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1956

### The School of Law Announcements, 1956-1957

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

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*The SCHOOL of LAW*

Montana State University

MISSOULA, MONTANA



*Announcements* 1956-57



Upper Left, MSU Law House

Upper Right, Law House Study and Library

The MSU LAW SCHOOL

*“Let it be remembered and treasured in the heart of every student, that no man can ever be a truly great lawyer, who is not in every sense of the word a good man. . . . From the very commencement of a lawyer’s career, let him cultivate, above all things, truth, simplicity and candor: they are the cardinal virtues of a lawyer. Let him always seek to have a clear understanding of his object: be sure it is honest and right, and then march directly to it.”*

Sharswood, “An Essay on Professional Ethics,”  
111 (1860).

# SCHOOL OF LAW

## OFFICERS OF ADMINISTRATION

### In Montana State University

CARL McFARLAND, B.A., M.A., LL.B., S.J.D., LL.D. \_\_\_\_\_ President

### In the School of Law

ROBERT E. SULLIVAN, B.A., LL.B. \_\_\_\_\_ Dean

### Law School Faculty

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

GWENDOLYN B. FOLSOM \_\_\_\_\_ Librarian and Asst. Professor of Law  
B.A., George Washington University, 1933; M.A., Catholic  
University, 1935.

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

CARL McFARLAND \_\_\_\_\_ Professor of Law  
B.S., Montana State University, 1928; M.A., 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. (Leave of Absence 1955-56).

OSCAR A. PROVOST \_\_\_\_\_ Professor of Law  
B.A., Carroll College; LL.B., Georgetown University.

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

ALBERT W. STONE \_\_\_\_\_ Asst. Professor of Law  
B.A., University of California, 1943; LL.B., Duke University,  
1948.

ROBERT E. SULLIVAN \_\_\_\_\_ Professor of Law  
B.A., University of Notre Dame, 1940; LL.B., 1946.

JAMES O. TINGLE \_\_\_\_\_ Asst. Professor of Law  
B.S., Montana State University, 1950; B.A., 1952; LL.B., 1952;  
LL.M., University of Michigan, 1953.

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.

## CALENDAR

### Fall Semester 1956

- Sept. 24-26, Monday through Wednesday..... Registration  
and orientation of new law students (including  
transfer students from other schools)
- Sept. 26, Wednesday..... Registration of upperclass law students
- Sept. 27, Thursday..... Classes begin at 8:00 a.m.
- Nov. 22, Thursday..... Thanksgiving Day (no classes)
- Dec. 22, Saturday..... Christmas Vacation begins after last class
- Jan. 7, 1957..... Classes resume at 8:00 a.m.
- Jan. 9-12, Wednesday through Friday..... Pre-registration  
for courses in the Spring Semester 1957
- Jan. 28-Feb. 2, Monday through Saturday..... Semester examinations

### Spring Semester 1957

- Feb. 4, Monday..... Registration for Spring Semester
- Feb. 5, Tuesday..... Classes begin at 8:00 a.m.
- March 23, Saturday..... Spring vacation begins after the last class
- April 1, Monday..... Classes resume at 8:00 a.m.
- April 17-19, Wednesday through Friday..... Pre-registration  
for courses in the Fall Semester 1957
- May 30-June 5, Thursday through Wednesday..... Semester  
examinations in all courses
- June 10, Monday..... Commencement

## **School of Law**

The School of Law of Montana State University was opened in September, 1911 pursuant to an act of the Montana Legislative Assembly approved February 17, 1911. It has been recognized for many years as one of the outstanding Law Schools of the Northwest and attracts students from beyond Montana and the surrounding states. It has been a member of the Association of American Law Schools since 1914 and is one of the approved law schools recognized by the American Bar Association.

The law school curriculum is designed to impart the knowledge and cultivate the skills of a lawyer and to develop the dignity and the integrity of personal character that are basic to the profession. The formal curriculum is supplemented by associated activities which enable the student to secure a broad understanding of the development and function of the law. These include institutes on particular legal problems, a guest lectureship series, student discussion groups and the publication of a law review. Specialized topics of importance in the Rocky Mountain region such as Mining Law, Oil and Gas Law and Water Resources Law are given extended treatment.

