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SOME PROBLEMS OF THE INDIANA BAR

By LOUDEN L. BOMBERGER *

All competent observers agree that there are four essentials to assure the perpetuation of the Bar in its proper place as one of the great professions. These are:

1. High standards of preparation and admission.
2. An efficient method of control and discipline.
3. The protection of the Bar and the public from the unauthorized practice of law.
4. The establishment and maintenance of a high degree of respect for courts and lawyers in their role as ministers of justice.

The first essential has received proper, though belated, attention in Indiana, and we may view with satisfaction the advancement of our requirements for admission from one of the lowest to a place among the highest. The superior aptitude and training evinced by the young men coming to the Bar fully justify the fixing of high standards; that these younger men have also an exalted idealism that will promote the public welfare must be granted.

In the second essential, that of discipline, our system is grossly inadequate. We have archaic and absurd statutory provisions, which not only permit the bringing of unjust charges, accompanied by damaging publicity, but hamper the detection and punishment of unprofessional conduct and leave it to the vagaries of juries to determine whether or not the guilty shall be chastised. Comparatively few evil-doers continue to taint the whole profession. Nothing short of giving to the Supreme Court complete authority to discipline the members of the Bar will assure a just and uniform method of dealing with the problem. Fundamentally, the Supreme Court must be permitted to determine who shall be upon its roster of counselors. The whole question is essentially one for the judicial branch alone.

* Of the Hammond Bar and President of the Indiana State Bar Association.

The third point relates to the manner in which the public probably suffers the greatest injury. The unauthorized practice of the law is likely to be an expensive and disappointing experience for the laymen whose interests are involved. Moreover, such practice is a contempt of Court and an affront to the profession. In making provision for adequate control of this evil, the law of Indiana is worse than obsolete.

Finally, the assurance of the maintenance of the profession of the law in its essential and honorable place of service and influence depends upon the respect which the public has for courts and lawyers. That such respect is rapidly diminishing, and in some cases has reached the vanishing point, admits of no debate. It has been the subject of learned papers, extended conferences, innumerable plans and proposals, for at least a generation. But respect for our profession cannot be distilled out of public sentiment by any process of alchemy, nor forced into it by any pressure of propaganda. It must have its origin and its growth in the rendition of the highest type of service by thoroughly trained lawyers, subject to judicial scrutiny and control, and by those only who respect our calling as a great profession, and not a convenient business enterprise, to the exclusion of those not authorized to undertake the relation of attorney and client.

The foregoing outlines the problem. Many answers have been proposed; some answer must be accepted.

Twenty states have resorted to the Integration of the Bar; some by legislative acts, others by order of the Supreme Court. Voluntary Bar Associations of seventeen other states have approved it. Integration simply means all-inclusive. It need not alarm. If it is good for forty per cent of our lawyers to be in an Association, to the advantage of the people whose interests they serve, it should be good for the other sixty per cent of the Bar, and proportionately beneficial to the public interest.

If it be unfair for an organized minority to speak for the whole Bar, it is equally unfair for the unorganized majority to thwart progress by indifference or opposition. Spokesmen for the Bar should give expression to the will of a majority

of all. Until everyone takes his part in deciding what the majority wills, those who speak for the organization may rightfully insist upon weight for their words out of proportion to their numbers.

The Integrated Bar does not destroy individual initiative, nor fix fees, nor otherwise impinge upon the liberties of its members. On the contrary, it consolidates our forces and combines our energies only as they need be a unit for meeting and solving problems profession-wide in their significance and effect. It connotes a truly independent judicial branch of the government, with the Supreme Court as the logical directing and controlling head. To deny the Court control of its officers is to deny it that independence so zealously championed for the executive and legislative branches of government and to imply an inadequacy which history refutes.

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