



1930

Disciplinary Functions

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The outstanding merit of the county bar is that its most prominent members have been permanently attached to it for almost a generation. During the years, and decades may be used as the units of computation, the county bar has been augmented by the presence of,,,, and, all able and conscientious and eager to combat with the venerable jurists on any and all phases of legal practice. Regardless of these valuable acquisitions, the original members of the..... county bar remain its dominating force. The longevity of the..... attorneys is unusual. Their loyalty to is remarkable.

During the last 10 years, the personnel of the business men has undergone radical changes, and only a few of the pioneers have survived the ordeal of economic changes and adjustment. But during all this confusion and elimination, the county bar in remains intact. The attorneys are the most unique legal aggregation in the state. Today they are giving legal aid and advice to the children of the pioneers whom they counseled a generation ago.

During these many years of shifting prosperity and depression, their wisdom and reliability have been amply tested, and today they constitute the most valuable and honored citizens of

(Note—The foregoing editorial was submitted by one of the “original members” referred to, with the request that we print it in the form above. His comment was: “a mental curiosity—a strange twist of the otherwise normal mind of a layman of ordinary intelligence.”)

DISCIPLINARY FUNCTIONS

In the further consideration of the proposals of the Legislative Committee at the 1930 annual meeting (Recommendation 4, Page 118 of the December, 1930 issue of Bar Briefs), attention is directed to some principles that seem fundamental.

The final disposition of all matters of discipline ought to remain in the Supreme Court. It should be the court of last resort, as in all other matters of procedure. It should not, however, be burdened with even the semblance of executive or administrative or trial duties. It should act, with respect to disciplinary matters, just as it acts with respect to civil and criminal causes, as a court of appeal. Nearly every investigation of complaints against attorneys is embarrassing to those charged with the duty of making the investigation, and the respect most lawyers entertain and desire to retain for the members of our Supreme Court ought to be sufficient inducement to relieve those members of any duties that are other than judicial.

Whether the original jurisdiction should be placed in the hands of the Bar Association or the Bar Board, therefore, appears to be the only matter upon which there could or should be much argument. Most of the complaints are made directly to the Bar Association, probably due to the fact that few laymen know of the existence of the Bar Board. In fact, there are some lawyers who do not yet know that the license fee is payable to the Bar Board instead of to the Association. If that

be true, the recommendation of the Legislative Committee would seem to offer the best solution with respect to disciplinary matters, and an acceptable method of procedure ought to be worked out along the line suggested by that Committee.

QUO WARRANTO TO TEST UNLAWFUL PRACTICE

There will be argued before the Supreme Court of Missouri, in April of this year, under proceedings in quo warranto, the question of the right of trust companies of that State to engage in the practice of law.

The charge, in brief, is that the named trust company "is and has long been engaged in the City of St. Louis and elsewhere in Missouri in the business of writing, drafting and preparing, for a valuable consideration, contracts for life insurance trusts in which it is named as trustee or executor, or both, creating trust estates out of funds to be collected at the death of the donor on life insurance policies carried on the donor's life, and giving legal advice and counsel, for a valuable consideration, to the donor of the trust as to the legal effect of the various clauses in the proposed trust agreement, the duties of the trustee thereunder and its liability for improper investment of trust funds; and as to the legal limit for the duration of such trusts . . . and in publicly advertising for and openly soliciting such business by its salaried agents and employes . . . preparing and drafting 'living trust agreements' . . . drafting and writing wills for its patrons and customers," etc.

The proceedings were commenced at the request of the St. Louis Bar Association, are being vigorously defended, and will be presented, it is expected, on a stipulated statement of facts.

PLAN OF STATE ORGANIZATIONS

Several states are considering re-organization of the bar association somewhat in the following form:

1. Division of state into zones.
2. The zone association to elect a zone or district president and other officers at least 10 days in advance of the annual state meeting.
3. The zone or district presidents to be ex-officio vice-presidents of the state association, and to constitute, together with the officers of the state association, the executive committee of the state association.

Other regulations and requirements, relating to fees, government of local associations, incorporation or voluntary association, appear as minor incidents. The main fact is that the latest proposals are following the lines adopted, tentatively, at the last annual meeting of our own association.

REVIEW OF NORTH DAKOTA DECISIONS

John v. Federal Life Insurance Co.: Defendant issued an accident policy to one Johnson. The principal sum of the policy was \$1000, with a double indemnity provision as follows, "If such injury is sustained: