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1953

### The School of Law Announcements, 1953-1954

Montana State University (Missoula, Mont.). School of Law

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# *The SCHOOL of LAW*

Montana State University

MISSOULA, MONTANA



*Announcements, 1953-54*

# MONTANA STATE UNIVERSITY CALENDAR

1953-54

1953

## AUTUMN QUARTER

September 20-26, Sunday-Saturday ..... Registration and Orientation Week  
September 24-26, Thursday-Saturday ..... Registration of Former Students  
September 28, Monday ..... Instruction Begins  
November 26, Thursday ..... Thanksgiving Day Holiday  
December 14-18, Monday-Friday ..... Examinations  
December 18, Friday ..... Autumn Quarter Ends; Christmas Recess Begins

1954

## WINTER QUARTER

January 4, Monday ..... Registration of New Students; Instruction Begins  
February 17, Wednesday ..... Charter Day  
March 15-19, Monday-Friday ..... Examinations  
March 19, Friday ..... Winter Quarter Ends

## SPRING QUARTER

March 22, Monday ..... Registration of New Students; Instruction Begins  
May 14-15, Friday, Saturday ..... Interscholastic Track Meet  
May 31, Monday ..... Memorial Day Holiday  
June 7, Monday ..... Commencement  
June 7-11, Monday-Friday ..... Examinations  
June 11, Friday ..... Spring Quarter Ends

## SUMMER COLLEGE

June 14, Monday (10 weeks and first term) ..... Registration  
June 15, Tuesday ..... Instruction Begins  
July 5, Monday ..... Independence Day Holiday  
July 19, Monday ..... Second Term Begins  
August 20, Friday ..... Session Ends

## AUTUMN QUARTER

September 19-25, Sunday-Saturday ..... Registration and Orientation Week  
September 23-25, Thursday-Saturday ..... Registration of Former Students  
September 27, Monday ..... Instruction Begins  
November 25, Thursday ..... Thanksgiving Day Holiday  
December 13-17, Monday-Friday ..... Examinations  
December 17, Friday ..... Autumn Quarter Ends; Christmas Recess Begins

An act of the Seventeenth Montana Legislative Assembly provides that schools shall not be dismissed on the following days: February 12 (Lincoln's birthday), February 22 (Washington's birthday), Second Tuesday of May (Arbor Day), June 14 (Flag Day), October 12 (Columbus Day), November 1 (Pioneer Day), November 11 (Armistice Day).



THE SCHOOL OF LAW  
Montana State University



# SCHOOL OF LAW

## Officers of Administration and Instruction

CARL MCFARLAND ..... President of the University  
B.S., Montana State University, 1928; M.A., 1929; LL.B., 1930;  
LL.D., 1949 (Honorary); S.J.D., Harvard, 1932.

CHARLES W. LEAPHART ..... Dean and Professor of Law  
B.A., University of Missouri, 1905; M.A., 1906; LL.B., Harvard  
University, 1913; S.J.D., 1929.

## Teaching Staff

EDWIN W. BRIGGS ..... Professor of Law  
B.S., Oklahoma A. & M. College, 1927; LL.B., University of  
Oklahoma, 1932; LL.M., Harvard University, 1935.

WILLIAM H. COLDIRON ..... Asst. Professor of Law  
B.A., Morehead State Teachers' College, 1938; LL.B., University  
of Kentucky, 1947.

EDMUND T. FRITZ ..... Instructor in Law  
B.A., Montana State University, 1930; LL.B., 1930.

J. C. GARLINGTON ..... Asst. Professor of Law  
B.A., Montana State University, 1930; LL.B., 1930.

CHARLES W. LEAPHART ..... Dean and Professor of Law  
B.A., University of Missouri, 1905; M.A., 1906; LL.B., Harvard  
University, 1913; S.J.D., 1929.

CARL MCFARLAND ..... Professor of Law  
B.S., Montana State University, 1928; MA., 1929; LL.B., 1930;  
LL.D., 1949 (Honorary); S.J.D., Harvard University, 1932.

DAVID R. MASON ..... Professor of Law  
LL.B., University of South Dakota, 1924; B.A., 1926; S.J.D.,  
Harvard University, 1927.

