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President's Letter

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BAR BRIEFS

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STATE BAR ASSOCIATION OF NORTH DAKOTA

M. L. McBride, Editor

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PRESIDENT'S LETTER

Your officers and committees have been working on a preliminary survey of the feasibility of either a re-compilation or revision of the laws of the State of North Dakota. This in my opinion is one of the most important matters for consideration and promotion by all of the members of the Bar of this state.

We all well know the chaotic condition in which the laws of this State now are. The fact is that the 1913 laws and subsequent supplements, together with the session laws, are so voluminous, that the amount of labor put in by lawyers and officials of the State of North Dakota is far greater than would be necessary if a revision or recompilation were had, which in turn means a waste of money. A study of this matter convinces the writer that a revision is the only proper method of remedying this difficulty.

The State of South Dakota at the present time has a commission working on a revision. Iowa has completed one. Nothing along this line has been done in the State of North Dakota since 1895, and with very little effort on the part of the members of the Bar and the officials of the State, legislation could be passed authorizing the appointment of such a commission and the appropriation of sufficient funds for them to work out a complete recodification.

This, of course, can not be done without some ef-
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fort. I would recommend to the members of the Bar that they study this situation and promote a feeling among their clients and friends that such action should be taken, as it will save not only the lawyers, but the public generally vast sums in time and expenditures, even without considering the errors that are made by reason of the unsatisfactory condition in which we find our laws. If every lawyer will talk to every client and to the public generally, explaining to them that it is not a lawyer's advantage, but is a profit to the public itself in a reduced public expenditure by the officials of the State and in a reduced amount of time that a lawyer has to put in in giving reasonable and proper advice to his clients. Every lawyer should make himself a committee of one advocating such action. When the public understands the situation there is no question but that they will demand a revision and the legislators, or prospective legislators, will not hesitate to advocate such action by the legislature.

I, therefore, earnestly recommend that every attorney keep this in mind and in conversations and conferences with his friends, advocate such action by the legislature in 1939. I have a copy of the South Dakota laws providing for a commission to be appointed by the Supreme Court and under its direction prepare such a revision. If the State Bar Association can promote such legislation it will be doing one of the greatest services not only to its membership, but to the public at large.

Action by all of us should be taken now and kept up during all of 1938.

L. J. PALDA, JR., President.

MORE ABOUT CODE REVISION

It may be interesting to the members of our Association to learn something in detail about the Revision of the South Dakota Law, in which their Commission is now engaged. The Commission was created by the Legislature of 1937, under Chapter 60 of the Session Laws of that year, and the Supreme Court has authority to select and employ not more than three persons, resident of the state and learned in the law, as a Code Commission, whose duty it shall be to act under the supervision and direction of the Supreme Court, to revise, annotate and index the laws of South Dakota, including, if possible, the Session Laws of 1939 and while designating the usual things to be done in revision, in addition thereto, instruct them to annotate and index a complete set of rules of practice and procedure, for all the Courts of the state, including all proceedings in which quasi-judicial functions are exercised by administrative offices and departments of the state government, together with the rules and regulations for admission to and disbarment from the practice of law.

Specifically, amongst other things, that the Commission shall eliminate all statutes that have been repealed, either directly or by implication, or that are inoperative or special and limited in their nature, to reconcile all inconsistencies, to eliminate duplication, to eliminate or restate useless, contradictory or confusing