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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

The writer has been interested and made considerable study of the pre-trial procedure based on court rules. In the year 1932 the Circuit Court of Wayne County, which covers Detroit, Michigan, initiated such a procedure. The same was followed by Los Angeles, California, and Boston, Massachusetts.

The rules laid down are such that practically all undisputed matters are stipulated prior to the date at which the case is set for trial and the trials are materially shortened. In many instances a case that would ordinarily take weeks to dispose of has been disposed of in one or two days in a manner entirely satisfactory to members of the bar and the litigants. This not only shortens up the jury sessions of court, but speeds up the disposal of litigation that is pending; it does away with great delays occasioned by reason of sham answers and application for continuance at the last moment. In many cases where the entire litigation is based on expert testimony, the disputed elements are covered by stipulation of the parties.

There is one feature that is of great importance. The pre-trial examination by the courts of matters in litigation promotes settlement of the cases or results in non suit. In other cases answers are withdrawn and judgment are entered with promptness. This might not appeal to those who are seeking to gain some advantage by reason of delays, but seems to do justice in a most prompt and orderly manner.

I happened to be interested in litigation in Los Angeles which would have involved the taking of long and costly depositions and a large amount of time in the trial of same. By the pre-trial hearing before the Court the entire litigation was simplified and resolved itself into two or three disputed questions of fact, one of which is of a technical character and will be stipulated after a conference with experts in that particular line.

The procedure is extremely simple. The court calls the attorneys involved in the cases to its chamber. The pleadings are analyzed and one by one the undisputed facts are stipulated.

There are of course many other matters in this pre-trial pro-

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cedure which at the present time are being given a great deal of study by the Committee of the American Bar Association.

I feel that pre-trial procedure is worthy of careful consideration by all members of the Bar of the state, and that if rules along the lines of those adopted by Detroit, Boston and Los Angeles were carefully examined and either in whole or in part adopted in this State, it would save a vast amount of time and work. Not only would this be accomplished, but the unfavorable comment on delayed litigation and unjustified squabbling in a court before a jury would be obviated.

These rules can be so simple as to be purely an informal examination into the litigation.

I trust the members of the Bar Association of this State will give this matter careful consideration, and if such pre-trial procedure is proposed, that they will be prepared to discuss the same.

L. J. PALDA, JR., President.

March 3, 1938.

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#### MEMORIAL SERVICES FOR HON. CHARLES F. AMIDON

All members of the State Bar Association, including Supreme Court and District Judges, are invited and urged to attend memorial services in honor of the late Judge Charles F. Amidon to be held at the Court Rooms in the Federal Building at Fargo at two o'clock p.m., on the 3rd day of April, 1938, in the announcement received from Hon. Melvin A. Hildreth, Chairman of the Committee for the Memorial Services.

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#### SOUTH DAKOTA CODE REVISION

(Continued from last issue)

The spirit in which this work is being carried forward, is reflected in the Council's suggestion to all the Bar of the state, to send their ideas thereon, to the Secretary of the Council.

From correspondence with the Chief Reviser and Secretary of the Judicial Council of South Dakota, it appears that they are well satisfied with their law; that from their experience, thus far, it is well adapted to the purpose for which it is enacted. They have been operating under it since April 7th, and have completed more than half of their work. They feel that the Statute furnishes ample authority and latitude for the administrative side of the Revision project, so that they can secure the best arrangement and contracts available for working on the editorial work, and also for working out the mechanical work of printing, binding and distributing the Code. On the editorial side, it gives the customary authority necessary for a proper revision, but in addition makes a very substantial change in the actual reforming of the law, vesting as it does, in the Supreme Court, the power to promulgate the rules of practice and procedure for all the courts