

10-1940

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Recommended Citation

Green, Leon (1940) "Must the Legal Profession Undergo a Spiritual Re- Birth?," *Indiana Law Journal*: Vol. 16 : Iss. 1 , Article 2.

Available at: <https://www.repository.law.indiana.edu/ilj/vol16/iss1/2>

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MUST THE LEGAL PROFESSION UNDERGO A SPIRITUAL REBIRTH?

LEON GREEN*

During the last fifty years the lawyers have really "gone to town." They have built big firms; collected big fees; organized themselves into strong local, state, and national bar associations with committees enough for everyone; undertaken and carried through numerous far-reaching reforms of state and federal court procedures; created judicial councils giving them a voice in court administration; built up numerous strong law schools; raised standards of legal education and admission to the bar; imposed stricter disciplines upon their fellow-lawyers; re-stated a large body of the common law; increased the reports of their cases, written treatises and published periodical legal literature far beyond their capacity to purchase and read. No other professional group has ever experienced so great an expansion in so many of its activities in so short a time. If the lawyers have not actually profited by the great up-turns, over-turns, and depressions of this period, they at least have suffered less from them than any other group.

And yet I wonder whether lawyers as a whole consider they have won or lost ground?

Lawyers, as individuals, taken man for man, are probably the most powerful citizens of our society. While the lawyer does not always know more, when he does come to know he has a more accurate method of assessing the significance of what he knows. He has a greater power of putting order into things; of organizing any undertaking so that it will function. He understands far beyond his detailed knowledge and can pass judgments which are the results of the power to project his understanding into matters in many instances foreign to him. Moreover, he can call the processes of government to his aid as can no other citizen, and he has entree and standards and immunities beyond those of any of his fellows.

Now, I ask, what today are the favored sons of our social order doing for that order over and above enjoying

* An address delivered by Dean Leon Green, Northwestern University School of Law at Fort Wayne, August 23, 1940.

life on their own account? What are the peculiar functions of lawyers in our society? What have they that can be called vital? What have they that is useful to their fellow beings?

First, what have they for the young people who look to them for guidance and inspiration? Year after year I am thrown with young men who are preparing themselves to be lawyers. Week after week in the hope that some vision of their day may be disclosed, they invite to their forums lawyers who hold high place in the nation and in the profession. I must confess that my heart sinks when I witness the poor performance of our brethren and so do the hearts of the students sink. They seek something of the spirit; they get lifeless words. The lawyer seems to be held prisoner by his own small talk. The preachers, journalists, businessmen, all do better; even some of the students themselves, young and inexperienced though they are, do better. The spirit, courage, daring, which young men have always associated with lawyers seem to have given way to a juiceless self-satisfaction. At least, that is the way law students look upon those of whom they seek the way of life.

Second, what does the lawyer do for his community? The part he plays in religious and intellectual life is apparently growing less and less significant. It is true he belongs to the civic societies, country clubs, and the like. There he meets and gains clients. He has all but quit the great fields of local, state, and national politics which he once so effectively dominated. He leaves politics to political organizations. If he is interested in politics to further his own political ambitions or to gain clients, he hangs on to the most promising organization. The lawyer who participates in politics purely as a citizen and for the fun of it all is coming to be regarded as a professional oddity. And with the failure to exercise that privilege the lawyer has lost much of his historical character.

Third, what does the lawyer do for business? Here he has done a good job. He takes good care of his clients and especially carefully guards them from straying into other law offices. In many instances he identifies himself with their interests. In others he gives up his profession for a business career. In the big cities many lawyers have become appendages to a single client's business. Nevertheless, though

business has been served energetically and faithfully, it is the general opinion that lawyers are less independent economically than at any time in the country's history. It is also frequently stated that they are less courageous intellectually. How does the business man feel toward the lawyer? We have always heard his grumblings at high fees, at delays, at uncertainties, and at what he calls the technicalities of the law. In late years he has added many more complaints. He finds himself entangled in endless governmental regulations authorized by legislatures and formulated by government lawyers. His requirements for legal service have increased tremendously. He is inclined to blame the lawyers for these complications and in order to avoid excessive expense has in many cases set up legal departments and employed a staff of lawyers under his own direction. Does all this mean that the lawyer is gaining in stature as a public man, or that he is being taken over by business?

