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Law School News

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BENCH AND BAR

LAW SCHOOL NEWS

The sixtieth school year began on September 18, 1958. One hundred and four students enrolled. As classified there were thirty-eight first-year law students, twenty-three second-year law students, and forty-three third-year law students. The Sixtieth Law School Banquet was on November 15, 1958. Mr. Robert D. Langford of Bismarck, President of the Freshman Class, presided.

The North Dakota Chapter of The Order of The Coif held its thirty-fourth Annual Dinner Meeting on May 1, 1959. Edward J. Devitt of the Class of 1935 and now Federal District Judge in Minneapolis was the Honorary-elect for 1959. (His scholarly paper is printed in this issue.) The four students-elect were: Michael E. Miller of Portland, Richard A. Rahlfs of Berwick, John M. Orban of Fargo, and Cecil E. Reinke of Cooperstown. Mr. Michael E. Miller talked on "Ownership of Private Written Communications in North Dakota." John M. Orban's speech was on "Are Mortgage Notes Negotiable in North Dakota." The title of Mr. Rahlfs talk was on "Mental Diseases as a Criminal Defense in North Dakota." The fourth student-elect, Mr. Reinke, had graduated on February 1. He was not present but was serving as a civilian attorney with the Tenth Army Engineering Corps. at Little Rock, Arkansas.

Michael E. Miller is not only a college graduate and a law graduate but he is also a C. P. A. Based on his excellent scholastic record in accounting and law, he was selected as one of the United States Attorney General's Honor Appointees. Mr. Miller will serve as an attorney in the Tax Division. He served during the school year 1958-59 as Student Editor-in-Chief of the "North Dakota Law Review."

Based on their first-year law school averages, James M. Corum of Upham and William F. Hodny of Lankin each received a \$200 scholarship from the Women's Auxiliary of the State Bar Association of North Dakota. The faculty of the School of Law and the law students are deeply grateful for the professional interest as expressed by the officers and members of the Women's Auxiliary in promoting and awarding the granting of scholarships to the two students having received the highest average during their freshman year.

James M. Corum was the first person to receive the "Nels G. Johnson Award in Law." This award is given in memory of Judge



NORTH DAKOTA LAW REVIEW EDITORIAL STAFF

1958-59

Front Row, L. to R.: Charles L. Cunn, Faculty Advisor; Michael E. Miller, Editor-in-chief; John C. Stewart, Associate Editor; Dean Olaf H. Thommodsgard. Second Row: David Orser; James M. Corum; John P. Craven; William F. Hodny; John M. Orban, Associate Editor; Rodney S. Webb; Richard A. Rahlfs, Associate Editor; James W. Johnson; William F. Lindell; John A. Alphonso; Odell M. Astrup. Third Row: Gilbert C. Record; Joseph R. Matchel; William J. McMenemy; Paul G. Kloster; Pedar C. Wold; Wesley N. Harry; Dennis M. Sobolik; Robert K. Severson; Mervin A. Tunhand; William A. Strutz.

Nels G. Johnson (Law 1925). It is given to the second year student receiving the highest grade in the class in Commercial Law.

Sunday afternoon on May 17, 1959, the Honor's Day Convocation was held. The United States Law Week Award was granted to Paul G. Kloster of Sharon. The donee receives a one year's subscription to the "United States Law Week." The State Bar Association of North Dakota gives a grant of \$750 which is allocated to third-year law students who have performed excellent work in legal research and legal writing. These Legal Research awards were presented to the following third-year law students: Michael E. Miller, John M. Orban, Richard A. Rahlfs, John C. Stewart, Odell M. Astrup, Paul G. Kloster, William F. Lindell, Pedar C. Wold, Joseph R. Maichel, Dennis M. Sobolik, William A. Strutz, Mervin A. Tuntland, and Rodney S. Webb. Pedar C. Wold of Watford City was presented with "The Charles E. Dahl Award."

The North Dakota Underwriters Association gave a dinner on May 14 for the second-year law students and the law faculty. At that time, representatives of The Merchants National Bank and Trust Company of Fargo presented the first prize award of \$50 to James W. Johnson of Grand Forks, the second prize of \$35 to Benjamin Ostfield of Fargo, and the third prize of \$15 to John A. Alphson of Grand Forks. The Merchants National Bank and Trust Company of Fargo has awarded prizes in the "Estate Planning Contest" for the past twenty-five years. Attorneys Carther Jackson, Thomas L. Degnan, and Henry G. Ruemmele were the judges.