HELEN C. MCLAURY ..... Librarian and Asst. Professor of Law  
B.A., Western Michigan College, 1929; B.S. in Library Science,  
Columbia University, 1933; J.D., Northwestern University, 1953.

RUSSELL E. SMITH ..... Asst. Professor of Law  
LL.B., Montana State University, 1931.

J. HOWARD TOELLE ..... Professor of Law  
B.A., Indiana University, 1913; LL.B., 1914; M.A., 1916; LL.M.,  
Harvard University, 1925.

THOMAS L. WATERBURY ..... Asst. Professor of Law  
A.B., University of Michigan, 1949; J.D., 1950; LL.M., 1953.

## GENERAL STATEMENT

The act to establish the School of Law was approved February 17, 1911. The School was started in September, 1911. In 1914 it was admitted to the Association of American Law Schools of which it is a member in good standing. It is among the schools approved by the American Bar Association. It operates on a four-quarter basis.

The school is located in a well-equipped law school building with adequate class, office, library, and court room facilities and a working library of about thirty thousand volumes.

The Library, much of which is the result of generous gifts and legacies of Mrs. W. W. Dixon, is named the William Wirt Dixon Memorial Library in honor of her husband, Judge Dixon. Generous gifts were also made to it by Judge John J. McHatton at the time of the founding of the school, and by the Anaconda Copper Mining Company in 1929. In 1948, the Law Library was the recipient of approximately twenty-four hundred volumes from the estate of J. Paul Freeman '21, in whose honor this special collection is named. In 1952 initial contributions of books and funds were made for an Alumni Memorial Library of the Law School; the first contributions were made in memory of Llewellyn L. Callaway, pioneer lawyer and Chief Justice of the Supreme Court of Montana, by Lew. L. Callaway, Jr., and Carl McFarland.

### Requirements for Admission

Applicants for admission must present credits equal to at least three-quarters of the work acceptable for a bachelor's degree at this university or the institution which the applicant has attended. Non-theory courses are not acceptable under the above rule with the exception that required courses in physical education and military drill are acceptable up to 10 per cent of the total credit offered for admission. This work must be done in residence at an approved college or university and have been passed with a scholastic average at least equal to the average required for graduation in the institution attended, and this average shall also be attained by the student in his theory courses. The applicant must have been in attendance at such an institution for nine quarters or six semesters .

Furthermore, he must have obtained a number of grade points at least equal to twice the number of credits for which he has registered and for which he has received a grade. Grade points are computed as follows: 4 grade points for each credit of A; 3 grade points for each credit of B; 2½ grade points for each credit of C+; 2 grade points for each credit of C; 1 grade point for each credit of D. In a subject in which an "incomplete" grade has been received, grade points are counted only after this incomplete has been removed. A graduate of an approved school will be considered as having satisfied the requirements. When credits are accepted from another institution, grade points are evaluated at the time of transfer; however, where a student has had pre-legal work at Montana State University and at

another institution, he must meet the above requirements on credits earned at Montana State University as well as on his entire record.

It is recommended that pre-legal students at Montana State University complete the curriculum of the Division of Social Sciences.

Special students are not admitted to the School of Law.

### **Requirements for Graduation**

Candidates for the Bachelor of Laws degree who enter the School of Law, having satisfied the foregoing requirements, are required to complete:

- (1) Nine quarters of work in residence at a law school of recognized standing, the last three of which must be completed in Montana State University. Two summer sessions of approximately 6 weeks each, where short sessions are held, will be counted as one quarter.
- (2) The following courses: Contracts, Property, Torts, Criminal Law and Procedure, Practice Court, Forms of Action and Code Pleading, or Civil Procedure, and Legal Writing.
- (3) A total of 126 credits with an average of at least two grade points for each credit for which the student has registered and received a grade.

Candidates who entered the School of Law in the fall of 1952 with only two full years of pre-legal work or those who desire to enter in the fall of 1953 with only that amount of pre-legal work will be required to complete twelve quarters of work while in Law School of which twenty-two hours may be in approved courses, normally those numbered over 100, in other schools and departments of the University.

Candidates for the Bachelor of Arts degree with Law as a major must meet the regular University and College of Arts and Sciences requirements for graduation and have obtained a grade point average of at least two in all the work in the Law School for which he has registered and received a grade. There is no foreign language requirement for this degree.

