



1927

Bureau Reverses Itself

North Dakota Law Review

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Recommended Citation

North Dakota Law Review (1927) "Bureau Reverses Itself," *North Dakota Law Review*. Vol. 4: No. 12, Article 9.

Available at: <https://commons.und.edu/ndlr/vol4/iss12/9>

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BAR BOARD APPOINTMENT

The Executive Committee has decided to provide for the recommendation of three names to the Supreme Court, from which list, under the law, the Court will appoint a successor to C. L. Young, whose term expires next January, in the following manner: A ballot will be prepared, containing six names, the names to be selected by the Executive Committee, acting as a nominating committee. This ballot will also contain a blank space for writing in a name, and will be mailed to all members of the Association. As much time as possible will be given for the return of the ballots. The three names receiving the largest number of votes will be submitted to the Court as the recommendation of the Bar.

IN THE FOREGROUND

Whether the lawyers of North Dakota know it or not, the question of the adoption of legislation providing for compulsory insurance against motor vehicle accidents is going to require an answer in the near future. Proposals may be made at the coming session of the Legislature. It would seem the part of wisdom, therefore, for attorneys to begin making some investigations with respect to the validity, practicability, and effects of various types of legislation that are likely to be proposed. The time to make studies is before bills become laws. Once a proposal finds its way to the printed pages of our law books amendment becomes extremely difficult. Help in the work of making bills right, and we won't need to worry so much about the laws.

ANNUAL PROCEEDINGS

The next issue of Bar Briefs (December) will contain the annual proceedings of the Association. This issue is being printed on the same size paper as the other issues of Bar Briefs, thus enabling those who desire to bind the twelve monthly issues to do so. We shall again have a fair-sized, presentable book, which will be mailed by the 15th of December, in ample time for committees to go over the various discussions, preparatory to the presentation of legislative proposals.

BUREAU REVERSES ITSELF

For nearly two years since the passage of Chapter 286 of the Session Laws of 1927, the majority of the commissioners on the Workmen's Compensation Bureau have held that this amendment does not permit payment for ankylosis (stiffness) of joints resulting from an injury. In other words, they construed the term "loss" to mean "loss by severance only." Up to July 1st of this year the division on the Bureau was four to one. Since Mr. Siljan succeeded Mr. Livdahl, however, he has supported the position taken by Commissioner Wenzel. This naturally resulted in renewed discussions, and within the last

thirty days the Bureau has finally reversed itself, in part at least, by allowing a claim for loss of sight which was less than total (being 90% of one eye and 16% of the other). The previous holding had been that "loss of sight" could not be compensated under the law unless all sight was gone. Strange as it may seem, the arguments of Commissioner McDonald have been particularly vigorous in favor of the previous holding.

NORTH DAKOTA HONORED

North Dakota, as well as Mr. Aubrey Lawrence, was honored by a recent appointment from the President of the American Bar Association, Mr. Gurney E. Newlin of Los Angeles. Five men, from various sections of the country, are annually appointed as representatives of the American Bar Association to the Conference of Delegates, and this very important group will be made up of the following men for the year 1928-1929:

Jefferson P. Chandler, Chairman, Los Angeles, California; Burt W. Henry, New Orleans, Louisiana; Fred G. Dewey, Detroit, Michigan; Frank E. Curley, Tucson, Arizona, and Aubrey Lawrence, Fargo, North Dakota.

We know of no finer way for the officers of the American Bar Association to extend their recognition to the North Dakota Bar Association than through this appointment of our immediate past President, Mr. Lawrence.

PRACTICE BEFORE THE COMPENSATION BUREAU

On claims brought by injured workmen against employers who have not paid insurance into the Workmen's Compensation Fund, such claimants are usually represented by attorneys, and, where there is a dispute as to facts or law, the employer is also so represented.

The procedure, as established by the Bureau in such cases, is as follows: Upon presentation of a claim, properly verified, the employer is notified, and given thirty days in which to file an answer. If he contests the claim, a day of hearing is set, claimant and employer being notified by mail.

Upon the day of hearing the evidence is taken before the Bureau. Evidence may be orally presented at the office of the Bureau, or it may be presented in the form of affidavits, or, again, it may be by deposition.

Should the employer default, that is, not contest by answer, proof may readily be by affidavit. Should the claim be contested, however, cross examination of witnesses becomes important, and the better practice, in fact, the only safe practice, is to take depositions or offer oral testimony at the office of the Bureau.

Under Section 11 of the Act the Bureau may allow reasonable costs and attorney fees in addition to compensation and medical expense.