



1928

Legislative Committee

Fred J. Traynor

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families, but are decidedly unfair to the profession. The conduct, for instance, of lawyers who have large general practices, in cutting the fees on foreclosures of mortgages is to my mind indefensible, from an ethical standpoint alone. It certainly is not "doing unto others as one would be done by."

I desire to call attention to one other phase that has come to my notice, and that is that attorneys are permitting large corporations to dictate the amount of their fees. I cannot think of anything more disgusting or humiliating than to think that a learned profession, that is supposed to be a profession of dignity and honor, will sink so low as to permit the laity to dictate what fees they should charge for their services. I think that ours is the only one that has gone to this depth of humiliation.

I believe that if we had active district bar associations, such as the Lake Region Bar has been since its inception, that much could be done in overcoming the conditions of which I speak; the getting together of the bar of several counties, where there is a close acquaintanceship and a close professional affiliation. Where frank and free discussion can be had it strongly tends to remove the unfair conduct on the part of lawyers who apparently do not realize the enormity of the offense which they are committing.

F. T. CUTHBERT, Chairman.

LEGISLATIVE COMMITTEE

The Legislative Committee, appointed by the president for the year 1928-1929, consisted of the following persons:

Fred J. Traynor, Chairman,	Devils Lake.
Charles Starke,	Dickinson.
L. R. Baird,	Bismarck.
Alfred Zuger,	Bismarck.
T. L. Brouillard,	Ellendale.
H. C. DePuy,	Grafton.
John Knauf,	Jamestown.
W. H. Stutsman,	Mandan.
H. F. Horner,	Fargo.
W. A. McIntyre,	Grand Forks.

The first meeting of the committee called by the chairman was held at the office of John Knauf at Jamestown, on Sunday, November 25th, 1928. There were present at that meeting members Knauf, Lewis, Starke and Traynor.

At this Jamestown meeting recommendations made by the Association at its last annual meeting were discussed, and the advisability of legislation was considered upon the following topics:

1. Increase in salaries of district and supreme court judges. Mr. Knauf was designated to prepare and have special charge of the introduction of such bill. He was instructed to cooperate with the committee in terms and salaries of judges, of which William Lemke of Fargo was chairman. Mr. Knauf also designated as assistants upon this matter C. L. Young, Bismarck; Usher L. Burdick, Fargo; E. R. Sinkler, Minot; E. B. Goss, Minot; A. W. Cupler, Fargo; W. A. McIntyre, Grand Forks; F. J. Traynor, Devils Lake; Horace Bagley, Towner.

2. Increase in tenure of office of judges of the district and supreme court. Messrs. Horner and Brouillard of this committee were designated

to confer with Mr. Lemke as chairman of the committee on tenure of office and salaries of judges regarding the legislation upon this topic.

3. Transfer of excess funds of State Bar Board to State Bar Association. Mr. Knauf volunteered to draw the bill for such legislation, to be assisted by C. L. Young and H. F. O'Hare of Bismarck.

4. Repeal of statute denying right of trial judge to direct verdict. Mr. Lewis was designated to prepare such bill.

5. Pre-legal education-admission to bar. The chairman was directed to refer this matter to Roger Cooley of Grand Forks for recommendations from his committee, of which he was chairman and which had special charge of this subject.

6. Other recommendations by the Association. It was the view of the committee that it was unwise to attempt too much and that the legislative committee would do well to confine itself to the matters above mentioned, forgetting for the time being at least the other recommendations made by the Association.

7. Compulsory auto insurance and licenses. This subject was not within the recommendations of the Association but was deemed by the committee of considerable importance and Messrs. Lewis and Starke were designated to make a study of legislation of this nature so that the committee might be of assistance to the legislature regarding any such proposed legislation that might be introduced at the coming session.

