee will be John Zuger, Chairman; Ed McIlraith and John Stormon. The Auditing Committee will be Herb Mackoff, Chairman; Arley Bjella and R. A. Heringer.

ROBERT A. BIRDZELL: President Bangs, if I might make an announcement at this time —

PRESIDENT BANGS: We are going to have all announcements made at this time and I will call on Mr. Birdzell, General Chairman of the Convention Arrangements.

(Announcements by Mr. Birdzell)

(Adjournment. Sectional meetings conducted beginning at 1:30 p. m. this day.)

9:30 A.M., THURSDAY, AUGUST 24, 1951

PRESIDENT BANGS: The meeting will come to order, please. First report will be American Citizenship, Harold Bangert.

HAROLD W. BANGERT: Mr. President and Members of the Bar Association: In presenting its third annual report of the Constitution Award activity, your American Citizenship Committee wishes to state some conclusions based upon three years of experience.

In 1949 the Committee made 155 awards in 154 schools in 146 communities. In 1950 the Committee made 179 awards in 179 schools in 171 communities, and in 1951, the current year, the Committee made 196 awards in 194 schools in 184 communities. In 1949, 111 members of the Bar participated in this activity; in 1950, 124 members of the Bar participated in this activity, and in 1951, 146 members of the Bar participated in this activity.

Funds expended by the Committee are as follows:

Josten's—226 keys	\$292.50
Pierce Printing Company—letterheads and envelopes	46.52



Barney Lavin, Inc.—announcements and art work	155.26
Swensgaard's—mimeograph, etc.	141.74
Stenographic and clerical	100.00
Miscellaneous, collect telegrams, telephone calls and postage	33.88
	<hr/>
	\$769.90

The Committee has on hand 273 keys for use in 1952.

The committee wishes to point out that there are 414 schools in North Dakota which might use the Award and only 194 are using it. The Committee feels that the failure of more schools to use the Award is chargeable generally to the Bar, and specifically to the Committee's program. When the program started for the current year every practicing attorney was supplied with a copy of the announcement and Mr. Leahy, Vice Chairman, addressed a letter asking that the attorney concerned get in touch with his own school officials urging participation in the program. The increase shown over 1950 is undoubtedly due to the activity of lawyers, but the failure of more schools to participate may likewise be charged to the inactivity of lawyers. It has been the Committee's experience that whenever an attorney went directly to a school superintendent with a request that the local school participate in the program, the request was acceded to—without a known exception. The Committee hopes that in ensuing years attorneys will participate in the beginning of the program as actively as they have in the presentation of the Awards themselves.

Your Committee has received no criticism of the program excepting an occasional complaint that the work should be more equitably spread amongst all the members of the Bar. As in most activities, your Committee must depend upon members of the Bar who are willing to accept leadership and responsibility. We hope that next year more members of the Bar will assume this attitude.

Your Committee is pleased to report that the Constitution Award program continues to receive national recognition. The Bar Association of the State of Iowa has adopted it in toto. The American Citizenship Committee of the American Bar Association requested 400 copies of the Constitution Award announcement and distributed them nationally. Your Committee has been informed by the Chairman of the American Bar Association's Committee that plans are being made for another round table conference at the 1952 meeting of the American Bar Association in San Francisco. It is hoped that this Association will be represented, as it was in the Washington conference.

Finally, the members of the Association will be glad to know that not only has your Committee received expressions of approval from attorneys, but an increasing number of schools and students are expressing their thanks for the activity of the Association in this field. Outstanding amongst the letters from students is one which your Committee believes can well afford to be quoted in this report:

"It may seem odd that you should receive a letter from me but I have a very special reason. I am the student, as your records should show, who won the North Dakota Bar Association award from ..... High School.

"When school starts this fall I will be a senior and this was the first time in my life that I have won anything. I am grateful to the Bar Association for making this possible. I was very happy but through some unwanted misfortune I have lost my prized possession, the gold key.

"Now I know it is asking quite a bit but could you possibly replace it? It would be very heartwarming and I would be everlastingly grateful.

"I felt very bad about losing it and am hoping you can replace it without too much bother and expense to you.

"Thanking you a hundredfold, I remain".

Sounds like a very good potential lawyer. It is hardly necessary to say we sent him a key.

There have been many indications that students generally have high regard for this Award. If the Association is successful in its purpose of relating in students' minds and the minds of school faculties, the proper association of attorneys, the Constitution, and our democratic form of government, all of our time and money will have been very well spent.

Respectfully submitted, Harold W. Bangert, Chairman, P. W. Lanier, Jr., Richard H. McGee, Aloys Wartner, Jr., James E. Leahy, Vice Chairman.

I move the adoption of the report.

(Motion carried.)

HAROLD W. BANGERT: The following motion is self-explanatory:

Your American Citizenship Committee represents to the members of the Association that September 17, 1951, has been denominated as Constitution Day, and it will be observed as

such throughout the Union. Your Committee believes that it is incumbent upon the Bar of the State of North Dakota to lead this movement of observance and to that end your Committee now moves that appropriate officials of the Association make representations to the Honorable Norman Brunsdale, Governor of the State of North Dakota, requesting the issuance of an appropriate proclamation recognizing this day as Constitution Day in the State of North Dakota, and particularly directing attention to the following statement which appears in Armed Forces Talk No. 341 issued August, 1950, by the Office of the Secretary of Defense for use of commanding officers in informing their personnel:

“All Americans have grown up in the enjoyment of a long list of basic rights and privileges guaranteed by the Constitution of their United States and protected by their courts. These rights and freedoms have always been normal and unquestioned, like the right to breathe the free air. Americans have come to take for granted their right to worship as they please, to live where and as they please, to travel where they will, to enjoy their lives without interference and be shielded at all times by the laws of their land. All these rights, privileges, and advantages are part of the American way of life, and every last one of them would be taken away from you and your family and every other American if the international Communists now engaged in the conquest of the world should succeed in defeating the United States and establishing in America a Communist police state.”  
Your Committee moves the adoption of the foregoing.  
(Motion carried.)

**PRESIDENT BANGS:** Report of the Committee on Memorials, E. J. McIlraith, Chairman.

**E. J. McILRAITH:** The Grim Reaper, death, has again taken from us a goodly number of lawyers, and mostly amongst the older men.

Your Committee has prepared memorials covering the important incidents, work and life of these departed brethren, and all of which have been, or will shortly be, published in the Law Review.

The memorial covering the life of Judge Burr is in the course of preparation and will be available for the Law Review shortly. Otherwise we are up to date on our work.

Those for whom memorials have been prepared are: Arthur L. Knauf, Jamestown; Martin C. Frederick, James-

town; W. H. Stutsman, Mandan; J. S. Taylor, Watford City; Willard B. Overson, Williston; Harold P. Thompson, Cavalier; Frederic T. Cuthbert, Devils Lake; O. B. Herigstad, Minot; George M. Register, Bismarck; David S. Ritchie, Valley City.

Respectfully submitted, Committee on Memorials, E. T. Conmy, J. H. Newton, Ray Friederich, E. J. McIlraith, Chairman.

I think it is rather fitting and proper that at this time all of the members of the bar should rise and stand at attention and say a moment of silent prayer for the lives and good work of these men who have gone west over the hill.

