

June 2021

The Survey of the Legal Profession

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

The Survey of the Legal Profession, 26 Dicta 49 (1949).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

The Survey of the Legal Profession

(The January DICTA carried an excerpt from a speech by President Frank Holman of the American Bar Association in which he described the general purpose and organization of the Survey. Another excerpt from the same speech is reprinted below describing in greater detail the six divisions of the Survey.)

* * *

The first division of the Survey is concerned with what lawyers do, and whether or not their services are available and adequate to persons in need. Legal aid, public defenders, and lawyer reference plans are being studied, among other things, under this heading.

The second division comprises the following subjects: What lawyers do in wartime, in and out of the services; what they do with respect to labor relations and the Bill of Rights; public relations; civil service and community activities so far as they have to do with lawyers.

The emphasis in Division III is on the lawyer's role with respect to our adjudicative bodies. This would include his work in judicial councils and his responsibility for explaining to the public how the judges may be wisely selected. The judicial service of lawyers will be surveyed by fact-finding forays into both the courts and the administrative agencies.

This Survey is not designed to conduct any studies of substantive law, nor did its architects contemplate delving into the intricacies of judicial administration. What a judge does as a judge is important to the lawyer, of course, and to the community as a whole. But the central concern of the Survey is what the lawyer does *as a lawyer*. Surveys of problems in the administration of the courts are relatively frequent, whereas the lawyer himself has been neglected.

Division IV, Professional Competence and Integrity, has three subdivisions of the highest importance in the Survey. Legal education, admission to the Bar, and professional ethics (including discipline) are in the capable hands of exceptionally well-qualified consultants. Every law school in the United States will be visited. All the Bar admission methods are being examined. Extensive questionnaires have gone out to ascertain the state of professional ethics. Both pre-legal education and post-legal education will be treated.

The Economics of the Legal Profession, Division V, is an area where the existing facts are almost wholly unknown. Various surveys for other purposes, including one by the Department of Commerce, have pointed out the great absence of any real information regarding the economics of the legal profession.

There has always been much talk about the over-crowding of the Bar, but no one has really been able to talk with any real knowledge of the subject. In fact, no one is sure how many lawyers there are and just where they

are. The Survey proposes to find this out. The Department of Commerce, in cooperation with the Survey, has prepared an income questionnaire and sent it to 21,000 lawyers throughout the country. Other findings must be made of legal expenses as related to the consumer's budget. Interesting facts will doubtless be developed regarding the economic implications of individual and organization practice of the law; of retirement and security; and of the unauthorized practice of law.

As already indicated, the purpose of all the plans and organization of the Survey is to find facts about the lawyer's function in a democratic society.

As to current results, reports on legal aid organizations and lawyer reference plans are almost all in at this date. One of these reports, the Koos Report, by Professor Koos of the University of Rochester, was based on interviews and questionnaires filled out by more than 2,000 lower income families and the same number of middle income families. These families were located in six specially selected cities—Akron, Atlanta, Nashville, Oakland, Rochester and Seattle. The report shows that there is a tremendous but largely unrealized need for legal assistance in both the middle and lower income groups, particularly of the preventive sort. The report shows a shocking misapprehension of what a lawyer does and what he is likely to charge. Three out of five middle income families and only slightly more than two out of five lower income families used the lawyer's services in instances where such services were definitely needed.

Each of the major topics, and there are several in each Division, may ultimately be reported by a separate volume when the Survey is finished. The first such book may appear next year. Others will follow as the work progresses. * * *

The Army Has a Code—But Still in the Head

We are informed via a reprint from the Army Information Digest that work on the recodification of Army law begun last March is now well under way. It is estimated that 54 percent of the wordage now contained in Federal statutory provisions pertaining to the Army and National Guard will be eliminated in the process. Top brass hope to be able to present the completed code to the second session of the 81st Congress in 1950.

H. LAWRENCE HINKLEY, former attorney general, recently, opened an office for the practice of law at 411-14 E. & C. Building, Denver.

RAPHAEL J. MOSES and WILLIAM O. DESOUCHET, JR., have announced the formation of a partnership at Alamosa.

Correction of Article on Judiciary Plan

It has been called to our attention that there is an error in the article "The Judiciary Committee Plan and the 1949 General Assembly," by Stanley H. Johnson, as printed in the December (1948) DICTA. Part of the last paragraph on page 288 of that issue reads: "When the terms of the present judges expire, their offices will become vacant. Then, as now, the Governor will fill the vacancies by appointment but he must select from three nominees (except in the case of county judges in counties under 10,000) selected by impartial nominating commissions."

Such is neither the plan nor the provision of the proposed constitutional amendment as introduced in the legislature. That portion of the paragraph should read: "When the term of a present judge expires, he will run against himself on his record. If the judge is defeated, the Governor will fill the vacancy by appointment, but he must select from three nominees (except in the case of counties under 10,000 population) made by an impartial nominating commission."

Page From an Editor's Scrapbook

When Booth Malone was district attorney for the Second Judicial District, the Hon. George F. Dunklee, later to become district judge, defended a young man accused of rape, and at his trial soon saw that unless he could discredit the prosecuting witness, his client would be convicted. He put on a male witness, who had some difficulty with his adopted tongue, to testify that the reputation of the prosecuting witness for truth and veracity was bad.

On cross-examination:

D.A.: "Did you ever observe her veracity?"

Witness: "Yes."

D.A.: "Where?"

Witness: "In a swimming pool in the Platte."

ATTENTION Members Bar Association

In Your Absence

WE'LL ANSWER YOUR PHONE

ALL DAY

ALL NIGHT

ALL YEAR

THE TELEPHONE SECRETARIAL BUREAU

Call **CH 5467** For Information

965 G & E Bldg.

Denver



●

Growing in Usefulness

Ten years ago we were handling 2,800,000 calls a day in the seven-state area we serve. Today the daily average is over 5,800,000—a 107% increase!

With many thousands of additional telephones in use—with more people calling and being called—your telephone has steadily grown more useful.

That's our objective—to make it so.

The Mountain States Telephone & Telegraph Co.

●

Attorney's Business Always
Welcome

RULE ELECTRICAL COMPANY

James J. Rule

Commercial, Industrial and
Residential Contracting

Wiring — Repairs

1855 South Franklin St., Denver, Colo.
Day and Nite Phone: PEarl 4968

Greetings from

CAMPBELL INVESTMENT CO.

Phone TAbor 3693

Albany Hotel Building

Denver, Colorado

Dicta Advertisers Merit Your Patronage