Any student who has conditions or failures in more than nine hours of work standing against him at the end of any year will be dropped from the Law School. Any student who has a condition or failure in one course of six hours or more at the end of his first year will be dropped from the Law School, unless he obtained at least thirty-six grade points in his other courses; and any student having a deficiency of fifteen or more grade points at the end of his first year will be required to repeat, during the next year in which he is in attendance at the Law School, at least one-half of the hours of work in which he received a grade of D or less. Any student having a deficiency of more than twelve grade points at the end of any subsequent year will be dropped from the Law School. Students who repeat



courses will not receive a grade above a D on repetition of a course unless they finish in class above the lower half of those receiving C's.

No student will be recommended for a degree in Law who is markedly deficient in English, or who, in the opinion of the majority of the members of the faculty of the School of Law, is unfitted for admission to the practice of law by reason of a lack of honesty and integrity.

A special senior examination will not be given except to candidates for honors.

#### **Fees and Expenses**

The fees per quarter are: registration, \$5; incidental, \$15; building, \$5; Student Union building, \$4; student activity, \$10; health service, \$5; general deposit, \$10, paid once each year (charges for loss, breakage and fines deducted—balance refundable). The fee for non-residents of Montana is \$50 a quarter additional. The cost of books for the School of Law will average about \$50 a year.

The above fees are subject to modification by action of the State Board of Education.

#### **Montana Law Review**

The Law School Association, of which all students of the Law School are members, publishes the Montana Law Review once a year. The notes and comments in the Review are selected from the best of the case comments and notes which all third-year students are required to prepare. The magazine attempts to cover the fields which would be most interesting to Montana lawyers.

#### **Loan Funds**

Loan funds are adequate to supply current needs of students. Besides various general university student loan funds, available to law students, Montana State University Law School Foundation, a corporation established by the Law School Association, has accumulated a fund for loans to worthy law students.

#### **Scholarships**

Former Chief Justice Howard Johnson and his wife, Alice S. Johnson, have made the initial gifts toward the establishment of the Montana State University School of Law Scholarship Fund with the hope and expectation that other friends of the Law School will make further contributions to the fund. Acting under the discretion confided in it, the faculty of the Law School will award no scholarship during the ensuing year.

#### **Justin Miller Prize in Law**

A \$100 United States savings bond is awarded for the best comment each year in the Montana Law Review. This award was established by Justin Miller, 1913 graduate of the School of Law, who is president of the National Association of Broadcasters and former as-

sociate justice of the U. S. court of appeals of the District of Columbia. The current recipient is Lawrence G. Steimatz, Butte, Montana.

#### **Law Week Award**

This award of one year's subscription to Law Week is offered annually by the Bureau of National Affairs to the student who finishes with the best record of those graduating during the school year. The current recipient is Raymond E. Dockery, Jr., Lewistown, Montana.

#### **Combined Degrees**

Undergraduate students in regular standing, candidates for the degree of Bachelor of Arts, electing law as a major subject at the beginning of the junior year may count not to exceed 65 credit hours of the law course toward graduation and the degree of Bachelor of Arts.

Candidates for the degree of Bachelor of Arts with law as a major have no restricted elective requirements in classical or modern languages.

Students may combine Business Administration and Law so as to secure in six years the degree of Bachelor of Science in Business Administration and the degree of Bachelor of Laws.

#### **Courses for Non-Professional Students**

Courses in the Law School are open to students in other departments and schools in the University who meet its entrance requirements. Credits obtained may apply toward degrees in such departments.

#### **The Honor System**

The honor system has been in successful operation since the foundation of the school.

#### **Instruction**

The case system of instruction is employed.

In addition to instruction in the customary law courses, a vigorous attempt is made in the course in Court Room and Office Practice to give the student an insight into the practical problems which he will meet when entering the practice of law. Instruction given in office practice includes such matters as office management, interviewing and advising clients, specific types of office practice, and drafting of various types of instruments. Instruction in court practice includes jurisdiction and functions of courts, public offices, their functions and uses, court practice with respect to uncontested matters such as probates and administrations, guardianships, adoptions, default litigations, etc. Instruction with respect to contested matters includes preparatory steps for the trial of both civil and criminal cases, as well as the actual trial of cases. The student takes the preliminary

steps, tries cases, prepares appeals, and goes through all the steps incident to the trial of a law suit.

