



1957

President's Page

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BENCH AND BAR

PRESIDENT'S PAGE

The past year has been relatively short for the State Bar Association because of the fact that the American Bar Association is having an early convention, with meetings in both New York and London.

We have, during the past several months, observed many accomplishments in behalf of the association and its members. The most outstanding activities featured the fruition of programs previously planned, and also the continuation and commencement of new objectives, which were concluded with an application to the American Bar Association for an Award of Merit.

Perhaps the most ambitious achievement was the adoption of the new rules of civil procedure by our State Supreme Court, and which became effective on July 1. The new rules of procedure are the long tested and approved rules of civil procedure, adopted by the United States Supreme Court for the federal district courts. This new practice will eliminate much of the guessing in court procedure, and in the trial of lawsuits, which will also permit lawyers to employ the same procedures in the federal courts and the state courts. North Dakota is the 13th state to follow in the adoption of such rules, and it is obviously only a question of time until the courts in other states adopt the theory that rules of court procedure should be made by the courts, because of their qualifications, observation, and experiences in the determination of the substantive and legal rights of litigants.

Our second principal activity for the year resulted from our legislative program, through which an improved, adequate and much more satisfactory judicial retirement act was adopted, replacing the former wholly inadequate retirement act, the adoption of a modern business corporation law, acts to modernize title standards, a statute to increase the salaries of court reporters, a statute to raise the license fee for the adequate support of the State Bar Board, and the association, and statutes to provide for the taxation of expert witness fees, and fees for jurors, justice courts, and police magistrate courts.

Our third principal activity included our continued program of holding institutes and sectional meetings for the continued legal

education of practicing lawyers. We have now held two medical-legal institutes, which have led to the approval of an inter-professional code with the North Dakota State Medical Association, and which will undoubtedly receive favorable action from the bodies of the two professions at their annual conventions.

Additional outstanding activities of the association also included our public relations work, which have been ably carried on through an active public relations committee, an improved disability group insurance plan, and the availability of a group life insurance plan to the members of the State Bar Association.

These many valuable developments demonstrate the advantages of an integrated bar association, which brings the lawyers together as a self-governing body and permits the members to be served in a way which they could not, individually, accomplish.

The program of the last year also proves that our North Dakota State Bar Association is one of the best in the nation. A few observations clearly indicate that, and these include the fact that we were the first integrated bar association, one of the leaders in the adoption of the new rules of practice, having a high standard in our continued educational program, one of the first states to adopt a group life insurance plan, and our standing as the seventh highest state with ABA memberships. We twice won an award of Merit, and have an excellent showing for our pending application.

We are taking an active interest in improvements in administrative law practice in the state and are in the process of carrying on a well organized program to eliminate the unauthorized practice of law. With our public relations work, which will bring the members of the bar closer to the public, and the adoption of more uniform codes of procedure, upon rules of evidence and branches of substantive law, with a program to eliminate court delays in deciding cases, we will continue to be one of the leading bar associations that will enjoy the cooperation of our state legislature and the public, which will qualify us to continue to spread the gospel of the law and its purpose, with that of our association, to the public.

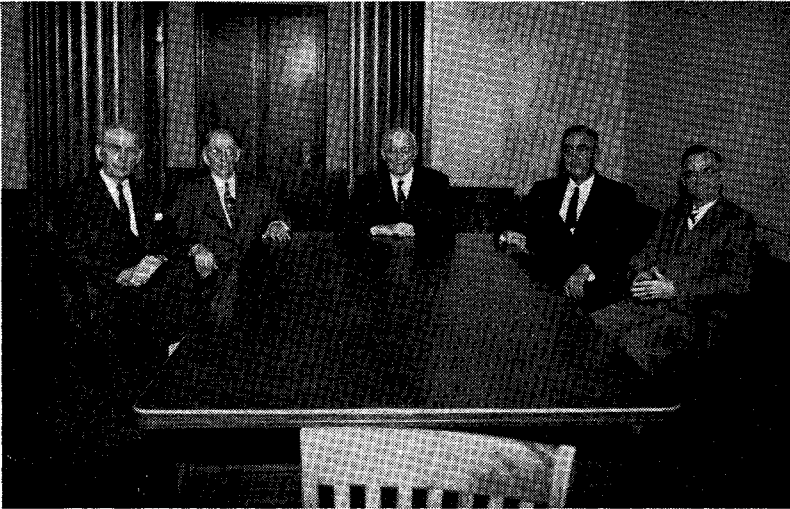
(Signed)

FLOYD B. SPERRY

President North Dakota State Bar Assn.

