



1945

## Choice of Location and Establishment of a Law Practice

Marvin B. Rosenberry

[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

Rosenberry, Marvin B. (1945) "Choice of Location and Establishment of a Law Practice," *North Dakota Law Review*. Vol. 22: No. 7, Article 2.

Available at: <https://commons.und.edu/ndlr/vol22/iss7/2>

This Article 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](mailto:und.common@library.und.edu).

CHOICE OF LOCATION AND ESTABLISHMENT  
OF A LAW PRACTICE\*

By MARVIN B. ROSENBERY, Justice of the Supreme Court

(Continued from April, 1946, Bar Briefs, Page 289)

**Business Building**

The young lawyer should not take things for granted, a thing he is very much inclined to do. Every situation has its possibilities, and no case can be said to be hopeless until it has been fully and thoroughly examined not only from a legal but from a business standpoint. Oftentimes a careful, systematic study of all the facts in a case will bring to light important matters which have not been theretofore considered. For such study the young lawyer has ample time and he should improve it. While nothing succeeds like success in the law business, as in a good many others, clients ordinarily will be satisfied if they feel that their business has been handled in a proper and competent manner.

No attempt will be made here to touch upon the matter of preparation for trial and the conduct of cases. The professional training of the young lawyer should have thoroughly grounded him in these matters.

As the young lawyer's acquaintance extends he will be asked to take an active interest in political matters. In determining what his course shall be, the effect upon his business of participation in partisan politics is a matter worthy of careful consideration. Generally speaking the young lawyer who enters politics is likely to extend his business acquaintanceship, and consequently his business, if he conduct himself properly. People generally admire a positive character. Those who try to please everybody please no one. People who expect every man to have convictions and to be able to stand by and defend them, and they expect this particularly of the young lawyer. On the other hand, people admire fairness and fair treatment, not only in business but in politics. I think the young lawyer who takes an active interest in political matters, makes a good strong fight for his principles, and makes it fairly, will benefit rather than harm his business.

If the young lawyer becomes a considerable force in the community in which he lives he will be invited to become a candidate for office. In that event it will not be so easy to determine correctly what he should do. Generally speaking he should decline to be a candidate for any office which is not in the line of his profession. If he have the requisite experience and ability he will be benefitted and not harmed if he act as the attorney of a city, the district attorney of a county, or accept other public employment along professional lines. All other office holding is likely to be a detriment to him. However, when he has become fully established and strong enough financially so that his business will not be permanently injured he will be rendering a valuable public service if he takes a place in the assembly or in the senate.

---

\* From Vol. 1, Marquette Law Rev., p. 159.

Practical politics has all the fascination of a large and intricate game. Many there are who having achieved some small success are unable to resist its allurements. Therefore, before a young lawyer enters upon any political activity, especially if it is likely to take him without the lines of his profession, he should carefully survey the field, determine what he is to do, and when he has accomplished the particular thing which he set out to do, he should return to his regular business. If he does not do this, he is very likely to find himself like a ship upon a storm-tossed sea without compass or rudder, and eventually a derelict grounded upon some inhospitable shore, while the current of political life sweeps by him.

The largest factor in the success of every man is after all his character. This is especially true of the lawyer. In order to be successful he must win the confidence of the community in which he labors. Without this he can never be successful in any true sense or in any large way. Many men enter upon the practice of the profession with wrong ideals. They regard the law as a trap in which the unwary may be caught, and spend their lives in baiting, setting and avoiding legal traps. A lawyer is a minister of justice and not a purveyor of technicalities and questionable methods. If a man but have a correct conception of the functions of the profession to which he belongs and be grounded in those principles of conduct and morality the sum of which constitutes character, and have fair ability, he cannot fail to be reasonably successful in establishing a business, if he be diligent. Promptness and fidelity to his clients, and a worthy character are three indispensable elements in the career of a successful lawyer.

In my opinion the success of a lawyer in his business should not be measured entirely in dollars and cents. Many lawyers who have not accumulated even a modest fortune have achieved the very highest success. If when the lawyer reaches middle life he has a home, the confidence of the community in which he lives, and in his professional career has lived up to the highest ideals of his profession, has contributed to the general welfare of the community and state in which he resides, and is a distinct influence for good in social as well as business lines by reason of his integrity and character as exemplified in his business life, he has achieved a real success, and he will have established his business upon a firm and sure foundation.—Veteran's Survey, Wisconsin Bar Bulletin.

---

### OUR SUPREME COURT HOLDS

In Lakeville Township, a municipal corporation, Pl. and App. vs. Northwestern Trust Company, Def. and Resp.

THAT in a suit to recover from the surety on a bond given to assure repayment of deposits of public funds by a depository bank, where it appears that more than six years prior to the commencement of this action the bank closed, a receiver was appointed and no payments upon the deposit liability by either the receiver or the surety were made within the six year period, it is held that the cause of action accrued more than six years prior to the commencement of the action.

THAT a township is a body corporate with capacity to sue and be sued and is amenable to statutes of limitation.