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Notes on Annual Bar Meeting

North Dakota State Bar Association

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NOTES ON ANNUAL BAR MEETING

A special committee, consisting of J. O. Hanchett, Charles Coventry and John Lewis, reported on the method of selecting the names for recommendation to the Supreme Court for appointment to the Bar Board. Their report, which was approved, designates the following as the plan to be followed: That the Executive Committee make up the ballot, listing double the number of names to be chosen; that prior to the taking of a referendum, opportunity be given for individual nominations by petition, each petition to have ten signatures; and that the ballot, as so prepared, be submitted to the membership, canvass of the votes to be by a special committee.

President S. W. Clark of the South Dakota Bar Association presented an invitation to hold the 1931 meeting at Rapid City, South Dakota, at some time convenient to both Associations. The special committee appointed to consider the matter (F. J. Traynor, C. J. Murphy and F. E. McCurdy) recommended that the matter be left to the incoming Executive Committee. This recommendation was approved. The Committee on Resolutions, however, again referred to the matter, expressing the hope that some arrangement could be worked out that would make it possible to accept the invitation. This was, also, approved.

E. J. Taylor presented the report of the special committee on cost of recodification of the North Dakota statutes, which was to the effect that the publishers were unable to give any estimates of cost until it was determined just what was required. The sense of the Association was expressed in a vote favoring recodification rather than compilation, and the committee was continued with instructions to act with the Executive Committee in the effort to obtain legislative sanction for a recodification.

The suggestion of the President, to the effect that the Constitution of the Association be amended so as to have the officers of the State Association and the Presidents of the District Associations constitute the State Executive Committee, had to be carried over until the next annual meeting under the Constitution and By-Laws. A motion was passed, however, recommending that the incoming President try out the scheme by appointing as members of his 1931 Executive Committee the Presidents of the various District Organizations. President Traynor has already indicated that this suggestion would be followed.

H. A. Bergman, K. C., and President of the Manitoba Bar Association, delivered a very pleasing address, which compared the Canadian with the American system of administering justice. It was a frank, yet modest, statement. It brought to the attention of people on this side of the boundary a clear, sane, sensible presentation of a subject that has been more or less controversial, at least among the citizens of the United States. Without, in any wise, preaching, or even growing intimately brotherly, Mr. Bergman's address provoked much thinking, and will, very likely, lead to additional constructive efforts here.

W. C. Husband, formerly of Crystal, North Dakota, and now of Harlowtown, Montana, was a "surprise" visitor at the annual meeting,

and contributed an enjoyable bit of personal experience in Montana. While thoroughly convinced that Montana is a "big" state, and has the "biggest" this and the "biggest" that, Governor Shafer, very wittily, and very effectively, directed our visitor's attention to the fact that North Dakota also had some of the "biggest" things in the world, among them being the "biggest" state-owned flour mill.

The report of the Internal Affairs Committee had only one matter for the consideration of the annual meeting. That was a request for a designation of policy concerning the withdrawal of complaints against attorneys, where facts had been presented showing a clear violation of the rules of ethics. It was covered by a motion directing the Committee to proceed to a final conclusion in such cases.

There was considerable change of opinion this year over last concerning the method of dealing with the automobile accident situation, the conclusion of the Association being that the driver's license laws had proved most effective in curbing highway accidents. It decided against the passage of a general compulsory insurance law, but favored the requirement of insurance on the part of those whose conduct had demonstrated their unfitness or unwillingness to drive carefully without some such restraining influence.

The proposal of the Committee on Legal Education and Admission to the Bar, concerning the probationing of newly-made attorneys was put over for another year. The general feeling at the session was that such a plan would prove a considerable handicap to young attorneys. Approval was again given to the recommendations of 1927 and 1928, to-wit: "That, after the year 1931, no person shall be admitted to the Bar in this State, who, in addition to present requirements, as to citizenship and good character, and a three-year term of study in a law office or accredited law school, is not twenty-one years of age, and has not had at least two full years of study in an accredited college, normal school or university, beyond the high school grades, which course of study shall include courses in English Literature, American and English History, Economics and Civil Government." Some rather interesting statistics, which will appear in the annual proceedings, were quoted.

Governor George F. Shafer was in a particularly happy mood as presiding officer at the banquet. The spontaneous comment was that he fairly outdid himself. For the information of those who may not have known the fact, we would quietly whisper that the safe return from troubled Europe of Mrs. Shafer, the official Gubernatorial speech writer, probably had something to do with the exceptional friendliness of the Governor's facial expression and the extreme happiness of his choice phrases.

Review of the decisions of all boards and bureaus having state-wide jurisdiction was again approved. However, the proposal to take such review directly to the Supreme Court was voted down.

The proposal that findings of fact and conclusions of law should be served upon opposing counsel five days before signature by the Court

was indefinitely postponed, the argument being that any attorney who desired such procedure would find no difficulty in obtaining it through a mere request to the Court.

