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The 1934 Annual Meeting

North Dakota Law Review Associate Editors

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THE 1934 ANNUAL MEETING

Despite the critical financial situation facing the lawyers of this State, one hundred and eighty-eight of them registered for the annual meeting at Bismarck September 6 and 7. That record of attendance, under present conditions, is ample evidence of widespread recognition of the importance of the problems that face the members of the Bar these days, and of the need for united, vigorous action. We doubt if there has been an annual meeting, in the past fifteen or twenty years, at which the members registering were as faithful in their attendance at all of the sessions as they were on this occasion.

The first day's sessions were held in the beautiful House Chamber of the new Capitol, which is not only a demonstration of the adaptability of modernistic art but proved its wonderful acoustic properties.

The detailed record of proceedings will appear, as usual, in the December issue of Bar Briefs, and we summarize, here, only a few of the more important matters.

Executive Committee

The Executive Committee was authorized to prepare and file recommendations for appointment to the Bar Board with the Supreme Court in emergency cases until such time as a definite procedure shall be adopted by the Association. Recommendations for appointment at the expiration of a term will continue as before, through the medium of a referendum by mail.

Comparative Law

The report of this committee outlined the several legislative methods that have been employed in other jurisdictions for dealing with the matter of automobile insurance and licensing. Neither the report, nor its approval by the Association, carried endorsement of any particular plan.

Fee Schedule

There were five specific recommendations in the report of this committee (see page 150, June 1934 Bar Briefs), the first three of which were, probably, overlooked in the general opposition that developed to the last two. The report was not approved.

Press and Public Information

All the recommendations of this committee were approved, and covered the following points: 1. Enlargement of the committee to one member from each district, making such member responsible for reporting district activities; 2. Charging the committee with the responsibility of giving the state press information concerning the activities and recommendations of the State Bar Association; 3. Authorizing the use of the radio, if and when funds are available, for the purpose of informing the public on such subjects as (a) Aims and objects of bar associations, (b) Illegal practice of law, (c) Canons of professional ethics, (d) Canons of judicial ethics, (e) Why courts should prescribe the rules of procedure, and (f) Duties and limitations of the judicial

branch of government; 4. Cooperation with the Citizenship Committee to the end that lawyers more generally participate in public patriotic programs; 5. Directing the committee to arrange for speakers to present the legal profession where High Schools give vocational guidance courses.

Criminal Procedure, Law Enforcement

The report of the Morris committee on reform in criminal procedure was again approved (see page 16, December 1933 issue of Bar Briefs), and a special committee, consisting of Geo. F. Shafer, Bismarck, M. A. Hildreth, Fargo, and A. L. Netcher, Fessenden, was appointed to cooperate with the Judicial Council in formulating the legislation to carry into effect the recommendations of the Morris committee.

Selection of Judges

The Secretary was directed to accept the report of this committee, when filed, print the same with the proceedings, and bring whatever recommendations that may be made therein to the attention of the next annual meeting.

Public Utilities

This subject was covered in an informal report by the Chairman of the Public Utilities Committee. His recommendation was that North Dakota should adopt the Wisconsin plan, which substitutes an appointive for an elective commission, such commission to consist of three men, one of whom shall be a lawyer well versed in corporate law, another shall be a man with technical training and experience, and the third shall be a University professor possessing the requisite theoretical knowledge concerning such matters. The report was approved, but such approval did not carry with it an endorsement for legislative action at this time.

Ethics and Internal Affairs

The report of this committee carried no recommendations. It disclosed that 45 complaints were handled by the Secretary, and adjustment made; that three others were referred to the committee. Two of the latter were dismissed for the reason that they involved contract rights between the parties, which it is the function of the courts to determine. The third presented charges of such a serious nature that the complainant was advised to refer the matter to the State Bar Board. In the opinion of the committee (L. U. Stambaugh, M. W. Murphy, F. J. Traynor) "these complaints represent the minimum of difficulties to be expected in any one year, and the fact that so few complaints were received is a testimonial to the high standard and integrity of the North Dakota Bar."

Bar Board

Although the Bar Board owes no duty, directly, to the Bar Association, it filed its informational report of the year's activities (July 1933 to July 1934), as usual. During that year 27 applicants for admission were examined, and 19 admitted. (We are advised that 41 were ex-

amined in 1934 and 35 admitted). Charges filed against attorneys, during the year for which report was made, were as follows:

Failure to account to clients	15
Charging exhorbitant fees	4
Accepting retainer and failing to act	1
Malfeasance, misfeasance and non-feasance in office	1
Violations of various canons of ethics	2
Practicing without a license	2
Deception of clients or of court	2
	<hr/>
	27

Twenty-two complaints were investigated during the year, and five reprimands were administered. Five disbarment proceedings are pending.