### **Law Building and Library**

The Law School occupies a large two-story building in the heart of the campus. In addition to a courtroom, classrooms and offices for the faculty and administrative staff, there are typing rooms, a student conference room, an office for the Montana Law Review and a student lounge. Two large reading rooms and open stacks where in all books are readily available to the students and faculty are features of the Law Library which is also situated in the Law Building.

On July 1, 1955, the Law Library contained 30,694 bound volumes in addition to large numbers of pamphlets and documents. This includes the published reports of the American state and federal courts and of Great Britain and a number of her dominions. Through the generosity of Dr. Carl McFarland, President of Montana State University, the Law Library includes an extensive collection on Administrative Law. The Law Library also contains three special collections — the William Wirt Dixon Memorial Library, the J. Paul Freeman Memorial Library, and the Alumni Memorial Library.

The University Library also contains extensive collections on constitutional law, economics, history, government and other works of interest to the lawyer. The facilities of the University Library may be used by students in the Law School.

### **FEES AND EXPENSES**

Montana residents pay no tuition fees. The non-resident tuition is \$75 per year. All students pay general fees of \$132 per year plus

a general deposit of \$10, a part of which is refunded after deductions for loss, breakage, etc.

Living and dining facilities are available in the Residence Halls for an additional \$534 per year. For students who prefer to live in private homes, the University makes every effort to assist them in locating suitable quarters. The average rate is \$4 per week. The dining facilities of The Grill are available to such students.

The University provides furnished apartments for married students. The rent is \$19 per month. Upon acceptance of the application for admission to the Law School, the student should apply for such accommodations to the Director of Family Housing, South Avenue at Hilda, Missoula.

### **THE LAW HOUSE**

It is the tradition of the common law that groups of scholars, students and practicing members of the legal profession, congregate as an integrated community. In olden times these were the Inns of Court, which still exist at the birthplace of the common law. The Law House at Montana State University is thus more than a residence for law students or a club for students and practitioners. It is a legal center, a place of fusion for legal education and the experience of practitioners.

Lodging facilities are available for a limited number of students. Large rooms on the first floor serve for informal conferences and formal discussions among resident and non-resident members. In the library on the first floor there are in addition to working law books, volumes about the law which every aspiring lawyer should read.

The Law House of Montana State University is located four blocks from the campus at 1325 Gerald Avenue, just off the main portion of "fraternity row." Its landscaped grounds occupy a tract of nearly half a square block.

Meals and lodging for male Inner Barristers only are available for \$60 per month or \$270 per semester payable in accordance with residence hall rules.

### **STUDENT ACTIVITIES**

#### **Montana Law Review**

The Montana Law Review is published twice a year by the students of the Law School. It contains articles and book reviews by eminent members of the legal profession as well as comments and notes by law students in the fields of law which are of special interest to Montana attorneys. Work on the Law Review affords supplementary training in the precise analysis of legal



problems and cogent presentation of legal issues. Eligibility for appointment to the Editorial Board is determined by the scholastic record a student makes during the first year of law study.

#### **Student Law Association**

All students are eligible for membership in the Student Law Association. The purpose of the Association is to foster the professional development and the social life of the students, and to represent their interests. It is a member of the American Law Student Association which is sponsored by the American Bar Association.

#### **Legal Fraternities**

To encourage high scholarship, promote fellowship, and foster the ideals of the profession, there have been established chapters of two national legal fraternities: Phi Alpha Delta and Phi Delta Phi. To be eligible for membership, the student must acquire a minimum average of C.

#### **The Honor System**

An integral part of student government and deportment is the Honor Code. Each law student is expected to assume the responsibilities commensurate with his preparation for the legal profession. Therefore a high degree of self-discipline, integrity and selflessness is required. Infractions are reported to the student Honor Committee for disposition and to the faculty of the Law School if disciplinary action is warranted.



