



1956

State Bar Association of North Dakota 1956 Annual Meeting

North Dakota State Bar Association

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BENCH AND BAR

STATE BAR ASSOCIATION OF NORTH DAKOTA
1956 ANNUAL MEETING

Minot, North Dakota
August 9, 10 & 11, 1956

PROGRAM
Wednesday, August 8, 1956

Registration—Clarence Parker Hotel—4:00 to 10:00 o'clock P.M.

Registration Fee: \$6.00 All Attorneys

\$2.00 Guest Ladies

Thursday, August 9, 1956

(All Association meetings will be

held in Minot High School Auditorium)

8:30- 9:15 A.M.—Traditional Red Mass, St. Leo's Church, Monsignor Hogan of Minot officiating. (All attorneys and wives invited—a legal and judicial tradition.)

9:00 A.M.—Registration—Minot High School

9:30 A.M.—Call to Order—President Norman G. Tenneson

10:00 A.M.—Committee reports, business and announcements

12:15 P.M.—Complimentary Luncheon — Silver Saddle Room, Clarence Parker Hotel. Courtesy of attorneys of Ward, Rolette, Wells, Pierce, McHenry, Burke, Bottineau, Mountrail and McLean Counties.

1:30- 3:00 P.M.—Section Meetings:

1. Joint Tenancies under the Federal Tax Laws —Philip B. Vogel, Fargo.
2. Check Lists: Probate, Quiet Title and Real Estate Mortgage Foreclosure — Roy A. Ilvedson, Minot.
3. Planning of Estates Under \$60,000.00— Vincent R. Murphy, Fargo.
4. Examination of Adverse Party and Disclosure Proceedings—Clyde Duffy, Devils Lake, & Frank F. Jestrab, Williston.

3:00 P.M.—Intermission—Coffee Break

3:30- 5:00 P.M.—Sectional Meetings:

5. Taxability of Joint Interests in North Dakota Estate Tax—Kenneth M. Jakes, Bismarck.
6. Check List on Title Examinations—Henry G. Ruetteme, Grand Forks.
7. Common Disaster and Simultaneous Death Clauses—Floyd L. Dwight, Minneapolis.
8. Prosecution of a Criminal Action—Lee Brooks, Fargo.

5:00- 7:30 P.M.—Cocktail Hour. Courtesy of Ward County Bar Association. Eagles Club Rooms.

Friday, August 10, 1956

8:00 A.M.—Breakfast Meeting—States Attorneys Association—Y.M.C.A.

9:30 A.M.—Business Session—Committee Reports—Election—Presentation of 50-Year Certificates.

10:30 A.M.—Coffee Break

12:00 P.M.—North Dakota Alumni Luncheon—Silver Saddle Room, Clarence Parker Hotel.
Minnesota and other Alumni Luncheon—Gold Room, Clarence Parker Hotel.

1:30 P.M.—Address by Barnabus F. Sears, Esq., Chicago, Illinois. Subject: "Judicial Reform—Today's Challenge to the Bar."

2:45 P.M.—Coffee Break

3:00- 4:30 P.M.—Sectional Meetings:

1. Joint Tenancies Under the Federal Tax Laws—Philip B. Vogel, Fargo.
6. Check List on Title Examinations—Henry G. Ruetteme, Grand Forks.
7. Common Disaster and Simultaneous Death Clauses Floyd L. Dwight, Minneapolis.
8. Prosecution of a Criminal Action—Lee Brooks, Fargo.

6:30 P.M.—Convention Banquet—Address by Hon. Harold Medina, Judge, United States Court of Appeals, Second Circuit, New York. Eagles Ball Room.

9:00-12:00 P.M.—Dancing and social hour—Eagles Ball Room.

Saturday, August 11, 1956

8:00 A.M.—Breakfast Meeting—Phi Alpha Delta—Y.M.C.A.
 Breakfast Meeting—Phi Delta Phi—Y.M.C.A.
 Breakfast Meeting—University of North Dakota
 Class of 1932—Y.M.C.A.

9:30-11:00 A.M.—Sectional Meetings:

5. Taxability of Joint Interests in North Dakota Estate Tax—Kenneth M. Jakes, Bismarck.
2. Check Lists: Probate, Quiet Title and Real Estate Mortgage Foreclosure—Roy A. Ilvedson, Minot.
3. Planning of Estates Under \$60,000.00—Vincent R. Murphy, Fargo.
4. Examination of Adverse Party and Disclosure Proceedings—Clyde Duffy, Devils Lake, & Frank F. Jestrab, Williston.

