

January 1940

Montana Bar Association Activities

Wesley W. Wertz
Secretary, State Bar Association

Follow this and additional works at: <https://scholarship.law.umt.edu/mlr>



Part of the [Law Commons](#)

Recommended Citation

Wesley W. Wertz, *Montana Bar Association Activities*, 1 Mont. L. Rev. (1940).
Available at: <https://scholarship.law.umt.edu/mlr/vol1/iss1/15>

This Comment is brought to you for free and open access by The Scholarly Forum @ Montana Law. It has been accepted for inclusion in Montana Law Review by an authorized editor of The Scholarly Forum @ Montana Law.

issue, must necessarily be diverse in form and content. Some will be rather broad topical discussions. Others will be only criticisms of recent decisions. Each will be signed.

The Board of Editors, under the plan now in effect, consists of the four Seniors and three Juniors who rank highest in their respective classes. The Business Manager is elected by the Board. The Editor-in-Chief is elected by the Board from its own membership. The Faculty Adviser is appointed by the Dean. Any student is entitled to submit a note. Each member of the Board of Editors is required to do so.

Possibly the adoption of the name MONTANA LAW REVIEW may, especially in view of the annual publication policy, appear a little presumptuous. But, while there is no thought of pretending to rival the law reviews put out by the large law schools, the name is accurately descriptive and it is hoped that in a short time the publication may become semi-annual or quarterly. The future of the REVIEW depends as much upon the cooperation of the Bar of the State as upon the student body and Faculty of the Law School.

MONTANA BAR ASSOCIATION ACTIVITIES*

The Montana Bar Association has this year undertaken a broad program intended to benefit the entire bar of the State and, incidentally, the general public as well.

An attempt is being made to create bar associations in each judicial district in Montana where no such district organization now exists and to stimulate interest in the district organizations where they already exist. It is the thought of the officers of the State association that interest in local associations will engender interest in the Montana Bar Association and that the State association acting for the lawyers of the State as a unit can and will accomplish much for the legal profession.

A further reason for the advancement of the district bar association is the fact that such associations are an indispensable part of a satisfactory program of Legal Institutes. This form of advanced legal education has been carried on with the utmost success and satisfaction in several other States and is fostered by the American Bar Association Committee on Organization and Development of Legal Institutes. Under the accepted plan for conducting legal institutes a number of speakers who are learned in specific branches of the law and among whom are often many law school faculty members, are made available to district associations to discuss legal problems or subjects of general interest to lawyers. The local associations of lawyers prepare for the meeting where the speakers are to appear and the

*This statement has been furnished by Mr. Wesley W. Wertz, Secretary of the State Bar Association.

State organization furnishes the speakers and meets their expenses. A variety of subjects is made available as well as a considerable number of speakers—sometimes 25 or more in some States. After the main speaker concludes his part of the program a general discussion of the legal problem or subject is entered into by the lawyers attending. The value of these Legal Institutes in the States where they have operated has been found to be considerable.

The Citizenship Day committee of the Montana Bar Association has presented to the Supreme Court a petition requesting that under the direction of the Supreme Court and the District Courts of the State a day be set aside each year to mark the coming of age of the youth of the State. Exercises and instruction for the purpose of impressing upon these new citizens the rights and duties incident to citizenship are planned. The entire bar of the State will be asked to participate in this activity.

Some definite action to curb the unauthorized practice of the law is contemplated by the association. A committee on Bar Integration is active. The committee on Uniform District Court Rules recently prepared a set of uniform rules and submitted them to the district judges for their consideration. Uniform practice in the various district courts has been advocated by the bar for several years and now the individual lawyers are urged to make their views known to the district judges with respect to uniform rules.

It has been proposed to make the office of the Secretary of the association a clearing bureau for corrective and remedial legislation which lawyers of the State might suggest. By this means defects and ambiguities in the substantive and procedural statutory law may be remedied through the influence and as a result of the efforts of the bar.

To carry on any kind of a constructive program takes money. Inasmuch as the Montana Bar Association is dependent solely on the dues voluntarily paid by members the membership campaign is always in progress. The present officers of the association hope to see a record breaking membership this year.

SUBSTITUTED SERVICE ON RESIDENT MOTORISTS

The Montana Supreme Court has, apparently for the first time in any State, passed upon the constitutionality of a statute authorizing substituted service of process upon a *resident* motorist. Such service was upheld in *Thompson v. District Court*.¹ The

¹State *ex rel.* *Thompson v. District Court, et al.*, 108 Mont. 362, 91 P. (2d) 422 (1939). The Court said at p. 367 of 108 Mont., "In arriving at our decision we have not had the benefit of direct precedent on the question involved. Neither briefs of counsel nor our own independent search have revealed a case where the constitutionality of an act as broad as ours has been passed upon."