**Moot Court Trial Scene**

## **REQUIREMENTS FOR ADMISSION AND GRADUATION**

### **Admission**

Effective September 1, 1955, each applicant for the Law School must establish: (1) that he is a graduate of an approved college or university or (2) that he has satisfactorily completed three years of an approved combination program with a minimum index of 2.0 in all work for which he has registered and received a grade or (3) that he has completed, in residence at an approved college or university, three fourths of the work required for an undergraduate degree with an average, in all work for which he has registered and received a grade, equivalent to that required for graduation from the institution attended, on condition, nonetheless, that he qualify for such a degree prior to receiving a law degree. Non-theory courses are not acceptable under the provisions of subdivision (2) and (3) with the exception that required courses in military drill and physical education are acceptable to the extent of ten per cent of the total credit offered for admission. In addition to the foregoing requirements, no applicant will be admitted who has demonstrated a lack of capacity for self expression as evidenced, for example, by failing to achieve at least average grades in English Composition.

Special students are not admitted to the Law School. Students otherwise qualified for admission may register for selected courses in law with the approval of the Dean of the Law School and the instructor of the course.

All applications for admission to the Law School must be submitted at least two weeks prior to the beginning of the period for which application is made. In addition to the credentials required by the Registrar of the University, the applicant must submit to the Law School (a) an official transcript of all college and law school work previously undertaken and (b) a verified questionnaire, on a form prescribed by the Law School, dealing with the moral character and fitness of the applicant as a prospective member of the legal profession.

### **Combination Programs**

A number of combination programs have been formulated by the Law School in co-operation with various departments of the University. These programs enable students at Montana State University to obtain both an undergraduate degree and a law degree in a minimum of six academic years. Areas in which such programs have been approved are Accounting and Law, Business Administration and Law, Economics and Law, Geology and Law, and History and Political Science and Law. Combination programs in other areas will be recognized where prior authorization is obtained.

Students enrolled in approved combination programs receive an undergraduate degree in the department of their concentration upon

the successful completion of their first year of law, and a law degree upon successful completion of the prescribed course in law. A description of courses and the departmental requirements under particular combination programs are contained in the General Bulletin in the listings of the department concerned. It is strongly recommended that all prospective applicants for the Law School complete a minimum of fifteen credits of Classical Latin for Lawyers and a course in Accounting.

#### **Admission to Advanced Standing**

Applicants for admission to the Law School with advanced standing must satisfy the requirements for admission to the Law School and show: (1) that the law work previously undertaken has been in an approved law school; (2) that the average in all law work for which the student has registered and received a grade is equivalent to that required for graduation from the institution attended; (3) that the applicant is in good standing and eligible to continue in the law school previously attended; and (4) that the applicant is eligible to continue in this law school under the policies specified herein.

#### **Basis for Exclusion**

**Failures:** A student who has failed, or is failing, in more than 10 credits at the end of the first or second semester of law study will be automatically dropped from the Law School. Any student who has completed two semesters of law study but thereafter fails two courses in any semester, or who has failed a total of more than ten semester credits during the period of law study, will be automatically dropped from the Law School.

**Weighted Average:** A student otherwise eligible to continue, who has obtained an index of 1.5 or less at the end of his first two semesters of law study in all law courses for which he has registered and received a grade, will be placed on probation. A student on probation who fails to secure an index of 2.0 in law courses not previously taken, for which he has registered and received a grade in any semester subsequent to being placed on probation, will be dropped from the Law School. Required courses in which the student has received a grade of D or F, and non-required courses in which he has received an F, may be repeated, provided the total credits in the courses being repeated do not exceed one-half of the total credits for which the student is registered. A student who fails to obtain an index of 2.0 at the end of his fourth semester of law study in all law courses for which he has registered and received a grade, or fails to maintain such an index thereafter, will be dropped from the Law School.

#### **Requirements for Graduation**

Candidates for the degree of Bachelor of Laws (LL.B.) must: (1) be graduates of an approved college or university; (2) complete

six semesters in residence at an approved law school, the last two of which must be at Montana State University; (3) complete ninety semester hours of law with an index of 2.0 in all law courses for which the student has registered and received a grade; and (4) complete the following required courses: all courses taught in the first year as specified in the Program of Instruction below; all procedure courses (including Civil and Criminal Procedure, Evidence, Court Room and Office Practice); Constitutional Law, Legal Ethics, and Legal Writing. A candidate for the degree of Bachelor of Laws who has fulfilled the requirements for graduation will not be recommended for the degree if, in the opinion of the majority of the law faculty, he is otherwise unqualified for the legal profession.