Only one student graduated from the Law School at mid-year. He was Cecil E. Reinke of Cooperstown, now of Little Rock, Arkansas.

On June 7, the following students, based on their scholarship and special training in legal writing, were granted the Juris Doctor degree: Odell M. Astrup of Grenora; Paul G. Kloster of Sharon; William F. Lindell of Washburn; Joseph R. Maichel of Stanton; Michael E. Miller of Portland; John M. Orban of Fargo; Richard A. Rahlfs of Berwick; Robert K. Severson of Lake Park, Minn.; Dennis M. Sobolik of Fordville; John C. Stewart of Grand Forks; William A. Strutz of Bismarck; Mervin A. Tuntland of Coleharbor; Rodney S. Webb of Cavalier; and Pedar C. Wold of Watford City.

The following students completed all of the requirements prescribed by the School of Law and were awarded the Bachelor of Laws degree: Earl Allen of Minot; Leo Broden of Devils Lake; Theodore M. Camrud of Buxton; Bruce J. Conyne of Bismarck;

Joan Mary Covey of Albany, New York; John P. Craven, Jr. of Williston; Wilfred T. Dillenberg of Glyndon, Minn.; Moody M. Farhart of Stanley; Charles W. Hendricks of Williston; Dennis H. Hill of Grand Forks; Gordon O. Hoberg of Bismarck; Gerald W. Jukkala of Rolla; Jaroslov I. Kruta of Gatzke, Minn.; Dean E. Lenaburg of Portland; Norman S. MacPhee of Underwood; Shannon D. Mahoney of Columbus; William J. McMenamy of Thompson; Keith E. Nelson of Grand Forks; Lloyd H. Noack of New Rockford; Edward N. O'Connor of St. Thomas; Paul E. Rohde of Drake; Vernon D. Volney of Williston; William S. Williams of Fargo; and William D. Yuill of Grand Forks.

Having served on the Editorial Staff of the "North Dakota Law Review," John C. Stewart was recommended by the Faculty of the School of Law to Attorney General Leslie R. Burgum for a one-year appointment as an Assistant Attorney General.

Leo H. Whinery, Associate Professor of Law, will teach the courses in Partnerships and Trusts during the Summer Session in the Oklahoma University School of Law. Charles Liebert Crum, Faculty Advisor of the "North Dakota Law Review" was promoted from Associate Professor of Law to that of Professor of Law. During the summer, Professor Ross C. Tisdale will prepare the 1959 Pocket-Parts to Appleman's Insurance Law and Practice (West). Professor Paul C. Matthews is preparing a book entitled "How to Try a Federal Criminal Case" for Dennis and Company, Inc.

O. H. THORMODSGARD, Dean.

JUNIOR BAR ASSOCIATION NEWS

The 1958-59 officers were: President, Norman MacPhee; Vice-President, Paul Rohde; Secretary, Dennis Sobolik; and Treasurer David Orser.

A freshmen orientation program was inaugurated this year which is expected to reach full development in the fall of 1959.

To the Junior Bar Placement Committee headed by Benjamin Ostfield goes a much deserved vote of thanks. Through the Committees' efforts letters were sent to each and every member of the North Dakota Bar Association reminding them that the law school was soon to graduate a new force of energetic talented young attorneys needing employment.

Efforts are still being made to establish, with the cooperation of the Grand Forks County Bar Association, a legal aid system to pro-

vide interested students with some opportunities for practical experience under the guidance of established attorneys.

The Junior Bar Speakers Club, under the leadership of Dennis Sobolik and later Robert Braseth, continued to provide an opportunity for training in effective public speaking.

Next year the Association plans to expand the established program of inviting important gentlemen of the law and associated fields to deliver lectures on various subjects to the student body.

Officers elected for 1959-60 are: President, David Orser; Vice-President, Wesley N. Harry; Secretary, Lynn Erickson; and Treasurer, James W. Johnson.

DAVID ORSER.

PHI ALPHA DELTA NEWS

Corliss Chapter of Phi Alpha Delta, under the capable leadership of Justice William Yuill, has recently completed another successful school year. During the year several rushing smokers were held for the freshmen law students, and, in April, eight of these men were formally pledged into the Chapter. Initiation ceremonies were held in May and the following pledges became active members: Robert Braseth, Lynn Erickson, Curtis Hogfess, Cliff Jochim, Kent Johanneson, Curtis Nordhaugen, John Patrick, and Leslie Schippers.

Among scholastic honors received by Corliss brothers was the election of Michael E. Miller and Richard A. Rahlfs to the Order of the Coif. Miller was also recipient of the Phi Alpha Delta Outstanding Active Award. David Orser was appointed to the Law Review Staff.

