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The President's Page

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THE PRESIDENT'S PAGE

It is still too early to find, without the aid of a detective, just what was accomplished at the last legislature. Apparently it passed the resolutions sponsored by the Bar Association proposing constitutional amendments increasing the terms of Supreme Court Judges to ten years and District Judges to six, and providing that only one judge should be elected at a time, and that the legislature should have the power to increase salaries during the term. This is, so far as I have heard, the only proposition of the Association that was acted on favorably. The legislative committee proposed very little legislation, believing that this was not the time to ask many changes. Apparently the legislature passed a bill requiring liability insurance from automobile drivers convicted of certain road offenses, but killed a bill to require driver's licenses. Neither of these bills were sponsored by the Association, although both of them were probably favored by most of its members. The entire subject of auto liability insurance is now in the hands of a special committee of the Association, and should form a most interesting part of the program of the annual meeting.

All committees have been asked for preliminary reports of progress, and some have responded. Final reports of all committees are expected to be in for printing in the August number of Bar Briefs. Arrangements for the annual meeting at Valley City are under way, and have progressed as far as is feasible at this time. It has been tentatively set for Sept. 4 and 5, though there is a bare possibility that it may have to be postponed to the following week. Lawyers are urged to keep both these dates free so far as possible. The plans this year provide for but one out-of-the-state speaker, and several short papers by our own members. Among these will be one by W. H. Stutsman, on some feature of the law of grain.

I should like to see local bar associations through the state to a greater extent than now exist. Some such organizations are functioning with more or less regularity, but in other parts little or nothing has been done. The limitations of such organizations in a sparsely settled state are obvious, but, within practical limits, they tend to build up the morale of the Bar and increase its usefulness.

The committee on Internal Affairs reports that it is having considerable work, but that the complaints generally resolve themselves into disputes about fees, and do not reflect on the moral character of the lawyers concerned. The usefulness of such a committee in explaining matters to laymen is obvious, but it is unfortunate that it is so often called upon to help adjust misunderstandings. Some clients can never be made reasonable, but in too many cases it is to be feared that the dissatisfaction is caused by insufficient pains on the lawyer's part to explain matters to his client, and sometimes by a quite inexcusable carelessness in reporting. In this age a lawyer must follow business methods.

I would call your attention to the work being done by the American Law Institute in the restatement of the law, and suggest the importance of purchasing installments of the restatements as they are published. In some ways the young lawyer is nearer the fount of justice than the older practitioner. Busy lawyers, as well as courts, sometimes tend to become entangled in a mass of precedents, until the theory of the law, without which it could hardly be more than a formless mass of guesses,

is forgotten. We older men need to be constantly on guard against this tendency.

Laymen are constantly debating the question whether some substitute for jury trial should be found. Those of us who believe that the jury represents something vital in our civilization nevertheless cannot be blind to its weaknesses. In one county it was recently discovered that the names in the jury box had not been changed for years. If the jury is to preserve the full usefulness of which it is capable, earnest effort should constantly be made to bring and keep it up to the standard which it ought to reach, both by enforcing present laws and making such changes as may be desirable. The methods of selection used in federal court deserve continued study.—JOHN H. LEWIS, President.

OBJECT, DIFFICULTIES AND METHODS OF BAR COOPERATION

The Honorable Charles Evans Hughes recently addressed himself to the questions relating to this triumvirate and said, in part:

"We wish the entire Bar to have a voice, a commanding voice. We desire the concentration of influence. The object is plain enough when there is corruption, when lawyers betray their clients or are false to their larger trust, perverting the machinery of the courts to make it a vehicle of fraud and a device to ensnare the unfortunate. Then, the outraged sentiment of the entire Bar should find expression in investigation, condemnation and redress. It should clean its own house. It should demand of the courts the purging of their administration. The way to proceed has been shown in the recent inquiries (before the Appellate Division in New York). By our united action the latent powers of the court were called into exercise, the expert service of lawyers was volunteered, and the needed measures of reform both in court rules and legislation have been recommended.

"We need something more than this sort of dealing with plain abuses. We desire to improve the tone of the Bar, to stiffen its self-respect, to secure a wider appreciation of professional standards. To commercialize the Bar, to introduce the methods of solicitation, of mass production of trading on the opportunities for litigation, is inevitably to encourage frauds and perjuries and to destroy the sense of personal, fiduciary relation which protects both the client and the court. To preserve the sentiment which subordinates gain to the conception of professional duty, which makes reputation for soundness of advice, for integrity in counsel and performance, for loyalty to the client, to the court and to the law, the most highly prized reward in a career of constant toil amid temptations and incitements to laxity—this is the great object which is fostered in our Associations and gives zest to our cooperative endeavors. With this zeal for the standards of the profession, we are equipped to aid in the never ending task of improving the methods of administration of justice—in the constant pruning to get rid of what is archaic, superfluous and injurious. We need daring and skillful surgery, as well as medicine, and it is a wise conservatism that knows how to employ both.

"The difficulties of cooperation are no less manifest than its needs. The very size of the Bar, with its many thousands of members, is baffling. We have reason to fear that many are coming to the Bar who are unfitted to appreciate the requirements of professional duty. We have not only the problems of technical legal education, the special