



1929

## Bar Board

North Dakota Law Review

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### Recommended Citation

North Dakota Law Review (1929) "Bar Board," *North Dakota Law Review*. Vol. 6 : No. 3 , Article 6.  
Available at: <https://commons.und.edu/ndlr/vol6/iss3/6>

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is a remote likelihood of any issue arising which cannot be properly placed before the jury without a comment upon the evidence by the Court.

The greatest asset which courts have at present is the confidence of the public. That is based upon the confidence of the public in the judgment of a representative number of their fellow citizens. Agitators for more judge and less jury are unwittingly seeking to destroy that asset. They are very likely to drive the settlement of disputes out of the courts, and hence out of the hands of the legal profession, and into some privately constructed tribunal.

I submit that the so-called reform is not in fact such at all, but is a step backward. Courts are a part of the government. The decision of disputed questions of fact is a governmental function. It took years to secure to the average man the right to have that function performed by a body of men which he, as litigant, might help to choose. A step towards the abrogation or diminishing of the function of the jury is but a step, and a long one, towards the abolition of the jury system. Knowing that the way is dangerous, it is better not to take even the first step upon that way.

The foregoing comes to us from Mr. Hugo P. Remington, of Lisbon, and the Editor respectfully refers the writer, and every reader, to the May, June and July, 1929, issues of Bar Briefs. In those issues were summarized the very analytical, sane and unbiased statement of Professor Wigmore on "Merits and Demerits of the Jury System."

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#### BAR BOARD

During recent months the state bar board has been called upon to investigate an unusual number of complaints for professional misconduct. At its January meeting the board, in conformity with an order of the supreme court, reprimanded a practicing attorney for failure to perform services which he had contracted to perform for a client and was required to restore to his client a portion of the fees collected in advance. Charges of misconduct on the part of another prominent attorney were recommended for dismissal on the ground that the evidence did not sustain them. A formal complaint of the solicitation of professional business also has been under consideration. The decision of the supreme court upon the report submitted is awaited. In a number of states a vigorous campaign against this evil is under way and as a result many are being disbarred for engaging in it. Several disbarment proceedings have been recommended and two of them are under way.

At the January meeting six candidates for admission were examined and three of them were admitted to practice. The board adopted a resolution recommending for the consideration of the supreme court a rule that after 1931 all candidates for admission whose legal training has been had exclusively in law schools, be required to serve at least a six months' probationary period in a law office of this state before they shall be given permission to take the examination. It was held by the board in a specific case that a course in a correspondence law school without actual study in an office does not constitute sufficient preliminary qualification to authorize an examination. A South Dakota attorney was denied admission to practice on motion because his record did not indicate conformity to the ethical standards of the profession.

Thorough investigation is made concerning the fitness of each applicant for admission either on examination or on motion. It is most important for the future of the profession that any members of the bar

who know of objections to the admission of candidates, should report their objections before it is too late, for it is much better to decline admission to those who are not qualified than to remove them after they have been admitted.

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### 1929 ESSAY CONTEST

Mr. O. B. Herigstad, Chairman of the Committee on Citizenship and Americanization, announces the winners of the essay contest for 1929:

#### *First District*

- First, Eulalie Helsem, Grafton (Central School)
- Second, Helen Atkinson, Grafton (Central School)
- Third, Arwin Cummings Hoge, Fargo (Aggiz Jr. High)
- Fourth, Florence Kulas, Grafton (Central School)
- Fifth, Marguerite Bonzer, Lidgerwood
- Sixth, Dorothy Anderson, Fargo (Horace Mann Jr. High)
- Seventh, Clinton Smith, Buffalo
- Eighth, Mary Agnes Kane, Fargo (Horace Mann Jr. High)

#### *Second District*

- First, Genevieve Hawkinson, New Rockford (Central School)
- Second, June Adelaide Benson, Velva
- Third, Rita Margaret Malone, Glenburn (Roosevelt School)
- Fourth, Jean Loeppke, Pettibone (Consolidated School)
- Fifth, Olga Marie Rodning, Minnewaukan
- Sixth, Harriet Broughton, Jamestown (Winnifred School No. 1, District 41)
- Seventh, Prudence Aafedt, Berwick (Consolidated School)
- Eighth, Harriet O'Wolff, Russel

#### *Third District*

- First, Janet Evalyn Olds, Minot
- Second, Madeline Newman, Watford City
- Third, Lucille Martelle, Beulah
- Fourth, Dorothy Elida Lovell, Beach
- Fifth, Norma Sheets, Bowbells (District No. 24)
- Sixth, Syble Jennette Stoland, Carpio (Callahan Twp. School No. 2)
- Seventh, Rosella Elnora Beito, Crosby (Whiteaker School No. 1)
- Eighth, Mary Bezdicek, New Hradec (St. Peter & Paul School)

#### *State Contest*

- First, Janet Evalyn Olds, age 14 years, eighth grade, Junior High School, Minot
- Second, Genevieve Hawkinson, age 14 years, eighth grade, Central School, New Rockford

The subject for the 1929 contest was: "Why every citizen should vote."

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### JUDGE BAGLEY RESOLUTIONS

The Ward County Bar Association desires to pay respect to the memory of the deceased president of our State Bar Association, Horace Bagley, a man known and loved by us all. Judge Bagley was our near neighbor, and had been for many years one of the most respected and admired lawyers of our state. He was probably the leading authority in the state on probate law, and to him we owe the great simplification of probate practice introduced some years ago. Modest and retiring, he lived the simple life of a country lawyer, never putting himself forward, and shunning publicity. He was drafted against his will as president