And *fourth*, what are lawyers doing for their profession? In organizing to protect their professional functions from outsiders, and in developing rules of practice for the courts and methods of keeping their brethren from violating the rules of the game they have scored heavily. More recently they have tended to become so well organized that in some quarters they are called just another sort of labor union. In their efforts to make themselves more effective as a professional unit they have impressed upon a good part of the public at least that they are primarily interested in their own welfare. They have not shown any great interest in caring for small business, especially in the large metropolitan communities. They have shown great interest in the steps which have been taken in the broader fields of social legislation when the interests of their clients have been involved, but perhaps as a whole the profession has been apathetic, if not hostile, to such legislation. They have done much to support legal education, but now and then they also have stepped in to throw their influence against any important departures from the methods they knew when they were in law school. On the whole, what can we say the lawyer has done to make his profession a more effective instrumentality for meeting the problems of his day?

Please do not misunderstand me. I am not condemning. I am not advocating. I have as much at stake in the welfare

of the profession as anyone here. It is my privilege to help train young lawyers whose success is dependent upon the profession's gaining rather than losing in vitality. Moreover, it is as much my responsibility as it is your own not "to kill the goose that lays the golden egg" nor to stand by and see it die.

Therefore, I ask you what are lawyers thinking about? Are they thinking about their own immediate personal welfare, or are they thinking about the legal profession as the agency which is primarily charged with the successful operation of government—government that represents the interests of all its people? Are lawyers interested in government as such, or only as it favors or does not frustrate the interests of their clients? No one, of course, would advocate that any group, high or low, is entitled to have as its special champions experts trained at public expense and protected by governmental immunities to aid it in capturing or thwarting governmental processes. The lawyer's place is to aid government in the protection it gives to its citizens. Are we as devoted to government as the ideals of our profession require?

Governmental processes must undergo revision in the light of what happens in every day life. There is no stand-still government any more than there is a stand-still community or business or social or financial condition. We do not believe in government by edicts of one man, or of a small group of men, or even of all men, unless such edicts are arrived at by the processes established by government. We govern through many processes, all of which are flexible enough to meet the demands of the particular situation. We do not believe in government by iron-clad rules, whatever their source. In Anglo-American government rules of law are always understood in the light of reason as required by the *facts*. We set up courts and other agencies to insure that our rules attain the ends of justice in the light of the *facts* of the particular case. And the *facts*, and the *agencies* which interpret the facts and rules, are equally important as are the *rules* themselves. In every adjustment made by government through whatever process—legislative, administrative, judicial, or mixed—the *agency*, the *law*, and the *facts* are equally important, in arriving at the thing we call justice. Each is as sacred to our democratic institutions as the other. I wonder if we, as lawyers, are equally devoted to each of them? The *facts* of a

particular case are as sacred as the law which should be applied to the facts. The *agency* is as vital, as much to be protected, as much to be respected, as the rule of law employed by the agency. The integrity of a rule of law extends only so far as it meets the situation made by the facts, and to press it further is to give it a supremacy which it does not deserve.

What does this balance of *law*, *facts*, and *agency* mean in the every-day hurly-burly of a lawyer's life? There are evidences that we have come to feel that in the triumvirate of *law*, *facts*, and *agency* the thing we call law has a supremacy. Perhaps we place upon it too great emphasis and too great reliance. This may be inevitable. We can write it down, study and learn it, speak it in impressive language, discuss it, argue about it. We can even restate it. Any disagreement about it is in final analysis almost infinitesimal.