11:00 A.M.—Final Business Session: Committee Reports and Final Business.

12:00 Noon—Adjournment.

LAW SCHOOL NEWS

The fifty-seventh school year began on September 16, 1955. The first semester enrollment by classes was as follows: first year—41 students; second year—31 students; and third year—34 students.

The Honors Day Convocation was held on May 10, 1956. Mr. Lynn G. Grimson, Executive Director of the State Bar Association of North Dakota presented the Association awards on that day to the following third-year law students: Harold W. Anderson of Milnor, N.D.; George T. Dynes of Dickinson, N.D.; Charles A. Feste of Duluth, Minn.; Gerald G. Glaser of Mandan, N.D.; Robert C. Heinley of Lawton, N.D.; Orall B. Johnson of Wales, N.D.; Leslie A. Kast of Grand Forks, N.D.; William C. Kelsch of Mandan, N.D.; Eugene A. Kruger of Edgeley, N.D.; James H. O'Keefe of Grand Forks, N.D.; Harry M. Pippin of Dickinson, N.D.; Thales L. Secrest of Dickinson, N.D.; and Jon N. Vogel of Fargo, N.D.; The Law Review Staff of 1955-56 made it possible for the State Bar Association and the School of Law to publish the *North Dakota Law Review*.

The University Chapter of The Order of The Coif held its annual meeting on May 10, 1956. The honorary elect for 1956 was

Chief Justice Thomas J. Burke of the Supreme Court of North Dakota. The title of his address was "The Prerogative Jurisdiction of the Supreme Court." The student-elects were: George T. Dynes of Dickinson; William C. Kelsch of Mandan; and Harry M. Pippin of Dickinson. The Alumni-Elect was Roy A. Ployhar of Valley City.

Robert L. McConn of Fairmount, Robert L. Eckert of New Rockford and Fred E. Whisenand of Williston won the three Will Contest Prizes as granted by The Merchants National Bank & Trust Company of Fargo. The North Dakota Association of Life Underwriters invited the Law Faculty and the second-year law students, who were registered in the course in Trusts, to a luncheon on April 28th when the awards were presented by President Adrian McLellan (L. 1939) of the Merchants National Bank & Trust Company. Trust Officer Forrest Henderson (L. 1949) gave an instructive analysis of the Will and Trust Problem which had been assigned to the second-year law students for interpretation and solution.

The United States Law Week Award was granted to Jon N. Vogel of Fargo for making the most satisfactory scholastic progress during his final school year. The Charles E. Dahl Award in Law was presented to Robert C. Heinley of Lawton, N.D. The following third-year law students were awarded the degree of Juris-Doctor on June 3, 1956: Harold W. E. Anderson, Milnor; George T. Dynes of Dickinson; Charles A. Feste of Duluth, Minn.; Gerald G. Glaser of Mandan; Robert C. Heinley of Lawton; Leslie A. Kast of Grand Forks; William C. Kelsch of Mandan; Eugene A. Kruger of Edgeley; Henry C. Mahlman of Bismark; James H. O'Keefe of Grand Forks, and Harry M. Pippin of Dickinson.

The degree of Bachelor of Laws was awarded to the following students: Wendell A. Bengson of Esmond; George O. Brekke of Minot; Joseph W. Elliott of Fergus Falls, Minn.; Carl E. Elofson of Fargo; Edwin A. Gajeski of Ancon, Canal Zone; Alan M. Gleichenhaus of Topeka, Kansas; Frederick W. Greenagel of Jamestown; Orall B. Johnson of Wales; Paul J. Larmer of Oak Park, Illinois; Lowell W. Lundberg of Grafton; Harry L. Malloy of Halliday; David L. Millhollan of Bismark; Charles J. Mindemann of Wahpeton; Gerald Z. Rossow of Grand Forks; Kenneth M. Swenson of Napoleon and Theodore Weisenburger of New Rockford. Jon N. Vogel of Fargo and Thales L. Secrest of Dickinson will be awarded the Juris-Doctor degree on August 4, 1956. Jon N. Vogel and Thales L. Secrest received their college degrees on June 4, 1956.

Professor Charles L. Crum was on a Leave of Absence for the

year 1954-55. In June 1955, he was granted the Master of Laws degree at the Columbia University School of Law. Upon completion of his thesis on "Land Reform and the United Nations; a Legal Analysis," he will receive the degree of Doctor of Juridical Science.

