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court work is an indication that there is here a class of people, children especially, who do not belong to the court, but for whom no other agency has accepted permanent or adequate responsibility. The church and the school have lost either their power or their appeal, perhaps both. If people

who should turn to priest or teacher for help, prefer to seek the shelter of our Juvenile Court, why should we fault the court? Let us rather be thankful that somewhere souls perplexed and beaten down by the blows of an unfriendly or hostile environment, may find comfort and direction.

A Self Governing Bar

By THE HONORABLE JOSEPH J. WEBB,
*Chairman of the California Bar Association's Special Committee on
Self-Governing Bar.*

CALIFORNIA:

Assembly Bill No. 5, commonly known as the "Self Governing Bar Bill", failed to receive Executive approval. The Bill, as passed by the Assembly with an overwhelming majority, to-wit, 65 to 11, and by the Senate unanimously, provided for a Governing Board of fifteen (15) Governors, to be selected and elected directly by the Bar. While the Governor had the measure under consideration, the suggestion was made, among others, that the Board of Governors should be selected by Executive appointment.

The attitude of the California Bar Association on this phase of the question, which is deemed fundamental, is well expressed by Mr. Kemper Campbell in a communication dated June 30, 1925, addressed to Mr. Fletcher Bowron, Executive Secretary to the Governor, as follows:

"The California Bar Associations throughout the state are conducting their work under very difficult circumstances. They have been enabled to do this by maintaining a strictly non-political and non-partisan attitude. You will find as leaders in these various associations, working amicably side by side, men who are politically bitterly opposed to each other. We realize, as the Governor apparently does not, that the only way the Bar as a whole can be brought to a high standard is to place the responsibility for that standard directly upon the Bar itself—not exclusively, to be sure, because the present power of the courts is preserved and merely aided and made to function by the provisions of the proposed bill. But if

the Governor were given the power to appoint the Board, whether this Governor or any other Governor the matter would immediately get into the realm of partisan politics, dissension would arise, and the Bar would have no confidence in its leadership. An appointive board immediately becomes a part of a political machine and the leaders in this movement, whether friendly to the Governor or opposed to him politically, are unanimous in the view that an appointive board means a political board and a sacrifice of the ideals of this constructive measure".

As those sponsoring the Bill are thoroughly convinced that an appointive board means a political board, and a corresponding sacrifice of the ideals of the measure, it necessarily follows that they cannot and will not consent to the proposed change. We believe that Assembly Bill No. 5. is one of the most constructive measures ever advocated by the California Bar Association; its purposes are many and varied, but its ultimate object is to insure a better administration of justice—a matter of great importance to our profession, and of even greater moment to the public generally.

What the Proposed Bill Does

The Bill recognizes the lawyers as part of the Judicial system and organizes the legal profession as a unit; it gives State bar Disciplinary powers over lawyers guilty of misconduct in their profession and fixes legal as well as moral responsibility; it provides for division of the state into districts, and gives Governors power, *subject to approval by Supreme Court,*

- (a) To determine qualifications for admission to practice;
- (b) To formulate rules of professional conduct;
- (c) To discipline and disbar;
- (d) Gives Governors power to summon witnesses.

The bill also provides for annual meeting; and Provides for license fee.

- (a) Upon organization in the sum of \$3.00;
- (b) Annually \$5.00 with power in Board to Governors to increase amount to not exceed \$10.00.

The bill also provides penalties for practicing law without a license.

The Bill Does Not

- (a) Give authority to any existing Bar Association;
- (b) Interfere with existing local Bar Associations;
- (c) Give State Bar arbitrary powers in regard to qualifications for admission to practice, as rules, etc., must be approved by the Supreme Court;
- (d) Give arbitrary or final control in matters pertaining to discipline, as Supreme Court has right of review;
- (e) Alter or limit the power of courts of the state of California to disbar or discipline the members as that power now exists.

Why the Bill Should Become Law

The legal, of all professions, in our opinion, carries the greatest responsibility.

The Bench and Bar have more to do with the administration of justice than any other class of men. Also, the administration of justice is one of the most important functions of our Government; in fact its future depends upon the manner in which justice is administered.

The Bar knows better than anyone else what standards of professional conduct should be fixed and what measures should be taken to maintain those standards.

Voluntary associations, while accomplishing much, cannot cope with the situation.

The number of lawyers is increasing, and, particularly in large cities, the local voluntary associations find it well-nigh impossible to accomplish any results in disciplinary matters.

