



1944

Fifth Air Force, Philippine Islands

North Dakota State Bar Association

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Recommended Citation

North Dakota State Bar Association (1944) "Fifth Air Force, Philippine Islands," *North Dakota Law Review*. Vol. 21 : No. 3 , Article 4.

Available at: <https://commons.und.edu/ndlr/vol21/iss3/4>

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tween 10 and 2 I had to familiarize myself with both the rules and the evidence — both what had been presented and what was left. I talked to all the witnesses after having studied the papers in the case, and we got started. It seemed to go fairly well, and the Court found the young man guilty of all charges except one that was based on hearsay evidence only. Their sentence was the one I asked for in argument, so I feel reasonably well satisfied.

The Court rules are interesting — based somewhat on the European Court systems. The witness stands—the dignity of the Court is upheld at all times. The Court can examine the accused at the time of arraignment — and the accused if he makes a statement at all is not sworn. Hearsay evidence is allowed, with the weight to be accorded it a matter for the Court. The dossier — an investigation record, is given to the court before trial as an outline of the case, but is not to be considered as evidence. It is all very interesting. And it was nice to be in on the trial. I think it was the first General Military Government Court.”

FIFTH AIR FORCE, PHILIPPINE ISLANDS

Albert N. Kuhfeld, Staff Judge Advocate with the Fifth Air Force in the Philippine Islands, was recently promoted to the rank of Lieutenant Colonel. He is a son of Mr. and Mrs. W. G. Kuhfeld, 891 Tuscarora avenue in St. Paul.

The colonel, who has been overseas for the last 20 months, participated in the Papuan, New Guinea and East Indies campaigns and wears the Asiatic-Pacific Ribbon with Bronze Stars for this action. A reserve officer since 1926, he was called to active duty in March, 1942.

Colonel Kuhfeld received his law degree from the University of Minnesota and was appointed to the Attorney General's staff. Prior to his entrance in the service, he served as chairman and chief advisor for the North Dakota Code Revision Commission.

He makes his home with his wife, Mrs. Olive Kuhfeld, in Beach, North Dakota.

FROM HERE AND THERE

By Wm. G. Owens, President

By the way the lawyers are writing in comments, suggestions and contributions we suspect they are reading "Bar Briefs." We suspect that the members want a good periodical as a medium of exchange of news and ideas. We can have it if you are interested. Should eight pages not suffice we'll try to print more, so let's "hear" what you have to say. It's good to have your comments, good, bad or indifferent.

The public press gives us the news that some government would-be authority rules no more conventions of more than fifty people. If that be the orders and remains effective will it mean that we must not gather for our annual State Bar session? Maybe

you better save some extra gas for we are surely going to have a session if that be physically possible. Maybe the war will be over by that time. Is there some law against holding conventions?

Commissioner Clyde Duffy of Devils Lake, a member of the Code Commission, has suggested some changes made by the new Probate Code which are

- Sec. 30-0210—Requires mailing of Citation, besides publication;
- Chap. 30-17—Changes in procedure relating to estates of small value;
- Chap. 30-18—Substantial changes in connection with claims;
- Sec. 30-1802—Changes in form of notice to creditors;
- Sec. 30-1811—Provides for an appeal from order on claims rather than suit in district court;
- Sec. 30-2105—Will delay entry of Final Decree until 30 days after Order Allowing Final Account;
- Chap. 30-22—A number of changes in procedure establishing heirship.

Should some of you fellows be ambitious enough to find other changes, particularly in the New Code of Civil Practice and Procedure, which all the lawyers should know about, and will send in your findings, we'll print them. We feel sure it will be helpful to the judge, who is always glad to know the law before some lawyer discovers he doesn't.

Judge Charles J. Vogel has suggested that it is his intention to have the Rules of the United States District Court for North Dakota printed in booklet form and has requested the aid of the Bar in reviewing and revising the Rules. To that end your President named a committee to confer with the Judge as follows:

Herbert G. Nilles and Francis Murphy both of Fargo; Harold D. Shaft and Tom A. Toner of Grand Forks; Halvor L. Halvorson of Minot and Edw. B. Cox of Bismarck. We have in mind the named lawyers are conveniently located for conference, familiar with the needs of federal practice and know their way around federal courts. Should any lawyer have in mind a suggestion or more in line with Judge Vogel's wishes am sure he will confer a favor by sending it to one of the committee who will gladly transmit it to the Judge.

Minot Bar recently lost a valued member in the passing of Attorney John J. Coyle, well known throughout the state, not only as a practitioner at the Bar but as an untiring worker and great aid to charity, particularly with the crippled children's department of that charity. Jack was active in his profession, loved by his friends and neighbors, respected by his fellow lawyers.

Louie Nostdal of Rugby thinks the New Code costs too much. Any law book "costs too much", but what about it? We simply must pay or go "dumb" about the law.