(All members rise.)

Mr. President, we move the adoption of the report.

Motion carried.)

**PRESIDENT BANGS:** Legal Aid and Lawyer Reference Plans, Charles Crum.

**CHARLES CRUM:** Mr. President, Members of the Bar Association: Recognizing that it has an obligation to assist and aid persons unable to pay for legal services out of their own resources, the State Bar Association of North Dakota established at its 1950 convention a committee on legal aid and lawyer reference plans. This committee was directed to investigate the feasibility of establishing a lawyer reference plan or a legal aid plan in North Dakota.

During the early stages of its work the committee was under the chairmanship of Prof. Robert H. Ford of the University of North Dakota School of Law. The other members of the committee were: D. E. McCullagh of Fargo and Hon. Judge William H. Hutchinson of Wahpeton and C. L. Crum, assistant professor of the University of North Dakota School of Law. Prof. Ford was lost to the committee upon his resignation from the law faculty to enter private practice in Chicago and the acting chairmanship devolved, to my own surprise, on me.

The committee found the subject of legal aid and lawyer reference plans is one in which the bar is taking a keen interest throughout the nation. Only 7 states—Alabama, Mississippi, Montana, New Mexico, South Dakota, West Virginia and Wyoming remain without professional committees concerned with legal aid. Over 73 cities scattered throughout the country have established legal aid or lawyer reference programs in one form or another. It is, therefore, apparent that the committee has been dealing with a subject in which there

is a growing interest on the part of the bar as well as on the part of the layman.

Statistics as to how widespread the need for legal aid is in a state such as North Dakota are difficult to obtain. However, statistics from other jurisdictions indicate that approximately 6,000 persons per year are probably in need of legal assistance or services and are unable to pay for them. It has been suggested by authorities in the field, however, that legal aid clinics are worthwhile only in cities of 100,000 persons or more. Because of this the establishment of a legal aid program in North Dakota presents problems of peculiar difficulties, since in the smaller cities full time clinics lack sufficient clients to operate effectively. Although at one time the committee planned to recommend the establishment of full time legal aid clinics in 2 North Dakota cities, this factor caused the abandonment of the recommendation.

The committee does feel, however, that it can recommend a limited form of legal aid plan to the association, for establishment on a trial basis for one year in the cities of Fargo and Minot. Members of the committee found upon discussing the problem with county welfare officials in Cass County that a limited number of applicants for welfare assistance who pass through the welfare office are in need of legal aid. These officials assured members of the committee that they would be happy to participate in a plan whereby welfare cases who need legal aid and are unable to pay for it would be referred by the welfare board to attorneys who agree to accept such referrals on a fixed fee basis. Since Fargo is the largest city in the state the committee feels that it would be appropriate to establish one branch of the legal aid plan there, and Minot was selected in order to enable the bar association to establish a legal aid program for trial purposes in one of the more western cities of the state.

The committee, accordingly, recommends that the executive committee of the bar association allow members of this committee to organize panels of attorneys in Fargo and Minot who would be willing to accept referrals of welfare cases from the county welfare boards. The names of all attorneys on this panel would then be turned over to welfare board officials. As cases where legal assistance is needed come into the welfare board, the welfare board will then refer the applicant to an attorney on the panel, selected by rotation.

It is expected that most of the clients referred to attorneys by the welfare board will be unable to pay any fees whatsoever. For this reason the committee recommends that the executive committee allocate money from the bar association

funds to pay the cost of initial interviews and consultations with the applicants referred for legal aid to the attorneys, paying the attorneys rendering such consultation \$5.00 per applicant. In all cases where the client can afford to pay a fee himself he is to be required to do so. The size of the allocation is to be determined by the executive committee. It is believed that most of the cases referred will involve minor problems which can be solved in a one-hour interview. In cases where further action is necessary, additional time on the part of the attorney will be involved. In some cases this can be compensated for on a contingency basis since from time to time it is expected cases which attorneys would have been willing to accept on a contingency basis anyhow will be referred to participating attorneys by the welfare board. In other cases fees for additional legal services will have to be paid by the client on a reduced fee basis. The state bar association recommended minimum fee schedule, it may be remarked, authorizes reduced fees in the case of work performed for welfare agencies. The problem of additional fees will have to be worked out by the attorney and client in such cases.

The committee does not expect a large flow of such cases. The Fargo welfare board officials estimate that only about 50 to 100 persons per year needing legal aid are handled by their office. Some of these are desertion and non-support cases where the logical agency to meet the problems of the client is the States Attorney's office. However, in cases where civil relief is necessary it should be made available to these indigent persons as a matter of professional obligation. At the expiration of the one year period contemplated in this report a further report on the operation of the legal aid program would then be made to the association. If the plan should prove worthwhile it would then be a simple matter to expand the operation of the program to other cities in the state.

Speaking extemporaneously, I might add if it doesn't prove worthwhile it would be a simple matter to cut it off at that point.

The committee feels further that the establishment of a modest program of this type would give the bar association invaluable experience in learning to operate a legal aid program in this state and would enable later expansion of the program should it become evident that expansion would prove in the public's interest. It represents, at least, a start in the direction of a full fledged legal aid program.

Furthermore, if the plan proves worthwhile it may be possible to obtain financial assistance in carrying it out from outside agencies. The committee found that the problems of

financing a legal aid program is one of the more difficult aspects of establishing a legal aid program in this state. The bar association, it is obvious, cannot support any extensive program of this type at present from its own funds.

The committee has attempted in preparing the foregoing plan to suggest a plan which would render the maximum results at the minimum cost. The committee feels that it may be appropriate to quote briefly from a report made by the Standing Committee on Legal Aid work of the American Bar Association.

"Rapid development in other professions indicate that socialization of the legal profession is no longer an empty threat. In these critical times when democracy is being so thoroughly tested we cannot ignore a basic weakness in our whole system of justice and in our profession in particular.

"The opportunities for a legal aid program are greater than apparent on the surface. First there is the opportunity to increase good will for the profession in your community for while the citizenry will support a properly set up legal aid service lawyers must initiate and guide it. This automatically brings to bear the closer and warmer relationship with leaders in the fields of civic, business and welfare agencies and result in favorable notices in the press.

"Secondly, legal aid has a definite educational value in a community for it literally teaches a whole stratum of society that lawyers can help people when they are in legal difficulty and, even more important, can help keep them from legal difficulties.

"Finally, it is the opportunity to rebut those who argue for socialization of the profession, for their argument becomes plainly innocuous and invalid when it can be demonstrated that competent legal counsel is available for any indigent person and that this service is being rendered by the Bar as a fundamental right of every citizen and not as a favor from a private lawyer."

The Committee believes that the advantages inherent in such a program are much greater than the comparatively small number of clients it is expected will be received from the welfare agencies at the beginning of the plan. The committee does not claim protection for the plan which has been prepared, but it does feel that plan will serve to distribute equitably among the members of the bar the burden of caring for persons in need of legal aid and unable to pay for it and that it will tend to increase the esteem in which the profession is held by the general public.

The committee moves that this report be referred to the executive committee of the bar association for appropriate action.