Unauthorized Practice

This committee reported the employment of counsel to prosecute four actions, one or all of which would result in a Supreme Court definition of the meaning of the term "unlawful practice of law." These actions were against Merchants National Bank and Trust Co., Fargo, Vetter's Commercial Agency, Minot, Business Service Bureau, Bismarck, and Fred Underwood, Enderlin. Injunctive relief is prayed for in each case. (The total reported expenditure on the books of the Bar Association and Bar Board for the past two years is \$1,838.60).

World Court

The Bar Association reaffirmed its stand of last year, and, by resolution, again requested the Foreign Relations Committee of the U. S. Senate to report the pending world court protocols favorably and without the addition of any further conditions or reservations, urging that the Senate ratify such protocols at the earliest practical time.

Memorials

Memorial resolutions and biographical sketches were again presented by Chairman H. A. Libby of Grand Forks, who reported the passing of the following members during the year:

Jalmar Oliver Muus, University,
John D. Scherer, Willow City,
Miss F. H. Burnett, Dickinson,
William Barclay, Finley,
W. J. Mayer, Grand Forks,
B. F. Spalding, Fargo,
William A. McIntyre, Grand Forks,
George McLain Johnson, Hillsboro,
J. E. Campbell, Mandan.

In appreciation of the faithful, loyal service rendered by Mr. Libby, as chairman of this committee for so many years, a vote of thanks was ordered spread upon the minutes of the Association.

Morgan Memorial

Tracy R. Bangs, in the name of the Bar of the State, presented to the Supreme Court a portrait of Judge David E. Morgan, and thus brought to a close the work of a committee that was originally appointed

many years ago. "Judge Morgan," said Mr. Bangs, "was one of the Court's most distinguished members," and, in presenting this portrait to the Court, he said he wished to "place in the record a few personal observations with respect to the man whose memory we so honor." The "few observations," however, proved to be as fine a tribute and word picture as we have heard in many a day.

Invitations

Invitations were received from two cities for the 1935 meeting of the Association, Grand Forks and Valley City. As usual, the meeting place will be determined by the Executive Committee at its first meeting, probably about the first of November.

Election of Officers

The election of officers developed only one contest. Vice President C. L. Foster, Bismarck, was advanced to the Presidency without opposition, and Col. M. A. Hildreth, Fargo, was the unanimous choice for Vice President. The opposition to the incumbent Secretary entered B. F. Tillotson, Bismarck, as a candidate. Since the meeting we have been advised that a rather spirited pre-meeting campaign was put on, but nothing in such information indicates that such campaign was not conducted in a fair and friendly manner, so as to leave neither bitterness nor qualms of conscience. The ballot count started R. E. Wenzel, Bismarck, on his fifteenth year as Secretary-Treasurer.

Addresses

The main addresses of the two-day session were presented by Prof. Leonarde Keeler, Northwestern University Law School, who spoke on "Modern Methods in Crime Detection," and by Andrew R. Sherriff, "Citizen-Lawyer," Chicago, who spoke on "Cooperation of the Press and the Bar" at the banquet, and on "The Spirit of the Constitution" at the general session the next day. All the addresses were very favorably received, with the last one excelling the others.

Supreme Court Services

A committee, consisting of Tracy R. Bangs, Grand Forks, John Knauf, Jamestown, M. A. Hildreth, Fargo, C. L. Young, Bismarck, and P. D. Norton, Minot, was appointed to arrange for a memorial program to be held in the Supreme Court Chambers at an early date, such service to commemorate deceased members of the Court.

SHALL WE DO OR JUST RESOLVE?

For some years past the Bar Association of this State has had under consideration changes in the plan of disciplinary action, several times voting in favor of the principle of the California system. Nothing, however, has come of the matter thus far, and we are wondering if, once again, resolutions are not to result in action.

In the Secretary's report this year attention was directed to a portion of the address of President Evans of the American Bar Association, and also to an editorial appearing in the September 4th issue of the Bismarck Tribune. We quote from the Secretary's report: The newspaper article "dealt with the subject of 'Dillinger's Lawyer'. After commenting at some length, and to good purpose, on that subject, it advanced this thought: