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Are We Impotent?

North Dakota Law Review Associate Editors

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by inunendo could not command the space (or any space) in reply that you as president could command. Such action further illustrates your utter lack of fairness."—Usher L. Burdick, 4-21-1933.

Hutchinson to Burdick

"I have your letter of April 21st. Insofar as your letter refers to me as Judge it is unworthy of a reply, and therefore I make no reply. You, however, refer to me as President of the Bar Association, and to the fact that I have the use of Bar Briefs as such President. I am therefore replying to this part of your letter.

"I have the front page of the Bar Briefs to use and I here offer you the front page of the next issue to make such reply over your name as you see fit. Should the front page be insufficient I am advising the Secretary to give you such other space as you may want. It will be necessary that you write the Secretary of the Bar Association before May 1st, telling him how much space you will use, and it will further be necessary that your copy be in the hands of the Secretary before May 4th. I am sending the Secretary a copy of this letter.

"It might be of interest to you to know that I wrote the editorial in Bar Briefs before I had any intimation of any proposed recall."—Wm. H. Hutchinson, 4-24-1933.

ARE WE IMPOTENT?

Every little while we learn of some situation that is of vital concern to the profession, and then discover that the Bar Association and the Bar Board, jointly and severally, are as impotent as the Nabob of Hadash. The most recent evidence of the Bar Board's inability to do something for the members of the Bar is contained in its request to have the Bar Association challenge the Hon. Mr. Sneckloth, President of the American Protective Counselors Corporation of Los Angeles.

That organization is offering a "Service Contract," which invites the people of North Dakota to "insure protection" to all members of the family. We quote the letter in full:

"We are desirous of making contacts with the leading attorneys in your state as this organization is now completing negotiations for its state and branch agencies in as part of its plan of nation-wide operation.

"We offer the public a 'service contract,' based on insurance principles, which affords protection to all members of the family at a very reasonable rate, with services as follows:

"Representation in court, after arrest, for any misdemeanor under city or county ordinance; representation in court, after arrest, for any felony under state law; representation in court to prosecute or defend on civil suits as to property damage; free legal counsel on any matter.

"Other phases of our service contract provide for medical care and counsel on insurance matters. It is amply protected

by bonds and cash reserves, and the attorneys are retained on the individual case and paid by the corporation out of the reserve funds which are established in every state and locality, on each contract. There is no violation of the ethics of your profession nor of good business.

"Our campaign results in a greatly increased clientele for the attorneys, and we respectfully suggest that you grant our representatives the privilege of explanation in detail when they call in the near future."

The genial Mr. Sneckloth points out, "There is no violation of the ethics of your profession nor of good business"; and the Bar Board advises us, "This should be handled by the Association, through you (Secretary) or some committee."

Hasn't the time arrived when the lawyers of this state should find out just what an incorporated Bar is, what the Board Board is, and what good either or both of them are to the individual practitioner?

Protection against a proposal of this kind should not be dependent upon the Secretary's office, nor an Association committee. The moneys annually paid in as license fees, and resting quietly in the account of the State Bar Board should be available to protect the members of the Bar against this type of racketeering. We, respectfully, submit that the "moral suasion" efforts of the Secretary or any Association committee would be inappropriate and inadequate, and the levy of an assessment to enable either to engage in "protective" measures is also out of order. The State Bar Board, we believe, should take the initiative, and it should carry this matter to a final conclusion—by way of the Declaratory Judgment Act, a prosecution, or any other legal process appropriate and necessary to determine the rights of the Bar.

A CONSTRUCTIVE SUGGESTION

Economic or social planning, as indicated last month, must be a part of the plan for the future, unless America desires to have a repetition of the "thousand days" since 1929.

Should some plan be evolved, however, it can not and will not function effectively in and of itself. It will require a sound, efficient, high-minded personnel, it will require the co-operative effort of others, it will require the respect of our citizens.

Most of what such new machinery promises in the way of progress could now be accomplished, if it were not for the unwieldy thing we employ to do our legislating. Our present legislative machinery is too cumbersome, but cumbersome as that machinery is, and politically-minded as its component "screws, nuts and bolts" are, it could take much better and fuller advantage of the opportunities for sound, sensible legislating.

There is one type of "lobbying" that should never have been permitted, of course. That is the direct attempt to sway votes by "button-holing" legislators or brandishing an "appropriation club." It has been an easy, natural, and efficacious method, however, because of our political alignments.

There is another type that has been useful, but only to the extent that those using it were honestly intentioned and desirous of aiding