Respectfully submitted, The Committee on Legal Aid and Lawyer Reference Plan, Charles L. Crum, Chairman; W. H. Hutchinson, D. E. McCullagh.

(Motion carried.)

PRESIDENT BANGS: We will have the report of the Executive Director, R. N. Davies.

RONALD N. DAVIES: Mr. President; Gentlemen: Since this is the first comprehensive formal report made to the association in convention assembled, it may well to briefly review the manner in which the position was created, the reason for it, and how the office operates.

The post of Executive Director, hereinafter referred to as the Director, was created in August of 1947, and his function is the handling of the association's program under the direction of the Executive Committee, whose Chairman is the President of the association. The Executive Committee of the State Bar Association of North Dakota is comprised of its President, its Vice-President, the Presidents of the Six Judicial District Bar associations, the immediate past president of the association and the Dean of the School of Law. The Director does not make policy, but executes it. He holds no elective office within the association.

The Director performs all of the functions of the Secretary of the State Bar Association excepting those which the Secretary, a constitutional officer, is required to perform. In our organization the Secretary is also Treasurer, and, as such, is required to and does have charge of our receipts and disbursements. However, all routine work and correspondence which would normally be handled by the Secretary is processed through the Director's office, and he, in turn, maintains close liaison with the president of the association and the executive committee.

The Director, in short, performs the normal duties of the Secretary, with the exceptions heretofore noted, and the additional work from time to time laid out for him by the executive committee, as circumstances may require.

After four years in this position, having worked closely with all of the bar committees, and with the advantage of close contact with the American Bar Association, the American Law Institute and the directors of other states, I should like later on to make certain recommendations to the association,



but think it only fair to indicate here and now that the views expressed in this report are my personal views.

One of the most encouraging indications of the increased interest which the members are showing in the affairs of the State Bar Association is the increased activity in this past year on the part of the several committees appointed by the President with the concurrence and approval of the Executive Committee. Most of these committees have actually met and considered the problems assigned to them. The fruits of their work are reflected in the several reports which have been or will be presented to the association at this 1951 meeting.

While it is not possible to comment upon the work of each committee, nor is it necessary in view of their individual reports, it is felt that the convention's attention ought to be called to the work of one committee since practically all of us belong to it. That is the Committee on Legal Service to the Armed Forces, whose Chairman is O. B. Burness, and whose members are Orrin B. Lovell and Roy A. Holand. In view of the international situation this committee is going to become a very important one in the succeeding months. It operates as a clearing house for requests for legal service from members of the Armed Forces, and its function is to see that such requests are placed in the hands of reliable, competent and sympathetic counsel who will give due consideration to the servicemen's ability to pay for such service. This committee has nothing whatever to do with veterans. It deals with men who are actually in the Armed Forces.

From a practical point of view, the Chairman of this committee, whose name is carried on the rolls of all of the Armed Forces, when he receives a request for assistance from men or women currently in the Armed Forces, with his committee, determines to which attorney the matter should be transmitted. Normally, of course, it will be an attorney closest to the man's place of residence. The matter of fees will be entirely a matter of agreement between the attorney to whom the matter is referred and the person served, and it will be actually dependent upon the nature and the extent of the services rendered.

It is believed that it is of the greatest importance that persons serving with any of the Armed Forces should receive prompt, courteous and adequate attention in connection with any business referred to an individual attorney, and it is sincerely to be trusted that all of the members of the association will recognize the tremendous help that we may give to those in the service of their country, and that no responsible lawyer will decline assistance for monetary reasons alone.

The Executive Committee authorized the Director to inaugurate a series of newspaper columns, sponsored by the State Bar Association as a public service under the general title "Know Your Law". Every week since the first week in January 1950 the association has made available to every newspaper in the state a series of questions and answers on subjects designed to be informative and considered of interest to the general public. North Dakota has approximately 114 weekly newspapers, including 3 foreign language weeklies. In addition we have 10 dailies, 3 semi-weeklies and 3 organization newspapers. The association has made these columns available, without charge, to every newspaper in the state. The great majority of the newspapers are using these columns. This office polled the editors and publishers of the state newspapers in May of 1951 and received 67 replies. With but one exception, the editors replied that the series, on the whole, was a public service worth continuing. The single editor referred to believed that our columns were a little too deep and ponderous for the average layman.

Since the overwhelming vote was for a continuance of the series we are now in our 86th week of its publication.

This series would never have been possible without the assistance of a number of the members of our association. Topics are suggested by the Director's office and referred to individual attorneys over the state. These lawyers develop the topic assigned to them, prepare questions and answers, and they are then sent to this office where they are edited and put into form for publication in the newspapers.

The attorneys who have given of their time and effort to help prepare these series are entitled to the association's thanks, and to mine personally, and I should like to list those lawyers who have assisted since the inception of the program:

Mr. Corbin A. Waldron of Minot; Mr. George E. Duis, Fargo; Mr. L. A. W. Stephan, Valley City; Mr. Lynn G. Grimson, Grafton; Mr. Joseph J. Funke, Minot; Mr. Mart R. Vogel, Fargo; Mr. Charles Simon, Bismarck; Mr. Olaf Thorsen, Grand Forks; Mr. Charles Leissman, Bismarck; Mr. Floyd B. Sperry, Golden Valley; Mr. Lyle E. Huseby, Fargo; Mr. Edward M. Peterson, Grand Forks; Mr. Charles H. Shure, Fargo; Mr. Robert A. Birdzell, Bismarck; Mr. P. W. Lanier, Jr., Fargo; Mr. Alfred A. Thompson, Bismarck and Mr. Roy J. Winchester, Grand Forks. The balance of the columns were prepared by the Director.

If this series of instructional and informative articles are to continue it means that the Director's office will have to call upon other members of the association from time to time

to assist in their preparation. It is recommended that they be continued but this can only be done if attorneys who are called upon to assist will give a little of their peculiar skills to this particular project.

It should also be pointed out, in connection with this newspaper series, that none of the material is canned, that it is entirely original with members of this association and prepared by them personally, based, of course, upon North Dakota law.

No doubt the membership has noted that our official publication is now known as the North Dakota Law Review, instead of North Dakota Bar Briefs. The association has received many compliments from within and without the state on the high professional content of the Review. This has been made possible very largely through the efforts of the members of the faculty of the North Dakota School of Law and the students assigned to the Law School Editorial Board. Much that is very valuable to the every day practitioner is contained in this quarterly.

In order to stimulate legal research the Executive Committee made available Law School scholarships, which the first year totaled \$300.00, later \$600.00, and this past year was set at \$750.00. It is recommended that scholarship awards on a similar basis, and in a sum to be set by the Executive Committee, be made available to the University of North Dakota law students for the succeeding year, to be awarded, as in the past, upon the recommendation of the Dean of the Law School and the members of the faculty.

From various sources this office often receives recommendations as to public relations policies and these are always gratefully received and forwarded to the Executive Committee from time to time. However, it should be borne in mind that the State Bar Association of North Dakota, in spite of the monies that it receives from the increase in filing dues, is in no position to launch a public relations program comparable to that of some of the great states whose lawyers are numbered among the many thousands.

