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Bar of Other States

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*The Integrated Bar Movement**

Bar integration, as everybody observes, is going stronger every year. This was evidenced by the introduction of bills this year in the following states: Arkansas, Colorado, Georgia, Indiana, Michigan, Kansas, Minnesota, Nebraska, Oregon, South Carolina, Tennessee, Texas, Wisconsin and Wyoming. There will be important changes in the map to be published in the next number of the Journal, but not as many successes to record as the faithful efforts of bar associations should justify.

In several states—Arkansas, Georgia, Nebraska, South Carolina and Tennessee—this year's success or defeat is the response to the first serious effort. Fortunate indeed is the state association that succeeds in its first strong endeavor. There was a time when it was debatable whether it paid to have a bill introduced unless there was a fair chance for success. It now seems clear that it is profitable to make a try. It makes the intention realistic, stimulates interest which has been languid, brings out facts and argument, divides the supporters from the opponents; and defeat only serves to harden good intentions as well as to educate as to methods.

But a list of beginners cannot be expected to yield successes.

On the other hand there are states in this year's column in which repeated efforts prove only that they are tough states. Almost without exception these are states having large cities. The unprofessional lawyer does not thrive so well in the smaller places.

Texas, now in its fourth hard struggle, illustrates this, and Michigan, with its second try, even more. No state having an integrated bar includes a city

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as large as Detroit, except possibly California. Minnesota has also a metropolitan center, and like Wisconsin, has a bar of relatively high standing, which cannot rest until it has won its fight.

A striking phenomenon is the blissful ignorance of many self-respecting lawyers concerning the conditions of practice in large cities. They have never read a code of ethics and never transgressed one, and their proper pride in their calling blinds them to facts which they should know about the practice in larger cities than their own. In Wisconsin, for instance, there was a prolonged debate as to whether disciplinary power should, or should not, be conferred by the bar bill. The point was settled affirmatively late last fall by a delegate convention, when the Milwaukee lawyers—and Milwaukee has a fine reputation as a city of good government—persuaded those from smaller cities that it would be better to put teeth in their measure and fail, than to compromise.

In this connection it is interesting to tell about one respected lawyer in a small city who was not satisfied with the investigation as to success in other states made and published by the state committee. So he addressed one hundred letters to lawyers practicing under bar statutes and received sixty replies. Only one was critical of bar integration, and the effect of this testimony was that the inquirer changed his opinion and became a supporter of the bill.

This number of the Journal unfortunately will not be able to give final results in all states. Defeat came first in Indiana, though the bar won its fight for a judicial council. The Kansas legislature devoted three weeks, it is reported, to a violent discussion of liquor control, and adjourned early without giving the State Bar Association a fair chance. It seems that the legislature had first to settle the momentous question of beer, and decided to give the thirsty plains dwellers a beverage containing one part alcohol to two hundred parts of water. Having settled this it was found that near-beer, once nationally prominent, could no longer be obtained anywhere.

In Ohio Mr. Robert Guinther's committee drafted rules to be submitted to the supreme court, in accord with the Ohio doctrine, but there has been no submission. It may be necessary to assure supreme court justices that they can afford to take a chance on this step.

Colorado's situation is exactly the reverse, since the brief bill there introduced was sponsored by supreme court justices, who are waiting for the bar to catch up. The bill is a broad grant of power to the court to adopt rules "for the purpose of organizing, integrating and operating a state bar association," and would make less than ten lines in the statute book.

Early reports from Nebraska and Tennessee indicate failure this year. There is no confidence in Wisconsin and Minnesota. In Michigan, where the state and local associations have shown an interest in curbing unlawful practice, the real estate men have joined forces with low grade lawyers to make a formidable opposition. It did not help, though, when the real estate fellows brought to a committee hearing a Detroit lawyer who had been out of practice for two years by judicial order for the benefit of the public. And this reminds one that a lawyer bad enough to be so retired should be considsidered incorrigible. There's no such thing as a lawyer who is partly good and partly bad.

In Oregon the bar failed two years ago by the margin of one vote in one house. Knowing however that under-cover opposition would be stronger than ever, the bar committee had its bill introduced by both judiciary committees and reported out early in the session in both chambers at once. The result was only nine votes in two houses against the bill.

The statute is excellent in most respects, though a three dollar limit for dues will soon prove to be insufficient. It was in that state a few years ago

that the bar association president said lawyers should be willing to contribute fifty dollars, or twice that amount, to bar purposes. The small fee for a beginning was doubtless tactical. There should be some analysis of the professional frame of mind which forbids adequate income for the bar. Three dollars is the cost of one shoe, of one tankful of gasoline. Eminent practitioners will devote much time to writing a profound address and travel two thousand miles (expenses paid) to deliver it, losing three or four days from their office work, and still begrudge bar dues higher than five dollars. It must be the fearful force of tradition and habit.

The Oregon bill subjects the governors to recall, and, worse than that, it provides that a majority of members at any regular or special convention "may modify or rescind any action or decision of the board of governors, and also may instruct the governors as to the future action, and the board of governors shall be bound by any such action or decision" and so forth.

Now it is a fact that a statutory bar may have perplexing problems, not to be resolved offhand as a matter of impulse, and especially in relation to unlawful practice. The profession is yet to win and hold its lawful prerogatives; its duty to the public will not permit of failure. But the present frame of mind on the part of the public makes the performance of duty more or less hazardous. Only the board of governors can safely plot the course. The governors are the actual representatives of the profession (except in Louisiana). Members can have no intimate knowledge of the problems and their best and most permanent solution. Their part lies in discussion in conventions and the expression of views by publication. Policy making should be confined to the chosen representatives with their superior information and superior *responsibility*.

While the foregoing is true as a general statement it should be possible to assume that the quoted language, carrying powers of disintegration, will not prove mischievous in Oregon, which has for three generations had a proud and competent bar, which has properly criticized just such unrepublican heresies in state government.

The Arkansas Bar Association failed to secure enactment of its bar bill, but without discouragement. Bills were introduced in both houses and the senate passed its bill. In the house there were numerous amendments, but the judiciary committee recommended that the senate bill be adopted. But from that time to the end of the session the house was heavily involved in emergency legislation and there was no vote on the bar bill. It was a good showing for the first effort and under the rather desperate conditions prevailing.

The new Kentucky State Bar is now fully organized and will soon hold its first annual convention. The supreme court rules providing details of organization and bar powers were drafted by a committee of lawyers and approved by the court virtually without amendment. Later the by-laws drafted by the State Bar were likewise approved.

What appears to be a sensible way of saving time in passing upon disciplinary matters has been worked out. The fourteen commissioners of the State Bar are divided equally in eastern and western divisions and will review disciplinary records arising in their districts. The entire commission will meet quarterly at the capital and the divisions will work separately the first day. In cases in which a division is not unanimous there will be consideration by all fourteen on the succeeding day. This assurance of vigilance goes farther than in the case often of desperate criminals, who get their final review in a court of three judges.