

January 1949

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 22 (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 Survey of the Legal Profession

(An excerpt from a speech by Frank Holman made over CBS from Washington, D. C., on Oct. 27, 1948)

“ . . . The American Bar Association is a serious working organization. Its efforts are devoted to improving the administration of justice and to sponsoring surveys, studies, programs and measures which are for the public good. One of its most important and far-reaching projects, not only so far as lawyers are concerned but also for the public, is the project of a national Survey of the Legal Profession—which was launched this year after nearly four years of preliminary planning.

You no doubt are familiar with surveys or studies that have been made with respect to other professions. Medicine and engineering have been the subject of nation-wide surveys, but the legal profession in the United States has never been surveyed before. The present Survey is sponsored by the American Bar Association. That Association pledged \$50,000 and the Carnegie Corporation of New York \$100,000 for the work. Neither sponsor has attached any conditions of censorship to their contributions. On the contrary, each insisted that the Survey be truly independent and under the control of a Council of eminent laymen as well as lawyers.

The scope of the Survey encompasses six major divisions: I, Professional Services by Lawyers; II, Public Service by Lawyers; III, Judicial Service; IV, Professional Competence and Integrity; V, Economics of the Legal Profession; and VI, The Organized Bar. This analysis has been subject to careful review since it was advanced in the 1944 report of the American Bar Association's Committee on the Economic Conditions of the Bar. Its present form, therefore, is not one person's sudden inspiration. Division VI was added because preliminary studies indicated that the organized Bar requires separate treatment from the individual lawyer.

As the Director points out in his first progress report: “The central truth about the profession of law in the United States is that lawyers do a vast number of different things. They are to be found performing essential functions in nearly every relationship between individuals, between groups and between the citizen and his government.”

The idea of a comprehensive Survey of the Legal Profession grew out of plans for a survey of legal education and admission to the Bar. “How can we know what to teach in law school unless we know what lawyers do?” was the question that led to the broader plans.

In a report submitted to the Board of Governors and the members of the House of Delegates May 1, 1946, our Section on Legal Education and Admissions to the Bar recommended that the Survey be made. The Council of the Section for some years had had under discussion the question of a complete study of legal education of the type of the Flexner study of medical education made some time ago. After much thought and consideration, the

Council concluded that the study needed was not one merely dealing with legal education but one which would constitute an objective appraisal of the legal profession.

The Council therefore proposed a broad study of the place and function of the legal profession in a democratic society. What is the role of the lawyer and his handiwork—the law—in a free society? What contributions do law and lawyers make to the basic principles of that society and to the ongoing processes of a free people? Is the lawyer a parasite on the body politic as some would seem to think, or is he essential? What does the lawyer do? What are his potentialities for service? Can the American people dispense with his services? Is his service essential to the endurance of a democratic form of government? Is it necessary that the services of a highly trained Bar be available in order that the tribunals of an independent judiciary may function? These you will see are not idle questions. They have been expressed again and again from ancient to modern times and with emphasis in recent years. We as lawyers want to know the correct answers to them and the American public should have the correct answers.

The work of the Survey of the Legal Profession is directed and controlled by a Council of 15 prominent lawyers and laymen working with a Director. The Director of the Survey of the Legal Profession is Reginald Heber Smith of the Boston Bar. Mr. Smith, an active leader for many years in the American Bar Association, is known as a pioneer of Legal Aid work in the United States.

The Council includes seven practicing lawyers, three laymen, two judges, two law school deans and one law school professor. These men come from 12 states stretching from coast to coast. A vacancy exists on the Council because of the reluctant but understandable resignation of Paul G. Hoffman. Another layman will be elected in the near future. The other non-lawyers include the President of Dartmouth College and the presidents of two leading insurance companies. The President of the American Bar Association, by virtue of his office, is on the Council.

The men doing the actual research are not compensated, with the exception of a very few fulltime experts. Questionnaires and interviews are used to supplement observation and experience. Committees of experts are assisting each consultant who is preparing a particular report. Correspondents in every state are utilized by several consultants. . . ."

"Although a substantial part of the Survey's work is already under way, an immense amount of work is as yet unassigned. Finding the right men takes time. The busiest are usually the best, so the Survey's policy is not to press its workers.

The Director and the consultants welcome suggestions. A great many have been sent to the Survey headquarters at 60 State Street, Boston. More than one has been incorporated into the Survey. "The cooperation of all

American lawyers, whether members of the bar associations or not, must be secured," the Director believes.

When the Survey has been completed and all the facts investigated, analyzed and correlated, they will provide a safe and adequate foundation upon which to base distinctive proposals for increased service and effectiveness of lawyers and for a better understanding of their role in the destiny of the republic. The Survey will be a report of great value not only to lawyers but to the American people."

(Additional excerpts from President Holman's explanation of "The Survey of the Legal Profession," as well as other information on this subject, will be carried in future DICTA.)

Graham Elected President of Mesa Bar

George Graham of Grand Junction is the new president of the Mesa County Bar Association, as a result of elections held December 22. E. B. Underhill of Grand Junction continues as secretary.

WILLIAM B. PAYNTER, RICHARD B. PAYNTER, and WILLIAM B. PAYNTER, JR., have announced the formation of a partnership with offices in Fort Morgan and Brush.

DICTA

Index to Volume 25 — 1948

Articles Indexed by Authors

	Page
Bailey, W. A.....The Editor Looks at the Courts.....	187
Burke, Haslett P.....Report on the Colorado Supreme Court.....	186
Chipman, A. J.....The Courts and the Administration of Justice from a Labor Leader's Viewpoint.....	172
Delehant, John W.....Judah P. Benjamin, Lawyer and Statesman.....	51
Dicus, Frederick O.....Responsibilities of Successor Trustees.....	259
Dittman, Vance R., Jr.....Uniformity in Procedural Matters as Contributing to the Administration of Justice.....	63
Donaldson, J. Glenn.....Progress of Denver Municipal Code Revision.....	135
Draper, Kenneth....."Stick to Your Last!".....	209
Evans, George T.....Has the Doctrine of Stare Decisis been Abandoned in Colorado?	91
Gee, Robert L.....A Persistent Conflict Revived over Collateral Attack upon Disallowance of a Claim by a Referee in Bankruptcy.....	159
Grossman, Sydney H.....Program of the Public Relations Committee of the Colorado Bar Association.....	278
Henry, Hubert D.....Short Course in Municipal Court Procedure.....	146
Henry, Lawrence M.....Inadequacy of Notice Provision for Obtaining Treasurers' Deeds	144
Holme, Peter H., Jr.....Another View of the Judiciary Committee's Plan.....	35
Hoover, J. Edgar.....National Teamwork	254