



1931

## North Dakota Decisions

North Dakota Law Review

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3. Restoration of criminals to society only upon conditions offering the opportunity to become useful citizens;

4. Prevention of contact with dissolute criminals of persons committing felonies without intentional or conscious transgression of the law;

5. Ultimate restoration to citizenship under favorable conditions of those criminals who may be so restored with benefit to society and permanent isolation of all others.

The foregoing represents only the conclusions. The details of the plan are being submitted to our Committee on Criminal Law and Enforcement, Hon. James Morris, Chairman.

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### MORE ON PRACTICING LAW

The Supreme Court of Idaho, *In re Loan & Trust Co.*, 288 Pac. 157, speaks plainly on what constitutes the practice of law. It says: "Such work as the mere clerical filling out of skeleton blanks or drawing instruments of generally recognized and stereotyped form effectuating the conveyance or incumbrance of property, such as a simple deed or mortgage not involving the determination of the legal effect of special facts and conditions, is generally regarded as the legitimate right of any layman. It involves nothing more or less than the clerical operations of the now almost obsolete scrivener. But, where an instrument is to be shaped from a mass of facts and conditions, the legal effect of which must be carefully determined by a mind trained in the existing laws in order to insure a specific result and guard against others, more than the knowledge of the layman is required; and a charge for such service brings it definitely within the term 'practice of the law'."

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### FURTHER RECOGNITION

Under the heading of "North Dakota Bar's High Ambition" the Journal of the American Judicature Society devotes more than a page of the February issue to complimentary references of the North Dakota Bar. "Each succeeding report of the North Dakota State Bar affords proof of the stimulating effect of inclusive bar membership," says the article; and, continuing, "These are brave words: 'Taking charge of the administration of justice;' 'Becoming a real force in the state' and 'getting ready to meet those problems that loom with increasing importance upon the horizon.' The sense of official responsibility and the ambition to contribute statesmanship in years to come when our fabric of state government will be subjected to strains greater than ever before, bespeaks a spirit and integration which puts the lawyers of North Dakota in a high position compared with those in a majority of the states."

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### NORTH DAKOTA DECISIONS

*Brantner vs. Moske*: This case presents a clear-cut conflict in testimony as to the initial treatment of a fractured hand. One statement by the defendant states the issue, viz: "If defendant (a physician)

treated the hand as plaintiff says he did, it was negligent treatment." It was necessary, for proper treatment, to apply some apparatus to counteract muscular pull. Defendant said he did; plaintiff said he didn't. Verdict was for plaintiff, and denial of motion for judgment notwithstanding brought appeal. HELD: "The jury having found in favor of the plaintiff and there being substantial evidence justifying the verdict" the order of the trial court is affirmed. (Though meager as to statement of facts, the case is rather important. It directs attention to the possibilities confronting every physician, when there is no third party present to watch what he does.)

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### MINNESOTA MAKES RADICAL CHANGE

Dean Fraser, of the University of Minnesota Law School, presents a new trend in legal education. He says: "We are departing from the almost universal practice of American Law Schools. The movement for increased requirements has everywhere been in the direction of more college work. No day school requires more than three years law study. Five years of university study could not be better apportioned, but we are of the opinion that the additional year should be devoted to law school study rather than to college work. . . We plan to develop a four year law course based on two years liberal arts. It is our intention to give, in that course, little if any more of the type of work now taken by students in the three year course. The additional year will be devoted to the study of administration of law, legislation, its theory, function and methods, comparative law, legal history, jurisprudence, criminology, penology and similar subjects."

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### WE'RE ALL VERY MUCH ALIKE

The proceedings of the 1931 annual meeting of the California Bar Association disclose pyrotechnics similar to those we have at home. The eruption there occurred following the presentation of a resolution appealing to the U. S. Senate for ratification of the proposals to join the Permanent Court of International Justice. Points of order, personal privilege, appeals from the chair, requests to keep quiet, and a final statement from the chair, "if this convention did not pass upon anything until it was thoroughly considered, it would never pass on anything," read like extracts from some of our own records. There, as here, however, much was accomplished before and after the "fireworks" were set off.

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### FAKE COURT DOCUMENTS

The "fake" court summons and complaint has become quite a nuisance to this State, and we are glad to have our attention called to the following Illinois statute, which deals effectively with the matter:

"Any person, firm or corporation who shall send, deliver or mail, or in any manner shall cause to be sent, delivered or mailed, any paper or document simulating or intended to simulate a summons, complaint,