Denver Law Review

Volume 20 | Issue 3 Article 6

1943

Vol. 20, no. 3: Full Issue

Dicta Editorial Board

DICTA

VOLUME 20

1943

The Denver Bar Association
The Colorado Bar Association
1943

PRINTED IN U. S. A.

THE BRADFORD-ROBINSON PRINTING CO.
DENVER, COLORADO

DICTA

Vol. XX MARCH, 1943 No. 3

Lawyer North Casts His Vote for a Self Governing Profession

BY WM. HEDGES ROBINSON, JR.*

Mr. Public may like lawyers as individuals. He thoroughly dislikes them as a profession. Mr. Public looks upon a lawyer as a man who should be called in to perform the miracle of saving him from his own folly, or as a witch doctor to harass his enemy. It is not until Mr. Public is hurt, either on his body or in his pocketbook, or until he becomes hot under the collar, that he seeks out his lawyer.

This is an unpleasant but indubitable truth which Lawyer Jim North does not like to hear. He looks upon himself as a leader in his community. He attempts to maintain a standard of living, entertainment, and general acceptance which will lead him to be designated as Lawyer North alongside Banker Smith and Senator West. Like the proverbial ostrich, Jim North has buried his head because he does not wish to acknowledge the bitter fact that he is only day-dreaming at a time when he hasn't any business to day-dream.

He has no desire to listen to the fact that the economic surveys taken over the country by various bar associations demonstrate that a maximum of only three per cent of the Bar (possibly dwindling in the future to half of one per cent) will, if things keep on going as they are now, find themselves able to keep up with the business and the banking leaders of their community, economically, socially or in prestige. The rest will be driven from practice or earn only a bare subsistence unless there is an organization behind them which represents all lawyers, and which is constituted to fight the battle for the entire profession.

He fails to recognize that lawyers are attempting to fulfill the needs of their clients by outdated methods. He fails to realize that acres of diamonds lay unmined in his backyard, waiting only spade work to create profitable business. No, Lawyer North, who can capably analyze

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the ills of Mr. Public's business, still insists upon day-dreaming in a horse-drawn buggy.

A study of bar economics shows that, unless some method of all inclusive organization is obtained whereby the Bar, as a unit representing all lawyers, can strike out for the economic and social protection of the profession as a whole, lawyers are simply living on borrowed time. Experience has demonstrated that the most effective method devised, so far, to aid lawyers in the solution of these problems is integration. It is not a panacea for all ills; it is not intended to be such. It merely sets up the structure through which and by which lawyers as a solid unit can solve their own problems as a group.

Perhaps it is unfortunate that the word "integration" has been used, but no better word has yet been coined. Lawyer North knows what "disintegration" means. He knows that it means the state of breaking up, falling to pieces, a division of a whole into parts, and he has the general feeling that the word implies decay and decadence. He thinks of the thirteen colonies, whose lack of unity brought no results except misery for themselves and profound annoyance for each of their neighbors. If Lawyer North would only think of "integration" as meaning the opposite of disintegration, he would then know that integration simply brings together all of the practicing lawyers within a state into one unified group for the more effective discharge of bar responsibilities and for the protection of the interests of the profession.

But Lawyer North refuses to accept any definition. He remembers the tirade that Tom Sears delivered against the integrated Bar. Sears was admitted to the Bar without any formal education and he has practiced most of his life in the hurly-burly days when every case in court was a contest, bitterly fought, not so much upon the principle of right and justice, as upon cunning and strategy. Law in his day was a contest waged before cheering partisans, a drama that took the place of the cinema and the theatre. Tom Sears, who proclaims himself to be a rugged individualist, is opposed to integration because he says it is regimentation.

Lawyer North thinks, too, of the arguments advanced by Dick Walsh. He represents the Best Clients. To him an all-inclusive Bar is anathema. He and every member of the profession would be placed on exactly the same footing and with the same power. Because Mr. Walsh hates trade unions, he hurls the charges of "unionism" and "closed shop" at the idea of an integrated Bar.

Lawyer North remembers, too, the accusations made by Harry Tompkins. Harry does not know anything about integration. Lawyer North is aware of that and also of the fact that Harry won't take the

time nor the trouble to understand. But Harry is a great patriot and any time he cannot assign a definite reason to any of his dislikes, he calls it "monopolistic" and "unamerican." In a time of national distress the tag is rather effective because it stops all thought on a question, unless those who oppose it will dare to run the risk of being branded as traitors.