APPOINTMENT OF GERMAN CONSUL

Dr. H. J. Theusner, 1236 Baker Building, Minneapolis, Minnesota has been appointed the new German consul serving this area. He desires to inform members of the North Dakota Bar of this fact, and advise them of the fact his office is available to facilitate the handling of matters of a legal character involving German and American citizens, such as probate proceedings in North Dakota involving German heirs or German probates involving North Dakota heirs. Strutz, Jansonius & Fleck, Suite 506, Professional Building (P.O. Box 1496), Bismarck, N. D., have been appointed as Dr. Theusner's attorneys.



THE NORTH DAKOTA SUPREME COURT

Justice James Morris, Justice P. O. Sathre, Chief Justice Gudmundur Grimson, Justice Thomas J. Burke and Justice Nels G. Johnson pose for this most recent portrait of North Dakota's highest court. All are members of the North Dakota Chapter of the Order of the Coif.

LAW SCHOOL NEWS

The fifty-eighth school year began on September 15, 1956. The enrollment by classes during the First Semester was as follows: First year—53 students; Second year—29 students; and Third year—32 students.

President George W. Starcher, at the Honor's Day convocation, which was held May 1, 1957, presented the awards of the State Bar Association of North Dakota to the following third-year law students: Donald E. Bjertness of Hatton, N. D.; Francis A. Breidenbach of Oakes, N. D.; Robert L. Eckert of New Rockford, N. D.; Kenneth R. Erie of Minnewaukan, N. D.; Raymond M. Hagen of Aneta, N. D.; Robert L. McConn of Fairmont, N. D.; Jerome J. Mack of East Grand Forks, Minn.; Paul J. Pfeilsticker of Fargo, N. D.; Kirk B. Smith of Cogswell, N. D.; David A. Vaaler of Grand Forks, N. D.; and Fredrick E. Whisenand, Jr. of Williston, N. D.

The United States Law Week Award was granted to Kenneth R. Erie of Minnewaukan, N. D. for making the most satisfactory scholastic progress during the academic year 1956-57. Robert E. Kearney of Portland, Oregon was awarded the "Charles E. Dahl Award in Law," The Merchants National Bank and Trust Company of Fargo awarded the Will Contest Prizes on May 4, 1957, to John M. Nilles of Fargo; Garry A. Pearson of Minot, N. D., and Ronald G. Splitt of LaMoure, N. D. For the second time, the North Dakota Association of Life Underwriters invited the second-year law students and the law faculty to the luncheon when the Will Contest awards were presented. James E. Leahy (L.1949), Trust Officer, presented an analysis of the 1957 Estate Planning Problem prior to presenting the awards.

On June 9, 1957, the degree of Bachelor of Laws (LL.B.) was awarded to the following persons: Myron E. Bothun of Crosby, N. D.; Douglas L. Dunahay of Grand Forks, N. D.; Henry H. Galloway of Valley City, N. D.; Kenneth L. Gilchrist of Cando, N. D.; Robert E. Kearney of Portland, Oregon; Jon R. Kerian of Grand Forks, N. D.; Fabian E. Noack of New Rockford, N. D.; William J. O'Keefe of Crystal, N. D.; Norman J. Olson of Dallas, Wisconsin; Robert A. Olson of Hatton, N. D.; Jack D. Paul of Bismarck, N. D.; Donald E. Phelps of Grafton, N. D.; Mark F. Purdy of Minot, N. D.; Max D. Rosenberg of Grand Forks, N. D.; Donald A. Schlaefel of Grand Forks, N. D.; and Richard B. Thomas of Minot, N. D.

