

Denver Law Review

Volume 5 | Issue 7

Article 5

January 1928

Another Bar Primary

Denver Bar Association Record

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

Recommended Citation

Another Bar Primary, 5 Denv. B.A. Rec. 5 (1928).

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.

ethical for a lawyer to take a commission or fee from an editor and credit it back to the client, yet we believe that in the interests of better relationship between the legal profession and the newspapers that the attorneys should not request a publisher to refund any part of a publication charge. In the usual run of legal publications the legal rate of today, which was established some thirty-five years ago, is much less than the ordinary commercial rate.

"Trusting that this action will meet your approval and that we may hear from you, I am

"Very cordially yours,"

OPINION

The question of the propriety of a lawyer's taking commissions for legal publications is an old one. If it is done without the client's full understanding and consent it is nothing but graft. If it is done with that consent there is nothing immoral about it, on the lawyer's part at least but it has the appearance of evil and therefore

should be avoided. If the amount of the commission is credited to the client the procedure is not improper but useless and may some time lead to misunderstanding. What has been said above is true not only as to commissions for publications but as to commissions for anything else paid by a lawyer and charged to his client, and indeed as to anything paid by any agent or trustee and charged to his principal or beneficiary.

The Committee would suggest that publishers submit their bills for the actual amounts they are to collect. No lawyer with correct standards will object and if any lawyer does object the publisher must decide for himself if he presents a bill for a larger amount whether he is not a party to possible fraud against that lawyer's client.

Respectfully,

(Signed) EDWARD D. UPHAM,
Chairman,

For the Committee.

Another Bar Primary

(From Los Angeles Bar Association Bulletin, June 7, 1928)

"FULL campaign momentum is being reached by the Judiciary Campaign Committee. Weekly meetings have been held in conjunction with the Speakers and Organizations Committee, and contacts with the Publicity Committee maintained, in addition to continued sessions at the offices adjoining those of the Association.

Campaign work is divided mainly into three general departments: publicity, in which Mattison B. Jones acts in a co-operative capacity; speakers' bureau, under the supervision of Lawrence L. Larrabee, and finances, superintended by Norman A. Bailie, chairman of the campaign committee.

A budget of the expenses of the en-

tire campaign, as far as such can be determined, has been prepared. C. S. Loveland, auditor, daily receives all campaign subscriptions, and provides financial statements daily, weekly and monthly.

A large number of speakers, from the membership of the Association, have agreed to address meetings, setting forth the purposes of the plebiscite and advocating the bar ticket of candidates. More than 200 clubs and organizations have been canvassed with a view to arranging speaking dates and securing endorsement of the candidates of the Association. Many of the speakers will appear in other parts of the county.

Encouraging co-operation is shown in the response to the request for members to send letters to clients advocating the bar ticket, 15,000 letters having been promised immediately, and it is estimated that as many as 50,000 all told will have been mailed to lists provided by members of the Association. Aside from this source, numerous organization lists will be utilized,

which will afford a distribution of about 60,000 additional letters.

The two outstanding objectives of the campaign are, first, familiarizing the public with the purposes of the Association; second, inducing the public to support the Association's candidates at the polls. Interviews from prominent citizens expressing approval of the work of the Los Angeles Bar Association are being secured."

Crime and the Gallows

By GEORGE K. THOMAS of *The Denver Bar*

BANDITS, machine guns, love triangles with the hypotenuse shot out, and organized murder are the order of the day. We have reached an era in which public apathy towards civic responsibilities, in hand with maudlin curiosity and misdirected sentiment have conspired to make it possible for the accused on trial for his life, to walk, with comparative ease, from the shadow of the noose into the arms of his cheering and admiring followers. Or if, perchance, the law exacts its penalty, the public is treated to a harrowing description of the execution and the erstwhile villain becomes another national hero. The virus thus distilled has penetrated every walk of life until it is small wonder that the professional gunman regards himself as a modern Robin Hood or that those who ought to know better, are seriously proposing the erection of a monument to Jesse James.

Just why, in an otherwise enlightened age, such things should be must give us pause for thought. Though fostered by the law's delay and tabloid journalism, their roots must be sought in certain fundamental social and economic forces which permeate modern civilization. It is an undis-

puted fact that more murders are committed today than yesterday, but considering the rapid increase in population, and particularly its concentration in our large cities, it is difficult to say whether there are actually many more homicides per capita than heretofore. The alarming feature is the unprecedented rise in the ratio of acquittals to convictions. Of what use is government by law if, when all the processes of the State have set to work in apprehension and trial, an offender can with impunity evade its penalty? Some suggest new and more drastic laws, but these are doomed to failure, since each carries within itself the blight which destroyed the old. Others suppose the American Jury is to be to blame and decry its frailties from every housetop. The jury is but a symptom and not a cause. We have abolished the professional juryman and with him we have buried a trained and hardened servant of the State. Much has been said and more written of our modern substitute. Many lawyers now advocate a trial solely to the court. There is no doubt but that such a system would be ideal for speedy administration of justice in all its branches. It presupposes, however, a divine infallibility in the court and