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The Lawyers and N.R.A.

Scott M. Loftin

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an automobile owned by her individually is not governed by the rules dealing with the "family car" of the head of the family; and where a member of the father's family causes damage or injury to a third party, while using the car in the service of the father with the consent of the owner, the owner is not liable for injuries sustained by the third person as in cases coming under the "family car" doctrine; nor is she chargeable with gross negligence *per se* because of the fact that she permits her minor brother to drive the car in the service of the father.

The First National Bank of Dickinson vs. Kling et al: One seeking to foreclose a mortgage on personal property joined as one of the defendants the person in possession and who claimed to be the owner of the property. HELD: That although the action insofar as it affects persons privy to the mortgage is a court action, the person in possession and claiming ownership, not being a party to the mortgage, is entitled to a jury trial on the question of possession and ownership.

THE LAWYERS AND N.R.A.

The provisions of the National Recovery Act specifically excluded or failed to include professional occupations. A large number but a small proportion of those actively engaged in the practice of law have found employment under some branch of the New Deal activities, but those who were less fortunate in that respect or who chose to persevere in private practice find their practice seriously affected and impaired because of the falling off of legal employment due to the depression and to other causes. The result has been a keener appreciation on the part of members of the bar of remunerative professional matters coming into their offices, and a tendency on the part of clients to shop around in an effort to place their law business with the lowest bidder. The consequent competition affords a temptation to cut fees below the Bar Association minimum. Some of us—perhaps nearly all of us in some instances—have yielded to this temptation, thus aggravating the condition and increasing the difficulties of maintaining a law practice without, in the long run, doing any attorney any permanent good.

Taking into consideration the limited number of attorneys practicing in any one community it should not be difficult to maintain a standard of fees not less than reasonable and fair; but one or two weak sisters in any one community may precipitate a general landslide of fee standards, to the lasting injury of the profession, for once a litigant has succeeded in obtaining cut-rate prices from his lawyer neither he nor his friends will ever again be satisfied to retain the services of any lawyer at a reasonable charge. Perhaps the lawyers should have been required or permitted to devise a code under the N.R.A. that would protect them from unfair competition.

Northwest papers generally have commented upon the death of Andrew A. Bruce recently at Chicago, where he was professor of law at Northwestern University. Notwithstanding his removal to another state some years ago, North Dakota lays claim to Judge Bruce as a former citizen who played an important part in the history of jurisprudence of this state. Instructor, lawyer, jurist, author and philosopher, he was a man of many activities in all of which he made a success. At the proper time the Bar Association will pay tribute to the memory of this former Dean of our University and member of the Supreme Court of this state.

At the request of Hon. Scott M. Loftin, President of the American Bar Association, BAR BRIEFS gladly publishes the following open letter addressed to the Lawyers of America:

I invite your attention to the work and program of the American Bar Association with a view of securing your cooperation and assistance in what we are trying to do.

The American Bar Association is composed of some 27,000 lawyers of America who are united in an effort to advance the general welfare of the profession, to promote the standing of the bar with the people, and to improve the character of its public service. At the present time the Association is engaged in promoting the National Bar Program which, to my mind, is one of the most important activities the Association has ever undertaken. This program has five objectives, as follows:

1. Enforcement of Criminal Law
2. Raising the Standards of Legal Education and Admission to the Bar
3. Selection of Judges and Bar Activities in connection therewith
4. Elimination of the Unauthorized Practice of the Law
5. Enforcement of Professional Ethics.

I am stressing this program wherever I go and urging the other officers of the Association to do likewise. We are endeavoring to coordinate the work of the state and local bar associations with that of our association. To effectively carry out our program it is essential that we have the cooperation of as many members of the profession as possible.

I appeal to the members of the State Bar Associations, who are not already members of the American Bar Association, to affiliate with our Association. The dues are \$4.00 per year for those who have not yet passed the fifth anniversary of their original admission to practice law, and \$8.00 for others. All members receive the American Bar Association Journal, with which you are doubtless familiar, and which alone is well worth the annual dues.

Applications for membership may be secured from the central office of the Association at 1140 North Dearborn Street, Chicago, or from Melvin A. Hildreth, member of the General Council for North Dakota, Fargo, North Dakota.

Trusting that you will join us in this great work, I am

Faithfully yours,

SCOTT M. LOFTIN.

APPOINTMENTS TO THE BAR BOARD

Announcement has been made by the Supreme Court that as a result of the poll of the members of the Association on the question of the nomination of candidates for appointment of two members of the State Bar Board the Court has selected and appointed Hon. J. P. Cain, of Dickinson, to fill the vacancy resulting from the death of the late Hon. W. A. McIntyre. For the full term appointment the court has selected Hon. C. L. Young, Bismarck, to succeed himself.

The members of the Association, by ballot, submitted to the Supreme Court three names for each vacancy. Out of the six so submitted the Court selected two for appointment. Both Mr. Cain and Mr. Young are former presidents of the Association.