Lawyer North remembers the suave argument of Jerry Fixel. Jerry has always lived on the shady side of the profession; nothing definite, you understand, no disbarments, no suspensions and no reprimands. While Jerry urges all of the arguments which have been made before, he poses as a friend of the association and declares that a compulsory organization destroys the fine spirit of the voluntary association.

The catch phrases—"regimentation," "unionism," "closed shop," "unamericanism," "monopolistic"—appeal to Lawyer North. They fit in with his conservative train of thought, his inertia to new ideas, his continual desire to shout, "I object" to anything that may be proposed. So Lawyer North was pretty well sold on disintegration. One day, however, he was permitted to sit on the bench with the players at the Big Game. State had a good team this year and was winning football games that experts doped it should lose. It was some time in the second quarter of the game that Lawyer North began to see why State was winning football games. They played the game as a team. If there was a running play, the halfback had plenty of interference; if there was a pass, the passer was protected and the receiver screened. It was teamwork, not individualism, which was winning the games.

When the shoutings and hurrahs of the victory had died down, Lawyer North thought more about this idea of teamwork. He wondered why lawyers never worked together as a team. He viewed the ideas of an all-inclusive Bar in this light. He asked himself: "Can lawyers work together as a team? If it is possible for lawyers to do so, what benefits will come to me and to the profession generally?" As he asked himself these questions, he also thought of the arguments advanced by some of his friends against the idea of an all-inclusive Bar.

There was Tom Sears' argument about regimentation. Lawyer North did some investigating. He learned that an all-inclusive Bar has been the only type of bar organization in England and in most of the Dominions. It existed in England before the landing of the Pilgrims. He discovered that all-inclusive bar organizations have been legally recognized in the United States since 1921 and that at the present time twenty-three states have integrated Bars. He found out also that integration had been recommended for adoption by the Bar in Montana, Massachusetts, Minnesota, New Jersey, Florida, Tennessee, Indiana, Connecticut, Kansas, Wisconsin, West Virginia and other states. He found out, too, that the same charge of regimentation had been made in

each state where the case of integration had been discussed and that practice in the integrated states had shown that the charge was unfounded. He recognized, however, that the legal profession has always been regulated and it must always necessarily be. Society demands, and justly so, that all lawyers be well trained and capable of aiding in the administration of its laws. Since it makes these just demands, society imposes standards, and unless an applicant can meet those standards, society denies to the applicant a license to practice law.

Integration does not call for any further "regimentation." All it says in this respect to a lawyer is this: "Your right to practice has always depended upon the will of the state and your ability to meet certain standards required of you by it. Integration does not change the requirements. The only change in this respect is that you pay an annual license fee. This requirement is not unusual. We require a license fee to be paid by doctors, dentists, druggists, engineers and accountants, among other professions. There is no reason why lawyers should likewise not be compelled to pay this fee. As far as your individual practice is concerned, as far as your attitude toward playing on the team is concerned, you can do as you please as long as you abide by the rules of the game, which remain unchanged. No additional burdens or requirements are made upon you."

Lawyer North also thought about the validity of the charges of unionism, closed shop and monopoly. First of all, he realized that lawyers now have a monopoly, and they now have a closed shop—if those terms are used in a broad sense. This has always been so and necessarily will always be so as long as society prescribes standards for a profession. Integration does not change that situation one way or another. It neither reduces the ranks of the profession nor increases them. It does not make any more of a monopoly than the monopoly which already exists. It does not exclude from membership anyone except those the state will not accept as qualified to be lawyers. It does not mean that those now admitted to practice will have to take any further examinations or meet additional requirements.

Integration does provide, however, for an effective and democratic, self-governing organization of all lawyers, to the end that they may be better able to render proper public services. Hence those who charge unionism, closed shop and monopoly attack not the integrated Bar but the very system upon which lawyers have been licensed and regulated by the state ever since there has been a profession in America. If their theory were followed to its logical conclusion, the practice of the law would be open to everyone and it would become a business, not a profession.