### **Change of Regulations**

The School of Law reserves the right to change at any time its regulations respecting admission to the School, continuance therein and graduation therefrom.

## **AWARDS**

### **The Allen Smith Company Award**

The publishers of the Revised Code of Montana award each year a complete nine volume set of the annotated statutes for excellence in scholarship, to a graduating senior designated by the faculty who will practice in Montana.

### **The American Jurisprudence Award**

The publishers of The Annotated Reports System award annually, a specially bound title from American Jurisprudence for excellence in the following courses:

- Administrative Law
- Agency
- Bailments (Property I)
- Bankruptcy (Creditors' Rights)
- Bills & Notes (Commercial Transactions I)
- Private Corporations (Business Organizations)
- Conflict of Laws
- Constitutional Law
- Contracts
- Equity
- Evidence
- Labor Law
- Mortgages (Secured Transactions)
- Pleading (Procedure III)
- Sales (Commercial Transactions II)
- Taxation
- Trusts
- Wills

### **The Bancroft-Whitney Award**

A five-volume set of Pomeroy Equity Jurisprudence is awarded each year by Bancroft-Whitney Company, for proficiency in trial practice to a senior designated by the faculty.

### **Justin Miller Prize**

A one hundred dollar United States Savings bond is awarded each year for the best student contribution to the Montana Law Review. This award was established by Judge Justin Miller, LL.B. '13, former Justice of the United States Court of Appeals for the District of Columbia, now retired.

### **Law Week Award**

The Bureau of National Affairs awards annually, a subscription for one year to United States Law Week to that member of the graduating class who has made the most satisfactory progress during the senior year.

### **The Lawyers Title Award**

An award of one hundred dollars in cash and a certificate of proficiency are awarded each year by the Lawyers Title Insurance Corporation of Richmond, Virginia, to a member of the graduating class for excellence in the law of property. The courses to be considered in ascertaining the recipient of the award are: Property I and II, Wills, Trusts, Future Interests and Secured Transactions.

### **The Montana State Bar Association Moot Court Awards**

Two cash awards of forty dollars each and two cash awards of twenty dollars each are awarded each year to the finalists in the upper class division of the Moot Court competition.

### **Nathan Burkan Memorial Competition**

The American Society of Composers, Authors and Publishers awards annually a first prize of one hundred and fifty dollars in cash and a second prize of fifty dollars in cash for the best essays on some phase of copyright law. The winning essays are eligible for a national award of five hundred dollars in cash and publication in a Symposium on Copyright Law.

### **The Union Bank and Trust Company Estate Planning Award**

A one hundred dollar United States Savings Bond is awarded each year by the Union Bank and Trust Company of Helena, Montana for the best estate plan prepared by a senior law student enrolled in the course entitled Federal Taxation II.

## **FINANCIAL AID**

### **SCHOLARSHIPS**

#### **Neil S. Wilson Scholarships**

Pursuant to the bequest of Mrs. Clara E. Wilson in memory of her son Neil of the class of '24, a number of scholarships are awarded by the law faculty to deserving students. The first awards may be made for the first semester of the 1955-56 academic year. They are normally awarded to first year students in the law school, primarily on the basis of scholastic rank (in pre-law for the first semester, and in their first semester of law work for the second half of the year).

#### **School of Law Scholarship Fund**

Mr. Howard A. Johnson, LL.B. '17, former chief justice of the Montana Supreme Court, and his wife, Alice S. Johnson, B.A. '20, have made the initial gift towards the establishment of the Montana State University School of Law Scholarship Fund. Pursuant to the directions specified in the gift the faculty of the Law School will award no scholarships from this fund during the ensuing year.

#### **Loan Fund**

The general loan funds of Montana State University are available to worthy law students. In addition, the Law School Foundation administers a loan fund for the benefit of senior law students who demonstrate a need for funds to complete their legal education.

#### **Student Employment**

Part-time student employment is available in other departments of Montana State University. However, for the student who must finance his education solely from current employment, it is recommended that the course of law study be extended by registering for less than the prescribed number of credits each semester.

#### **Placement**

The Law School provides a placement service for its graduates. Contacts are maintained with firms of attorneys and with government and corporate legal offices. Every effort is made to assemble current information concerning available openings and place the applicants in touch with prospective employers.