It must be remembered that our program is approximately four years old and that in that space of time this association has made great strides. I know of no state in the union, containing so few lawyers as we have in North Dakota, so active on all fronts as the State Bar Association of North Dakota during the past several years. We cannot afford the luxury of specialized public relations counsel. We are still feeling our way, attempting to render service to the people of this state and to the members of this association, but it is felt

that our program is a sound one and when properly implemented will reflect great credit upon the Bar.

There is apparently a widespread conviction, in some quarters, that the State Bar Association has a great deal of money in its treasury. The fact is that we have been doing some deficit spending, but I may say that that arises out of the fact that a surplus had been accumulated before the Executive Committee set up a complete program, and resulted from the Committee's thought that since the bulk of this money came from increased filing fees it was incumbent upon the association to expend it for the purposes stated in the law which granted the raise.

The total receipts from all sources from June 30, 1950, through June 30, 1951, amounted to \$17,601.35. In that same period of time the association spent \$22,296.11. The balance in our treasury as of July 1, 1951, was \$17,768.15.

It is never desirable to bore you with figures but a few of the major expenses may be indicated so that you will know where this money is going. The figures are for the fiscal year ending July 1, 1951. Including part time salary, expense, clerical assistance, postage and materials for the Director and the Secretary, it cost us approximately \$6,900.00; the American Citizenship Committee, which has been operating on a state-wide basis for several years now, spent \$1,093.00; to publish the North Dakota Law Review for one year cost a little over \$5,000.00; the Legislative Committee, an exceedingly busy one this last year, used \$1,500.00; the Sectional Meetings Committee, which are the core of our annual conventions, spent \$1,306.00; Uniform Laws Committee something over \$1,100.00, and I think we are all agreed on the great value of the National Council of Uniform Law Commissioners. The expenses of the other committees were purely nominal but this gives the membership some idea of the expense of operation, since normally few of the members have the time to examine the association's official audit, excepting the members who serve on that particular committee. One other major item I have heretofore mentioned is the \$750.00 awarded as scholarships. We also expended some \$800.00 by way of assistance to the Legislative Research Committee this past year. This was for work done in the 1951 Legislative Assembly.

The association is currently preparing a handbook for jurors which the Director's office hopes to lay before the Executive Committee in the near future. We still have available a limited number of the pamphlets on Wills and Title Examinations, as well as copies of the Minimum Fee Schedule, to which reference will be later made.

The membership can still be of great assistance in securing the greatest possible circulation of our booklets by calling upon their local banks, trust companies, and other organizations. A striking example of the effective manner in which the membership may be of assistance was illustrated by the action of one of our members, Mr. A. R. Bergesen, of Fargo. Mr. Bergesen arranged with the Gate City Building & Loan Association to take 8,000 of these pamphlets on Title Examinations for distribution in that territory, and this sort of coverage has been very effective and helpful. Many of our members have done likewise, although on not quite so large a scale. A postcard or letter to this office indicating where such pamphlets are to be sent will receive prompt attention.

The American Law Institute's Tax Institute held at Fargo last December was very successful and attended by 93 lawyers. That same committee, headed by Floyd B. Sperry of Golden Valley, is already scheduling a three day institute at Bismarck on November 15, 16 and 17, 1951. This will be our most ambitious undertaking to date on the matter of institutes. It is contemplated that two days will be devoted to phases of tax law, including income and estate, and one day to trial practice technique. This is being done in cooperation with the American Law Institute's Committee on Continuing Legal Education in cooperation with the American Bar Association and it is to be trusted that our membership will take full advantage of the opportunity presented to keep us up to date in these very important fields.

Based upon the work of this office, correspondence from the membership and a study of the association's work to date I should like to make the following specific recommendations to the convention:

1. That during the ensuing year a member of the Junior Bar Conference be placed upon each of the association's committees, where that is feasible. This association has a very active Junior Bar Conference Committee embracing men 35 years of age or under and work on our official association committees would be very helpful in preparing them for their future role in the association's activity.

2. That the American Citizenship Committee be expanded to include a sub-chairman for each of the six Judicial Districts to insure maximum participation by all of the high schools in this state in the excellent program now being carried on by that committee. Only with direct responsibility on a sub-chairman for his particular district can we be certain that all of the high schools will be reached and given an opportunity to participate.

3. That a special committee be set up to commence an immediate study of attorney fees where fixed by the Courts, in an effort to secure some uniformity in given circumstances and to increase the allowances in cases where, as at present, they are sometimes hopelessly inadequate. Our investigation discloses that some judges are still making the same allowance for the same work in the same circumstances, in 1951, that they made in 1938, and I believe that such a committee can make an excellent case for the practicing attorney. We cannot afford to forget that, however idealistic we should like to be, it is still necessary to pay the butcher and the grocer and maintain an office and a library. As a profession it appears to me we are sometimes altogether too reluctant to see that we are properly compensated for our time and efforts.

4. That a Committee on Fee Schedules be re-appointed and made a standing committee of the association. The last recommended Fee Schedule was adopted by the association in August of 1949. Judging by complaints received by this office there are some phases of that schedule that need re-examining. In view of constantly changing conditions it is felt that a standing committee on Fee Schedules would afford a clearing house for all attorneys who have suggestions, complaints or recommendations to make.

5. That the Director be authorized to bring up to date the by-laws of this association and send each member a copy thereof, and also provide the membership with a copy of the Canons of Ethics of the State Bar Association of North Dakota.

6. That this association go on record as favoring a regional meeting of the American Bar Association. In July of this year, at the request of our American Bar Association delegates Mr. Nilles and Mr. Bangs, I attended a meeting of the Regional Convention Committee of the American Bar in Chicago. The President of the American Bar, who will be elected next month, Mr. Howard Barkdull, was present together with representatives from 7 other adjoining states. The American Bar realizes how difficult it is for the average practitioner to attend the annual sessions and feels that all of the benefits of such meetings could be obtained by regional meetings, thereby affording many, many more lawyers an opportunity to attend. This has already been demonstrated in Dallas, Texas, and Atlanta, Georgia, where regional meetings were held with signal success. We had hoped that there might be a possibility of a regional meeting in Minneapolis, but this cannot be done in 1951. In this connection, could I enjoin every member of this association present to affiliate with the American Bar Association if it is at all possible. In four years of working with ABA officials I have come to have a great respect for

the prodigious amount of time and effort expended by the American Bar Association in trying to make the lot of the average lawyer a better one. The work that the American Bar Association does before the Congress in itself would justify the support of all lawyers, and many of us feel that the Journal of the ABA is well worth the small annual membership fee.

Mr. President, in closing I should like to express my personal gratitude to the officers of this association, the committee chairmen and members of the committee, without whose unstinting assistance the program of the association would never have been fulfilled. These men and women have received no compensation for their services, in most cases, and are entitled to the thanks of this association.

We are the first of the integrated bars in the United States. We constantly receive inquiries about our methods of operation and the work which we have undertaken. We can only maintain our standing and reputation with the bars of our sister states if our membership continues to display the interest in the association's activities in the future that they have in the past. We have an opportunity and a responsibility. I am sure that the officers whom you elect here this morning will continue and augment the program of public service which you have so successfully established.

(Applause).

(Motion carried that the report be accepted and the recommendations referred to the Executive Committee.)

