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## Lawyer Disbarred for Aiding Unauthorized Practice

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**CORPORATION TRUST COMPANY EXPLAINS**

In a very comprehensive pamphlet recently issued by the Corporation Trust Company, an answer is made to the question of "Why must I have a lawyer"?

The pamphlet explains why it is to the best interest of business organizations that they have an attorney, stating among other things that "safe and efficient statutory representation therefore, is that which provides a business organization for the business details, working hand in hand with the company's own lawyer for their proper application" and that no one but a lawyer is fit to make such applications.

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**UNAUTHORIZED PRACTICE NEWS BRIEFS**

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**LAWYER DISBARRED FOR AIDING UNAUTHORIZED PRACTICE**

Another case condemning the lawyer who aids unlawful practice of the law, is the recent case of "In the matter of Paul E. Tuthill, an attorney", before the Supreme Court, Appellate Division, First department, April, 1939, New York.

Tuthill was found to have aided in unlawful practices of a corporation known as Transatlantic Estates & Credit Company, Inc., upon an investigation being made of the activities of the corporation, in New York. In 1930, the corporation was dissolved in New York, and reorganized in New Jersey, the respondent aiding in all of its work when the corporation continued its unlawful activities in New York State, Tuthill continuing to reside in New York City.

The Court found that the sole business of the corporation was searching out and procuring claims, furnishing counsel and legal advice and that such activities constituted the unlawful practice of the law. The Respondent was disbarred.

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**BANK ORDERED TO CEASE TAX SERVICE**

A consent decree was recently entered in the Pittsburgh, Pennsylvania, courts wherein the Union Trust Company of Pittsburgh was ordered to cease and discontinue the practice of procuring an attorney and furnishing the services of an attorney at its banking house.

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**CLAIM OF REAL ESTATE CORPORATION DENIED**

On January 9, 1939, in the case of Collacott Realty Inc., versus John Homuth, Municipal Court of Cleveland, Judge Lillian Westropp denied the claim of the realty company for services alleged to have been performed, on the grounds that a portion of the services furnished by the realty company were the practices of the law, and constituted the unauthorized practice of the law by a corporation.

## SERVICE BUREAU ENJOINED

On February 23, 1939, the Philadelphia Court of Common Pleas No. 6, in the case of W. Richardson Blair, Jr., et al, versus Motor Carriers Service Bureau, Inc., et al, issued a restraining order enjoining the Motor Carriers Service Bureau, Inc., Tax Service Company and James H. McGurk, doing business as the Motor Carriers Association, from engaging in the practice of the law.

## LAYMAN FOUND GUILTY OF CONTEMPT

On January 18, 1939, one Frank Sevedin, was found guilty of contempt of court by the Circuit Court of Wayne County, Michigan, in case No. 64, 503, wherein the Respondent was found to have been acting as a "runner" for an attorney; occupying space in the attorney's office, paying no rental therefor, except that of procuring law business for the attorney.

From American Bar Association Committee on Unauthorized Practice.

## OUR SUPREME COURT HOLDS

State of North Dakota, Pltf. and Resp., vs. Bertel Jacobson, Deft. and Applt.

That the person verifying by oath an accusation in writing presented to the district court, seeking to have an officer removed from office on the grounds of charging and collecting illegal fees for services rendered in his office, is not such "a party to the record of any civil action or proceeding, or a person for whose immediate benefit such action or proceeding is prosecuted or defended, \* \* described in section 7870 of the Compiled Laws, permitting such party to the record to "be examined upon the trial thereof as if under cross-examination \* \*"

That Section 10482 of the Compiled Laws, providing for the trial of an officer charged with "collecting illegal fees for services rendered or to be rendered in his office, \* \* " upon "an accusation in writing and verified by oath of any person \* \* " does not require the jury determining the case to specify in the verdict what one or more of a series of charges has been supported by the evidence, but permits the verdict of the jury to be either "guilty" or "not guilty".

That where removal from office is attempted by judicial proceedings under the provisions of article 2 of chapter 4 of the Code of Criminal procedure, an accusation in writing may be presented by the grand jury or may be made "in writing and verified by the oath of any person \* \* " and when the latter form of accusation is presented to the district court the offenses to be charged therein are limited to the allegation that the officer has charged and collected illegal fees for services rendered or to be rendered in his office or that the officer "has refused or neglected to perform the official duties pertaining to his office, or has rendered himself incompetent to perform his duties by reason of habitual drunkenness or other cause \* \* ".

That under the provisions of section 5 of the initiated measure approved June 29, 1932, the only recompense a county commissioner may recover for his services from a county having a population exceeding nine thousand is a per diem allowance of five dollars "and the actual amount necessarily expended by them (him) for expense of travel in the performance of official duty \* \* ", but such expense of travel recoverable may not exceed "the sum of Seven Cents (7c) per mile actually and necessarily traveled by motor vehicle or team, when such motor vehicle or team is not owned by the county or other political subdivision, and not exceeding the sum of Five Cents (5c) for each mile actually and necessarily traveled \* \* " when such travel is by rail or other common carrier.