As to the charge of unamericanism, so far as that word could be defined, Lawyer North supposed that his friend meant that an all-inclu-

sive Bar was undemocratic. Stated in these terms, it was patent to Lawyer North that instead of being an undemocratic organization, an all-inclusive Bar was, on the contrary, exceedingly democratic. Every lawyer had one vote. Every lawyer in the state had the right to vote in the selection of his officers and in the choice of policies. As a matter of fact, the voluntary organization was about as undemocratic a system as has existed, thought Lawyer North; for the lawyers who are now outside of the voluntary association are controlled by it and without representation. The code of ethics, unauthorized practice agreements, and the policies of lawyers generally, were determined by the bar associations to which considerably less than all of the lawyers belong. A lawyer outside the association has no vote, no choice in the policies or in other matters which affect him and yet by sufferance, he must accept the dictates of the bar association which speaks for all.

Even more specious was the argument offered by Jerry Fixel. Where a lawyer has a financial stake in anything, he has a certain personal interest in it whether he is willing to admit it or not. Experience in other states has demonstrated that the interest of lawyers in bar work has increased. In Nebraska, which had a good voluntary organization before its integration, attendance at the annual meeting of the integrated Bar was fifty to one hundred percent greater than at those of the voluntary associations, and the "spirit of professional enthusiasm under the integrated Bar has spread, not merely through the work of committees and sections of the association, but over the activity of the entire membership." In general the desire to partake in the work of the association on committees and in other functions, increased many times in states having an integrated Bar.

Admitting that there are no valid arguments which can be advanced against integration, Lawyer North asks what will integration do for the public, for the profession generally and for himself. Selfishly, he supposed that the first two groups were of the least importance to him, but he decided to make a fair examination into the entire problem. He decided to start with the basic question: What is a profession?

The first and essential mark of any profession is that it provide a needed service even, if the need be great enough, at the expense of gain to the practitioner. Therefore, the idea of gain which is the paramount consideration of a business cannot be the primary factor of a profession. Hence the theory of some lawyers that the law is a business in which the fittest and fastest survive and in which money becomes the criterion of success, does not fit with the conception of the state when licensing the practitioner.

Lawyers must serve or lose the monopoly. This fact, he soberly thought, is not to be taken as preaching; it is a professional necessity. No lawyer should have any fear on this score if lawyers, as a group,

"lock shields in a fashion equally Roman and Icelandic" with the problem. But only a united, all-inclusive Bar can lock shields with a common foe. As it stands now, a whole profession, a needed profession, is fighting in some alarm, like a mob without a leader, for its very life. Encroachments by lay practitioners, competitive bidding for title opinions such as the federal Department of Justice foisted upon the Savannah, Georgia, Bar, prohibitions against lawyers representing clients before certain boards and bureaus as in the case of detention of aliens' hearings, unauthorized practice—are all indications that the public feels, and rightly so, that the lawyers have shirked or ignored their responsibilities.

Mr. Public demands, and justly, that lawyers as a group should be held responsible for the administration of justice, that they should establish and maintain high professional standards, that law should be developed by lawyers in conformity with modern conditions. Mr. Public can rightfully inquire, "Have the lawyers ever really cared about law and justice except as available instruments to get particular clients out of trouble or to secure gain or status for others? Is the Bar doing its duty and playing its part in the development of law?"

The public has answered these questions in the negative. It sees the Bar in modern dress, but in a buggy attempting to cross a metropolitan street. It sees the lawyer organize trusts and corporations, devise corporate financial structures; it sees him bring the farmers together in co-ops and the doctors and dentists together in medical associations; it sees him organize and coordinate the business of his clients, and it sees him as a profession demonstrate the maxim: "Divided We Fall." Until the Bar acts as a Bar, not as an agglomeration of individuals, the lawyer will suffer much as a profession at the hands of the public—and more important, since eating does precede service, in his pocketbook. The Bar can give finer, fairer and more widespread service.

The Bar must discard its buggy and apply business methods to the task of making contacts with its clients. As a Bar, it can tell the public by the press and by the radio of the services it has to sell. It can reach many who need the service of a lawyer but are ignorant of his worth or are afraid of him. It can reach into places *as a unit* where lawyers have never before entered, and widen, strengthen, and increase the service of the Bar to the people and thereby inure to the benefit of the individual lawyer. It may open the way for small business men and poorer families to be moved into the retainer field. Lawyers individually cannot do these things. It is unfair to request an association of a part at their expense to do these things for the benefit of all. In other states the integrated Bar has accomplished these things. As a newspaper editor of a large California daily has said of the integrated Bar of that state, "It appears that the law fraternity has received a new version of its responsibilities, new faith in its inherent goodness, renewed courage to attack

its problems. It is the most hopeful sign that has come into the life of the state in over half a century."

