



1929

Report Internal Affairs Committee

R E. Wenzel

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

Recommended Citation

Wenzel, R E. (1929) "Report Internal Affairs Committee," *North Dakota Law Review*. Vol. 6 : No. 8 , Article 5.

Available at: <https://commons.und.edu/ndlr/vol6/iss8/5>

This Report 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.

BAR BRIEFS

Afternoon

- 2:00 Address: B. H. Bradford, Minot, "Judicial Councils—Some Constructive Suggestions."
 2:45 Memorials.
 3:00 Election; Unfinished Business; Social Visitations.

Evening

- 6:30 Banquet Program: George F. Shafer, Governor of North Dakota, Toastmaster; Russell D. Chase, Jamestown, "Admiralty Law in North Dakota"; Mrs. V. E. Stenerson, Minot, "The Practice of Law from the Viewpoint of a Lawyer's Wife"; S. W. Clark, President South Dakota Bar Association, "Greetings from the South Dakota Bar"; Arthur K. Johnston, K. C., Winnipeg, "Canadian-American Friendship and Co-operation."

Sunday, August 17th

Morning

- 9:00 Golf Tournament; Boating; Swimming; Loafing.

Afternoon

- 2:00 Golf Tournament; Boating; Swimming; Loafing.

SPECIAL COMMITTEES

*State Bar Meeting, August 15, 16, 17
 Devils Lake, North Dakota*

- Banquet: Clyde Duff, Rome Downey, L. D. Gooler.
 Entertainment: F. T. Cuthbert, W. M. Anderson, Howard Maher.
 Hotel Accommodations: Mack V. Traynor, F. R. Stevens.
 Golf Tournament: H. W. Swenson, S. D. Wheat, Torger Sinness.
 Ladies' Committee: Mrs. F. R. Stevens, Mrs. S. D. Wheat, Mrs. R. J. Downey.
 General Arrangements: Fred J. Traynor, C. W. Buttz, John W. Maher, D. G. Duell.

REPORT INTERNAL AFFAIRS COMMITTEE

It will be recalled that the last annual meeting again placed the routine work of this committee in the hands of the Secretary, designating him as Executive Secretary of the Internal Affairs Committee. During the past year, therefore, the committee has functioned, in most cases, through the Secretary. In only four cases was it necessary to submit the record to other members of that committee.

Twenty-six complaints were filed during the year, dealing with matters within the legitimate scope of the activities of the committee. Four of these cases are now pending.

In three of the cases the Secretary was unable to obtain any response from the attorney involved. One of these, concerning a minor matter, was closed at the suggestion of President Kvello; another of these was closed with the suggestion to complainant that he submit the matter formally to the Bar Board; and the third was withdrawn by the complainant through the attorney who presented the complaint.

The case last referred to above concerns a matter of sufficient seriousness to justify consideration of the annual meeting as to a question of policy. It involves a specific collection of more than sixty dollars, for which the collector issued his check in 1927, payable to attorney for complainant. The check was returned "N. S. F.", and has never been paid. On a clear-cut presentation of such facts, the question arises, "Should withdrawal of the complaint be permitted"?

Of the three other cases of a serious nature, one is now pending, and two were submitted to the whole committee. In one of the two last referred to the action of the committee was unanimous in demanding a retraction of the charges, and this was obtained in writing. In the other the committee voted unanimously to exonerate the attorney complained against, and a majority of three voted to demand a retraction. The complainant, in that case, has now indicated his intention to press his views further by formal presentation of the charges to the Bar Board.

As usual, a considerable number of the complaints related to failure to report progress on collections or minor disputes about the amount of fees chargeable.

In addition to the twenty-six cases considered as legitimate complaints, there were fourteen others, dealing with matters outside of the jurisdiction of the committee or the Bar Association. Most of these, of course, were from laymen, and a detailed statement was sent in each case to explain the non-relation of the stated facts to any possible misconduct on the part of the attorney. One of these fourteen, however, came from a nationally-known publishing house, engaging liberally in credit sales. The letter of complaint spoke freely of the "highhandedness" of North Dakota attorneys in general, and the one complained against in particular. To this complaint the Secretary made the following reply:

"Your letter of May 13th, with enclosure, received. The check and your invoice are herewith returned, and we beg to advise that the State Bar Association is not in the collection business. It owes no duty to the public to see that members of the Association pay their bills. People in your line of work occasionally buy groceries, for which they are unable to pay. The grocer, in turn, occasionally runs an account at the haberdasher's shop, and some stock market crash or other unfortunate event makes it hard to satisfy the haberdasher financially. Neither situation places any obligation upon the grocery business or your business to assist either creditor in collecting his bill. Why, then, should there be a different standard for attorneys, and why should North Dakota attorneys be characterized as 'high-handed'?

"You do a credit business at your risk, not ours. You get your credit information from sources that you deem reliable. Possibly, you add enough to your charges to take care of mistakes that are thus made, and result in losses.

"Mr. gave you a check, indicating that he intended to pay for his purchase, but he stopped payment, which again indicated something, possibly that there was some breach or failure on your part. Instead of submitting your claim to some attorney in North Dakota, you turned it over to a 'Credit Clearing House'. That concern was not and is not licensed to practice law in North Dakota. It is not

bound by oath to perform the duties of an attorney. In order to do business here that Clearing House submitted the matter to a North Dakota attorney.

"The latter attorney sent a refusal to start suit, with the notation that the judgment would not be collectible. That notation should have advised any business man that the debtor is not financially responsible, and brings us face to face with the gist of your whole complaint, to-wit: That you now find that the man to whom you made a sale of goods on credit hasn't sufficient property to enable the seller to recover through regular court procedure.

"Doubtless, the debtor should advise you why he does not pay your bill. Probably, he has. Perhaps, he should return the goods sent him. He may have offered to do so. In any event, so far as this Association is concerned, your transaction involves no conduct or misconduct as an attorney. Hence, we decline to assist you, decline because we have no responsibility in the matter. It may get you into the same difficulties you allege to have had in Wisconsin, but we can't help that.

"In closing, may we respectfully suggest that you leave your legal business here for residents of North Dakota who are equipped by training, experience, proper license and an oath of office. Then, when any of those so qualified transgress the rules of ethics of the profession (of which there is no indication in this case) we shall gladly assist you in bringing the delinquent one before the proper committees or other official departments." R. E. WENZEL, Executive Secretary.

REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

Your Committee on Legal Education and Admission to the Bar submits the following report with recommendations:

At a meeting of the American Bar Association September 1, 1921, that Association passed a resolution declaring, in substance, that every candidate for admission to the bar should have at least two years study in college before entering upon the study of law. This recommendation of the American Bar Association was subsequently approved by the National Conference of Bar Associations at a special meeting held in Washington, February 23, 24, 1922. The recommendation was approved by the Bar Association of the State of North Dakota at its 1927 meeting and also at the meeting held in Minot September 5 and 6, 1928. At the meeting the following recommendation was approved by the Association:

"That after the year 1931, no persons shall be admitted to the Bar in this State who, in addition to present requirements, as to citizenship and good character, and a three-year term of study in a law office or accredited law school, is not twenty-one years of age, and has not had at least two full years of study in an accredited college, normal school or university, beyond the high school grades, which course of study shall include courses in English Literature; American and English History, Economics and Civil Government."

Your Committee would also call attention to the fact that several states have already passed statutes requiring candidates for admission