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Bar of Other States - What Do You Say?

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*What Do You Say?***

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Observing the complaints made against members of the Illinois bar, as I am frequently called on to do, I have been impressed with the fact that so many of them come as a result of the attorney undertaking to represent a client in a branch of the law with which he is entirely unfamiliar. Let me give you two recent illustrations.

* This department is devoted to the activities and programs of the bars of other States. It will contain, from time to time, items of interest extracted from the Bar Journals of sister States and any other such material which may be supposed to interest the lawyers of this State.

** The foregoing article, which appeared in the June, 1934, issue of the Illinois Bar Journal, is used with its permission, and is of special interest in view of Canon No. 46 of the Canon of Ethics adopted by the American Bar Association. This canon, adopted in 1933, reads as follows:

"Where a lawyer is engaged in rendering a specialized legal service directly and only to other lawyers, a brief, dignified notice of that fact, couched in language indicating that it is addressed to lawyers, inserted in legal periodicals and like publications, when it will afford convenient and beneficial information to lawyers desiring to obtain such service, is not improper."

The Editor will appreciate brief comments as to whether the Indiana Law Journal should open its advertising pages to lawyers for conveyance of the information described in this new Canon of Ethics.

One client wanted a lawyer disbarred because he is now advised that his case was lost on a technicality which any trial lawyer should have been familiar with. His lawyer is one of high standing in the profession, but is usually engaged in consulting and advising clients, and I doubt if he has tried a contested case in ten years past. He should never have gone to court on that case.

Another complainant is ready to say that all lawyers are worthless because she bought a piece of real estate upon the opinion of an excellent lawyer, only to find that he was unfamiliar with a recent opinion of the Supreme Court affecting the title. I happened to know that this lawyer is one of the best trial lawyers in the State, but he has little knowledge of real estate law and should not have accepted the job of examining this abstract.

So much for the older types of practice. When we get into the newer fields such as income tax, bond issues, governmental matters, bankruptcy and other specialties, the ordinary lawyer is usually incompetent outside of his own particular field.

One of the big reasons why laymen have been encroaching upon the practice of the law has been this lack of special knowledge on behalf of members of the bar and the lawyer's inability or refusal to recognize his weakness.

We have plenty of specialists in the profession. In fact every one of us has some branch in which we are more proficient than many others. However, under our present set-up we do not avail ourselves of our own experts, and so I want to make these suggestions to the lawyers of Illinois.

Why should not each member of our various local bar associations file with the Secretary of the Association a statement of those fields of law in which he thinks he is especially qualified? One lawyer may feel that real estate law is his forte, while another one may think that he can cope with the best in one or more of the fields of trial of civil, chancery or criminal cases; or perchance banking law, tax matters, workmen's compensation, public utility or some other line of law work may be his especial field. Have this information compiled so that each member of the Association will have in his desk the names of all of the lawyers of his association with their chosen specialties. Then when a client walks into an office of a lawyer whose field is one of real estate law and desires a defense in a criminal matter, let the lawyer turn to his list of associates, select from the list some one with whom he feels he can safely associate and call him into the case, giving him a division of the fee.

Under this system the responsibility of the client would still remain with the attorney originally retained by him. If he brought in a trial lawyer he would probably sit in court in the case and advise as to his client's interests. If it were an income tax matter, the associate counsel would be expected to come to the office of the lawyer retaining him and work as his associate on that particular problem.

If this system could be carried out, it would not be long before a client would be safe in going into any law office with his business, assured of the fact that if the attorney did not happen to be qualified in this particular field, he would bring in someone who could do it.

You would not employ your family physician, with no experience in surgery, to undertake to operate upon you for appendicitis. But you go to him with full confidence that if he is not familiar with the treatment of your particular ailment he is honest enough to say so and will recommend a doctor to you who is able to handle the case. The doctors do this in the face of their Canon of Ethics which prohibits the splitting of fees. As far as I know, we have no such limitation, although the need of the system is almost as great as in the medical profession.

A business man the other day told me one of his friends had asked him where he could get a lawyer to organize a corporation, and he told him he could not advise him because of the fact that while he knew a number of the lawyers in his city, he felt the organization of a corporation was a matter which should require technical skill beyond the ordinary practitioner. Had the foregoing system been in effect, in that city, any lawyer would have been readily able to call in a local attorney especially qualified in this branch of work and the job would not have gone out of town to a layman organization as it actually did in that case.

Another suggestion is to have this matter handled by the State Bar Association. While it would bring a large amount of detail work to the secretary's office, if our members desired it we would be very glad to tackle the job in this way: send out a blank to every member of the Association, enumerating the various types of practice, and allow each member to indicate the branches in which he considers himself especially fit; classify these selections according to cities, making a list which would be available to our membership or to prospective clients. It would be a real job but should be worth the effort if it resulted in a move toward increasing the business of our members in their particular lines and above all, keeping the law practice in the hands of the lawyers.

And when I am talking about this matter, I am not speaking only about conditions in Rockford, Rock Island, Peoria, Bloomington, Springfield, East St. Louis, Decatur and similar cities, but if ever there was a place where such an organization is needed, today, it is in Chicago. Our office very frequently has inquiries from prospective clients as to where they can get a Chicago lawyer who will handle a peculiar line of legal work and outside of two or three of the old standard fields, we are utterly unable to give the information. Every Chicago lawyer should have at hand a list of a large number of counsel especially qualified in every conceivable branch of the law from which to select a temporary associate. We downstate lawyers would welcome such a list to assist us in placing business where it should go.

What do you say, Illinois lawyers?