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## Bench and Bar

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## BENCH AND BAR

## PRESIDENT'S PAGE

This is my first opportunity since being elected President of the State Bar Association of North Dakota to express my sincere gratitude for the honor conferred upon me. I am grateful for the privilege of working with you in the effort to further the purpose of our association and meet our professional responsibilities as lawyers in North Dakota.

In the area of activities, I do not propose to launch any new projects, but feel that we should pause for a moment to reflect upon our gains and carry to a successful conclusion any work already begun.

I also wish to pay tribute to our immediate past president, John A. Zuger, for the splendid accomplishments of his administration.

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### MEDICO-LEGAL INSTITUTE TO BE HELD ON UNIVERSITY CAMPUS

The first medico-legal institute ever conducted in this state will take place on the University of North Dakota campus Friday and Saturday, December 2 and 3. The session will be devoted to subjects of joint interest to members of the legal and medical professions and will be open to attorneys, doctors, coroners and morticians.

The institute is being sponsored by the Committee on Continuing Legal Education of the State Bar Association, the State Medical Association, the School of Law and the School of Medicine of the University of North Dakota. Advance registration may be made by writing to the Executive Director, State Bar Association of North Dakota, Box 8, Grafton, N. D.

Among speakers who will appear are Attorney-General Leslie R. Burgum, who will discuss the newly-enacted statute regulating coroners, and Professor Thomas F. Lambert, Boston University, Editor-in-Chief of the *NCCA Law Journal*.

Announcement of the institute was made by Chairman Floyd B. Sperry of the Committee on Continuing Legal Education. Members of the committee who have taken part in the preparation of the program are Attorneys John Hjellum, Lewis Oehlert, Frank

F. Jestrab and Harold Hager. Dean O. H. Thormodsgard of the School of Law and Dean T. H. Harwood of the School of Medicine of the University also participated.

An exceptionally large attendance at the two-day session is anticipated. The program tentatively decided upon is as follows:

FRIDAY, DECEMBER 2, 1955

- 8:00 A. M. Registration and payment of fee at the Student Union on the University Campus.
- 8:30 A. M. Invocation.
- 8:35 A. M. A few comments by George W. Starcher, Ph.D., President of the University of North Dakota.
- 8:40 A. M. Welcoming address *Rolond A. Heringer, President of the North Dakota State Bar Association*, and *D. J. Halliday, M.D., President of the North Dakota State Medical Association*.
- 9:00 A. M. Current Trends in Tort Law, including a discussion of the interprofessional relations of doctors and lawyers in the preparation and trial of personl injury cases — *Professor Thomas F. Lambert, Jr., Boston, Massachusetts*.
- 10:00 A. M. Coffee break.
- 10:45 A. M. Human Anatomy in Relation to Trauma — *Professor Christofer J. Hamre, Ph.D., University of North Dakota*, and *Harlan Papenfuss, M.D., Assistant Professor, Department of Pathology, University of North Dakota*.
- 12:00 Noon Adjournment.
- 1:30 P. M. Pathology and Autopsies—*Professor James D. Cardy, M.D., University of North Dakota*.
- 3:00 P. M. Coffee break.
- 3:15 P. M. Organic Consequences and Sequelae of Cranio-Cerebral Trauma — *Lee A. Christoferson, M.D., Fargo, North Dakota*.
- 5:30 P. M. Adjournment.
- 7:30 P. M. Medical Aspects of Injuries to the Spine and Lower Back — *L. Clinton Allard, M.D., Billings, Montana*.

## SATURDAY, DECEMBER 3, 1955

- 8:15 A. M. Discussion of North Dakota's New Coroner's Law — *The Honorable Leslie R. Burgum, Attorney General for North Dakota.*
- 9:00 A. M. Preparation of Medical Testimony — *Franklin Longan, Attorney at Law, Billings, Montana.*
- 10:00 A. M. Coffee break.
- 10:15 A. M. Adequate Examination of the Injured Person; Expansion of Various Tests, What They Prove and Disprove.  
Panel: *M. J. Talbert, M.D., General Surgeon, Campbell & Williamson Clinic, Grand Forks, North Dakota.*  
*A. E. Culmer, M.D., Orthopedic Surgeon, Grand Forks, North Dakota.*  
*R. C. Painter, M.D., Internal Medicine, Grand Forks Clinic, Grand Forks, North Dakota.*  
*Phil R. Berger, M.D., Radiologist, Grand Forks Clinic, Grand Forks, North Dakota.*  
*A. K. Johnson, M.D., Moderator.*
- 12:00 Noon Adjournment.
- 1:30 P. M. Injuries to the Soft Tissues — *E. L. Foss, M.D., from the section on plastic surgery of the Mayo Clinic, Rochester, Minnesota.*
- 3:15 P. M. Coffee break.
- 3:30 P. M. The Relationship of Neurosis to Trauma — *John G. Freeman, Psychiatrist and Clinical Director for the State Hospital, Jamestown, North Dakota.*
- 4:45 P. M. Some Problems in the Presentation of Medical Evidence, Including the Use of the Hypothetical Question—*John F. Lord, Attorney at Law, Mandan, North Dakota, speaking from the standpoint of the plaintiff, and Lewis H. Oehlert, Attorney at Law, Fargo, North Dakota, speaking from the standpoint of the defendant.*
- 5:50 P. M. Adjournment.