In contrast, *facts* are hard to get. They vary from case to case. They can seldom be reduced to certainty in any case. They present different pictures to different minds. They can seldom be reduced to brief compass. We never know what the facts are until some agency in authority has said what they are. Even then they may not be true, but we are compelled to accept them as true.

Also in contrast, the *agency* whether judge, administrative officer, or legislature is a constant variable—a variable as between the many persons who may constitute an agency and even a variable in the same official from day to day. While we know the general trend of the agency or the individual who may be a member of the agency, we know that both the agency and the individual are unpredictable in the particular case. We find the agency present; we have little to say about its selection for the particular situation. We know but slightly its reactions. We have less power over it than we do over the facts, and tremendously less than we have over the law.

As lawyers, therefore, we find our surest control in the *law* and in the *law* we put our trust. But very much as nations can put too much trust in fortified lines of defense we can trust the law too far. As attacks may come which render fortified defenses useless, problems may arise for which there are no rules of law. Well fortified positions in law may be outflanked by the facts or the agency, or both. Perhaps that is what has been happening to us in the last

decade or so, and why lawyers find themselves beset on all sides with situations which they are not prepared to meet. Is it extravagant to suggest that our well-polished rules and legal theories may no longer be adequate for the great facts of life which have in recent years so completely engulfed us? And that likewise they may not be fitted for the successful operation of the multiple agencies which we are now compelled to employ in government? Is it possible that we are in for a remaking of our law instead of its mere re-statement?

What are these facts of life out of which come the new situations with which we must deal? And what are the processes we must employ which are so different from those to which we have been accustomed? I could not catalogue the new situations that have come upon us if I attempted to do so. Nor do I pretend to be able to refashion the processes which may be required. You know as much about them as I do. Perhaps I may be able to give an illustration or two and to make some inquiries which will indicate what I have in mind.

Every year there are some 30,000 or more deaths, and more than a million personal and property injuries on our highways. What more shocking situation could you imagine than our failure, *first*, as a people—to prevent these tremendous losses, and *second*, as lawyers—to make provision for giving protection to the persons injured by them? Our little courthouse doctrines as frequently defeat as they provide justice in these cases. For example, we still allow the insurance company, the real party at interest in most cases, to hide behind the skirts of some careless driver and with its corps of investigators and expert lawyers defeat a just claim. To suggest the real party's identity inadvertently or otherwise in the course of trial is to require a re-trial. We do not trust our judges and juries to discriminate between the careful and the negligent driver if it is known that he is protected by an insurance policy; we put our trust in an arbitrary rule of law which prevents that very important fact from being disclosed.

Also we allow a subtle lobby to take the extreme case of the hitchhiker and frighten legislatures into passing guest statutes which defeat thousands of legitimate claims of innocent people. As a result of these rules, aside from the in-

justice to the parties involved, many of the best personal injury cases, and many more doubtful ones, gravitate to practitioners operating through runners and professional witnesses outside the ethics of law. The legitimate lawyer goes without the good cases because he does not have the organization required to compete for the business and will not stoop to the practices required to obviate the effects of cruel and unjust rules. In other words, the unjust rules on one side beget unfair practices on the other side; and what the legitimate lawyer loses the questionable lawyer gains, and along with it develops ways and means of getting and winning many doubtful cases which should never be brought to any court. As a profession we have our eyes glued on each little situation as it arises and we refuse to recognize the revolutionary changes which the automobile has brought about in highway traffic and transportation. We adhere literally to horse and buggy doctrines to take care of the problems of a motorized society.

A few years ago the legislature of Indiana, along with the legislatures of other states, fanned by a whirlwind of newspaper hysteria against suits by a few gold-diggers, abolished some of the oldest common law actions designed to protect the most sacred rights of human beings—rights that call for protection in every civilized society. As lawyers, why did you permit this? Merely because you found your rules of law in some cases being turned to the advantage of a few who sought to abuse the processes of government. You chose to retreat from the facts of life and refused to put reliance in the agencies which government had set up for determining the facts and the application of the law to the facts. You chose to put your trust in an arbitrary rule of law which now forbids even the investigation of many legitimate cases.