Lawyer North chuckled to himself at the thought of a newspaper editor in Colorado ever writing such an editorial about the bar association. But what that editor said reminded him of Elihu Root's notable address to the American Bar Association in 1916: "Too many of us have forgotten that not only eternal vigilance but eternal effort is the price of liberty. Our minds have been filled with the assertion of our rights and we have thought little of our duties * * * What part is the Bar to play in the great work of the coming years? Can we satisfy our patriotism and be content with our service to our country by devoting all our learning and experience and knowledge of the working of the law and of our institutions solely to the benefit of individual clients in particular cases?"

The answer was obvious, and Lawyer North began to think of the tremendous power for good, for progress that lay dormant in the Bar. It only needed to be organized. If every state had an all-inclusive Bar and if a national organization to coordinate these state units was imposed on top, it would be the most potent force in a democracy.

But, asked Lawyer North, what has integration done for the profession? Every state which has had an integrated Bar has always maintained it. Ninety per cent of the lawyers in every state having integration would not vote to do away with it. Surveys taken in Michigan, Wisconsin, and Colorado by means of writing to unknown attorneys in states having integration have demonstrated that the consensus in those states is practically unanimous for integration. Lawyers in integrated states point out that integration has developed a high *esprit de corps* among lawyers. There is a wider acquaintance by the Bar of its members. There is less name-calling and back-biting. Integration has brought about a higher degree of public respect for the Bar; it has enabled the Bar to get needed legislation through a legislature traditionally hostile to "lawyers' bills." It has broadened the field of the lawyers' clients by stopping unauthorized practice and by group advertising of the Bar's capacities. It has dealt with the problems of overcrowding—which simply means not enough income to go around comfortably—by seeking out additional sources of income as a group, by "specialized lawyer" services, by aiding the lawyer to locate in communities where legal services are needed. Only an all-inclusive Bar can do these things effectively.

And it also makes bar organization for the first time, as associate Justice William O. Douglas of the United States Supreme Court said to the Texas Bar when it became integrated, "truly democratic and representative. It includes all of the lawyers." Every lawyer then has a right to have a voice in determining the rules of the game and to select

the officers who shall represent him. Perhaps the time has now come for a unified Bar—and only an all-inclusive Bar can do so—to rewrite the canons of ethics, to bring about cooperative law libraries, to simplify the procedure of finding and stating the law, to stem the tide of undesirable and undesired legal publications; to apply business methods to the practice of law—to do those many things which decrease overhead, popularize the law and lawyers, and increase public respect.

Finally, Lawyer North began to set down the advantages to him. First, an all-inclusive Bar meant strength. By fighting the battles of all lawyers, it would fight his battle. By being organized and equipped to wage war on unauthorized practice, the all-inclusive Bar could stop inroads made on the practice by laymen and institutions and thereby increase his potential sources of income. By advertising for the whole Bar, new fields of services could be made available to the public and thereby more clients brought to his office. By cooperative ventures and by eliminating unneeded publications, law lists and the like, it would reduce overhead. By promulgating title standards on a statewide basis, the hazard and uncertainty of title examinations would be removed in a large part. By reason of unity and respect for fellow lawyers, the level of fees would rise. By having more money available, the Loose Leaf Service and DICTA could be expanded and made more usable. Institutes or refresher courses could be held more frequently and with greater practical advantage to the lawyer. With an all-inclusive Bar it would be possible to maintain a central office, supervised by a full-time secretary whereby many practical every-day services could be rendered to the lawyer.

His investigation was completed. Lawyer North decided that the demonstrated advantages and practical unanimity of opinion among lawyers in other states where integration was in effect was an overpowering argument based upon facts and not upon suppositions or flights of fancy.