PRESIDENT BANGS: We will proceed with the election of officers, and I will designate Mack Traynor, Sam Dolve, Dean Thormodsgard and Myron Bright as tellers. First office is that of President.

ARLEY BJELLA: On behalf of the Williams County Bar Association I should like to nominate Eugene A. Burdick, for the office of President. (Applause.)

MR. ASMUNDER BENSON: Mr. Chairman, I second the nomination of Mr. Burdick and I move that nominations be closed and that the Secretary be instructed to cast a unanimous ballot for him.

(The nominations were closed and the Secretary instructed to cast the unanimous ballot of the Association for Eugene A. Burdick as President.)

PRESIDENT ELECT BURDICK: Mr. President, fellow members of the Bar: I now understand what they mean when

they say "words fail me at a time like this". It is very difficult to express one's true feelings on being elected President of this distinguished organization.

I have had an opportunity to observe the growth of our organization for about five years and I have served with some very distinguished members of the Executive Committees and Presidents, and I assure you that having observed their actions it will be a tremendous task to follow in their foot steps. I am mindful of my own limitations, but with the cooperation of each and every one of you I am sure we will be able to have another year like we have had in the past.

There are a few things that I would just like to call to your attention for the next year and I will pass on them briefly so that we can get on with the further order of business, but feeling that I may not have the opportunity to talk to so many of you again I am going to seize on this occasion to make a few remarks.

On the matter of committee representation, we do hope to have a representative of the junior bar on all of the committees of the association. Being a younger lawyer myself, I know that the younger lawyers are capable of serving and will devote considerable time to our program and take great interest in our association so that they may be qualified to carry on in later years.

Another thing I would like to recommend to every member of the bar that is qualified is to get himself elected to public office, particularly the legislature. I think we should take an interest in state government. And the older members who have the time should also become candidates for the legislature. The legislature, I know, needs men of the type that we now have in there from the association. I think we give a real public service to the people of North Dakota and, incidentally, benefit our own association.

I would also like to see an increase in attendance and frequency of district meetings of the bar association. So far as possible I shall make it a point to personally attend every one of those meetings and attempt to bring a speaker with me, especially on the subject of oil and gas, which is now to be in the front in our current economic views here in North Dakota. I would also urge that all of you activate your own local bar associations. In Williston we meet once a month and find it is very helpful in exchanging information, reviewing current problems of the day, and establishing a closer association among the lawyers.

I would also commend to you the program of the American



Citizenship Committee. You get a real thrill out of presenting a key to one of those high school students at an assembly or commencement program. It's really an inspiration and you will get more kick out of it than the recipient and I would like to urge all of you to take part in that program.

And lastly, I would like to urge all of you to join the American Bar Association. We have a very limited membership in this state. For several years after my admission I was not a member and finally somebody persuaded me to join. I don't recall who it was, but ever since my joining eight or nine years ago I have been a member and I have never regretted it. I feel it is very worthwhile, and those of you who do not now belong I am sure will find upon joining that it is of tremendous benefit to you.

I want to thank each and every one of you for your expression of confidence and I assure you that I will do my best to carry on a successful year next year. Thank you.

(Applause.)

**PRESIDENT BANGS:** Nominations are in order for the office of vice-president.

(Vernon Johnson was nominated for the office of vice-president by Carroll Day. The nomination was seconded by Fred J. Graham, Charles G. Bangert, John Hjellum, Reuben J. Bloedeau.)

(E. T. Conmy, Sr. was nominated for the office of vice-president by Francis Murphy. The nomination was seconded by H. A. Mackoff, Alvin C. Strutz, Clyde L. Young, Q. R. Schulte.)

**MR. MILTON K. HIGGINS:** I move the nominations be closed.

(Motion carried.)

**PRESIDENT BANGS:** Mr. Mackoff, will you give your report as chairman of the Auditing Committee which you studied last night.

**MR. H. A. MACKOFF:** We studied it very thoroughly last night and it is a very interesting report. In any event, the report appears to be in order, and we present it to you. There are some things at least in the report I didn't notice that were explained here by the Executive Director in his report. Maybe I didn't get it right, but according to what he said here there were some things that should have been included in the report that would really be very helpful for the guidance of the profession as a whole, and the younger

men in particular. As I recall it he said last year we took in seventeen thousand some dollars. Am I right, Mr. Director?

MR. R. N. DAVIES: Right.

MR. H. A. MACKOFF: He said we spent twenty-two thousand dollars and he said we have on hand seventeen thousand some odd dollars. That is something really that we all ought to take an interest in and find out how to use in our incomes. On the whole it is a very fine report and it shows some fine activities on the part of the organization. I am pleased to say that our Committee moves the adoption of this report that has been rendered.

(Motion carried.)

PRESIDENT BANGS: Now I think we have time for one report unless there are some more announcements.

(Announcements.)

MR. CLIFFORD JANSONIUS: I see a gentleman here who might be termed the dean of the Bar Association, John Knauf. I think we should stand up and give some recognition to him.

PRESIDENT BANGS: If there are no more announcements I think while the tellers are counting the votes we can have the report on Jurisprudence and Law Reform, Asmunder Benson.

MR. ASMUNDER BENSON: Mr. President, Members of the Bar: I agree very heartily with Francis Murphy that the king in Shakespeare, Henry the 5th, was entirely wrong when he advocated the hanging of all lawyers. You may perhaps feel like administering that punishment to me when I get through with this report because of its brevity. Our Committee is very brief and our Committee has never, as such, met. I tried to get a meeting of the Committee last fall but it was impossible at that time to do it.

This Committee met with a genuine sorrow in the loss of its distinguished member, the late O. B. Herigstad of Minot, who died very suddenly and unexpectedly on March 2nd, 1951.

An attempt was made to have a meeting last fall but the committee members could not get together so a meeting was scheduled at Minot on May 3rd, 1951, at 2 o'clock p.m. At that time we considered the proposal submitted by Mr. Charles S. Ego, of Lisbon, which was submitted to the president of the association, Mr. Bangs, on September 6th, 1950. This proposal follows in its entirety. As will be readily seen, this is a proposal to amend Section III of the Constitution of the State

of North Dakota so as to provide increased jurisdiction in every county in the state with a population of 7,500 or more.

“Section III: The County court shall have original jurisdiction in all proceedings upon estates of deceased persons and in matters of guardianship as well as such other probate jurisdiction as may be conferred by law; provided whenever the voters of any county having a population of seven thousand five hundred, or more, shall decide by majority vote, of electors voting on such proposition, that they desire the jurisdiction of such court increased, then such county court shall have original jurisdiction in all causes both at law and in equity and shall have such appellate jurisdiction as may be conferred by law; and such courts and the judges thereof shall have power to issue all original and remedial writs and to hear and determine the same. County Courts having increased jurisdiction pursuant to existing law shall continue to have increased jurisdiction as the same is defined by this amendment; and the counties wherein such courts exist shall not be included in any judicial district nor be liable for the payment of any part of any salaries or other expenses of the district courts; nor shall the judges be required to perform other than judicial duties and to that end the provision of section 173 of this constitution, affecting county judges of courts of increased jurisdiction in certain counties, shall be construed as inoperative in such counties; nor shall the provisions of sections 103, 104, 105, 106, 107, 108 and 109 of this constitution be operative in such counties for any purpose. Additional judges in county courts of increased jurisdiction may be authorized by general law, subject to approval of a majority of the electors of any county affected thereby. The legislative assembly may provide by general law that juries, in such county courts, for the trial of all criminal actions below the grade of felony and in all civil actions where the amount in controversy, exclusive of costs, does not exceed five hundred dollars, may consist of less than twelve jurors anything in this constitution to the contrary notwithstanding. The qualifications and term of office of judges of the county courts of increased jurisdiction shall be the same as judges of the district court, and they shall be entitled to receive such salary as may be provided by law.”

