



1935

A Matter of Ethics

North Dakota Law Review Associate Editors

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1934, in order that the District Meetings, which are planned for the month of July, may have an opportunity to consider, in advance of the annual meeting, every proposal or recommendation that may be up for consideration at the annual meeting.

In this connection, we refer each member to the report on Criminal Law and Procedure of last year, the bill offered by Mr. James Morris being found on pages 16 to 26, inclusive, of the December 1933 issue of Bar Briefs, and hope it will not be necessary to go to the expense of printing this bill a third time.

A MATTER OF ETHICS

X and Y, as assistants in the attorney general's department, are engaged in a prosecution. They announce that Z is an important witness in that proceeding. Z, however, had been under suspended sentence for grand larceny for several months, and, during those months, had made a further criminal record in another Court in the same city. Z, therefore, was not put on the stand, nor was any application made for the enforcement of his suspended sentence. X and Y, however, "offer in evidence" an ex-parte affidavit apparently signed by Z some time prior to the instant proceeding. Z was available as a witness, in fact, had been furnished employment so as to make him available. Was such "offer in evidence" ethical? We suggest this as a test question for the next class seeking admission to the Bar in North Dakota.

CRIME IN OFFICE

That language has been much before the public lately. Well, one A travelled from J to M, via V, on official business. He paid railroad fare from J to V and return. He travelled from V to M and return on a pass. The total railroad fare, J to M via V, is about \$9.40. A filed a bill certifying to mileage paid at \$22.00. The certificate reads "the money therein charged was actually paid for the purposes therein stated." A photographic copy of the voucher has been filed with the State Bar Board for reference. Look it over.

JUST AS A REMINDER

The American Bar Association Journal was kind enough to reprint our January article on "Practice of Law by Dead Men." That, we assume, was a recognition of the general application of the article. We desire to remind our own North Dakota lawyers, however, that the article had a direct and pertinent local application.

WHO KNOWS THE ANSWER?

Question raised by certain matter appearing in a Bismarck paper: Is Mrs. Mills an attorney, duly licensed to practice law? Is she practicing, or has she practiced law?

FAMOUS SAYINGS

Assistant Attorney General Verret: "Your Honor, that is all I have to offer, but Mr. Ellsworth has 'worked up' some evidence in this case."