Calling in his stenographer, he began a letter to the President of the Colorado Bar Association:

"To paraphrase the words of Norman S. Sterry," he dictated, "a lawyer practicing in California who was entirely unknown to me but who has been good enough to write me a fourteen-page letter on Bar integration, let me say: 'When the subject of integration first came up, it was looked upon with askance by a great many of us and with open hostility or contempt by the shyster element. I was among those who doubted the wisdom of the State Bar Act. I now have entirely changed these views. It is now my considered opinion that an integrated Bar is the only salvation for the profession, and the only way by which the present system of administering justice can be really improved. It is the only way through which the lot of the lawyers—the great bulk of us who attempt to earn a decent living by honest methods—can be improved' * * *"

Why Lawyers Should Oppose Bar Integration

BY ALBERT L. VOGL*

A bill, sponsored not by the members of the bar association, but by the board of governors of the Colorado Bar Association, has been introduced into the 34th General Assembly. The purpose of this bill is to provide for what is usually termed "An Integrated Bar" for the State of Colorado. The bill authorizes the Supreme Court to "create an association * * * which shall consist of all persons in the state now or hereafter regularly licensed to practice law in Colorado." The Supreme Court is authorized to provide rules and regulations for the association; rules and regulations concerning the conduct of the association and of its members; to provide a schedule of annual fees "to be paid by each member *to the Treasurer of the Colorado State Bar*"[1] (note the fees are not to be paid to the Supreme Court or to the Treasurer of the state of Colorado but are to be paid to this association). For active members of the Bar this fee, which of course is an excise tax, is to be not less than five nor more than ten dollars *per annum, "nonpayment of which shall be ground for suspension"* of the right to practice law in the state of Colorado. The Supreme Court is authorized to provide ethical standards to be observed in the practice of law, and to provide for discipline, suspension or disbarment of association members; the Supreme Court may confer the power of subpoena upon the association or its officers and committees for the purpose of aiding in cases of discipline, suspension or disbarment and may provide for the publication of the proceedings and records of the association in the Colorado reports.

The foregoing is a fair and complete summary of the provisions of the bill.

It will be noticed that the only powers which this bill confers upon the association is to collect an annual excise tax of $5.00 to $10.00—the exact amount to be fixed by the Supreme Court—and authority to aid the Supreme Court in disciplinary, suspension or disbarment proceedings under regulations and restrictions to be prescribed by the Supreme Court. The bill says nothing as to how the proceeds of this excise tax are to be expended, does not require the treasurer of the association to account for these proceeds to any public authority, and the only power specifically given the Supreme Court in regard to this excise tax is to fix the amount thereof between five and ten dollars per annum.

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*Of the Denver Bar.

[1]Italics throughout are ours.

Upon consideration of this proposal certain questions immediately suggest themselves. Why was this particular time selected for the introduction of this measure? Was it because so many of the active lawyers are now in service and it was thought that their absence would decrease the opposition to this measure? Whether this was the reason or not, it is evidently unjust to those absent for the cause mentioned, to take advantage of their absence to make such a radical change in the privileges afforded by their license to practice law previously conferred on them.

Why was this matter rushed through in this unseemly haste without taking an official canvass of the present members of the Bar, after reasonable time for discussion, to determine the wishes of the Bar? The president of the Colorado Bar Association stated publicly at a Denver luncheon that an informal canvass had been made and that the county Bars were, with one exception, strongly in favor of it. Now we learn that an actual canvass of one county seat, not the exception previously referred to, resulted in substantially a two-to-one vote against it, and we know that not even an informal canvass was taken in Denver.

When the Supreme Court in its letter of January 4, 1943, used the phrase, "a short statute * * * fixing the *maximum* annual fee," why did the sponsors of this bill fix a *minimum* as well as a maximum fee? Were they unwilling to trust the Supreme Court in this matter?

What real changes are provided for in this proposed bill? The Supreme Court now has the power to provide ethical standards to be observed in the practice of law, and has already published a code of such ethics; the Supreme Court now has the power to provide for disciplinary action against members of the Bar and also has the power, and is now exercising it, to call to its aid members of the Bar or committees of members to aid it in disciplinary as well as in other matters. These powers have never been doubted. In these matters, therefore, the proposed bill adds nothing to the powers already exercised by the Supreme Court. The innovations which the bill does provide for are, the establishment by rule of court of a state bar association with compulsory membership therein and an annual excise tax payable to this association as a prerequisite of the right to continue in the practice of law.