### Number of Hours of Work Permitted and Courses Required

No student will be allowed credit in any one quarter for over 15 hours' work in the School of Law; except that in addition, within the discretion of the dean, a student may be allowed to take an examination to remove a condition and be given credit upon satisfactory passage of the same. All first-year work and, in addition, the courses in Civil Procedure II, Court Room and Office Practice, and Legal Writing are required of all candidates for the degree. Aside from the courses mentioned, all other courses in the second and third years are elective. The curriculum is designed to afford a preparation for the practice of law in any state, but special attention will be given in all courses to the codes and decisions of Montana.

### CURRICULUM

	Autumn Quarter Credits	Winter Quarter Credits	Spring Quarter Credits	Summer Quarter Credits
<b>First Year</b>				
Agency (or Criminology)		2	2	
Civil Procedure I	2	2		
Contracts	3	3	3	
Criminal Law and Procedure	2	2	2	
Orientation	2			
Property	3	3	3	
Torts	3	3	3	
<b>Second, Third, and Fourth Years</b>				
Administrative Law		3		
Bills and Notes	2	2	2	
Business Organizations	3	3	3	
Civil Procedure II	2	3		
Conflict of Laws	3	3		6
Constitutional Law	3	3		6
Courtroom and Office Practice	2	2	2	
Creditors' Rights	2	2	2	
Damages				3
Domestic Relations		3		3
Drafting and Estate Planning			3	
Equity	2	2	2	
Evidence	2	2	2	
Federal Taxation	3	3		6
Future Interests	3			
(a) Insurance			3	
Labor Relations			3	3
Law of Natural Resources	2	2	2	
Legal Ethics			2	
Legal History	3			
Legal Writing	1	1	1	1
Legislation		3		
(b) Municipal Corporations			3	3
Sales		2	2	
Suretyship and Mortgages	2	2	2	
(b) Trade Regulations	3	3		
Trusts	2	2	2	
(a) Use of Law Books	2			
Wills and Administration		2	2	

(a) Not to be given in 1953-54.

(b) To be given in 1953-54, not in 1954-55.

## COURSES

**Administrative Law.** 1 Q. Winter. 3 cr. McFarland and Vanderbilt's Cases on Administrative Law, 2nd edition. Mr. McFarland.

**Agency.** 2 Q. Winter, spring. 4 cr. Seavey, Cases on Agency. Mr. Clark.

**Bills and Notes.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Smith and Moore's Cases on Bills and Notes, 4th edition. Mr. Mason.

**Business Organizations.** 3 Q. Autumn, winter, spring. Continuous. 9 cr. Frey's Cases and Materials on Corporations and Partnerships. Mr. Briggs.

**Civil Procedure I.** 2 Q. Autumn, winter. Continuous. 4 cr. Sunderland's Cases and Materials on Judicial Administration, 2nd edition. Mr. Mason.

**Civil Procedure II.** 2 Q. Autumn, winter. 1 Q. Summer 1955. Continuous. 5 cr. Sunderland's Cases and Materials on Judicial Administration, 2nd edition. Mr. Mason.

**Conflict of Laws.** 2 Q. Autumn, winter. Continuous. 1 Q. Summer, 1955. 6 cr. Cheatham, Dowling, Goodrich, and Griswold's Cases on Conflict of Laws, 3rd edition. Mr. Briggs.

**Constitutional Law.** 2 Q. Autumn, winter. Continuous. 1 Q. Summer, 1953. 6 cr. Dodd's Cases on Constitutional Law, 4th edition. Mr. Mason.

**Contracts.** 3 Q. Autumn, winter, spring. Continuous. 9 cr. Williston's Cases on Contracts, 5th edition. Mr. Leaphart.

**Court Room and Office Practice.** 3 Q. Autumn, winter, spring. 6 cr. Continuous. Montana Code of Civil Procedure, selected cases and practical exercises. Mr. Garlington.

**Creditors' Rights.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Hanna and MacLachlan's Cases on Creditors' Rights. Mr. Toelle.