Leo H. Whinery is a graduate of the College Department and the School of Law at the University of Kansas City in Kansas City, Missouri. He taught in the School of Law of his Alma Mater for three years. In 1954-55 he was a graduate student in the Columbia University School of Law. He likewise was granted the LL.M. degree. Upon completion of his thesis, "The Proof of Scientific Fact in Litigation", he will receive the degree of S.J.D. In 1955 he was appointed Assistant Professor of Law. Professor Whinery is writing at least three leading articles on the "Uniform Rules of Evidence." Professor Crum is preparing four leading articles on the "Proposed Rules of Civil Procedure for the District Courts of North Dakota."

Upon recommendation of the Law Faculty, James H. O'Keefe of Grand Forks was appointed Law Clerk for one year by the Honorable Charles J. Vogel, Judge of the United States Circuit Court. Gerald G. Glaser of Mandan 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 Women's Auxiliary of the State Bar Association of North Dakota awarded a \$200 scholarship to the first-year law student who had the highest scholastic average for the school year 1954-55. Kenneth R. Erie of Minnewaukan was the recipient of this first award. Mrs. Harold W. Bangert of Fargo was President and Mrs. Arley R. Bjella of Williston was Secretary and Treasurer of the S. B.A.N.D.

The Commencement speaker on June 3, 1956, was President Harlan Henthorne Hatcher of the University of Michigan. A citation was prepared and read by Dean Thormodsgard, which recommended to President George W. Starcher that the honorary degree of Doctor of Laws be conferred on President Hatcher. The Citation is as follows:

"The Confederate Congress on July 13, 1787, enacted the Northwest Ordinance. Article III. provided in part that "Religion morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." During Territorial Day, the University

of Michigan was created by an act of the Legislative Assembly and acquired a corporate existence on August 26, 1817. Twenty years later, in 1837, Michigan entered the Union as a State.

The University of Michigan is the pioneer State University in the Midwest. It has set the pattern and standards for state-supported universities throughout the United States. The University of Michigan consists of fourteen schools and colleges. Its eighth President is Harlan Henthorne Hatcher, our Commencement speaker. He was born in Ironton, Ohio. He was awarded the A.B. degree in 1922, the M.A. degree in 1923 and the Ph.D. degree in 1927 from Ohio State University.

Dr. Hatcher's major field is English. He was first appointed Instructor in English in 1922 by Ohio State University. By his proficiency and singular capacity for work, he was predestined to swift advancement and served as Professor from 1932-44 and was appointed Dean of the College of Arts and Sciences in 1944. From 1948 to 1951 he was Vice President of Ohio State University. In 1951 the Board of Regents of the University of Michigan appointed Dr. Hatcher as President of the University of Michigan, where he is now carrying out the policies and standards as expressed in the Northwest Ordinance of 1787.

Dr. Hatcher is a scholar and a writer. He is author of the following studies and books: "The Versification of Robert Browning"; "Tunnel Hill"; "Pattern of Wolfpen"; "Creating the Modern American Novel"; "Central Standard Time"; "The Buckeye Country"; "The History of Ohio"; "Modern Dramas"; "The Story of New Connecticut in Ohio"; and "A Century of Iron and Men." He has contributed professional articles, stories and fiction to many magazines.

For his understanding of human relationships in education that are always complex and changing, for his appreciation of what the universities have been, are now and what they should be in the future, we of the Faculty of the University of North Dakota have the privilege of recommending to you, President Starcher, our good friend, Harlan Henthorne Hatcher, for the degree of Doctor of Laws, honoris causa.

O. H. THORMODSGARD, *Dean*

June 3, 1956

PHI ALPHA DELTA NEWS

Under the leadership of Justice William Kelsch, Corliss Chapter of Phi Alpha Delta Law Fraternity enjoyed a very successful school year, both academically and socially. A series of rushing smokers were held with the first year law students. Early in the second semester, as a climax to the rushing activities, eleven members of the Class of 1958 were formally pledged, eight of whom, along with three upperclassmen, were initiated into the fraternity on April 6th. Featured speaker at the initiation banquet was Mr. Harold Shaft, senior partner of the law firm of Shaft, Benson and Shaft of Grand Forks. The new initiates are: Elroy Arnason, Jack Bishop, Wallace Brantseg, Walfrid Hankla, Timothy Davies, Armond Erickson, Jack Paul, Robert Remark, Kirk Smith, Gerald Vandewalle and Frederick Whisenand.