One of the outstanding problems of our present governmental situation arises from excessive taxation for the maintenance of wasteful and unnecessary bureaus and waste within the necessary bureaus; this integration proposal would add one new bureau and one new tax. It is both unpatriotic or inexpedient to experiment with a new civil bureau and a new tax for its support in these times when we are being urged to put all spare funds into war bonds. An amusing, incidental sidelight to this factor is that this tax would be deductible for income tax purposes, so, assuming the average lawyer now pays 20% of net income as

federal and state income taxes, 20% of the aggregate of these association dues will be deducted from income taxes and to that extent further complicate the general state and federal revenue situation. Let no one imagine that this measure will unite the Bar; on the contrary it will divide it between the tax-gatherer and the taxpayer; whoever heard of a popular revenue agent? The officers of this new bar association may anticipate being as popular as is the "Revenoor" in the South.

Why do these people who are urging Bar integration desire this taxing power? They have answered that question in this language: "It would be possible to maintain a central office supervised by a full-time secretary." In other words, it will create another job for a job hunter. What we need today is fewer "full-time secretaries," fewer "central offices," and to substitute encouragement of American individual initiative in lieu of strangulation by bureaucratic regimentation.

The pamphlet issued by these "integrators" states: "One of the truly difficult problems of the Supreme Court is the handling of disciplinary matters." The Constitution of Colorado provides that the judges of the Supreme Court shall, on or before the first of December of each year, report to the governor in writing, such defects and omissions in the Constitution and laws as they may find to exist. It is strange that the Supreme Court seems unaware of this, its "truly difficult problem," and has failed to follow the constitutional method of suggesting the remedy. If this "truly difficult problem" is so acute, the remedy would seem to be an appropriation by the legislature for the use of the Supreme Court sufficient to enable it to engage such clerical and other help as it may need for that purpose, not the creation of a new bureau, with ill-defined authority, with tax-collecting powers but with no legislative direction how the revenue so extorted shall be expended. We can assume that when the Supreme Court needs the aid of an integrated Bar it will ask for it in the manner prescribed by the Constitution of Colorado. Until the Supreme Court does ask for it in the manner so prescribed we can logically conclude that such help is not needed by our Supreme Court.

Throughout the pamphlet issued by these "integrators" there are frequent references to improved standards of ethics which will result from this integrated Bar. One wonders who are these self-anointed superior beings who are going to work these wonders of ethical culture in the Bar; and, if these improvements in the standards are so necessary, why are these "integrators" not more specific, why don't they tell us just what they propose to do to us of the rank and file, why don't they point out specifically the character of unethical practice they propose to eliminate? Certainly, this business of broadcasting these vague charges against the Bar is itself unethical and even the hope of sufficient funds

to create a new bureau with a central office and a full-time secretary is no justification for defaming the Bar in this manner.

It is extremely doubtful whether the so-called integrated Bar could undertake many of the activities these "integrators" mention in their pamphlet. The proposed bill specifically mentions certain powers which the Supreme Court may confer upon the integrated association, but many of the activities which these "integrators" propose to undertake are certainly beyond the powers so conferred. As this new bureau is to be supported by taxation, legislative authority for the use of the proceeds of the tax must exist. The use of this tax money for many of the suggested activities is very questionable.

Congress passed certain laws which, it was assumed, authorized labor unions to negotiate "closed shop" agreements. Because of the abuses which have resulted therefrom, Congress is now seriously considering amending those laws, at least insofar as closed shop agreements relate to work in government employment or on government projects or defense work. These "integrators" propose a "closed shop union" for the Bar, and no lawyer may perform his duties as an officer of the courts unless he carries his union card. Until we solve the present evils resulting from "closed shop" unions it would be unwise to create a new closed shop union. The suggestion that such a union will create a "closer relationship with the judiciary of the state," if not sinister, is at least absurd and wishful thinking. Are the members of the present bar associations in any "closer relationship with the judiciary" than non-members? I hope not, and I am confident that the fact that the non-members are compelled to join the union by act of the legislature will not affect their relationship to the judiciary.

These "integrators" place much reliance on the fact that twenty-three states have adopted "integration." Among those absent from the roll call are such important states as New York, New Jersey, Illinois, Ohio, Pennsylvania and Indiana; in fact, except for three southern states and Michigan, no state east of the Mississippi River has adopted this plan. One of the integrated states is California, so we may assume the recent Flynn trial is a sample of the showmanship of an integrated Bar.

