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## PUBLIC RELATIONS—WHERE NOW?

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From the early days of our nation the members of the bar have imposed upon themselves severe standards of dignity and ethics believed to be in keeping with the high standing of the profession. When our country was largely rural, this veil, so to speak, of dignified sanctity which separated the profession from the layman was not harmful. Despite the aloofness of the lawyer, the services which he was prepared and competent to render were well known to all the members of his community. A client knew what to expect by way of result from the employment of any particular lawyer, as well as the amount he would probably have to pay to achieve the results desired. With the tenacity which "in the good old days" perpetuated the doctrine of *stare decisis*, this veil of sacred solitude has sheltered our profession from public scrutiny throughout the years.

This veil, as I choose to call it, has prevented new and oncoming generations from learning about the lawyer, the many and varied legal services which he performs, and even the civic and philanthropic functions which he discharges with distinction and without compensation. As the private and business life of the citizen changed from a rural to an industrial life, and the villages grew into the numerous and prosperous cities of today, the position of the lawyer in society and his function therein became lost and forgotten in the complexities and confusion of present day American life. Due to the traditional reticence of the lawyer to publicize his own abilities, much of the general public today is ignorant of the many services which a lawyer performs or is capable of performing.

The layman is afraid of high fees. He is not capable of choosing a lawyer. Many times he does not realize until it is too late, that a lawyer should be consulted *before* entering upon a business transaction, rather than afterwards. Indeed, he does not know that a lawyer is almost his sole protection against the excesses of government itself and the violation of his constitutional guarantees. Conversely, he does not know that he should beware of the lawyer who solicits his business. He does not know that a lawyer is a trained negotiator of contracts, whether with labor unions, beet farmers, cattlemen, or any other group. He does not know that almost every tax problem is a legal problem which a lawyer alone is competent to answer. The layman is not advised or informed that generally bet-

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EDITOR'S NOTE: This article is a condensation and slight revision of the address delivered by Mr. Grossman at the 51st annual convention of the Colorado Bar Association at Colorado Springs on October 15, 1949.

ter settlements of claims for personal injuries and property damages can be obtained through the services of a lawyer than without, due to the lawyer's ability to evaluate the claim properly. He readily accedes to the forceful suggestion of the insurance adjuster that he disdain from hiring a lawyer and thereby obtain a (quick) settlement which in numerous instances is far less than the amount to which he is justly entitled. He does not know that the lawyer is a domestic counselor who takes a case to court as a last resort only. He does not know when and why he should have a will.

#### BUT SPLENDID ISOLATION HURTS

That this policy of splendid isolation and aloofness has reacted unfavorably to our profession must be obvious from the shabby treatment the profession receives from the press, screen and radio. Too often the lawyer is cast as the principal villain. The average motion picture-goer thinks of the lawyer in terms of one who is unscrupulous, who is deceitful and who uses his education and training for an illegitimate purpose. The movie-goer believes that the lawyer spends the bulk of his time in a court room trying criminal cases in which the District Attorney is trying to persecute the defendant and the defendant's attorney is trying to acquit the guilty defendant. But in the last scene the timid, shy, illiterate, frightened wench, in a sudden burst of refined oratory, perfect diction, and the calm of a finished speaker takes over the spotlight, and coupled with dramatics and tears, addresses the jury, causes the judge to cry, finally turns her back on the entire court and addresses the audience, thus singlehandedly winning her own case. Recently the comic strip "Orphan Annie" contained a defamatory reference to the profession when it announced through one of its characters that finding an honest lawyer was a job for a magic whistle.

Compare the severe dignity of our profession with the conduct of persons and companies in fields which have come to be known as *allied* to the legal field. Bold and aggressive competition from banks, title companies, collection agencies, real estate men, insurance men, so-called labor relations experts and tax experts, has educated the public to believe that when wills or trusts are involved a banker is the person to consult; that when real estate is involved, a title company or real estate man is the best and cheapest. "Don't bother to get a lawyer; he will charge you too much!" is the common cry. Further, that when taxes are involved, the accountant is the most efficient; and our labor relations experts have convinced many employers in large cities by aggressive solicitation that lawyers should be left in their ivory towers.

Bar associations all over the country finally have recognized the change in the status of the lawyer in our modern day economy and the need of a dynamic public relations program. Most associations have appointed public relations committees for the express

purpose of counteracting the drift away from the lawyer to other persons in the so-called allied fields. What the drug houses have done for the doctor and the dentrifice houses have done for the dentists, it is submitted that the lawyer must do largely for himself. No such "angels," with the possible exception of the law book companies, are available to the legal profession.

Much of what has been said above is the composite of the results of surveys made recently by many bar associations throughout the country, and, in part the above material is excerpted from the report of the Indiana Bar Association Committee on Public Relations.

