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Honorable Williams L. Ransom
American Bar Association

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THE BAR'S DUTY TO THE PUBLIC

By HONORABLE WILLIAMS L. RANSOM*

I hesitate a good deal to intrude myself into your interesting program this afternoon. There are many things that I would much prefer to do, and I know there are things that you would prefer to do. I am glad, however, to be here, and to have a chance to listen to your discussion of the problems with which you are dealing in the profession here in Indiana. As I wrote Mr. Fox, if I were able to come here at all, I should come very much more to listen than to speak, and I would much prefer now if instead of trying to talk to you from this rostrum, I had the opportunity of talking with you about some of these things which concern us all.

As some of you know, I have not a few times had the privilege of appearing as an associate or with other counsel in the Federal and State courts of Indiana, and I am glad to have an opportunity in this informal way, of expressing the gratitude which I have always felt for the fair and the patient and the friendly manner in which I have always been received here by courts, as well as by counsel, and I am glad to meet with you in some other relationship than either across or around the counsel table.

I have been much impressed by what has been said here today on this subject of legal education and admissions to the bar. I think I am warranted in saying to you that the eyes of the legal profession in this country have been a good deal on the State of Indiana and its courts and its lawyers during the past few years with respect to this subject. We have been happy in your success. We feel that you have rendered a great service to clients and to courts and to your-

* Address of Hon. William L. Ransom, President of the American Bar Association, at the annual meeting of the Indiana Bar Association on September 6, 1935.

selves. Because on this subject of legal education and admission to the bar, we, of course, all realize that conditions have greatly changed throughout this country. The economic conditions of the recent depression brought a stream of applicants to our doors; the slackening of production of goods led many to turn aside from manual pursuits, for which they were fitted, in order to strive for admission to the law or other learned professions—in the country as a whole, nine to ten thousand lawyers a year, many of whom would never have knocked at our doors under a normal adjustment of industry, and of agriculture.

Those conditions challenged, to my mind, the lawyers and the courts of this country. Of course, none of us want to close the doors of hope and opportunity to any young man in this country; not for anything in the world would we create conditions or rules which would dull ambition or end the bold spirit of self-reliance and individual enterprise on the part of the young people who are soon to take over the work of the next generation; but where the probity of a profession is involved, the integrity of dealings which include the most sacred human relationships, we of the bar felt that we had not only a right, but a duty, to insist upon standards which would protect not merely the profession, or mostly the profession, but which would protect the public, the clients and the general public.

I have no sympathy with the criticism of a whole profession because of derelictions of a relatively few lawyers who infest the fringe of the profession. I have no patience with mere talk or denunciation, even of those few unworthy lawyers. It is far better to act than to talk; especially better to act than to talk in a manner which in itself has brought discredit upon the profession and has furnished ammunition to those who challenge and attack the profession, because I believe this thing is true, and I submit it for your consideration: no matter how sharply and savagely some people talk about some lawyers or all lawyers, the fact remains that in American life the great body of the people really trust their lawyers in a way that they do not trust men in any other business

relation, and that places on us a responsibility as lawyers and as members of a system of administering justice.

We might as well be realists about this matter because in many American cities, alongside of the trained lawyers, the men who have by background and training and experience both the professional and the moral qualifications to render good service to clients, there are a few so unschooled and so lax and so lacking as to be unfit to be trusted with the kind of work which a lawyer is called upon to do. Clients can't keep these men out of the bar; they can't prevent their admission; they can't sort them out when they get in. The average client has little knowledge or means of avoiding or at times resorting to lawyers who have not the tradition and the training of the profession. It is only the courts and only the other lawyers who know them, and who know what should be the standards of admission or continued membership in the bar.

Let's not fool ourselves about this thing. When one of these unworthy lawyers betrays a client or bungles his affairs, the courts and all lawyers are to blame and the whole system of administering justice, civil and criminal, is made an object of suspicion and attack on the part of many so-called leaders of public discussion, if not of public thought.

To the courts, the man whose affairs are betrayed or bungled, says, "You should not have admitted such a man, or you should have disbarred him."

To and of the lawyers, the unfortunate client says, "You should have insisted on standards that would have kept that kind of men out of the profession, or you should have driven them out when you found them out," and in that way, I believe that the whole system of justice under law in our American states becomes a subject of criticism and of attack.

It is my belief that as a matter of good faith, the bench and the bar should do all that they could to correct that situation. The American Bar Association is trying to help. We are proud of the standards of legal education, and the requirements for admission to the bar for which we have contended for many years. We are happy that an increasing

number of states have adopted them and put them in force. We are glad that the signs of the past few months indicate that the passage of depression conditions or other factors have led a number of states to resume the onward march for better standards of legal education and admission to the bar.

To my mind, this is all a part of a larger picture, a part of what we all are trying to do, in the way of making the legal profession in this country and the organized bar of this country a better agency and a better implement for serving the interests of clients and serving the interests of the public and taking the part which trained lawyers should in an organized way in the furtherance of a clear public understanding of the problems and the conditions of our times.

Now, I wish that the time were suitable to talk a few minutes about the American Bar Association and about the relations between the state and local associations and the national organization, but I shall not do that.