#### **Continuing Legal Education**

The Law School cooperates with the Montana State Bar Association in a program of continuing legal education for practising at-

torneys. Many of these institutes and conferences are held on the campus and may be attended by students in the Law School. In 1954-55, institutes were held in the fields of Legal Medicine, Oil and Gas Law and Federal Taxation. Additional institutes proposed for 1955-56 will consider Criminal Procedure, Estate Planning and Water Resources Law.

### The Program of Instruction

The program of instruction is designed to prepare a student for the practice of law in any state. Montana cases and statutes are considered in supplementary materials prepared by the instructor in each course. In the first year courses the case system of instruction is utilized. In other courses the case system and the problem approach are employed to further develop the techniques of analysis and synthesis. Practical insight is afforded through supplementary lectures and demonstrations in most courses and by the required course in Court Room and Office Practice.

The school year is divided into two semesters of sixteen weeks each. A student may not register for more than 16 credits in a semester.

### Schedule of Courses

#### First Year

First Semester		Second Semester	
	credits		credits
Introduction to Law I	1	Introduction to Law II	1
Contracts I	3	Contracts II	3
Torts I	3	Torts II	3
Property I	3	Property II	4
Civil Procedure I	2	Civil Procedure II	1
Criminal Law	3	Equity	3

#### Second Year

First Semester		Second Semester	
	credits		credits
Agency & Business Organizations I	3	Agency & Business Organizations II	3
Commercial Transactions I	3	Commercial Transactions II	2
Evidence	4	Constitutional Law	4
Civil Procedure III	3	Creditors' Rights	3
Wills	2	Trusts & Future Interests	4
Legal Writing	1		

#### Third Year

First Semester		Second Semester	
	credits		credits
Restitution	2	Criminal Procedure	2
Oil & Gas	4	Conflicts	4
Federal Taxation I	4	Federal Taxation II	2
Labor Law	2	Trade Regulations	2
Secured Transactions	3	Water Law	2
Court Room & Office Practice I	1	Administrative Law	2
		Legal Ethics	1
		Court Room & Office Practice II	1



**Main Reading Room**

## **DESCRIPTION OF COURSES**

### **Administrative Law**

The subject embraces law governing, and law made by, officials who are neither courts nor legislatures. It includes the study of the nature of administrative regulatory functions—the making of rules, decision of cases, and issuance of compulsory process. The source of administrative power and the kinds and course of administrative procedure are the core of the subject. The relationship of courts to administration is stressed as a separate phase of the course. Some details of “administration in action” conclude it. Throughout there is constant emphasis upon the comparison of the administrative process with the judicial or legislative processes of courts and representative law making bodies, which entails a review of the operating features of judicature and legislation.—Mr. Provost

### **Agency and Business Organizations**

The course includes a study of the various legal relations and associations used to carry on business activities generally. The principal and agent relation, the manner of its creation, its nature and legal incidents are studied. Consideration is given to the part this relation bears to such business organizations as partnerships and corporations. A brief comparative study of the different kinds



of associations available for business purposes follows with their relative advantages and disadvantages in the light of different objectives. The legal basis for each type, the method of organizing, and related problems are explored. Methods and restrictions upon financing; the rights and duties of the proprietors; inter se and in relation to the corporation; the powers, responsibilities, duties, and liabilities of management; the proper method of instituting and defending suits; special remedies available to stockholders to recover from third persons on behalf of the corporation; the consequence of "ultra vires" conduct; limitations on corporate power to distribute its resources, either as dividends or as capital; all receive attention. Federal regulation of the stock market, the floating of original issues, and a consideration of the law governing stock sales generally also receive some attention. All of these problems are examined in the light of the Montana Corporation Code and related statutory materials.—Mr. Briggs

### **Civil Procedure I & II**

The course deals with the federal and Montana state court systems, and the powers of the various courts within these systems over the subject matter of actions for the enforcement or protection of rights or the redress or prevention of wrongs. The jurisdictions of the common law courts and the equity courts are surveyed and distinguished. The common law forms of action are studied in detail, with particular reference to their significance under codes of civil procedure. Special and extra-ordinary remedies are also covered, both from the standpoint of the essentials of their availability and the procedural steps to obtain them. The scope of the federal judicial power is studied with emphasis upon the jurisdictions of the United States Supreme Court, Circuit Courts of Appeal and District Courts. Special materials are used which deal with the organization of the Montana courts and types of jurisdiction which they exercise.—Mr. Tingle