#### HOW SHALL AROUSED BAR PROTECT ITSELF AND THE PUBLIC?

We believe it can be safely said, that this re-education must be performed through our own organizations if it is to be done at all. The problem is "How shall it be done?" Your committee has attempted to evaluate the work of bar associations throughout the country in this field and employ those media for dissemination of news about lawyers that have been the most beneficial. Many states have employed professional public relations counselors. The Minnesota Bar Association alone has appropriated \$50,000.00 for its public relations program this year. A total of approximately 30 states have active public relations programs. Others are contemplating it. Approximately 15 state and local bar associations have employed professional public relations counselors. In the first year of our existence, we have done likewise. Because you are all familiar with our radio programs, the will pamphlets, and the excellent beginning commenced by the Junior Bar in the matter of vocational guidance programs in the law schools and high schools, I will not dwell upon this at length. Our committee has utilized what we think and believe to be the best public relations media as a composite of the programs throughout the entire country. We have employed the use of: 1. Radio. 2. Newspaper advertising. 3. Circulars and pamphlets. 4. Speakers' Bureau. 5. A public relations counselor to coordinate all of these efforts.

#### THE "NEGATIVE ASPECTS"

So much for the affirmative, constructive phase of our public relations program this year. But mention must be made of what I choose to label the 'negative aspects' or if you please, the 'preventive measures' essential in this over-all picture. To be sure, in my opinion, the negative aspect surpasses in importance that of the other. In this connection, I mean that it is most essential on the part of lawyers generally to avoid a bad press. Articles in newspapers and other media, tending to place the lawyers in an unfavorable role, on one or two simple occasions can probably vitiate

and nullify the over-all good effects of an affirmative program throughout an entire year.

May I say further in this connection that this type of prevention extends not only to the bar, but in many instances to our judiciary as well. Too often the ill-considered, ill-advised, and sometimes ill-tempered statements of our judiciary are the utterances that find their way into the public press. The newspapers are only too eager, sometimes under the guise of newsworthy stories, to publicize comments by judges which are oftentimes gratuitous, unnecessary and have no material relationship to the particular case being tried. The comments thus made serve no good purpose but on the contrary, when afforded a degree of publicity all out of proportion to their value, cast discredit on the entire profession.

That is the sort of thing I mean when I refer to the negative aspects. We must avoid the kind of bad public relations which we have been receiving as a result of our own thoughtless and careless conduct. We have quite a large enough job, as it is, to combat those influences outside our profession that seek to destroy the high degree of stature and dignity which we once enjoyed. The conduct of lawyers and judges, particularly in governmental positions and in public office, bear the closest type of scrutiny, and they should be particularly on guard to the extent that their public utterances are exemplary at all times. I cannot stress this point too much. What has been said here has not been meant in any sense disrespectful, nor without full deference to our judiciary. Most lawyers are faithful and good public servants, but it is to those few who are not to whom I have referred and those few generally reflect discredit upon all of us.

However proud we are of the program of our committee in this initial year, we must nevertheless ask the question "Where now?", "Where now?" This could be a logical stopping point for this summary of the first year's program of our bar association. We might be content with the conclusion that we have a job of salesmanship and that we have launched a program to that end. Is it not, however, even more appropriate to gaze into the imaginary mirror of self-examination and ask ourselves like any other businessman who is attempting to sell his product: "What is the quality of that product?", "How good is it?" "Has it assumed and measured up to the responsibility demanded of it under our American system of law and justice, or has it become self-satisfied?" "Have we become stagnant by remaining stationary?" "Have we failed to keep pace?"

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To obtain the confidence and respect of the public at large we must merit it; and to whatever extent lawyers are chargeable with the present deficiencies in our legal structure, we must as-

sume and shoulder the responsibility of effecting the corrective measures.

PUBLIC RELATIONS BY PUBLIC SERVICE

In conclusion, my recommendation as a result of the first year of experimentation on the public relations program of the state bar association: That to the best of our ability we make some definite strides in the profession, correcting some of the evils that can be placed squarely on our own shoulders. Some of these are:

1. Restate administrative law. Clarify it. Simplify it. Reconsider the need for every single bit of it. Codify it. Index it. Publish it.

2. Review the extent to which Congress has delegated authority to make this kind of law. Review the propriety of the delegation in each instance.

3. Consolidate and codify the state statutes under the same considerations as the federal statutes. Rewrite them with the clarity, simplicity and conciseness of the federal statutes, to promote public comprehension and observance of them and enable judges who must interpret them to be sure of legislative intent. Weed out all obsolete law.

4. Require all local governments to maintain an up-to-date, indexed codification of their laws, available for public inspection.

5. Adopt or adapt the federal rules of criminal and civil procedure, retaining without fail the provisions for pre-trial and discovery. Provide for pre-trial fact-finding by courts.

6. Streamline the structure of every state court system needing it, to be rid of outmoded courts and clarify the jurisdiction of every court.

7. Dignify once more the practice of criminal law. Teach it more adequately in law schools. Through bar association agreement to serve, make defense counsel available to all accused persons in need of it and unable to pay for it.

8. Strengthen and extend the legal aid society movement. Develop the lawyer reference plan further and extend it to additional cities. Experiment with the legal service office.

9. Give fresh impetus to the movement for uniformity in state laws, and extend it to promote uniformity in doctrine, as well as uniformity in particulars.

10. Stop the cancerous ever-varying "Law by Decree" of the governmental bureaus.

What it all sums up to is simply that it is still the aspiration of the American people to be free, free to govern themselves, to govern themselves by law, by law that works and is real and has meaning to them, the only kind of law they will obey.