The gist of this is simply to provide for the increased jurisdiction in all counties where the population exceeds

7,500. We have in this state, or have according to the last population or census-taking, 35 counties in the state with a population of 7,500. We have 18 below that figure of population.

The Committee felt that this proposal was not feasible because it called, in the first place, for an election in each county and it would be difficult to do that and carry this through. In the second place, the committee felt that the expense of this procedure was too great on counties with the smaller population and that they could not afford it.

The only other matter that came to the attention of the Committee was relative to claims in probate court. It was brought to the attention of the committee that instances had occurred where estates were closed, the Final Decrees recorded before the attorney handling the estate knew that there was a claim filed against the estate. Section 30-1802, 1949 Supplement to the NDRC 1943, reads as follows:

“Within fifteen days after making an order for notice to creditors as is provided in section 30-1801, the executors or administrator must cause to be published in the newspaper designated in such order a notice to the creditors of the decedent, requiring all persons having claims against the estate to exhibit them, with the necessary vouchers, to the county court. Such notice also shall specify the time fixed by the court for hearing and adjusting such claims and shall require all persons interested in the estate to show cause why the claims should not be allowed. The time specified in the notice for filing claims shall be three months from the first publication thereof. Such notice must be published once a week for three successive weeks, and such publication shall be deemed complete service upon all parties interested in the estate. In case of the death, resignation, or removal of the executor or administrator before the time for filing claims expires, such notice need not be published anew.”

We thought that it would be a good practice that when anyone files a claim against an estate that a copy of that claim, Mr. President, be forwarded to the attorney probating the estate and we thought that if that was done that would eliminate the happening of such an event as this in the future.

Respectfully submitted, C. A. Waldron, Charles S. Ego,  
Asmundur Benson. Move that the report be adopted.

(Motion carried.)

**PRESIDENT BANGS:** The election was very close, and for that reason I am going to announce the results. Conmy 81, Johnson 78. Mr. Conmy, you are elected.

(Applause.)

**MR. VERNON JOHNSON:** I would like to move at this time that the vote of Mr. Conmy be made unanimous and I will also take this opportunity of extending my congratulations and pledging my cooperation.

(Motion carried.)

**MR. ALPHSON:** Mr. President, the secretary casts a unanimous ballot for Mr. Conmy as vice-president.

**PRESIDENT BANGS:** We now have the office of secretary-treasurer. Are there any nominations?

**MR. CHARLES L. FOSTER:** Mr. President, last year I had the pleasure of nominating Mr. Alphson for secretary of the association. He's done a good job and at this time I want to move the nomination of Mr. Alphson for secretary of our association.

**MR. GEORGE SOULE:** Second the nomination.

**MR. ALVIN C. STRUTZ:** Second the nomination and move the nominations be closed.

(The nominations were closed and the Director instructed to cast the unanimous ballot of the Association for Robert A. Alphson as secretary-treasurer.)

**MR. R. N. DAVIES:** Mr. President, I take great pleasure in casting a unanimous ballot of the Association for Mr. Alphson as secretary of the association.

(Applause.)

**PRESIDENT BANGS:** If there are no other announcements to be made we will now recess until tomorrow morning.

11:00 A.M., SATURDAY, AUGUST 25, 1951

**PRESIDENT BANGS:** The meeting will come to order, please. Committee on Resolutions, John Zuger.

**MR. JOHN A. ZUGER:** Mr. President, Members of the Bar: The Committee on Resolutions proposes the following resolutions:

**BE IT RESOLVED BY THIS ASSOCIATION:**

1. That the officers of this Association who have con-

ducted its affairs during the past year have done a splendid job. The only real crisis occurred when an attempt was made in the Legislature to repeal the remedial legislation passed several years ago. Under the able leadership of President Bangs, that crisis was successfully surmounted. Our thanks to our president and executive director for a job well done.

2. That the local bar of Burleigh County has been a gracious and efficient host, always alert and anticipating. The food, entertainment and conveniences have been of the best. The entertainment of the ladies has met with approval. We expected as much of Bismarck and thus our worst fears were confirmed. We appreciate the helpfulness and courtesy of the Board of Education of the City of Bismarck and its Superintendent of Schools in making available to us the high school and its facilities for our annual state convention.

3. That our program of education has been helpful and outstanding in its quality. Undoubtedly it was one of the finest and best of many such good programs. The President, and his committees chose wisely and well. The thoughts, suggestions and information will be helpful to us in the future. We suggest a laudatory and thank-you letter be sent by the executive director to each one on the program.

4. That there is a growing spirit of good will and comradeship among the lawyers of this state brought about by rubbing shoulders with each other at the annual meeting. We suggest that such a feeling can be furthered by seeing that more meetings be held by the district bar association.

Respectfully submitted, John Stormon, E. J. McIlraith,  
John Zuger, Chairman.

Mr. President, I move the adoption of the committee's report.

(Motion carried.)

VICE-PRESIDENT ELECT CONMY: Mr. Chairman, the language stating that "our worst fears were confirmed" might be changed to "our highest hopes were confirmed", if you get the drift.

PRESIDENT BANGS: I get the drift. Committee on Uniform Laws. Have you a report to read?

MR. O. H. THORMODSGARD: Mr. Chairman and Members, an excellent report has been prepared by Judge John C. Pollock, C. L. Young and O. H. Thormodsgard.

Your Committee on Uniform Laws for the year 1951 begs leave to report:

That this committee with the cooperation and assistance of the Legislative Research Committee, recommended to the 1951 Session of the Legislature four Uniform Acts previously adopted by the National Conference of Commissioners on Uniform Laws which had been approved by the House of Delegates of the American Bar Association.

Of the four acts introduced into the Legislature three are now law in this state, namely:

Chapter 121 Session Laws 1951, Recognition of Decrees of Divorce and Annulment of Marriage;

Chapter 122 Session Laws 1951, Reciprocal Enforcement of Support;

Chapter 216 Session Laws 1951, Photographic Copies of Business and Public Records Admissible in Evidence;

The fourth act recommended for adoption was that providing for Contribution Among Joint Tort Feasors. However, it was not adopted by the Legislature; This act was approved by the Conference of Commissioners on Uniform Laws and the House of Delegates of American Bar Association in 1939 and has been adopted by eight states, including South Dakota.

At a joint meeting of the American Law Institute and the Conference of Commissioners on Uniform State Laws, held at Washington, D. C., in May, 1951, the Uniform Commercial Code was adopted. Commissioner O. H. Thormodsgard represented our State at this meeting. The Code will be presented to the House of Delegates of American Bar Association at its meeting in New York next month, and, if approved, will be ready for introduction into our Legislature in the 1953 Session.