### **Civil Procedure III**

The course deals with the manner of invoking the jurisdiction of courts and the procedure involved in the formulation of issues for trial in civil matters. Included are problems with respect to the place of trial, process and its service, necessary and proper parties, intervention and interpleader of parties, the cause of action and how it should be alleged, denials, affirmative defenses, cross actions, demurrers, replications, and supplemental and amended pleading. These problems are developed from their common law backgrounds through the codes of civil procedure, with special reference to Montana statutes and cases, culminating with a consideration of the more advanced codes, including the Federal Rules of Civil Procedure. Exercises in the drafting of pleadings and the actual application of procedural rules to various factual and legal situations form a part of the course.—Mr. Toelle

## **Commercial Transactions**

The course is concerned with that portion of the law which deals with commercial practices current in the fields of the marketing of goods and the issuance and transfer of commercial paper, including negotiable promissory notes, bills of exchange, checks and bank drafts. Legal doctrines and rules are studied against a description of business practices. There are included studies of the rights and remedies of parties to the sale of goods and commercial paper, and the protection of third parties, including bona fide purchase and recording, consignments, pledges, conditional sales, trust receipts, and goods in storage and transit.—Mr. Tingle.

## **Conflict of Laws**

Traditionally, this subject includes the principles applicable to the 'choice of laws' problem, that is, which of several possible laws should the court apply where the issues arise out of a transaction or a relationship which is affected by several different legal systems. The course also includes other cognate matters, such as 'jurisdiction of courts'—particularly the circumstances under which a court may properly exercise judicial jurisdiction both over persons and over a given subject matter, and 'foreign judgments'—particularly the general question of when a foreign judgment is entitled to local enforcement. Incidental consideration is given to the position of aliens and non-residents. The bearing of developed or developing constitutional doctrine on each of these areas is examined continuously. Such pervasive and troublesome concepts as 'domicil,' 'residence,' 'renvoi,' and 'characterization' receive careful attention.—Mr. Briggs

## **Constitutional Law**

This is a general course, giving primary attention to the place of written constitutions in our legal system, and centered upon the judicial function of interpreting written constitutions. The subject matter is the organization and conduct of governmental machinery and the relations of individuals with the federal government and the states. It includes the scope of the judicial function in interpreting our fundamental laws, the relations of the three departments of the federal and state governments, the relations between states and between states and the federal government, the powers of the federal government, and limitations upon both federal and state governmental actions affecting the rights of individuals and property, including economic interests, political and social rights, and personal liberty.—Mr. Tingle

## **Contracts I & II**

The law and problems connected with the formation and operation of contracts, and the remedies afforded in litigation involving contracts constitute the core of this course. Particular attention is

directed to mutual assent, consideration, the Statute of Frauds, dependent and independent duties, conditions, breach of contract, and discharge of contractual duty. Also included, but with less emphasis are illegality and incapacity, damages, specific performance and restitution.—Mr. Stone

### **Court Room and Office Practice**

An examination of the established patterns in office procedure, in uncontested legal proceedings, and in trial techniques, provide the core of this course. Each student is required to participate with an associate in the trial of a case and in the completion of probate, quiet title, divorce or some similar proceedings. Special attention is given to the drafting of typical legal instruments and to the counselling and interviewing of clients.—Mr. Garlington

### **Creditors' Rights**

The course deals with procedures and methods of realization by a creditor or creditors in the estate of his debtor. Among the subjects included are executions, attachments, creditors' bills, and supplementary proceedings, together with the debtors' exemptions, fraudulent conveyances, general assignments, and compositions with creditors. The law of bankruptcy is examined, including jurisdiction, discharge from debts, acts of bankruptcy, assets passing to the trustee, and liens and preferences. The law of receiverships and corporate reorganizations is also considered.—Mr. Toelle