Let me direct the attention of these "integrators" to the following from the opinion of Mr. Justice Sutherland in the *Carter Coal* case: "* * * in the very nature of things, one person may not be entrusted with the power to regulate the business of another, *and especially of a competitor*. And a statute which attempts to confer such power undertakes an intolerable and unconstitutional interference with personal liberty and private property. The delegation is so clearly arbitrary, and so clearly a denial of rights safeguarded by the due process clause of the Fifth Amendment, that it is unnecessary to do more than refer to deci-

sions of this Court which foreclose the question."[2] An integrated Bar gives to a group of lawyers regulatory powers over other lawyers, with whom the members of the regulating group may be in competition. Unless it does this it accomplishes nothing, and if it does this it is unconstitutional. Then why tax lawyers to maintain such an organization?

This scheme is the outgrowth of the epidemic for regimentation which has afflicted this generation. Self-constituted supermen, confident in their ability to regulate everybody in every activity of life, if they can be assured of ample financial support from taxes, are attempting to create innumerable bureaus, each with a central office and a full-time secretary bent on exterminating individual initiative. Let the Bar of Colorado be on its guard before it finds itself subjected to this strangulation process.

[2]Carter v. Carter Coal Co., 298 U. S. 238, 311, 56 S. Ct. 855, 80 L. ed. 1160 (1936).

Assistant United States Attorney General Berge Discusses Responsibility of Prosecutors

The responsibility of prosecutors to see that defendants in criminal cases, even in the trial of war crimes, are not prejudiced by newspaper publicity is discussed by Assistant United States Attorney General Wendell Berge in an article, *The Prosecutor and Crime Publicity*, in the February issue of the AMERICAN BAR ASSOCIATION JOURNAL.

Mr. Berge first discusses the responsibility of prosecutors generally in criminal trials, declaring that "usually the prosecutor should share the blame with the newspapers when they turn a criminal trial into a Roman holiday."

In referring to trials of war crimes, he says:

> "A state of war naturally and inevitably must create an intense public feeling. Anyone accused or even suspected of assisting the enemy is at once covered with infamy in the public mind. Treason, for example, has always been regarded as the highest of crimes, and properly so, but that is not to say that anyone accused of this crime should be deemed to be convicted, or that lynch law is justified in regard to those suspected of treason. The same is true of those accused of other war crimes.
>
> "It is so easy in time of war for a prosecutor to bolster a weak case by appealing to the natural sentiments of the community. Witch-hunting can be made very popular and a public official can build for himself a tremendous reputation, at least of a temporary nature, by an over-zealous drive against all those who do not see

eye to eye with him or with the prevailing majority in regard to the conduct of the war. Such a course of action is at least misguided patriotism, and may well amount to a perversion of the essential features of the democracy and its judicial system, for the continuation of which the war is being waged.

"The prosecutor must, of course, be ever on the alert to safeguard the national security and to make the processes of the criminal law reach down and punish all attempts to endanger the state by the commission of any war crime. But in doing so the prosecutor must make sure that he is in fact serving the state, and that he is not whipping up public hysteria to such an extent that a criminal trial would be a farce. When justified by the facts, martial law may be invoked to deal with threats against the safety of the state. But as long as the civil courts are functioning, the prosecutor's responsibility continues to make sure that they function according to law, that persons accused of heinous crimes against the state are tried according to the law of the state and not according to the misguided and uninformed emotions and prejudices that are on the loose in the community.

"In trying war crimes the prosecutor must, above all, maintain balance and endeavor to see that news of such crimes is properly presented to the people and that they are told all the facts, unless military necessity requires in a particular case that secrecy be maintained. But he should use his best endeavor to make sure that they are told facts and that they are not fed suspicion and unfounded rumor, which might so easily prevent a defendant from being given a fair trial to determine his actual guilt."

Pointing out that "certain kinds of crime publicity sometimes pervert the course of criminal justice," Mr. Berge asks what can be done about it.