The Uniform Commercial Code is the result of ten years of work by the Conference of Commissioners on Uniform State Laws and the American Law Institute. It will modernize and supplant many of the laws governing commercial transactions which we now have on our statute books such as the Negotiable Instruments Law. The code is founded upon the theory that "Commercial Transactions" is, in fact, only a single subject of the law. The Code attempts three basic reforms:

- (1) To state business law in simple, understandable language;
- (2) To avoid legal artificialities;
- (3) To exact from contracting parties an obligation of good faith in performance;

Your committee recommends that the Uniform Laws Committee of this Association, to be appointed for the ensuing

year, prepare a workable plan for presentation of the Uniform Commercial Code to the 1953 Session of our Legislature. That such plan be presented to the next Annual Meeting of this Association for its consideration.

In conclusion your committee recommends that the Uniform Laws Committee for 1951-52 study acts passed by the Conference of Commissioners on Uniform State Laws at its 1950 session and approved by American Bar Association to ascertain whether or not there is need for such acts in our State and, if so, prepare to recommend the adoption of such acts by the 1953 Session of our Legislature. Such acts are: Uniform Marriage License Act; Uniform Pre-Natal Blood Test Act; and Uniform Probate of Foreign Wills Act.

Respectfully submitted, Uniform Laws Committee; O. H. Thormodsgard, Clyde L. Young, John C. Pollock, Chairman.

Move that the report be received and filed.

(Motion carried.)

PRESIDENT BANGS: Junior Bar, Howard Moum.

MR. HOWARD MOUM: I think, Mr. Chairman, on account of the time might be a little limited, the report of the Junior Bar Conference, which has been signed by Myron H. Bright, as Chairman, by myself as Vice-Chairman and Theodore Butros as Secretary, has been made, and I move that the report be received and filed.

(Motion carried.)

#### REPORT OF JUNIOR BAR COMMITTEE

To: President, North Dakota State Bar Association:

During the past year, for the first time this association appointed a junior bar committee. The purpose of this committee was twofold.

- (a) To interest young lawyers in the work of our association.
- (b) To cooperate with the Junior Bar Conference of the American Bar Association through junior bar members in this state.

The following junior bar sub-committees were active: **Survey Committee**—Thomas P. McElroy, Chairman, completed economic survey of members of legal profession in collaboration with American Bar Association, which will be published as part of a national survey at a later date. At present the Survey Committee is engaged in a further project concerning



origins of bar association groups. Information concerning state and local bar groups are being secured throughout the country and in this state for later publication in the American Bar Association Journal.

**Committee on Relations with Law Students:** George Ulseth, Grand Forks, Chairman, worked with the U. of N. D. Law Student Organization in fostering the aims and objectives of that organization and in conjunction with the Junior Bar of the American Bar Association. The North Dakota Law Student Association enjoyed a successful active year. Report of the Law Student Association activity has been published in Bar Briefs.

Your Junior Bar Committee met in Bismarck on June 8, 1951, and at that time the Committee made the following recommendations for submission to this association:

1. That the work of the Junior Bar Committee and the Junior Bar Conference of the American Bar Association be integrated more closely. That this be done by as far as possible having one junior bar member appointed to each standing committee of this association.

2. That the Chairman of the Junior Bar Committee continue to be that person who also holds the dual function of State Chairman of the Junior Bar Conference of the American Bar Association.

The second annual meeting of the junior bar was held on Friday morning, August 24, 1951, at Bismarck. The following were elected as officers for the ensuing year:

Chairman: Myron H. Bright

Vice-Chairman: Howard Moum

Secretary: Theo Butros.

Respectfully submitted, Myron H. Bright, Chairman, Bruce Van Sickle, Dean Winkjer, Howard Moum, Geo. Ulseth, Milton Higgins.

**PRESIDENT BANGS:** Mr. J. A. Hyland, you are in charge of the prizes.

The following is a list of prizes given, names of donors, and names of winners:

Donor	Prize	Winner
Matthew Bender Company	1951 Tax Atlas	Charles G. Bangert (Enderlin)
West Publishing Co.	Summers Oil and Gas (10 Volumes)	Thomas Murtha (Dickinson)
Bobbs-Merrill	Beckers Master Search Guide	Ross Tisdale (Grand Forks)
Lawyers Co-op Publishing Co.	Clarks Summary of American Laws	Leslie Forsgren (Crosby)
American Law Book Company	Corpus Juris Secundum	Ralph G. Beede (Elgin)
Bancroft-Whitney	Jones on Evidence (3 Volumes)	H. B. Spiller (Cavalier)

**PRESIDENT BANGS:** Special Committee on the Blinn Report, Gene Burdick.

**PRESIDENT ELECT BURDICK:** Mr. President, Members of the Bar: The Blinn Report has been kicked around now for several years. The first notion on it was submitted to the Judicial Council in 1947, when some members of the Council recognized that there was a need for a suitable revision of our Judicial System. That need has been recognized not only here but in many other states, notably which is the State of Nebraska, State of Minnesota, and some states, of course, in their inception changed to the Unified Courts System, so they have no complaint to speak of, such as Montana and Iowa. But here all of you have experienced instances where you wished you didn't have to go through a County Court and start another action in District Court, or something of that sort, and didn't know what Court to be in. Many problems posed by the decentralization of our trial court system, coupled with the unsuitability of the Justice Court system in North Dakota.

This gave rise to the survey under the direction of Professor Blinn, who is sitting here in the audience today. He spent a great deal of time in preparing this report, which is found in the October, 1950 issue of Bar Briefs, Volume 26, No. 4, and while I am satisfied that the sentiment for the changes is increasing, I don't think we have yet reached a point where we can say that the plan he suggests should be receiving the formal stamp of approval. On the contrary, I think it is one that will take several years to formulate. Asmundur Benson presented a proposed draft yesterday along the lines of the revision contemplated by the Blinn Report, and I believe that that revision submitted by Mr. Benson should be referred to the Committee on the Blinn Report for incor-

poration with it. I don't think we should make any piecemeal legislation on this proposal. It does show the trend in the right direction.

Now, in the Judicial Council, where this originated and where it must receive its impetus in order to be effective, as constitutional amendments would be required to make any substantial change, we must rely largely on the attitude of the Council towards this plan or towards any major revision of our judicial system, and in the light of this the Judicial Council has appointed a committee of five. I will undertake to name them for you so if you have any suggestions—and I do want you to think about them—that you will write to either the Chairman of the Committee or to one of the members and pass on your ideas of what this change should be. I believe that Vernon Johnson will be chairman of that committee and Judge Nuessle will be a member, Dean Thormodsgard and Judge Hutchinson and myself. I believe that composes the five the Council Chairman appointed.

Now, we have our own committee here, but we haven't met during the past year. There was really nothing to meet on because this was a plan that simply deserved further study. It was published so all of you would have an opportunity to read it, and if you have not read it in the interim I would like to have you refer to it and make a study of it in an honest endeavor to improve our judicial system in North Dakota. I am speaking of the Unified Court System, and to acquaint you briefly with the general idea, it is to abolish the Justice of the Peace Court as we know it, and perhaps impose a County Justice of the Peace who would handle more of the trivial matters, and then another District Court essentially for each County. Probably in the larger centers, such as Fargo, Minot, Grand Forks and Bismarck, there would be two, or even three District Judges, and in the less populated counties, those mentioned yesterday as under 7,500, there may be one Judge for two counties.