There will also be exhibited a number of demonstrative evidence aids, including Clay-Adams models, the Drunkometer, etc.

## Memorials

The following tributes to the memory of members of the North Dakota Bar who have passed away have been prepared by the Committee on Memorials of the State Bar Association of North Dakota. The committee is under the chairmanship of the Honorable J. H. Newton, Esq., Clerk of the Supreme Court of North Dakota, and consists of Messrs. A. W. Aylmer, A. W. Cupler, T. I. Dahl, J. A. Hyland, Thomas C. Johnson, Joseph G. Forbes and L. R. Nostdal.

### JUDGE M. J. ENGLERT

Michael J. Englert, a member of the North Dakota Bar for forty-seven years, died at San Diego, California, on November 5, 1954.

Judge Englert was born near Laurens, Iowa, in 1873. At the time of his birth his parents were living on a stock ranch some forty miles from Fort Dodge, Iowa. There he received a common-school education, after which he enrolled in the Breda High School, where he completed the course. In 1899 Judge Englert entered Highland Park College in Des Moines, Iowa, completing the college course in 1902. In 1902 he enrolled in the law school of the University of South Dakota, completing the law course in 1904. In the summer of 1904 he settled in Valley City, North Dakota, and began his preparation for admittance to the Bar. In November, 1904, Judge Englert was admitted to the Bar of North Dakota and began the practice of law at Valley City. On December 26, 1904, at Helena, Montana, Judge Englert married Miss Stella E. Larsen. Miss Larsen had been his college sweetheart.

Judge Englert served as city attorney in Valley City from 1909 to 1913, and as states attorney for Barnes County from 1913 to 1917. In 1919 he was appointed by Governor Lynn J. Frazier District Judge of the First Judicial District, and was thereafter elected from term to term until he retired from the Bench in 1951 after thirty-two years of service. After his retirement he removed to California, where he resided until his death.

Before Judge Englert's appointment to the District Bench he had gained a reputation as a competent, careful and painstaking lawyer. His outstanding personal characteristic was his kindly interest in all people. As a judge he was considerate of lawyers, litigants and witnesses, and justice was his goal in the consideration of each

case. Judge Englert was highly respected by his neighbors not only for his ability but for his integrity and his courtesy. Judge Englert was a sociable fellow and took part in all community affairs. He was a member of the Masonic bodies, Elks Lodge, and Congregational Church.

Judge Englert is survived by his wife; two daughters, Mrs. L. P. Jackson and Mrs. Melvin Mahlke, both of San Diego, California; and two sons, Robert of Mather Airfield, California, and Hamilton of Valley City, North Dakota.

#### DEWEY PIERCE

Dewey Pierce, a member of the North Dakota Bar since 1920, died at Sioux Falls, South Dakota, June 29, 1955.

Dewey Pierce was born at Langdon, North Dakota, on November 9, 1897. He attended St. John's University, Collegeville, Minnesota, and received his degree in law from Catholic University, Washington, D. C. Mr. Pierce practiced law in Fargo from the early nineteen-twenties until 1943. He was a member of the firm of Soule and Pierce until the late nineteen-thirties and then had travelled for a publishing firm. In 1943 he went to Pierre, South Dakota, and in December, 1944, joined the Veterans Administration and went to Sioux Falls. He had been a member of the South Dakota Bar since 1943. He served a year in naval aviation in 1918.

He is survived by Mrs. Pierce; two daughters by a previous marriage, Mrs. Richard Bertie, Dickinson, North Dakota, and Mrs. Donald McQuilkin, Ogden, Utah, and two brothers, Harry Pierce, Kyle, Sask., and Jack Pierce, Hawarden, Sask. Funeral services were held at Sioux Falls and burial was at Mandan, North Dakota.