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Where Are We Drifting?

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The lawyer population of Colorado has increased at such a rate during the past four years as to become a matter of public interest and of thoughtful concern to the profession. Neither the public nor lawyers will decry healthy competition within the legal profession; but everyone is vitally affected when the legal profession becomes over-crowded. We are not so far removed from the ethico-economic difficulties experienced by attorneys during the last depression not to be well aware of the manifold problems it engendered. The pressure caused by overcrowding in a period of economic stress resulted in increased violation of ethical codes and concepts. The public should not suffer this situation to arise again, and we cannot afford it with the attendant bad publicity for the entire profession.

The present situation in Colorado is obviously not a healthy one, and it is one that is patently unfair to the newly admitted attorney. In 1940 the lawyer population in Colorado was 1628 lawyers, or one attorney to every 772 persons. During the period 1940-1948, the Colorado Supreme Court admitted 676 persons to practice—a trifle higher than a 40% increase in the lawyer population. At the end of 1948, (making allowance for deaths and retirements within the profession and for a population increase in the state), the ratio of lawyers to population was about one to every 625 persons—being a 20% decline in the ratio. The prospects are that the ratio will continue to adversely decline. In the last three years, 378 lawyers were admitted. For this one year—1949—the figure will probably exceed 225 admissions. This amounts to an increase of 600 lawyers within four years or 150 per year as contrasted with the average of the 1930-40 decade of about 70 per year.

We cannot dismiss this increase as a post-war adjustment because the 1940-49 increase is far in excess of the 1930-39 increase computed on a population basis. Moreover, the national figures sustain the view that the situation in Colorado will soon become acute. In the ratio of lawyers to population, Colorado stood fifteenth in the nation in 1940; today it stands about in eighth place.

In law school enrollments, Colorado now stands in fifth place in the national percentage of increased enrollment in law schools, with an increase

of 145% over the 1939 base. Denver University shows a phenomenal increase of 335% in enrollment, being fourth in the ranking of all law schools, according to the rate of increase. To secure a clearer comprehension of the future, there were 747 students in Colorado's law schools in the fall of 1948. This enrollment is approximately 47% of the total number of lawyers practicing in Colorado in 1940.

The possibility that this alarming increase is attributable in Colorado to reduced standards of admission to the bar cannot be overlooked. Colorado, in 1948 passed 85% of all its applicants for admission to practice. Contrast this percentage with 1938-41 average of 64.5%—the high year for that period being 73%. Or contrast it with the national average of 60% in 1948—the highest national percentage for the past eleven years.

Again Colorado was one of ten states adopting the diploma rule for veterans who had been prior residents of the state. Although this rule was restricted to veterans, 88 persons were admitted under this provision, some of whom had failed the Colorado bar examinations on three or four past occasions. Added to this figure are 65 attorneys from other states admitted on motion during the same 1945-48 period, for a total of 153 persons admitted without any type of examination as to their legal knowledge. Finally, there has been a tendency on the part of the court to show leniency in considering examination grades after they have been computed by the board of bar examiners. This factor has contributed to some extent to increase the number of admissions.

What do all of those figures mean? They mean, first of all, that the public and the bar will probably have a rather unpleasant situation to deal with in the next few years. Every thinking lawyer, now engaged in the profession, dreads its implications, not so much in his own case as for the effect against the profession generally. It is not the fear of competition. Instead, it is the multiple problem of a rapid absorption of large numbers of fledgling lawyers in a short space of time rather than in smaller numbers over a longer period of time, and of painfully overcrowding the profession which in turn fosters unethical practices.

The bar must seek an immediate solution to this problem. It cannot afford to ignore the many consequences to the profession. It cannot shut its eyes to the interests of the public, which is vitally affected whenever high standards of ethical conduct are violated. Finally, the bar cannot dismiss the fact that young men and women are spending three years of their lives in specialized training who may be denied the right to use that training because of overcrowding and attendant economic conditions. There is a terrific waste in permitting a student to spend three years in law school and then have that student unable to practice law after he has been admitted to the bar.

Surely the bar can find the answer to this situation if it will diligently seek it. Surely the bar must diligently and conscientiously strive to find that answer. Our obligations to the public and to the profession can permit no less.