The present disciplinary system must rely upon volunteer work. The

procedure is cumbersome, it is not organized and has no power of compelling witnesses to attend. It is wholly unsuited to the needs of a growing Bar, and it makes the problems of maintaining professional standards extremely difficult, if not impossible.

In Canada, England and France the discipline of the Bar is in the hands of the Bar itself, and with very satisfactory results.

The following is a copy of a letter written by Mr. Taylor, formerly of the Canadian Bar but now of the California Bar; it speaks for itself:

"May 11, 1925.

"The Honorable Friend
Richardson, Governor,
Pacific Finance Building,
Los Angeles, California.

Re: Self-Governing Bar Bills:

Honorable Sir:

Inasmuch as I have practiced for thirty-three years in Canada, and have conducted appeals before His Majesty's Judicial Committee of the Privy Council, I feel that I am in a position to speak with confidence as to the necessity for, and the great benefits to be derived not only by the Bar of this State but by the citizens at large from the passing and approval of the above-named Bill.

I have no doubt that you have had placed before you a great many arguments in its favor; and I feel that my special benefit to you would be, if you desire it, by way of a personal interview whereat you could interrogate me in respect of any feature that is giving you trouble.

The bill, as passed, is not as drastic as similar legislation which has been for many years upon the Statute Books of the different Provinces of Canada. The benefit derived by the Bar, and appreciated by the public at large, is without doubt of a very positive nature. Legislation of this nature has the entire confidence and support of the whole of the voting public of Canada; and that confidence has grown from their experience with the legislation. It is impossible to place the Bar of this State upon a high and responsible foundation without legislation such as the above named Bill. I feel that any who oppose it either do not understand, or appreciate its benefits and purposes, or they have some improper purpose to serve, because when

properly understood the experience, which I have given you above, has proved its unmistakable value; and this endorsement is by a people living under identically the same conditions, having identically the same ideals, as we who are living in California.

Comparison with the Law Societies of England where conditions are different might be open to some criticism, but that criticism fails to have any virtue when we know the experience extending over a great many years of the Bar and the general public of Canada.

I am,
Yours sincerely,
S. S. TAYLOR.

The profession is being criticized for its inactivity. In fact, we all know that the public has to a great extent lost confidence in it, a situation to be deplored and fraught with real danger, but the passage of the proposed legislation will give the profession its first opportunity to remedy the defects.

The bill is democratic because the members will select, by vote, the governing board, all lawyers will have the right to vote and the profession will be represented throughout the entire State through its various dis-

tricts. The State Bar will then be a thoroughly organized, cohesive body composed of all the lawyers of our State and with this comes the opportunity for closer association, better acquaintanceship, necessarily bringing the mutual assistance coming from such closer association.

The legal profession is, by the public and as it should be, charged with the derelictions and incompetency of its members, and this being the case it is certainly only fair that the profession be given some authority over its members, authority commensurate with its responsibilities, and have the right of discipline over those who may, for any cause, prove unworthy and fail to live up to that standard that the public insists shall be maintained.

Other systems have been tried in this country but they have not proven effective nor satisfactory. Four states have passed similar legislation, to-wit North Dakota, Alabama, Idaho and New Mexico and to date the results have been all that could have been expected.

The proposed Bill will be introduced at the next session of the California State Legislature, which meets in January of 1927 and we are confident that it will become the law of this State.

Not Guilty

By ROBERT E. MORE, of the Denver Bar

I. "WARWICK WHITEWASHES POLICE!"

Commissioner of Safety David Warwick read over the flaring headline again and then dropped his morning paper into the basket beside him.

"We shall see," he muttered. "We shall see."

The Denver Telegram had been conducting an organized attack against the municipal authorities for two months now. The public was beginning to believe that the police were giving protection to con men and bootleggers. Warwick was confronted with the post-war crime wave that every city of any size is now experiencing. But Warwick was on the grill. The owners of the Tele-

gram were already shaping their campaign for the spring election.

That evening all of the police captains were summoned to the office of the Commissioner.

"Men," stated Warwick, "any one who is familiar with conditions in other cities knows that there is no more lawlessness here than elsewhere. I know, and you all know, that we are doing more, considering what we're up against, than any administration that has been in office here for thirty years. Anyone who cares to be fair will admit it. But the Telegram has an ax to grind. It is out to "get" us, and, rotten as that paper is, it has a following and is widely read. The public does not know what motives are actuating the editors of that sheet. The people think we are responsible