Soon after the beginning of the school year, Corliss Chapter entered into a vigorous campaign for the election of the law school royalty. The results were that Brother Feste was elected King and Brother Bishop was elected Chancellor.

During the past year, Corliss Chapter added to a long list of scholastic achievements when Brothers William Kelsch, George Dynes and Harry Pippin were elected to the Order of the Coif. These three comprised the entire student membership selected for 1956.

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. The 1956-57 staff includes Francis Breidenbach as Editor; Kenneth Erie as Note Editor; Kirk Smith as Recent Case Editor; and Frederick Whisenand as Book Review Editor. The annual award for outstanding legal writing went this year to Brother Breidenbach.

A limited program of athletic competition was begun this year and it provided a great deal of fun and relaxation for all the members, spectators and participants alike. In the first of these contests, a hockey game played with Phi Delta Phi, in which Corliss Chapter was narrowly defeated by the score of 5 to 4. The chapter gained its revenge however, by scoring subsequent victories in softball and golf.

A four man delegation attended the District VII Conclave which was held at Hammond Chapter, Iowa City, Iowa. Two delegates were also sent to the National Convention in Cleveland, Ohio this year.

Outgoing officers include: Justice Bill Kelsch, Vice-Justice Gerald (The Rounder) Rossow, Clerk Francis Breidenbach, Treasurer Walter Auran, and Marshal Kenneth Erie.

Newly elected officers are: Justice David Vaaler, Vice-Justice Kirk Smith, Clerk Walfrid Hankla, Treasurer Robert Remark, and Marshal Wallace Brantseg.

DAVID VAALER

PHI DELTA PHI NEWS

Bruce Inn of Phi Delta Phi began the 1955-56 academic year under the leadership of Lowell Lundberg, Magister; Wayne Jensen, Clerk; Robert E. Kearney, Exchequer; and Charles J. Minde-mann, Historian.

Activities of Bruce Inn for the first semester were aimed at meeting the first year law students and assisting them through their first few weeks of law school. The annual freshman orientation program was presented at an evening session. Several smokers were held to further personal association with the freshman class.

Throughout the academic year monthly dinner meetings were held at which outstanding speakers in law and related fields were featured. These meetings proved interesting, informative, and helpful to the chapter members. An additional highlight of one of the early dinner meetings was Brother Eugene Krueger's report on events at the 32d General Convention of the fraternity held at Estes Park, Colorado.

Two initiation ceremonies were held during the second semester, one in February and one in May. Initiated at these ceremonies were Jon Kerian, Max Rosenberg, Henry Galloway, Shelley Lashkowitz, Carl Elofson, Wendell Bengson, Roger Gackle, John Doerr, John Nilles, Edward Lentz, Rudolph Rager, John Reily, Maxie Anderson, William O'Keefe, and Kenneth Gilchrist. Others who have pledged to the fraternity during the semester but who have not yet become active members include: Loren Johnson, Ronald Splitt, Elwood Shell, Larry Hatch, Leo Beaclair, Thomas Gaughan, Bruce Listoe, and James Uhlman.

Accepting the honor of becoming Bruce Inn's honorary initiate of the year was the Honorable Charles Foster of the North Dakota Supreme Court. At the May initiation, in addition to words by Judge Foster, Mr. Scott Swisher, Phi Delta Phi Province VIII president, addressed the group on the topic "Your Future as a Lawyer".

Officers elected for the 1956-57 academic year are Robert E. Kearney, Magister; John Nilles, Clerk; William J. O'Keefe, Exchequer; and Jon R. Kerian, Historian.

The students pledged and initiated to Phi Delta Phi during this school year represent an excellent cross-section of the law school classes and as such promise much for the future of Bruce Inn. All in all this has been a very successful year for Phi Delta Phi and we hope and expect next year to be even more successful.

CHARLES J. MINDEMANN

AN EDITORIAL NOTE

The second installment of Professor Crum's article on the proposed North Dakota Rules of Civil Procedure has been withheld from this issue, but will appear in a subsequent issue.

A WORD OF CORRECTION

In the April, 1956, issue of the North Dakota Law Review there appeared a listing of graduates from the School of Law. Mr. J. F. X. Conmy was listed as receiving an LL.B. degree in 1924. Mr. Conmy actually received the degree of Juris Doctor in that year. Also, the name of John Hjellum was erroneously omitted from the list. He received an LL.B. degree in 1934 and is now practising with the firm of Hjellum Weiss, Nerison and Ottmar of Jamestown. The Review regrets these errors.