**Criminal Law and Procedure.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Casebook to be announced. Mr. Briggs.

**Damages.** 1 Q. Summer, 1954. 3 cr. Crane's Cases on Damages, 2nd edition. Mr. Mason.

**Domestic Relations.** 1 Q. Summer, 1955. 1 Q. winter. 3 cr. Jacob's and Goebel Cases on Domestic Relations, 3rd edition. Mr. Fritz.

**Drafting and Estate Planning.** 1 Q. Spring. 3 cr. Special materials. Mr. Waterbury.

**Equity.** 3 Q. Autumn, winter, spring. 6 cr. Continuous. Chafee, Simpson and Maloney Cases on Equity, 3rd edition. Mr. Clark.

**Evidence.** 3 Q. Autumn, winter, spring. 6 cr. Continuous. McCormick's Cases on Evidence. Mr. Smith.

**Federal Taxation.** 2 Q. Autumn, winter. Continuous. 1 Q. Summer. 6 cr. Commerce Clearing House Federal Taxation. Kauper and Wright Cases and Materials on Federal Income Taxation and Cases on Estate, Inheritance and Gift Taxation. Mr. Waterbury.

**Future Interests.** 1 Q. Fall. 3 cr. Simes Cases on Future Interests. Mr. Waterbury.

**Insurance.** 1 Q. Spring. 3 cr. Vance's Cases on Insurance, 3rd edition. Mr. Mason.

**Labor Relations.** 1 Q. Spring. 1 Q. Summer, 1955. 3 cr. Casebook to be announced. Mr. Briggs.

**Law of Natural Resources.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Martz's Cases and Materials on the Law of Natural Resources. Mr. Fritz.

**Legal Ethics.** 1 Q. Spring. 2 cr. Costigan's Cases and Materials on the Legal Profession and Its Ethics, 2nd edition. Mr. Toelle.

**Legal History.** 1 Q. Autumn. 3 cr. Casebook to be announced.

**Legal Writing.** 1 Q. Any quarter. 1 cr. For third-year students. No text. Staff.

**Legislation.** 1 Q. Winter. 3 cr. Read and MacDonald Cases on Legislation.

**Municipal Corporations.** 1 Q. Spring. Summer, 1954. 3 cr. Tooke and McIntire's Cases on Municipal Corporations, 3rd edition. Mr. Mason.

**Orientation.** 1 Q. Autumn. 2 cr. Casebook to be announced. Mr. McFarland.

**Property.** 3 Q. Autumn, winter, spring. 3 cr. each quarter. Casner & Leach's Cases and Materials on Property. Mr. Waterbury.

**Sales.** 2 Q. Winter, spring. Continuous. 4 cr. Vold's Cases on Sales, 2nd edition. Mr. Waterbury.

**Suretyship and Mortgages.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Campbell's Cases on Suretyship. Campbell's Cases on Mortgages, 2nd edition. Mr. Leaphart.

**Torts.** 3 Q. Autumn, winter, spring. Continuous. 9 cr. Smith and Prosser Cases on Torts. Mr. Toelle.

(a) **Trade Regulations.** 2 Q. Autumn, winter. Continuous. 6 cr. Handler's Cases and Materials on Trade Regulations, 2nd edition.

**Trusts.** 3 Q. Autumn, winter, spring. Continuous. 6 cr. Scott's Cases on Trusts, 4th edition. Mr. Leaphart.

**Use of Law Books.** 1 Q. Autumn. 2 cr. Beardsley's and Orman's Bibliography and Use of Law Books, 2nd edition. Mr. Toelle.

**Wills and Administration.** 2 Q. Winter, spring. Continuous. 4 cr. Bingham's Costigan Cases on Wills and Administration, 3rd edition. Mr. Toelle.

(a) to be given summer, 1954.