Based on their scholastic standing, the following students were awarded the degree of Juris-Doctor: Donald E. Bjertness of Hat-

ton, N. D.; Francis A. Breidenbach of Oakes, N. D.; Robert L. Eckert of New Rockford, N. D.; Kenneth R. Erie of Minnewaukan, N. D.; Raymond M. Hagen of Aneta, N. D.; Jerome J. Mack of East Grand Forks, Minn.; Robert L. McConn of Fairmont, N. D.; Paul J. Pfeilsticker of Fargo, N. D., Kirk B. Smith of Cogswell, N. D.; and Fredrick E. Whisenand, Jr. of Williston, N. D. David A. Vaaler of Grand Forks, N. D. was granted the degree of Bachelor of Science in Law and will be awarded the Juris-Doctor degree on August 9, 1957. Roger W. Gackle of Velva, N. D. and Shelley J. Lashkowitz of Fargo, N. D. secured their law degrees at mid-year.

The University Chapter of the Order of the Coif held its thirty-second annual meeting on May 9, 1957. The three students elect were: Robert L. Eckert of New Rockford; Kenneth R. Erie of Minnewaukan; and Robert L. McConn of Fairmont. The Honorable Peter O. Sathre (L.1910) of the Supreme Court of North Dakota was the honorary elect for 1957. The title of his address was "Desegregation of the Public Schools." The title of Robert L. Eckert's speech was "The Atomic Power Industry—What Theory of Liability?"; Kenneth R. Erie's speech was entitled "The Writ of Prohibition in North Dakota"; and Robert L. McConn's speech was entitled "Jurisdictional 'No Man's Land' in Authority to Arbitrate Labor Disputes."

Francis A. Breidenbach, Student Editor-in-Chief of the "North Dakota Law Review" was recommended by the Law Faculty to the Attorney General of the State of North Dakota for a one-year appointment as an Assistant Attorney General. The Honorable Charles J. Vogel of the United States Circuit Court approved the recommendation of the Law Faculty and appointed Kirk B. Smith of Cogswell as a Law Clerk for one year. There is constructive competition in legal research and legal writing by third-year law students for these positions.

John M. Nilles of Fargo and Gerald W. Vandewalle of Noonan were each granted a \$150 scholarship by the Women's Auxiliary of the State Bar Association of North Dakota. They had the two highest scholastic averages in the first-year law class for the school year 1955-56. Mrs. Arley R. Bjella of Williston was President, Mrs. Harold M. Hager of Grand Forks was Secretary and Mrs. Ronald A. Heringer of Rugby was Treasurer of the Auxiliary of S.B.A.N.D.

Professor Charles L. Crum has devoted his research time and interest to writing law review articles on the North Dakota Rules of Civil Procedure. Professor Paul C. Matthews prepared Vol. 10 Part

2 of Blashfield's "Cycleopedia on Automobile Law and Practice" for republication by the West Publishing Company. Professor Ross C. Tisdale prepares the annual annotations to Appleman's "Insurance Law and Practice" (23 volumes). He has also written a paper on the "Bulk Sales Act Under the Uniform Commercial Code." Besides making a comparative analysis between the Uniform Rules of Evidence and the North Dakota Rules of Evidence, Professor Leo H. Whinery has prepared a research paper on "The Role of the Expert in the Proof of Scientific Fact in Patent Litigation." This paper will be published by the United States Senate Sub-Committee on Patents, Trademarks and Copyrights. This is a Sub-committee of the Committee on the Judiciary. The Chairman is Senator O'Mahoney of Wyoming.

O. H. Thormodsgard, *Dean*

June 9, 1957.

PHI ALPHA DELTA NEWS

Corliss Chapter of Phi Alpha Delta, under the capable leadership of Justice David Vaaler, enjoyed a very successful school year both academically and socially. During the year several rushing smokers were held with the freshman law students. On February 13, 1957, as a climax to the rushing activities, sixteen members of the class of 1959 were formally pledged, thirteen of whom, along with one upperclassman, were initiated into the fraternity on April 12th. Initiation ceremonies were held in the courtroom of the Law Library, and a banquet in their honor was held at the Elk's Club. The new initiates are: James Kelm, Jaroslav Kruta, Dean Lenaburg, Norman MacPhee, Joseph Maichel, Michael Miller, Richard Rahlfs, John Stewart, Mervin Tuntland, Vernon Volney, William Yuill, Leibert Greenberg, Morris Tschider, and Mark Purdy.