The idea would be to give this Court the regular powers and general jurisdiction that our District Courts have today, eliminate the County Court entirely, so that the Court could hear all cases that were brought before them.

Now, during the course of the ensuing year I would like to have the sentiment of the lawyers in the various districts on this as they hear the plan discussed, so that we can formulate something quite definite before the next legislative assembly convenes. I think we have given the matter plenty of time. We don't want to be hasty about it. We do want to give it a careful study and see we are on the right track.

When we finally adopt a definite plan we should have all the suggestions of all the members of the Bar before we put our stamp of approval on it and, if it is your wish, we could perhaps take a referendum on this plan after the Council has tentatively approved it and then see what the lawyers think about it beyond that we know at this time, so that we can accomplish a revision within the next two or three years.

I don't know of any motion that is necessary on that. We have already voted to give it further study. I would like to see the committee continued so that further study may be given looking forward towards the ultimate major revision of our judicial system in North Dakota.

JUDGE O. B. BURTNESSE: Mr. Burdick, may I ask a question? I do not know whether the Bar Association will have a special committee on this subject or not, but if it does I take it for granted that such special committee that may be appointed by the Bar Association will have ample authority to cooperate with the special committee appointed this week by the Judicial Council to further the study of the Blinn Report, and that such Bar committee will be available, with the special committee of the Council, to do whatever is deemed proper in presenting the case for or against the report to the Judicial Council whenever it meets?

PRESIDENT ELECT BURDICK: That is implied.

JUDGE O. B. BURTNESSE: It is contemplated they will work in cooperation.

PRESIDENT ELECT BURDICK: That's right.

MR. J. F. X. CONMY: What issue of Bar Briefs is the report contained in?

PRESIDENT ELECT BURDICK: That is in the October, 1950 issue. It's been printed now for nearly a year, about ten months, and it is a most exhaustive report, and when you read it you read it with a feeling Mr. Blinn has treated the subject fairly and impartially. There is no axe to grind in connection with this. We have no axe to grind with any particular judges or anything of that sort. It is to keep up with the trend in all parts of the country. In the State of Ohio there is quite a movement on foot to revise their judicial system. It is a project that is recognized in Survey on Judicial Systems, and particularly the eminent jurist from New Jersey, Judge Vanderbilt, in Minimum Standards of Judicial Administration, alludes to such a plan as being desirable.

So at the moment all I would ask that you do, and I will so move, that the Committee on the Blinn Report be

re-appointed to further consider the unification of our courts along the general lines suggested by Professor Blinn, and that they work in cooperation with the Judicial Council looking forward towards the ultimate establishment of that revision.

DEAN O. H. THORMODSGARD: Second the motion.

(Motion carried.)

(Announcements by President Bangs.)

The following report was offered by the Committee on North Dakota Business Corporation Act, A. R. Bergesen, Chairman:

There is made available to each member in attendance a copy of the November, 1950 issue of **The Business Lawyer** which contains, in its entirety, a re-print of the Model Business Corporation Act as prepared by the Committee on Business Corporations of the Section of Corporation, Banking and Business Law of the American Bar Association. It is the result of ten years of careful research and deliberations.

The American Law Institute through its Committee on Continuing Legal Education has prepared three handbooks, A, B, and C, all of which are based upon the Model Business Corporation Act. Handbook A contains the text of the Model Act, with an index, explanatory comments and a statement of its history and purpose. Handbook B contains Official Forms for use under the Model Act. Handbook C concentrates on the instruments used in organizing corporate entities. These handbooks may be secured by writing the Committee on Continuing Legal Education, American Law Institute, 133 South 36th Street, Philadelphia 4, Pennsylvania, and remitting the price of two dollars per copy.

We quote from the foreword to Handbook A as follows:

"The primary purpose of the Model Act is to provide state commissions and the bar association committees with a working model for revision and modernization of their corporate laws. It represents the collective experience and sound views of a widely diversified group of lawyers active in corporate practice and is offered as a public service in the field of business corporation law."

We recommend that the Special Committee on North Dakota Business Corporations Act be continued with the end in view that recommendations be made at the 1952 Convention of our State Bar Associations for presentation to the 1953 session of the legislature. We recommend further that each

member in attendance take home with him a copy of the Model Act, give it careful study and communicate his suggestions to the Committee.

Respectfully submitted; A. R. Bergesen, Chairman, Clyde Duffy, Alvin C. Strutz, Philip B. Vogel and Hugh E. McCutcheon.

(The above report was ordered received and filed.)

The following report was offered by the Committee on Title Standards, Milton K. Higgins, on behalf of the Chairman of said Committee:

During the past year your committee has continued its work with a view to the amendment and improvement of the Title Standards adopted by the State Bar Association at the 1950 Annual Meeting. To this end, your committee members have corresponded between themselves and with other members of the Bar and, on August 14, 1951, met to review and discuss the year's work. This meeting was held in Fargo with all members except Theo. Kellogg attending.

As a result of its work, it is the opinion of your committee that certain changes should be made in the present Title Standards. It is also the opinion of your committee that certain amendments of existing legislation should be drafted and presented to the next session of the legislature as the recommendations of the State Bar Associations. Such action is deemed to be particularly desirable in connection with the statutory provisions governing actions to quiet title.

As to the present Title Standards, we recommend that paragraph 1 under "Husband and Wife" be amended by the addition of the following:

"However, a recital or covenant in a deed or mortgage by the grantor, if married, that he has not resided thereon shall not be sufficient. Affidavits of interested persons shall not be sufficient except for purposes of estoppel of the affiant."

We further recommend that paragraph 3 under "Conveyances" be amended by the addition of the words "or mortgage" after the word "deed".

As to proposed legislation, your committee renews its recommendation for a change in the law, as now stated in *Commercial Bank of Mott vs. Adams County Abstract Co.*, 73 N.D. 645, 18 N.W. 2d 15, barring the right of action against an abstractor if not commenced within six years after the cause of action accrues. The reason for this recommendation continues to be the universal use of, and reliance upon, abstract

certificates more than six years old.

It is further recommended that your committee be authorized to study existing legislation governing actions to quiet title. The results of such study might then be presented to this Association at the 1952 annual meeting and, if adopted, could then be recommended to the 1953 legislature. It is the opinion of your committee that the status of many quiet title actions, as presently brought, is questionable because of uncertainties under existing law as to unknown defendants. The practice as to non-residence affidavits is not uniform; the meaning of "post office address" is not clear. These and other uncertainties prevent many quiet title actions from having the degree of conclusiveness which they should have. For these reasons your committee recommends further study and the proposal of amendments to the 1953 legislature.

Respectfully submitted, W. F. Burnett, Chairman, Milton K. Higgins, Theo. K. Kellogg, C. F. Peterson, Henry G. Ruemmele.

(The above report was ordered received and filed.)

PRESIDENT BANGS: Unfinished business? Is there any? (No response.) It's been very pleasant during the year and I thank all of you, and the meeting is adjourned.

(Whereupon, said convention adjourned.)