### **Criminal Law**

This course encompasses a detailed examination of the general principles of substantive criminal law and of the more important crimes as developed by the common law, and as codified in current statutes. Such general concepts as 'the criminal act'; the requirement and character of 'criminal intent'; the relationship of these two to constituting 'crime'; 'causation'; and a consideration of various defenses which operate as limitations to the general principles of criminal responsibility are studied. These general principles are continuously applied to specific crimes and interpreted in the light thereof. Considerable time is devoted to the correlation of local statutory and case materials with other course materials.—Mr. Briggs

### **Criminal Procedure**

The course deals with the procedure of arrest, examination, and trial, of offenders against our criminal laws. Thus, consideration is given to the subjects of arrest, preliminary examination, bail, jurisdiction and venue, methods of prosecution through the work of grand jury, indictment and information, arraignments and pleas, nolle prosequi, trial by jury, verdict, motion for new trial, arrest of judgment, and judgment and execution.—Mr. Tingle

### **Equity**

This comprises a study of the nature of equity and the characteristics of equitable jurisdiction, followed by a detailed study of specific performance of contract and equitable relief against tort. The course is designed to cover the basic essentials of equity which are not included in Restitution, Trusts, or Secured Transactions. The student should become familiar, in this course, with the attitudes of the great chancellors and judges, and also with the great flexibility and utility of equitable remedies, particularly the injunction, in modern commercial settings.—Mr. Stone

### **Evidence**

This course is concerned with the problems of the production and presentation of evidence. The course covers matters relating to: witnesses, their competency, privileges, and mode of examination; the exclusionary rules such as hearsay, and the exceptions thereto; the production of evidence and preparation for trial; and the burden of proof and presumptions.—Mr. Smith.

### **Federal Taxation I**

This course has three objectives. The first is to impart a basic understanding of the federal income tax law as it applies to individuals, proprietorships, partnerships, corporations, estates and trusts. The second is to impart basic training in the use of complex statutory materials. The third is to impart a basic familiarity with tax law sources and research, tax returns, and tax litigation at the administrative and trial levels.—Mr. Waterbury

### **Federal Taxation II**

The first part of this course is designed to impart a basic understanding of the federal estate and gift tax law. Some time is also devoted to state death duties. The balance of the course deals with estate planning problems, emphasis being placed upon factual analysis, drafting and a realistic view of tax considerations.

—Mr. Waterbury

### **Introduction to Law I & II**

The course is devoted to the nature and sources of law. The character of the legislative and decisional processes in the body of written law is stressed. These are emphasized by the study of basic statutory materials as well as the theory and method of law-making by courts. The place of forms, rules of court, and statements of professional ethics is included. Materials are also used to illustrate trends of legal history and the nature of legal philosophy. Instruction and practice in the use of law books is also provided.

—Mr. McFarland and Mr. Provost

### **Labor Law**

This is an introductory course which emphasizes the concept of collective bargaining. To orient the student in the origins of common law doctrine governing the management-labor field, in the difficulties and deficiencies resulting therefrom, and in the curative attempts of modern legislation, some attention is given to historical background. The gradual recognition of collective action and of organization, which provide an effective collective bargaining agency for labor, is studied. The course also considers the legal position of various kinds of labor activity, from time to time, such as—various forms of boycott, the strike, picketing, interfering with the labor contract, etc. Although notice is taken of trends in state legislation, the statutory materials primarily considered are the relevant federal statutes, including the Clayton Act, the Norris-LaGuardia Act, the Wagner Act, and the Taft-Hartley Act.—Mr. Briggs

### **Legal Ethics**

The course deals with the ethical standards pertaining to the work of lawyers and judges. The history of the profession and its organization is considered. The duties of the lawyer to the client, to the court, to the profession, and to the state and public are treated. The American Bar Association canons of professional ethics and decisions of courts in cases of disbarment and discipline are also examined.—Mr. Toelle

### **Legal Writing**

The preparation of an article suitable for publication is the requirement of this course. In the selection of a topic, the research thereon, and in the preliminary drafts, the student acts under the supervision of a member of the faculty. Particular attention is given to the problems of Montana law.