8. Legislation to give the State Bar Association disciplinary powers over its members. The Legislative Committee, being unwilling to make definite recommendations, requested President Lewis to appoint a committee to make a study of such proposition. Mr. Lewis appointed F. T. Cuthbert, Devils Lake; A. W. Cupler, Fargo, and S. D. Adams, Lisbon.

Before adjourning the Chair was directed to call another meeting of the committee at Bismarck in the early part of the legislative session. Accordingly, the Chair called a meeting of the committee at the office of Alfred Zuger at Bismarck on Sunday, January 13th, 1929.

At the Bismarck meeting there were present: Zuger, Baird, Lewis, Stutsman, Horner, Traynor. After considerable discussion of the matters above set forth, the committee decided to limit the activities of the committee looking towards legislation to the two items of increase in salaries of judges and increase in tenure of office of judges. H. F. Horner and W. H. Stutsman were designated to prepare and have introduced the bill regarding tenure of office of judges. The matter of salaries of judges was left under the direction of Mr. Knauf.

On the following day, to-wit, Monday, January 14th, 1929, after the legislative session a meeting was held at the capitol building, called by your chairman, at which were present those members of the House and Senate who are members of the Bar in North Dakota. These members approved of the recommendations of the committee confining the activities of the Legislative Committee as above set forth, and assured the committee of their cooperation looking towards legislation increasing the salaries of judges and also the tenure of office of judges.

The mental attitude of the legislature was quite adverse to any increase in salaries, with the result that the bill for the increase of salaries of judges of the supreme court and district court failed of passage.

On the subject of tenure of judges concurrent resolutions were introduced for proposed constitutional amendments to increase the terms of

district judges to six years and supreme court judges to ten years. These concurrent resolutions passed both houses and will be found as Chapters 97 and 98, pages 114 and 115 of the Popular Edition of the Session Laws of 1929. Such proposed constitutional amendments will be submitted to the people for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota as amended.

Messrs. Stutsman and Zuger, being in close proximity to the legislative mill, were designated by your chairman to keep track of the legislation and report the same to the chairman.

On April 24th, 1929, Mr. Zuger reported to your chairman as follows:

"The committee used its best efforts to secure an increase of pay for the Supreme and District Court judges. It was found, however, that the sentiment in the Legislature was so adverse that nothing could be immediately accomplished. The committee sponsored constitutional amendments increasing the terms of judges of the Supreme and District Courts. These were adopted in the House Bills 165 and 167. Conditions did not seem auspicious for securing much legislation sponsored by lawyers, and the committee kept its hands off except as to the judges bills."

On April 13th, 1929, Mr. Stutsman reported as follows:

"House Bills Nos. 165 (terms of district judges) and 167 (terms of supreme judges) were not prepared by me but I found them held up in committee, or rather, withdrawn by the member introducing them, by reason of objections to the form. I rewrote each of these bills at least twice to meet other objections, and after conference with Mr. Twichell and Judge Birdzell got them in shape to satisfy all parties and they were passed, I understand, without change.

"I think these resolutions are of great importance to the Bar and Judges and if proper effort is put behind them by the members and their friends the amendments to the Constitution increasing these terms of office will be adopted, but the fight is only half won and we should put up a vigorous and concerted fight all along the line."

FRED J. TRAYNOR, Chairman.

PUBLIC UTILITIES

The members of this committee are located in widely separated parts of the state, so a meeting of the committee for the purpose of discussing this subject and drafting a report could not very well be held. This report, therefore, is simply the expression of the chairman's individual ideas. But it is sincerely hoped that at our next annual bar meeting in Valley City all the members of this committee will be present to express their views concerning this subject.

Few new laws affecting public utilities were enacted by our last legislature. An amendment to Chapter 235 of the 1927 Session Laws was made. It provides that a public utility need not secure a certificate of public convenience and necessity in order to exercise rights under an ordinance afterwards granted, where such utility has not suspended operation of its plant and where such franchise merely replaces or renews an expiring or expired franchise