As salary increases had been previously approved for the members of the Supreme and District Courts, and for the Attorney General, that matter was not presented directly at this session; but an increase was recommended for the first Assistant Attorney General.

Arthur E. Johnston, K. C., of Winnipeg, a product of the tall-corn state of Iowa, proved his versatility while a guest of the Association. He was nonchalant, frank and friendly in his social contacts, not excepting those of the golf course, where many a man finds himself as well as his golf ball in the rough; and, in his public address, he spoke with a frank, fearless, good-natured seriousness that was much appreciated.

Legislation empowering the Bar Association to discipline members of the Association, patterned after the California Act (Sec. 26), when presented on recommendation of the Legislative Committee, aroused considerable discussion. The final disposition was to hold it over for one year. This really means two or three years. In view of the fact that laymen generally hold the Association responsible for the conduct of all of its members, it would seem to be advisable to give the Association authority to assume the obligations with which it is now charged. However, as some one expressed it, lawyers do not take kindly to "revolutionary" changes.

An amendment to Section 8074, concerning injunctive proceedings in foreclosures, was recommended by the Legislative Committee, and approved. As summarization of the proposal is rather difficult, we simply direct attention to the proposed amendment, which will appear in the annual proceedings number of Bar Briefs.

B. H. Bradford, of Minot, just to prove that he did not harbor the professional fear of "revolutions," made some drastic suggestions for improvement of the Judicial Council, which he characterized as functioning neither efficiently nor well. He took the position that the main purpose in establishing the Council was to enable it to act in an advisory capacity to the members of the legislature, and that such a body was necessitated by the failure of the electorate to send more lawyers to the law-making body. As the Council is now constituted, the members have too much work in their regular fields of duty to find sufficient time to make necessary preliminary surveys that will permit the rendering of the most efficient service. For the relief of the Supreme Court, he suggested that oral arguments be eliminated on appeal, except in such cases as the Court may, itself, request argument. To relieve the congestion in the trial courts, he argued in favor of examination of jurors by the Court; and for delivery of instructions on the opening day of the term, the latter to be supplemented by presentation to each juror of a pamphlet containing the definition of the terms usually requiring explanation.

Eighty-eight attorneys and thirty-four ladies were registered at the meeting. This was the lowest representation since the Bar Asso-

ciation Act went into effect, but twenty-five to thirty per cent above the highest attendance record prior thereto; which seems to corroborate the judgment of certain members that August is not the most favorable month in which to hold the annual meeting. Of course, the Secretary's records give positive proof that July, August, October and November are not as good attendance producers as September.

President Kvello had many friends who argued that he was entitled to a term as President in his own right and were desirous of backing the unanimous endorsement of his own district. President Kvello, however, did not agree with his well-wishing friends, and announced that he did not "choose to run." As that phrase has a more definite meaning than it had a few years ago, the politicians were not slow in understanding it; and, finding themselves in heavenly harmony, no oratory was wasted in placing the royal legal robes on F. J. Traynor of Devils Lake. "Fred" accepted graciously and feelingly.

The orators came into their own when the time for selection of a vice-president arrived, three nominating speeches and nine or ten seconding improvisations being necessary—which, by the way, establishes an all-time re-fueling record for the Association. Like all contests, this one was vigorous, but unlike most of them, it was also friendly; and the Cuthbert and Bangs families overlooked no opportunities for the exercise of disarmament diplomacy. J. O. Hanchett, of Valley City, won out by a very close vote, and his closest competitor, A. L. Netcher, of Fessenden, lost no time in making the vote unanimous.

Dr. Graham's lucid and translucid exposition of the simplicity of medical art and science not only supplied entertainment for the lay guests of the banquet session, but added much to the store of knowledge of the legal fraternity. We warn the medical profession that it is dangerous to permit a man of Dr. Graham's ability to distribute gratuitously such technical information. The lawyers, for example, may, hereafter, be found employing their slack, summer-season time in the practice of medicine.

President Kvello's annual address was of such a constructive, practical character, and so interrelated, that we enclose it as a supplement to the September issue of Bar Briefs, instead of quoting excerpts or having the members of the Association wait until the publication of the annual meeting proceedings.

There are five members of the Supreme Court and twelve Judges of our District Courts. Their record for attendance at annual meetings of the Bar Association is as follows: 1930, 1 and 4; 1929, 5 and 8; 1928, 2 and 8; 1927, 5 and 4; 1926, 5 and 5. The average attendance for the members of the Supreme Court for the five years is 72%, and for the Judges of the District Courts it is 48%. An average attendance equalling the percentage of the District Judges would bring over 260 attorneys to the annual meetings. The record, however, is: 1930, August, 83; 1929, September, 101; 1928, September, 108; 1927, September, 116; 1926, September, 161; 1925, September, 165; 1924, October, 90; 1923, August, 64. The total attendance average for August is 78, for September 140, for October 90.