

1946

## Montana Bar Association Activities

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### Recommended Citation

Marshall Murray, *Montana Bar Association Activities*, 7 Mont. L. Rev. (1946).

Available at: <https://scholarworks.umt.edu/mlr/vol7/iss1/11>

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### LAW SCHOOL

The Law School has rapidly returned to an almost normal enrollment. In the Autumn quarter 31 students were enrolled, in the winter 37 additional, and in the Spring quarter 17 more, a total of 85 students being enrolled for the present academic year. Present indications are that more students will be enrolled in the summer quarter than have ever been enrolled in the School in any one quarter. All but a very few of these students are ex-service men and a great number of them are former students who have returned to complete their work which was interrupted by the war. In addition, a large number of returning veterans, alumni of the Law School, have paid the School a visit.

The fact that beginning law students were admitted with full schedules in the autumn and winter quarters and half schedule in the spring quarter, has required the services of several part time teachers which included Walter L. Pope, Russell E. Smith, J. C. Garlington, Edmund T. Fritz, and Donovan Worden in addition to the full time staff which consisted of Edwin W. Briggs, David R. Mason, J. Howard Toelle, and C. W. Leaphart. Francis E. Coad is expected to return from the service in time for the summer quarter.

To meet the needs of returning veterans and as long as those needs endure, the School of Law will operate on a four quarter basis with a full schedule for beginners in the summer, autumn and winter quarters.

### SCHOLARSHIPS

Mr. Howard Johnson while he was Chief Justice of the Supreme Court, and his wife, Alice S. Johnson, made substantial initial gifts towards the establishment of the Montana State University School of Law Scholarship.

There has long been a need for scholarships in the School of Law. Therefore, contributions to this fund from alumni and friends would be greatly appreciated.

### MONTANA BAR ASSOCIATION ACTIVITIES\*

Bowing to the request of the Office of Defense Transportation, the Montana Bar Association did not hold its 1945 Annual Meeting. Instead its officers have held over and the

\*This statement has been furnished by Marshall Murray, Secretary-Treasurer of the Montana Bar Association.

## NOTE AND COMMENT

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functions of the Association have been largely through its committees.

Encouraged by popular acclaim, the Committee on Legislation, composed of Paul W. Smith, Chairman, and Ralph J. Anderson, both of Helena, and Paul T. Keller, of Great Falls, on March 31st, 1945, mailed to all members of the Association an even more comprehensive report of the laws adopted by the 1945 Legislature, than the 1943 Report. The Committee's terse description of each Legislative Act served association members as an index to the accomplishments of the 1945 Legislature, until the 1945 Session Laws were available in July.

On August 28, 1945, a special meeting of the Montana Bar Association was held at the Placer Hotel, Helena, Montana. This meeting had been called by the President, to consult with the Code Commissioner and make recommendations on the codification of the laws of the State of Montana, as authorized by the 1945 Legislative Assembly. A resolution was passed approving the announced plan of the Code Commissioner to adopt an alphabetical, topical arrangement of the political and civil codes but to retain the code of civil procedure and penal code in substantially their present form. The President was directed to appoint a committee of five members from the association to co-operate with the Code Commissioner, and to advise the Bar from time to time of the progress of the work, the revisions proposed, and all features bearing on the accuracy of contents and the utility of the volumes as working tools. President Crippen appointed the following members as such committee: Taylor B. Weir, Chairman; William Scallon, Ralph J. Anderson and Edmond G. Toomey, all of Helena, and J. Howard Toelle of Missoula.

The association adopted the following as recommendations to the Code Commissioner: (1) That the Codes be broken down into a number of volumes greater than the present number, easy of manual handling; (2) That most special care be taken to supply, for each volume, and consolidated as a whole, a thorough, workable, detailed index; and (3) That the volumes be printed on the best paper and in the most readable type available. It was likewise determined to advocate additional time for completing the revision of the codes.

Upon direction of the association, President Crippen appointed the following committee to accumulate information for men returning from service, to aid them in getting back into active practice; James M. Haughey, Chairman; Fred N. Dugan, George J. Hutton, and Franklin S. Longen, all of Billings;

Samuel B. Chase, Jr., Great Falls; Walter C. Pope, Missoula, and C. A. Blenkner, Columbus. This committee submits the following report:

A questionnaire was mailed to all lawyers engaged in active practice within the state, inquiring as to practice opportunities and positions in law offices available to returning lawyer-veterans. Approximately 200 replies were received, many of which mentioned openings in communities or particular offices. A news story to the effect that the information thus secured would be made available by the committee chairman to any lawyer-veterans who desired it was carried by the Associated Press and was published by a number of newspapers throughout the state. Since then many requests for information have been received and the committee has assisted a number of veterans in finding localities where there is a need for additional lawyers. The committee will act as a clearing house for practicing lawyers and returning veterans and it requests that it be advised of practice opportunities as they arise. Attorneys returning from the armed forces who have not previously practiced law or who desire to reenter practice in different localities are urged to contact the committee chairman at 514 Electric Building, Billings.

The committee plans to cooperate with the Practicing Law Institute and the American Bar Association Section of Legal Education in making available to Montana veterans refresher courses in General and Trial Practice, Federal Taxation, and Significant Developments in The Law During the War Years. It is anticipated that extension courses in these subjects will soon be made available to veterans free of cost.

To aid former servicemen in getting clients, the committee respectfully requests district judges to name veterans in cases which involve court-appointed lawyers. The committee also urges lawyers to refer to veterans any work they are unable to handle personally.

### **MAY A REAL ESTATE BROKER IN MONTANA COLLECT A COMMISSION ORALLY PROMISED HIM?**

At common law and under the usual Statute of Frauds, it seems quite clear that while a contract for the actual sale or purchase of land, where the agent or broker had authority to receive or pass title, was required to be in writing, the rule had no application to a mere contract of employment by which one person was to act as agent or broker for another in ne-