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Front Line Headnotes

Dicta Editorial Board

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FRONT LINE HEADNOTES

“What safeguard is there thrown about the citizen who employs a layman to deal with rights and obligations created by law, to give advice concerning these rights and duties, and engage in the defense and prosecution of them? The graveyard of mistake and clients’ loss is filled through unwise advice, ambiguous contracts and wills, and a host of illegal and unlawful acts done and given by men whose training and legal equipment is totally inadequate. The lawyer has a broad obligation to his client and is responsible in many instances for mistakes. That is part of the price he pays for being a lawyer. What is the responsibility of the layman to his client?

“No matter how far a client may desire a lawyer to go, he is always subject to a greater obligation—the obligation to the courts of which he is a part. The lawyer is always under the overseeing eye of the judges and to their continual supervision of his conduct in practice. But a layman who attempts to do the work of a lawyer or to perform what has hitherto been regarded as the exclusive duty of an attorney, is shorn of the rules which have guided the practice of law in a gentlemanly and honest manner. In their hands we witness a degrading spectacle where exists the sordid methods of commercialism, with concomitant solicitation, advertising, cutthroat competition and other deleterious practices, which quickly result in the corruption of the administration of the law. No relation of trust and confidence can grow up between the party seeking advice as to his rights and the party who gives advice under these circumstances.”—*Chief Justice Kephart, of the Supreme Court of Pennsylvania.*

“This is a time when the motion pictures, the radio, and the radical magazines abound in bitter and hostile representation of the lawyer. You are doubtless aware that there is in

progress in this country an adroit, systematic and sinister effort to discredit and destroy the influence and the leadership of the stabilizing forces and institutions in American life. Those who are insidiously preaching an alien and un-American philosophy of government and society are paying to the legal profession the high tribute of endeavoring to discredit and break down the legal profession, by creating a popular impression that lawyers are not to be trusted or can be outwitted by the impromptu common sense of the poor but honest heroes of drama. The radio, the motion pictures, and the radical publications are used insistently and incessantly to hold the legal profession up to contempt and derision and distrust. The foes of free government and of liberty under law realize full well that the lawyers as a class are among their chief obstacles. The advocates of European ideas of government make war on the legal profession here, as they have done in other lands. For one, I believe that no greater tribute has ever been paid to the legal profession. We can and should accept the full impact of the charge that the lawyer is the friend and defender of human freedom, the instinctive foe of arbitrary and lawless power. The profession can afford to stand or fall on that challenge."

Excerpt from speech of Hon. Wm. L. Ransom, President of American Bar Association, to graduating class of Albany Law School, Albany, N. Y., June 4, 1936:

Banks and Trust Companies Not to Practice Law

As DICTA goes to press we are advised that the Supreme Court has ruled, effective September 1, 1936, in favor of the lawyers' contention that certain work of the officers of the banks and trust companies constituted the practice of law and has forbade continuance of the practice.