## REGISTER OF STUDENTS, 1952-53

Adams, John Lee, Jr.	Billings
Allen, Dorothy A.	Missoula
Anderson, McKinley T.	Livingston
Ask, Thomas M.	Vananda
Baird, Thomas A.	Los Angeles, Calif.
Beckwith, Donald E.	Springville, N. Y.
Bellis, Harold A.	Helena
Boos, Daniel S.	Minot, N. D.
Bourdeau, John F.	Missoula
Boyle, Antoinette	Billings
Brown, William K., Jr.	San Diego, Calif.
Burke, Robert F.	Butte
Burr, Robert S.	Plains
Burton, William J.	Great Falls
Carter, Harley W.	Missoula
Cavan, Robert H.	Harlowton
Christensen, Albert G.	Sidney
Cole, Donald D.	Poplar
Cragholm, Ellsworth A.	Missoula
Daly, Gene B.	Great Falls
Davidson, John R.	Missoula
Davis, Calvin R.	Missoula
Dean, David L.	Missoula
Delaney, Dexter L.	Missoula
Dockery, Raymond E., Jr.	Lewistown
Donisthorpe, Oscar L.	Lewistown
Donlin, Robert J.	Missoula
Drake, Glen L.	Billings
Drake, Joseph W., Jr.	Rye, N. Y.
Elmore, Louis N., Jr.	Billings
Engbregson, Daryl E.	Everett, Wash.
Forbes, Alton D.	Great Falls
Forsell, Louis	Helena
Frankovich, John A.	Butte
Galpin, Bill H.	Butte
Gordon, Dennis B.	Missoula
Guest, Allen	Seward, Alaska
Hansen, Paul D.	Missoula
Hanser, Harold F.	Broadview
Herriott, Ralph L.	Missoula
Hoff, Robert E.	Dallas, Texas
Holter, Robert M.	Williston, N. D.
Hunt, William E.	Missoula
Huntley, Gene	Medford, Ore.
Huppert, Arnold, Jr.	Livingston

Jellison, M. Dean	Kalispell
Jensen, John L.	Stevensville
Johnson, Dale M.	Missoula
Johnson, James A.	Butte
Johnson, Roger A.	Butte
Jordan, Lee A.	Newcastle, Wyo.
Karlberg, Karl R.	Missoula
Kelly, William J.	Butte
Kerr, Frank M.	Missoula
Kidder, Hugh G.	Missoula
King, Dominic B.	Butte
Kostelic, Albert A.	Salida, Colo.
Lalonde, Eugene A.	Sidney
Lambros, Danny P.	Missoula
Larson, Benny M.	Circle
Letcher, Robert C.	Missoula
Little, Warren L.	Missoula
Lowney, Terese I.	Hot Springs
McAlear, Allen L.	Red Lodge
Mackay, Conde F.	Anaconda
McMullen, Donald	Vancouver, B. C.
Mavity, Gary N.	Fairview
Mehr, Harry J.	Glendive
Meredith, Edward L.	Fort Harrison
Morse, William R.	Absarokee
Moulton, Alfred W.	Missoula
Murray, Marshall H.	Kalispell
Nutter, Donald G.	Sidney
O'Connor, John M.	White Sulphur Springs
O'Donnell, Walter R.	Havre
Packwood, Otis L.	Billings
Papke, Robert F.	Missoula
Patten, James B.	Missoula
Pettinato, Bert P.	Kalispell
Pinsonneault, Harold J.	St. Ignatius
Polutnik, Francis L.	Great Falls
Powers, Francis V., Jr.	Billings
Purdy, James N.	Minot, N. D.
Reid, Jim R.	Billings
Reynolds, Paul F.	Glendive
Riley, James R.	Stevensville
Roberts, Richard L.	Missoula
Ryan, Robert P.	Missoula
Schlieman, Harvey L.	Missoula
Sheradsky, Samuel	Missoula
Skelton, Robert R.	Kirby
Slaight, Alvin F., Jr.	Missoula

Smithwick, Carl G.	Missoula
Snyder, Charles E.	Billings
St. Amour, James G.	Alberta, Canada
Stanton, Harold G.	Hardin
Stanton, Wendell	Hardin
Steelman, Robert C.	Missoula
Stickels, Elbert E.	Missoula
Stong, Willard P.	Billings
Sullivan, Edmund M.	Butte
Thomas, Myles J., Jr.	Helena
Tidball, Eugene Clayton	Casper, Wyo.
Walsh, Emmet T.	Anaconda
Wilson, Robert H.	Ronan
Winship, Donald R.	Miles City