### **Oil and Gas**

A study of the laws governing the production and transportation of petroleum and its products is the core of this subject. The nature of the landowner's interest, the formalities incident to the execution of an oil and gas lease, and the interpretation of lease clauses are considered in detail. Attention is also devoted to the implied obligations of the lessee, assignments, methods and legality in conservation, transportation, state and federal taxation, and the practical aspects of acquiring a lease and financing oil operations.—Mr. Sullivan

### **Property I**

This course is concerned with the ownership and transfer of land. By way of introduction, a distinction is drawn between personal property and real property; the concept of ownership is analyzed; and the methods of acquiring title to land are considered.

The remainder of the course is devoted to a study of the development of modern methods of conveyancing and the importance of the recording acts in present-day land transactions. Each student is required to examine an abstract of title and submit an opinion thereon.—Mr. Waterbury

### **Property II**

This course deals with the rights that are incidental to the possession of land and with the types of interest that may be acquired in land owned by others. Introductory materials deal with the physical extent of property in land. Restrictions upon the use of land through zoning regulations and restrictive covenants are considered. The incidents of the landlord-tenant relationship are examined with particular reference to types of leases in current use. The principles of mining law are discussed with emphasis upon the location and discovery of claims and sub-surface rights.

—Mr. Sullivan

### **Restitution**

This is a course in remedies, the function of which is to integrate and expand remedial material previously encountered in the courses in Contracts, Torts, Trusts and Equity. Various remedies will be considered and compared. Thus quasi-contract and constructive trust as alternative remedies for tort will be considered, as will relief from contracts induced by fraud or mistake, and the possibilities of relief in the cases of contracts which are unenforceable because of the statute of frauds, impossibility of performance or plaintiff's breach.—Mr. Waterbury

### **Secured Transactions**

This subject includes the law governing suretyship and the use of both real and personal property security, the marshaling of assets, and the allocation of loss. The course is an application of both contract law and equitable principles to commercial security devices. Mortgages of real estate property and the principles incident thereto are treated in detail.—Mr. Stone

### **Torts I & II**

The course deals with those private, civil wrongs, other than breach of contract, for which a court of law will afford a remedy in damages. Among the subjects included are assault, battery and false imprisonment; also, the law of negligence, contributory negligence, and the last clear chance. Death and survival acts, and the measure of damages are considered, together with the use of mortality and annuity tables. The law of ultra hazardous activities, of misrepresentation, of defamation, of trade libel, of the right of privacy, and of interference with contract and expectancies are discussed. There is also extensive consideration of the Montana Workmens' Compensation Law.—Mr. Toelle

### **Trade Regulations**

The regulation of private business by courts and administrative bodies through the application of common law and statutory restrictions on trade practices is considered in this course. In particular, the study includes restraint of trade, monopoly, anti-trust laws, trade-marks, unfair competition, and related restrictive doctrines and enactments.—Mr. Provost

### **Trusts and Future Interests**

This course is primarily concerned with the law of trusts and future interests as applied to family settlements and the related problem of tracing title. Accordingly, no more time is devoted to historical development than is necessary for orientation, and the development of the trust concept as a remedial device is largely left to the course in Restitution. Attention will be focused upon the creation of trusts, beneficial interests therein and trust administration and termination. Charitable trusts will also be treated. The materials on future interests will stress the nature and creation of the various future interests, including powers of appointment, and problems of construction. Substantial time will be devoted to the various statutory and common law rules restricting the creation and duration of both trusts and future interests. Class-work will be supplemented with a problem in drafting and administration.—Mr. Waterbury

### **Water Law**

By way of introduction, the course treats the private law of waters, riparian and appropriation rights, and related aspects of real property law. Water resources problems, including international compacts, interstate agreements, river-basin development, and state and local problems are examined in detail. Consideration is given to such factors as hydroelectric power development, irrigation and reclamation, navigation, flood control, recreational use, and forest and land management. Constitutional doctrines and the statutes which constitute a part of the fabric of water resources problems are given detailed treatment.—Mr. Stone

### **Wills**

The course deals with the passing of property at death in cases of testate and intestate succession together with the probate of estates. Among the subjects included are the rights of adoptees, the illegitimate, and pretermitted heirs. The execution of wills and problems of revocation, republication and revival are considered. Thereafter, study is made of the administration of estates, and the powers of executors and administrators together with priorities in payment of debts and legacies.—Mr. Toelle