Consider also the manner in which those thousands of unfortunate persons we call insane are treated at the hands of the law—innocent victims stricken with some disease of the brain or nervous system. Equally curable as those who suffer from tuberculosis, typhoid, and other diseases, we subject them to every discrediting humiliation and ostracism that can be imposed by antiquated procedures. There is no pressure group to represent these unfortunate people and they, therefore, must not only go largely without the aid of the science we already have at hand, but must continue to under-

go the treatments developed when there was no science available for their treatment.

These are simple illustrations. But it is not this type of problem that causes our society its greatest hurts. These problems, while important and numerous, are more or less local and individualized, and there are many reconciling factors which operate to modify our crude ways of dealing with them. Our ineptitude in these simple matters but indicates our dense ignorance in dealing with problems which are more far-reaching and which affect the government of our society more profoundly.

How many lawyers know much more than the average individual about the institution we call insurance and how it ramifies all through the nation's life? About securities which absorb so much of our wealth? About banking? Marketing methods? Price controls? Holding companies? Labor and industrial organizations? Organizations which develop our natural resources? How much do they know about the protection which the people engaged in and affected by these institutions are entitled to from their government? And how much about the governmental methods of affording that protection? How many lawyers have any vivid understanding of the functions and the methods of taxation? Even concerning the tax procedures which have been adopted in recent years? And how many lawyers have any clear understanding of the functions and procedures of the agencies we have set up in our hurry to control numerous activities so vital to our society? I inquire in deep seriousness what do we, as lawyers, know about the basic problems with which government and citizens must contend today?

What do we as lawyers know about the groups which have grown up among us—groups that either take over the functions of government themselves or else exercise pressures that cannot be withstood by our officials—groups of such importance that the individual has sunk into practical insignificance where group interests are involved—farm groups, labor groups, finance groups, industrial groups, trade groups, political groups, professional groups, social groups, racketeering groups, and others? What do we know about the factors which have made millions of our fellow-beings so nearly destitute that they have become a public charge? What as to the parts being played on the current stage by

our inventions—inventions such as the automobile, radio, airplane, telephone, refrigeration, and a hundred others—inventions also like the corporation in all its complex varieties, co-operatives, credit and installment buying arrangements, advertising agencies, social and economic ideologies, political organizations and many others—inventions which have worked incomprehensible revolutions in all phases of our social order during our own lifetime? Why are people so susceptible to being pushed about this way or that by the foolish claims and preaching of almost any clever quack? Why have we, as a people, become so fluid in our principles and in our beliefs that we have no clear grasp of our larger interests, either as a nation or as individuals? Why have we lost our sense of direction, perspective, and unity?

Please do not understand that I place upon the lawyer either the responsibility for what has taken place in our social order or the burden of guidance of their fellow men. That would be taking ourselves too seriously. All I am saying is that we as lawyers have simply gone along with the crowd and if other groups have been forgetful of their responsibilities, so have we. If business, education, and religion, for examples, are confused, so is government. It is only for the confusion in government that I would hold lawyers responsible, but if they are to understand the confusion in government they must also understand the attitudes and thinking of our brethren in other fields which affect government and on which government operates.

More and more the feeling grips me that the world has moved off and left most of us who call ourselves lawyers, toying with memories; that as a group we are playing a lesser and lesser role in the affairs of our society as the years go by. As a youngster I knew and could use the tools of a machine shop pretty well; thirty years later I am a complete stranger in such a shop. The tools they now use are all different. The things they use them for are different. A somewhat similar change has taken place in the higher levels of the practice of law. If any of you share this feeling you know that it affords no comfort.

