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Complaints against Attorneys/Workmen's Compensation Decisions

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COMPLAINTS AGAINST ATTORNEYS

During the past month the Secretary has received several of the most remarkable complaints against attorneys registered during the eight years that he has occupied that office. The man who wrote the latest one, which has now been passed on to the Chairman of the Internal Affairs Committee, had evidently worked himself into such a state of mind that he was ready, at least he suggested it in the letter, to take the life of the attorney. However, even if the matters stated in his long letter were provable as facts, there appeared to be available, as a proper and sufficient remedy, an application for the vacation of certain judgments.

May we not suggest that, rather than permit the fretfulness of laymen to become aggravated by referring them to the State Association or to the State Bar Board, that local attorneys, to whose attention such matters are brought directly by the complainant, utilize the opportunity afforded of listening, counseling and advising. Then, if they find facts warranting submission of the matter to the Internal Affairs Committee or the State Bar Board, that they summarize the facts for such complainant, instead of permitting them to send an incoherent and unconvincing story to some stranger several hundred miles away. In all kindness we say let us work together for the good of all.

WORKMEN'S COMPENSATION DECISIONS

A brakeman, whose duty it was to move empty cars into a mine and loaded cars out and do clean up work, got on a locomotive left standing by the engineer, and, in attempting to start it, crashed into some cars. The engine was upset and the brakeman killed. It was HELD: That injury in the course of employment embraces all injuries received while engaged in furthering the business of the employer but the term is not synonymous with the phrase "during the period covered by his actual employment;" nor does "in the course of employment include (a) injuries received while away from the actual place of employment, where the deviation or departure is wholly foreign to his duties, and amounts to an abandonment of employment; (b) injuries received in the commission of an act which is in direct violation of the law; or (c) an act contrary to the positive orders of the employer; the cause of the accident in such cases may come within the express terms of the Compensation Act and the place and the time be in similar accord, and yet no liability attach if the accident happens through any of the three causes just mentioned. The employee, by his own act, breaks the continuity of employment, and becomes, for the time, a trespasser."—*Shoffler vs. Lehigh Valley Coal Co.*, 139 Atl. 192 (Penn.).

IN MEMORIAM

The uncertainties of life are impressed upon us at every turn. We strive, we achieve, and, in the very midst of the enjoyment of our efforts and their fruits, we pass on. Just a few short weeks ago S. L. Nuchols of Mandan, and K. E. Leighton of Minot, were both with us, the former as an active private practitioner, the latter as a member of the Attorney General's Department, both having previously served faithfully and well as trial judges in our District Courts. It is with regret we chronicle their passing, with scarce a warning, and at an age that still gave promise of much service to the State.