

January 1925

A Question of Ethics

Denver Bar Association Record

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

Recommended Citation

A Question of Ethics, 2 Denver B.A. Rec. 6 (1925).

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.

A Question of Ethics

A Question of Ethics

The following extracts of recent correspondence explain themselves:

"Denver, Colo., June 22, 1925.

"Editor Bar Record:

"As a matter of interest to the members of our profession, I cite the following:

"The question was asked by a certain publication if it would be considered unethical for lawyers to place their ordinary business cards in this magazine. The publication was issued monthly, and was sent exclusively to banks and bonding houses in five adjoining states.

"I forwarded the request to the committee on Professional Ethics and Grievances of the American Bar Association and I am sending you herewith their reply.

Very truly yours,
DENVER BAR ASSOCIATION,
By Jacob V. Schaetzel."

AMERICAN BAR ASSOCIATION
Organized 1878

Chicago, Ill., May 19, 1925.

Mr. Jacob V. Schaetzel, Sec.,
Denver Bar Association,
718 Symes Bldg.,
Denver, Colo.

Dear Sir.

The Committee has considered the question submitted in yours of February 21st and March 4th and has directed me to acquaint you with its views, as follows:

1. As the card mentioned in yours of March 4th is an ordinary, simple business card, within the meaning of Canon 27, the only question is whether or not it is permitted by the "local custom" of the profession in your city. Your Association is probably in better position than this Com-

mittee to determine whether such a local custom exists.

2. It may be said, however, that the Committee construes the Canon to mean that the custom referred to is the custom of the local bar generally and not the custom of an individual lawyer, or any group of lawyers of a particular class.

3. You will notice the Canon does not approve the custom, but merely says that it is not necessarily improper and the Committee understands that it was so framed to fit conditions in rural communities where local lawyers try to help support their local paper. It doesn't seem possible that such a "local custom" can exist in a metropolitan city. It cannot exist if the Bar generally does not practice it and if the Bar generally wished to adopt it there would not be sufficient room for all their cards in the local papers.

4. In any event, it is a question whether publication in such a magazine as you mention could be a matter of "local custom" but in view of what has been said it is probably unnecessary to pass on that. The boundary line of "local custom" is necessarily indefinite. As already stated the rule was made to fit the publication of cards in newspapers in small communities, where the circulation would be almost nothing outside of the town or county where the paper is published. Publication in a Denver newspaper might be local custom, even though its papers have a large outside circulation. Publication in a magazine of national circulation could not be a matter of "local custom" and the publication in the magazine you describe seems to go beyond the bounds of local custom.

In view of the fact that the determination of what is local custom in Denver seems to be a matter for your association, the Committee is not publishing any formal opinion on the subject. It is, however, quite willing to promulgate these views officially if you think it desirable.

Very truly yours,
 THOMAS FRANCIS HOWE,
 Chairman.

GOULD REAPPOINTED

Albert J. Gould, appointed secretary to fill the unexpired term caused by the resignation of Jacob V. Schaezel, has been reappointed to fill the office for the year 1925-26. President Charles C. Butler made the appointment as of July first. Mr. Gould has accordingly assumed all the duties devolving upon the office of secretary-treasurer.

CHICAGO BARS PHOTOGRAPHS

(From Chicago Bar Record)

The action of the Judges of the Circuit, Superior, County, and Probate Courts of Cook County in adopting the rule against court-room photographs merits the unqualified support of the bar and the public alike. This rule, as finally adopted, is phrased as follows:

"No photographs shall be taken in any court room over which this court has jurisdiction or control, nor so close to such court room as to disturb the order and decorum thereof, while the court is in session or at any other time when court officials, parties, counsel, jurymen, witnesses or others connected with proceedings pending therein are present."

The judges have asked the co-operation of the press in the strict observance and enforcement of the rule. Such co-operation by all the newspapers is of vital importance, since, if those papers which favor the rule

find that others are endeavoring to evade it, the law of self-preservation will furnish an incentive for adopting similar practices. The possibility of such infractions will be avoided if the press, in response to the judges' request, will unite in the immediate voluntary observance of the rule.

The report of a trial should be confined to an accurate unadorned record of the actual proceedings, rather than the highly dramatized versions which appear in the newspapers today. The elimination of the photographic illustrations marks a significant step toward the desired end.

FREEDOM FROM DETAIL

The modern executive head of a large concern has a system which requires others to attend to routine business. Only the more important matters are brought to his attention—questions requiring his judgment and decision. He is thus left free to look and plan ahead, to study his business in its largest aspects and to shape its general policies. Lawyers may well follow his example. A certain amount of drudgery and detail they must do but much that they now think requires their personal attention can be delegated to others. And a system can be developed that will enable the lawyer to give more of his time to planning his own business and his clients' and that will require less of his attention to unimportant details.

HIS MOTTO

Above the fireplace in the Coolidge home in Northampton is a framed verse which the President has adopted as his life motto. The verse, which might have come out of a Mother Goose book of jingles, is this:

"A wise old owl lived in an oak;
 The more he saw the less he spoke;
 The less he spoke, the more he heard.
 Why can't we be like that old bird?"

CELLS

Mr. Darrow's word is "cell"
And he dearly loves to tell
How all life is just a cellular affair;
Like the humble little worm,
We originate in sperm,
Which the scientist has followed to its lair.

Man is just a mere machine,
And the fellow who is mean
Is "abnormal" and not bad as we had thought;
His endowments he can't change
Nor environment arrange;
He's the product his defective parents wrought

What a comfort to the thug
Who is clapped into the "Jug";
He can "pass the buck" to Mother and to Dad;
And since he is just a cell
Then there can't be any hell,
So there can't be any harm in being bad.

It is natural indeed
That a criminal from seed
Should evolve into a client, and 'tis well
That his life runs true to type
Till at last his crime is ripe,
For he ends just as he started—in a cell.

Now, if it's beyond dispute
That each man is just a brute—
A mechanical device without a soul—
We need neither work nor learn;
Clubs like ours had best adjourn,
For it's all a "sell" with selfishness the goal.

—Joseph C. Sampson.

THE DENVER BAR ASSOCIATION

R E C O R D

P U B L I S H E D M O N T H L Y

VOL. II

DENVER, SEPTEMBER, 1925

No. 8

NEXT REGULAR MEETING

September 14, 1925

The first regular meeting of the Denver Bar Association under the administration of Judge Charles C. Butler will take place September 14, 1925, at 12:15 o'clock p. m., at the Chamber of Commerce Building.

Mark this on your calendar at this time and be there promptly at 12:15.

Delegates to the meeting of the American Bar Association on September 3, at Detroit, Michigan, will address us on matters of interest to every member of this Association.

The Justices of the Supreme Court and sixty-five newly admitted lawyers, who will have been sworn in by the Supreme Court at 11 o'clock a. m. on that morning will attend as our guests.

Remember the Date—Be There.