The lawyer's part in giving form, character and stability to our political institutions and the other more important institutions of our society has been great and valuable. If those institutions must be modified the need for his service

is now as great as it ever was. If he made the law that *was*, he must make the law that *is to be*. If he has administered the law that was, he must administer the law that is to be. But he cannot make or administer the law that is to be if he foolishly adheres to the law that was and refuses to make himself master of the life about him that demands different methods of control. He cannot sit by and see society under the impact of endless inventions in business, in science, and in education undergo revolution after revolution in every phase of its existence and refuse to adjust the controls of government to meet the problems which they create. Law and government are practical things. They are as practical as farm machinery and automobiles, and require repairs, adjustments, and replacements in order to perform the services for which they are designed. There is only one way the lawyer can function and that is to serve the needs and demands of his day. Those needs and demands are not made or controlled by him; they come from without, and if America is in the process of being reborn in business, in religion, in intellectual thought, in science, in her ways of life generally, her lawyers too must be reborn. The simple truth is that with lawyers, as with other people, during the period from 1890 to 1930 things went so well that our function as lawyers—the serious business of government—was largely forgotten in our pursuit of individual and professional security. The sufficiency of the processes of government was taken for granted and now that those processes are found insufficient and we are called to the colors again we are soft and flabby and consequently without spirit.

Our problems are in final analysis spiritual. I do not mean religious. I mean that government is a matter which goes deeper than material things and scientific devices. We have all the material things of life at our command that any people could desire. Our scientific devices can produce unlimited quantities of the things required to sustain, protect, and enrich life. We have all the manpower we can employ. We simply have not yet learned how to direct and control our energies so that we can build a strong and happy social order. This is primarily a matter of government—a matter of organizing the intelligence, the desires, the spirit of our people so that they hold a common purpose—the development

of a unity in which can be found the highest aspirations and expressions of a full life for the individual citizen.

This spirit is not captured or held, merely by the writing of documents of law that express the spirit of the generation that writes them. Written documents are valuable, but after all is said they are but poor evidence of something far deeper and far more subtle. When that something burns out, the written documents are valuable only for the historian and museum. The essentials of government are found in the brains and hearts of its constituents. It is my thesis that the lawyers individually and as a group are more responsible than any other group in our social order, not only for translating and writing down the spirit they find in the brains and hearts of our people, but for cultivating that spirit and keeping it burning brilliantly from generation to generation. No one would say that our spirit of democratic government now burns as brightly as it once did. In some perhaps it survives in full vigor, but in many of us the spirit has grown weak as life has grown easy. I am sure that all of you agree that this spirit must be reborn before the old documents which embody it will again assume the place they have held in the affections and lives of our people, or before an equally satisfactory spirit can be embodied in any freshly revised documents.

And may I ask what are the essentials to the rebirth of this spirit? I wonder if you will agree with me in the essentials I name.

First, *Knowledge*.

Yes, we must learn about a lot of new things which perhaps we wish did not exist. Lawyers as a group are not noted for their readiness to embrace new ideas or to make way for new things. They learn the hard way. They would rather use their power and skill in defense of an old order. They are masters at defense. When a new order is at hand, however, they are also masters in setting it up in stable form and in giving it character. No new order is entirely new; it is always in large part the old. It should preserve whatever is good in the old. In this work of preservation and readjustment the lawyer's power and skill are greater than the power and skill of any of his fellow men. And all I am saying here is that it is time that the lawyers should begin to understand the new ideas at work in the brains and hearts

of our citizens, and to master the new forms which our social, economic, and political institutions are assuming, so that they can preserve for those institutions the good things of the old order—free thought, free speech, free press, free religion, free individual enterprise—decency of citizen toward citizen. Democracy is not bound to any one form; it is a composite of basic freedoms and may and does assume various forms. We can only save our democracy by casting and recasting it in forms which meet the demands of the interests of the people we serve. Thus arises the necessity of constantly studying the needs of our economic and social institutions so that the forms and processes of our political institutions can be made to meet those needs.

