



1925

Incorporation Of The Bar

North Dakota Law Review

Follow this and additional works at: <https://commons.und.edu/ndlr>

Recommended Citation

North Dakota Law Review (1925) "Incorporation Of The Bar," *North Dakota Law Review*: Vol. 2 : No. 7 , Article 7.

Available at: <https://commons.und.edu/ndlr/vol2/iss7/7>

This Note is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

are set apart for motor trips for members of the association and their ladies as guests of the Colorado and Denver bar associations.

The program throughout is an unusually strong one. Excursion rates from North Dakot points are reasonable and Denver is so accessible by automobile that the bar of this state should be well represented. There is a distinct advantage in membership in the American Bar Association. The membership fee is only \$6.00, and in return members in addition to other advantages receive the American Bar Association Journal and a bound volume of the proceedings of the annual meeting. These are of great value to all who would keep in touch with the developments within the profession.

RE-STATEMENT OF THE LAW

At the recent meeting of the American Law Institute both President Wickersham and Director Lewis brought out the fact that teachers of law are beginning to make use of the tentative drafts in class room work, and that such use offers a valuable opportunity to familiarize the Bar of the future with the undertaking. Director Lewis further remarked that many law professors had obtained valuable suggestions from the doubts and questions of bright students, and there was no reason why the Institute might not find profitable suggestions through the same source. Due consideration is being given to the comment or criticism of all who take the trouble to present either in order that the work may become the work of the profession as a whole.

INCORPORATION OF THE BAR

Last month we poked fun at the arguments of the New York attorneys who opposed incorporation of the Bar. We still feel that the character of the opposition deserved the light treatment. The following from the American Bar Association Journal, however, is entitled to more serious and respectful consideration: "It is universally held by all the decisions that a lawyer is an officer of the court, that he owes to it a special allegiance and resulting duties of a well defined character, touching not only his demeanor in the court room, but the determination of his qualifications for admission to the bar, and his accountability to discipline for every act done in the exercise of the privileges and prerogatives bestowed upon him by the license to practice. It has been held that because of the fact that lawyers are officers of the court, the legislature invades the judicial province when it attempts to prescribe the qualifications which will entitle an applicant for admission to the bar to a license, and that such laws are therefore unconstitutional and void. (In re Day, 181 Ill. 73) Since, therefore, lawyers are officers of the courts and are a part of the judicial institution, why is it necessary to seek for any further grant of power from the legislative department? Has not the judicial department inherent power to deal with the question of the organization of all its officers, the creation of subdivisions, geographical and functional, and the assignment of special duties to spe-

cial subdivisions or groups? It is already firmly in possession of the power to examine for admission and to disbar, and it usually exercises these powers with the aid of examining committees and grievance committees. Is there any essential part of the proposed plan to incorporate the bar which cannot be accomplished at once by the co-ordinated effort of judges and lawyers? Without attempting to discount the opinions of those who think the legislative integration method the best in their particular states, under the conditions there prevailing, we venture to suggest that in a large number of the states bar integration, as a means of dealing with problems of admission, discipline and the like, may be accomplished effectively through recourse to the judicial power."

Delegates from State and local Bar Associations gathered at Washington, D. C., in April at the call of the American Bar Association for the purpose of making a survey of the situation and discussing the questions involved. The only resolution offered and adopted reads: "The Conference recommends to the various state and local bar associations throughout the United States that compulsory, all-inclusive incorporation of the Bar is a matter that should primarily and properly be determined by each state in accordance with its own existing conditions and its own traditions."

SALARIES AND TERMS OF JUDGES

The matter of adjusting the salaries and terms of Judges of the Supreme and District Courts of North Dakota is assuming definite shape. The various committees which have had the matter in charge are now engaged in the preparation of the proper constitutional amendments to submit to the voters of the State.

The amendments will incorporate the following provisions: An increase of the terms of District Judges to six (6) years; an increase of the terms of the Supreme Court Judges to ten (10) years; a change in the salary provision so that the salary may not be decreased during the term.

This will leave the matter of salary to the Legislature, where it will be subject to change according to existing conditions with the foregoing reservation, and appears to be generally preferred over a definite stipulation of salary in the constitution.

It is hoped to have the petitions ready for signature circulation in a short time.

LOCAL BAR ASSOCIATION MEETINGS

The work of the Committee on organization of local associations within the State Bar Association is evidently bearing fruit. Among the more active of such local organizations is that of Cass County, of which Mr. H. G. Nilles of Fargo is President.

Although an organization had been maintained there for a number of years, meetings were infrequent, interest was lagging, and attendance was limited. Since the 1925 annual meeting, however, to which mem-