During the past year, Corliss Chapter added to a long list of scholastic achievements when Brother Kenneth Erie was elected to the Order of the Coif.

The Editorial Staff of the *North Dakota Law Review*, which for the past year included members of Phi Alpha Delta, is again headed by Brothers of Corliss Chapter. Members of the 1957-58 staff include, Gerald Vandewalle as Editor and Armond Erickson as Note Editor. The annual award for outstanding legal writing went this year to Brother Erickson.

In a continuation of the annual hockey game Corliss Chapter

turned the tables on Phi Delta Phi by shutting them out by a 4 to 0 score. Our competitors came back to tumble the Brothers in a basketball game. However, Corliss Chapter had the last word in the season's competition by defeating our rivals in a softball game by the score of 11 to 9.

A three man delegation attended the District VII Conclave which was held at Kansas City, Missouri. At this Conclave Brother Elroy Arnason was elected District VII Clerk.

Corliss Chapter made a clean sweep of the annual spring Junior Bar Elections. The newly elected Brothers are: President Wallace Brantseg, Secretary Norman MacPhee and Treasurer John Stewart.

On May 3rd Corliss Chapter was honored with a visit by newly appointed District VII Justice, H. Jay Gunnels. The Chapter held a noon luncheon in his honor at the Bronze Boot Cafe. During the afternoon Justice Gunnels met with Dean Thormodsgard, school faculty and Chapter officers to discuss fraternity problems and activities.

Outgoing officers include: Justice David Vaaler, Vice-Justice Kirk Smith, Clerk Walfrid Hankla, Treasurer Robert Remark and Marshall Wallace Brantseg.

Newly elected officers are: Justice Armond Erickson, Vice-Justice Wallace Brantseg, Clerk Norman MacPhee, Treasurer Vernon Volney and Marshall John Stewart.

Armond Erickson

PHI DELTA PHI NEWS

Phi Delta Phi had an exceptional year.

Under the able leadership of Magister Emmett Kearney the organization functioned perfectly and our ranks increased with the pledging and initiating of high caliber men.

Initiated were: Donal Kihle, Rodney Webb, Earl Allen, Gary Skagen, Bill McMenemy, Pedar Wold, Odel Astrup, Paul Rhode, William Lindell, Gerald Jukkala, Dennis Sobolik, Theodore Camrud, Benjamin Ostfield, and Paul Kloster. Others pledged but not initiated were: Wilfred Dillenberg, Curtis Erickson, Thomas Sande, Richard Schnell, Edward O'Connor, John Orban, Duane Jensen, Cecil Reinke, and Marvin Morrison.

This year our slate of candidates ruled the law school as the elected royalty. Emmett Kearney was elected King; Phyllis Ratcliffe, Queen and Jack Stewart, Chancellor. The PDP nominees for

this year's Junior Bar Association were also elected last spring. Bob Eckert was elected President; Bob McConn, Treasurer and Larry Hatch, Secretary.

The organization was not as fortunate in athletics as it was in administrative and social functions. Out of three sports played we were victorious in only one—basketball. But boy, were we victorious, —by about 20 points.

In the honors division we were also successful. Bob Eckert was named to the Order of the Coif. Mike Nilles was awarded a \$150 scholarship for having the highest average in his Freshman class. Mike was also selected as one of the editors of the *North Dakota Law Review*. Emmett Kearney was awarded the "Charles E. Dahl Award in Law".

The newly elected officers, who will guide PDP during the 1957-1958 school year are: Paul Rhode, Magister; Earl Allen, Clerk; John Doerr, Exchequer and Jerry Jukla, Historian.

Outgoing officers include Emmett Kearney, Magister; Mike Nilles, Clerk; Bill O'Keefe, Exchequer and Jon Kerian, Historian.

Harry Lashkowitz, prominent Fargo attorney, was this year's honorary initiate. He addressed the dinner following the ceremonies; his topic was "Opportunities for the Young Graduating Lawyer".

The graduating class of 1957 departs with the knowledge and assurance that the members of Phi Delta Phi who return next year will maintain the excellence achieved and fostered through the years; further, we know that mere fostering is not enough, and next years group and that of succeeding years will not slumber in ambivalence but will experience renaissance at every gathering.

Jon Robert Kerian