It is at this point that our institutions of learning are so important—our public schools, our colleges, universities, and law schools. It is upon them that we must depend in large part for the knowledge and skill which the lawyers of tomorrow will possess. In order for these institutions to do their work in a democracy they must have the basic freedoms of other democratic institutions—freedom of thought, freedom of speech, freedom of the press, freedom of religion, freedom of investigation, freedom of teaching. I cannot think of any way by which our democratic institutions can be so quickly destroyed as to deny to our educational institutions the basic freedoms of democracy. And you need not be afraid of the results. How often have you observed the loud-mouthed, cockeyed, radical college student, in later years become the leader in his community, or group, or even the leader of a conservative party? That is but the normal method of growth through which the human being develops. When I hear the bitter criticism which some of our brethren direct against young people in college and professional school I wonder where they have been all their lives and what use they make of their experience and observation.

More particularly, is it essential that our law school be required to move out into the world of reality? Why should not law schools fashion their studies and training so as to serve the lawyer of tomorrow? Why should not their curricula comprehend the studies of the institutions concerning which we know so little? What good is a law school that is not out ahead of the profession? Not only out ahead of where it has been, but of where it is now? Strive all they

may and with all the freedom you can insure them, law schools can never succeed in fully preparing their students to be equal to problems of government which will arise in their day. But with your encouragement and support they can do much better than they have done. There are no lines between history, political science, and economics; they must be rolled-into-one to make sense. Nor should there be any line between teaching law in its every-day operations, and giving law students some understanding of the basic institutions which they will serve on the more complex levels of their practice. Why should not law schools, therefore, be devoted to teaching men how the processes of government are utilized to control and protect all the interests of our people as they are effected by our institutions of business and government? Why should not law students, as a part of their training, not only become acquainted with the law that primarily affects the individual, but also become acquainted with the operations of our important group institutions—banking institutions, transportation institutions, insurance institutions, industrial institutions, labor organizations, farm organizations, power companies, newspapers, propaganda organizations, and other institutions basic to our social order, as well as becoming acquainted with the governmental organizations through which these institutions are controlled and protected?

The lawyer needs breadth of knowledge and understanding of the whole social scheme of things if he is to escape being a partisan with an eye to the single interest of his client. It is with this thought, therefore, that I humbly suggest that legal education has hardly begun its task of lawyer training.

Second, *Courage*.

There is not much that can be said about courage. It is that indefinable something which every one would like to have and which when he has experienced it, knows that he has. It is very much like a golf swing; in fact, as some of you know, there can be no good golf swing without courage, any more than there can be a good lawyer without courage. But courage is not braggadocio, or pomposity, or cleverness, or bitterness, or conceit, or ruthlessness, or even confidence. Courage is a timid sort of thing that is never quite sure of itself but always willing to play its part without counting the consequences to itself, however much it may count the con-

sequences to others. Somehow everything in life conspires against courage. Our parents, teachers, churches, professional organizations, neighbors, employers, clients, associates of every sort all demand a rather strict conformity; at least we think they do, and if we think so too seriously we become bankrupt in courage. If we come to maturity with any courage at all, we are fortunate. If we live courageously, we have a hard life. In a complex society courage is a very difficult element of character to hold. It can be easily lost. It is hard to regain. But it can be cultivated and wherever it is exhibited it commands respect. Perhaps at bottom courage is the highest virtue. Courage will distinguish any man. It will distinguish the lawyer above his fellows. It distinguished Jefferson and Lincoln and Holmes. I may be wrong, but it seems to me that we seek every substitute and every subterfuge to keep from exercising the courage we may have. Suppose every lawyer in this body exhibited the courage that he in the depths of his nature would like to exhibit, how many surprised clients would there be next week, how many surprised neighbors? If it is true that our predecessors at the bar had more of this fleeting element in their characters than we have, can there be a rebirth of the legal profession without a rebirth of courage in the individual lawyer?

Third, *Tolerance*.