Lyle Carlson and David Orser attended the District VII Conclave in St. Louis, Missouri, this spring and reported a very entertaining and educational trip.

Corliss was once again successful at the polls on Junior Bar election day. David Orser was elevated from the position of Treasurer to his new roll as President and Lynn Erickson became the new Secretary.

Outgoing officers of the Chapter are: Justice, William Yuill;

Vice-Justice, Richard Rahlfs; Clerk, David Orser; Treasurer, Jerry Kruta; and Marshall, Lyle Carlson.

New officers who will serve in 1959-60 include: Kent Johanne-son, Justice; Lyle Carlson, Vice-Justice; Lynn Erickson, Clerk; Cliff Jochim, Treasurer; and Robert Braseth, Marshall.

DAVID ORSER.

PHI DELTA PHI NEWS

Bruce Inn Chapter of Phi Delta Phi, the International Legal Fraternity, completed another successful year, under the fine lead-ership of Magister Earl Allen.

Several smokers started the social season, and as a result of the early rushing activities, thirteen men were pledged to the fraternity in April. The new brothers are: Jack Christenson, Vance Hill, Ronald Hoverson, Eugene Isaak, Mel Koons, Robert Langford, Stuart Lundberg, Richard Ramage, Gilbert Record, David Reep, Richard Skjerven, William Strutz, and Andrew Tossett.

C. Emerson Murray, chairman of the North Dakota Legislative Research Committee, was named the honorary initiate during the spring initiation, and following the initiation banquet, presented an outstanding analysis of the state legislative structure.

Bruce Inn's speaker-dinner meetings were held at the VFW Clubrooms. The selection of speakers was excellent, and the food delicious.

PDP maintained an excellent athletic record. Sweeping both the hockey and softball games, the Inn proved superior physical as well as mental capacity.

Many honors were earned by individual members of the fratern-ity. Brothers Hodny and Corum were awarded the scholarships for scholastic achievement during the freshman year. In addition, Brother Hodny was awarded the PAD prize for the outstanding legal writing of the year. Paul Kloster was given the U. S. Law Week Award, and Pedar Wold the Charles E. Dahl award. John Orban, elected to Order of the Coif, was presented with the State Bar Association Grant. James Johnson, Ben Ostfield and John Alphonson were named winners of the Trust problem prizes.

In the law school royalty election, PDP swept the slate, with Bill McMenamy elected King, Wes Harry-Queen, and Bob Langford-Chancellor. Among the officers of Jr. Bar for the coming school year are Wes Harry, Vice President, and Jim Johnson, Treasurer.

Bill Hodny was named Editor-in-Chief of the 1959-1960 Law Review staff, and will be most ably assisted by three members of Bruce Inn as Associate Editors. Jim Corum, Wes Harry and Jim Johnson will fill the posts of Associate Editors.

Officers for the coming school year are: Mel Koons, Magister; Gil Record, Clerk; Stuart Lundberg, Exchequer; and Bob Langford, Historian.

Dennis Sobolik was given the award for the Outstanding Graduating member of Bruce Inn. Graduating this year are: Odell Astrup, Ted Camrud, John Craven, Wilfred Dillenburg, Gerald Jukkala, Paul Kloster, William Lindell, William Mc Menamy, Keith Nelson, Lloyd Noack, John Orban, Dennis Sobolik, William Strutz, Rodney Webb, and Pedar Wold.

ROBERT D. LANGFORD.

DISTRICT COURT DIGEST

CONTRACTS — DEFENSES AND SET-OFFS TO WHICH AN ASSIGNEE'S RIGHT IS SUBJECT. — *Universal C. I. T. Credit Corp. v. Mahanna*, District Court of the Fifth Judicial District, Williams County, North Dakota, Eugene A. Burdick, District Judge.

Stockman Motors, Inc., third party defendant, (hereinafter "Stockman") was indebted to defendant, an employee, in the approximate sum of \$1,200.00. Defendant purchased a car from Stockman, the purchase price of which was \$1,568.80. Defendant intended to finance the difference between the amount owed him by Stockman and the price of the car by a loan at a local bank after his return from a trip. However, defendant desired insurance coverage while on the trip and before issuing the insurance Stockman required the defendant to sign a conditional sales contract with the understanding that the contract was not to be assigned. Contrary to the agreement Stockman assigned the conditional sales contract to plaintiff. At the time of assignment the amount owed by the defendant on the contract was the full pur-