May I say this, which is confirmed in my mind by what I have heard here this afternoon: This is a good year for the organized lawyers of this country to take stock of what they are and have been doing. There is an impression on the part of many people in and out of the profession that there is a good deal of lost motion, a good deal of waving of arms and turning of windmills, and that a great deal that is not very important is done and that sometimes the things which are of vital importance to the profession and the country are not sufficiently emphasized. Certainly in the American Bar Association this year, I believe that we are going to try to make an effort to take stock, appraise what is being done and left undone, and perhaps discard some of the things that are no longer worthwhile in the present tense so that we can center on these major matters that are of great concern to us all.

I was especially interested in your President's review of the practical things that are being done in various states, by way of making the bar associations of greater use, greater service to the lawyer in his profession. I don't know of any reason why membership in the bar associations should not

be made so indispensable to a lawyer, so invaluable to him in his profession that he would not want to get along without it, and would not consider getting along without it. In these days when there is a multiplication of laws and of rules and of administrative orders and fiats which come by in ever-increasing mass and rapidity, there certainly is a need through the organized bar for some agency for keeping the lawyer in his office continually abreast of what is taking place.

That is due, not only to him as an assistance to him in his professional work, but is due to the interests of the whole profession in order to enable him to better serve clients.

What is the picture as to the American Bar Association and its relation to the bar associations of the country? What is this matter that we are talking about and just at the present time struggling with under the general term which you hear about, bar coordination or better organization of the bar?

There are in this country today about 175,000 lawyers. There are in the ranks of the American Bar Association a few more than 27,000 lawyers,—27,000 out of 175,000—there is somewhere near, somewhere between 100,000 and 110,000 who belong to some bar association, either state or local, although included in that 100,000 to 110,000 are undoubtedly a considerable number who belong to associations which exist mostly on paper or chiefly for social purposes in the form of an annual party.

The situation today is that these great state bar associations which number in their membership considerably more than three times as many members as does the American Bar Association, those great state bar associations of this country, whose members are the real backbone of the practising lawyers of this country, have no direct voice or vote or representation as such in the councils or in the determination of the policies of the national organization of the bar.

Now, that is a condition which we believe should be ended. It is a condition with which Elihu Root and other great leaders of the bar had started out energetically to deal in 1915 and 1916. Senator Root at that time considered and stated

that he considered such a representative organization of the bar of the whole country to be one of the most important tasks to which he could give his remaining years of life.

Then came the World War, which required everything of that sort to be laid aside. Then came the post-war problems and so today we really are back where the great leaders of the American Bar were 21 years ago, in taking up this problem for some constructive solution.

I shall not take your time to discuss here the proposals that are under consideration, but I do want to say this: that I believe that it is a problem and a task which ought to receive and will receive the consideration and the support and the active participation of the ablest and most experienced practising lawyers in this country. After all, these bar associations do and should belong to the practising lawyers of our profession. We can get help from any other source, but we are charged with the responsibility for its policies and its organization, and we should fulfill them.

That is my belief, and in deciding now, within the next few months, what should be the form of the better organization of the lawyers of America, every top grade lawyer in this country should get into the picture for that task.

I may say to you what will soon be announced, that within the present week I went to Mr. Newton D. Baker, and Mr. John W. Davis, whom I consider two men at the very top of the practising lawyers in this country, and I put up to them my view that it was their duty to the legal profession in this land to come into this picture and into this work at this time because the next twelve months is going to count, and it is a time when the viewpoint and the experience and the judgment of the very best we have in the legal profession ought to be marked.

We come through a propaganda stage when others might agitate and draft memoranda and send out reports, but on this question now this year, the bell is going to ring, and the roll is going to be called, and whatever there is of statesmanship and ability in the bar of this country ought to buckle into this job, and Mr. Newton Baker, who is one of the

busiest practising lawyers in this country, and Mr. John W. Davis, who probably argues more cases before the United States Supreme Court than any other lawyer in this country—those men have said that they were heartily interested and would be glad to go on the Committee of Seven which in behalf of the American Bar Association is going to draft the plan which will be submitted for your consideration and the action and vote of the lawyers of this country.

If Newton Baker and John W. Davis can give their time to this, there isn't a lawyer in this country who can't afford to think and act and do whatever he can about it, to really line up his profession and make it an effective agency for doing the things which are in the hearts of lawyers as to preserving the essentials of a great profession, and the essentials of a form of government under which we have all lived and prospered and brought up our children and enjoyed the blessings of liberty.

So that is my appeal, and I may say that within a few months those definite suggestions which are going to come from the top-notch men of the legal profession in this country will be before you. We may not all agree with everything they suggest. They are going to devise the best plan that they know how, and then we are going to ask the lawyers of this country to put it over and try it out, and if it needs further perfecting, all right.

The next annual meeting of the American Bar Association at which this whole matter will come to a head, I may announce now, will be held in Boston, Massachusetts, beginning on Monday, August 24, 1936. That date has been fixed, as Mr. Seebirt knows, after polling the representatives of all of the states with respect to the conditions as to the opening of schools and the opening of courts and the desire of many members to motor with their families to New England, from remote parts of the country, and get back home by Labor Day. That date has been fixed to enable the largest possible attendance of the practising lawyers, and the judges, in every state in this country, and my hope is now that you and each of you will make your plans so that when these worthy efforts

which are being undertaken in behalf of a better organized bar come to the state for final action in Boston, we shall have the largest attendance and the most representative attendance than at any gathering of lawyers in the history of America.

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