Tolerance seems to be but courage in reverse or in restraint. Courage calls for positive action, tolerance for withholding action. Can you let the other fellow have his opinion? Can you let him express it? Can you listen to him? Can you accept when you know he "rings the bell"? How often do you say when you do not agree, "How can we get rid of that S.O.B.?" How often do you yell "Communist," "Facist," or "fool" when something is said you do not like? If you demand the presumption of honesty for yourself can you give the same presumption to the other fellow? Those who plead for democracy and have not the spirit of tolerance should seriously examine the democracy they contemplate. There is such a thing as a harmony of discords—unity among those who disagree. I would regret to see the day pass, for example, when lawyers on opposite sides who have fought to the limits of their abilities in court, legislative assembly, or elsewhere, who have given blow for blow and have taken scar for scar, could not leave the scene of battle arm in arm

for the nearest source of refreshments. That well-known courtesy of the profession is the spirit of tolerance in a form which we all recognize and appreciate. It should not be limited to the forum or to advocates. It has a place in every activity in which lawyers engage. At bottom it is the spirit of humility, of equality, of democracy. It is the spirit that made this country a great country; it is the spirit that will keep it so.

Fourth, *A Positive Program.*

No group can live within or for itself in a democratic society—a group affected with a public interest such as the lawyer's least of all. It is good to perfect organization, polish legal rules, keep guard over the profession's interest, but this is mere housekeeping. The lawyer's problem must be found in the service of society, not in his own house. For example, the courts must be made to do their business promptly, inexpensively, and for the ends of justice. Only the lawyers can see that this is done, and the job has been much discussed but hardly yet begun. Let it suffice to say here that we have scarcely dreamed of the savings in time, expense, and the miscarriage of justice which are possible.

Another phase of such a program is the improvement of the legislative processes. Legislative bodies, as they have been constituted, are not equal to the demands of the present day. They too need a new spirit and a new recognition of their important functions. The legislative function was the first concern of young democracy. The best legal talent available is none too good for our Congress, state legislatures and municipal councils. There must be established the principle that no lawyer can go to a legislative body to serve his clients. No practice is so hurtful to democratic government as the poisoning of the law at its source. I see no reason why a legislator should not be as ethical as a judge, and I see no reason why a legislature should not be held to as high a standard of wholesome practice in making the law as is the court in administering the law. In a society as complex as ours the courts with their common-law methods cannot longer successfully carry the burden. The highest order of intelligence and patriotism which a state has at its command is as essential to the legislative department of government as to its other departments. The legislative process is the highest expression of a democratic society, and we not only

need to preserve it but to strengthen it. If it is to be preserved and strengthened it must be done by those who are trained as lawyers.

There are other items which should be included in a lawyer's program. I have already mentioned politics. The political method is democracy at work. If it is given over to those who turn it to their own ends the lawyers more than any other group are to be censured. Lawyers need to re-study politics and political methods and to develop the courage which will permit them to lend their skill and power wherever the public interest calls. You can add items indefinitely to this program. The point is that lawyers have not done their work when they have organized themselves for themselves. That is but a preparatory step for the business of government to which they must be devoted or else they have no excuse for claiming to be a profession.

But you say we have always been taught that the lawyer's first duty is to his client. That is true. But what is the lawyer's duty to his client? I do not have to tell you that a client can demand nothing of a lawyer beyond the protection his government affords. He is entitled to that, and no lawyer is worthy of his profession who does not give that to the utmost of his ability. That, too, is one of the fruits of freedom found only in a democracy. But there is no conflict between the service due a client and the service due government. The two are identical and I doubt that a lawyer was ever doubtful where his service to his client should end. If the bounds have been overstepped, and doubtlessly they have, then any rebirth of the lawyer's spirit will re-set the proper limits. In brief, when lawyers reconsecrate themselves to their duties as lawyers, our democratic institutions will be safe. But you know as well as I know, that the process of rebirth is even more painful than birth itself, and that our democracy will hang in the balance many years before we shall know whether it will survive. And we know further that where there is no democratic government there is nothing for lawyers to do. Therefore, I say unto you if you would save your profession you must first be born again in the spirit of democracy.