



1943

A Few Rambling Remarks by the President

O. B. Herigstad

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Herigstad, O. B. (1943) "A Few Rambling Remarks by the President," *North Dakota Law Review*. Vol. 19: No. 4, Article 1.

Available at: <https://commons.und.edu/ndlr/vol19/iss4/1>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

BAR BRIEFS

PUBLISHED MONTHLY AT DICKINSON

—BY—

STATE BAR ASSOCIATION OF NORTH DAKOTA

M. L. McBride, Editor

Entered as Second Class Matter, Dec. 9, 1936, at the Postoffice at Dickinson, North Dakota, Under the Act of August 24, 1912.

VOL. 19.

MARCH, 1943.

NO. 4.

A FEW RAMBLING REMARKS BY THE PRESIDENT

In this issue of Bar Briefs we publish the names of our members who are in the Service. (If you know of any whose names we have overlooked, kindly send them in to our secretary).

I venture to say that our Association has a larger percentage of its members in the Service than any other class or profession. In most instances when a man is called into the Service, he has some one who can take his place and carry on his business while he is gone, but not so the lawyer. When he leaves, everything stops, including his income from his profession. His clients go elsewhere for their legal work and when he returns after the war is over, it will be necessary for him to start all over again. He is making a real sacrifice for the cause of freedom, and should inspire us at home to carry on with all our might. We salute our men in the Armed Forces.

I am just in receipt of a wire from the chairman of the Civilian Defense Committee of our National Bar Association urging all lawyers to get behind the drive for the flotation of the \$13,000,000,000 second war loan now in progress. I am confident that our members are taking a leading part in that drive.

We are anxious to have more expressions of opinion on the advisability of holding our annual meeting this
(Continued on next page)

(Continued from first page)

year. Only a few have responded to our request in the last issue of Bar Briefs. The matter will be submitted to the Executive Commission soon for their decision.

The Supreme Court of Minnesota made some very timely remarks in its decision in the case of *In Re Calich's Estate*, 8 N. W. (2d) 337, concerning the practice of law by laymen, as follows:

"If this court were to sustain appellant's position as to the existence of the purported lost will, it would necessitate giving legal effect to a will drawn by a layman engaged unlawfully in the practice of law. Although we hold, adversely to appellant, that there is ample support in the evidence for the trial court's findings that no will was executed, yet in view of the fact that appellant's claim is predicated upon the unlawful practice of law by a layman, we feel it our duty to comment upon this phase of the case. The dangers and pitfalls created when laymen encroach upon the legal profession by attempting to draw legal documents are too obvious to require extended discussion. * * *

"The unauthorized practice of law by laymen is so inimical to public welfare and results in such serious losses to those who engage such service that we feel it again necessary to vigorously condemn this practice and urge the prompt and aggressive prosecution of violations of this provision of the statute."

I wish we could get our press to give some publicity to statements of that kind by the Courts.

O. B. HERIGSTAD,
President.

LAWYERS IN SERVICE

The 1943 list of licensed attorneys will contain the names of the members of the Bar who are in military service and who, for that reason, will not be liable for the annual license fee. There has been compiled by the Secretary of the Bar Board the names of those known to be so engaged. If there are others, it would be appreciated if their names were sent to J. H. Newton, Secretary State Bar Board at Bismarck.

Following is the list compiled by him:

Agneberg, Paul	Coyne, Eugene E.
Perth	Walhalla
Austin, W. J.	Crane, Charles E.
Bismarck	Medora
Bjella, Arley R.	Davies, Ronald A.
Epping	Grand Forks
Brickner, Clair F.	Edenstrom, Vernon W.
Fargo	Fargo
Buck, Jr., Charles S.	Eichhorst, Wm. W.
Jamestown	Medora
Cameron, Neil	George, T. E.
Bismarck	Medina
Carpenter, Gordon J.	Gilles, Leonard A.
Amidon	Fargo