"We have a free press and we must preserve it. Repressive legislation or administrative censorship over crime news would not work. Nor do we want them. The evils attendant upon government control of crime news would undoubtedly outweigh the disadvantages of the present manner of handling such news. Education of public taste may to some extent raise the tone of reporting, but there will always be that element of the reading public that wants to eat its crime news raw, even without any seasoning. Part of the press, at least, will always pander to this morbid interest. To attempt the shortcut of forbidding or censoring crime news would be a shallow and unrealistic approach to the problem. On the other hand, it does not seem that we should give up in despair and concede that nothing at all can be done to improve the character and quality of crime publicity.

"Too often the sole responsibility for sensational handling is laid at the door of the press. Although the press could no doubt assume a greater responsibility for leadership in setting and maintaining higher standards, yet we must recognize frankly that newspapers and magazines must live in a competitive world; that they must maintain circulation and sell advertising and that business success depends upon printing what they can get and doing it in the way in which the public wants it.

"Rather than unduly to criticize the press, lawyers should examine their own professional standards and conduct to ascertain whether they are not themselves largely to blame for the overemphasis of the sordid aspects of crime news. Particularly should public prosecutors apply the searching light of critical examination to their own actions.

"A realization of the high nature of his office will go a long way toward helping a prosecutor keep a criminal trial as free as possible of the evil influence of yellow journalism. The prosecutor who scrupulously practices law instead of attempting to play politics, will not be tempted to shape up his case for newspaper headlines first and for justice afterward.

"Many criminal trials are dramatic, and legitimately so. There is enough life in them without the artificial respiration that is sometimes applied through the printing press, and the prosecutor loses nothing by avoiding artificiality.

"In maintaining balance, the prosecutor must also be careful to avoid the mistake of becoming secretive about matters which a free press is entitled to know. When people have no information, they proceed to create their own. Only recently, during the hearings held by a military commission trying eight Nazi saboteurs in Washington, a rather rigid secrecy was maintained over a period of days. This was not an ordinary criminal trial, and the military authorities were entirely within their rights in doing whatever they saw fit about the matter of publicity. Nevertheless, the question of whether the public should have been given a certain minimum of information instead of none at all was considered at least an arguable point, and some concession was finally made, but in the meantime, lacking news, one or two reporters did create their own. Their information was not wholly correct, but that did not prevent them from giving it to the public.

"In the usual criminal case, reporters and the public do have a right to learn the facts of the trial. Reporters feel that they have a right to all the facts they can get, and if they are subjected to a restraint that is unreasonable, they are likely to resent it and to tackle the problem through other channels. The result may be an embarrassment to the prosecutor, sometimes not undeserved."

DICTA

Published monthly by the Denver and Colorado Bar Associations.

20 cents a copy $1.75 a year

Address all communications concerning:

Editorial matters of the Denver Bar Association, to Dicta, Cecil M. Draper, Editor-in-Chief, 810 Tramway Bldg., Denver, Colo.

Editorial matters of the Colorado Bar Association, to Wm. Hedges Robinson, Jr., 812 Equitable Bldg., Denver, Colo.

Advertising, to Dicta, Sydney H. Grossman, Business Manager, 617 Symes Bldg., Denver, Colo.

Subscriptions, to Dicta, Fred E. Neef, Secretary Denver Bar Association, 902 Midland Savings Building, Denver, Colo.

Upon Information and Belief

As every lawyer knows, there is now pending before the General Assembly a bill for an act which would allow the Supreme Court to order the integration of the Bar of Colorado. The proposed act would not in itself effect integration. It would permit, but not require, the Supreme Court to do so. As we understand, a majority of the members of the court have stated that they would put the integration plan in force, provided specific power to do so were given by the Legislature, and provided further that the court were convinced that a large majority of the lawyers of the state favored the plan.

Since the proposed statute would be merely an enabling act, and since the plan cannot be put into effect unless favored by a majority of the Bar, it would seem that both opponents and proponents might well have held back their heavy guns until the matter was actually before the court. Both sides could certainly expect to receive their day in court and the utmost consideration. By that method, such soiled linen as we have might have been kept from public view, and some of the ill-advised and unfortunate statements credited by the press to some of the members of our profession might have been given proper private interment.

However, be that as it may, because we felt that all members of the Bar should be adequately advised concerning both the objections to and the benefits hoped to result from the plan, we asked for an article from each side. Both articles are contained in this issue. Read them carefully —both of them.

Continuation of Practice After Entry Into Armed Forces

The fact that great numbers of lawyers have entered the armed forces has raised the question of the propriety of arrangements for the continuance of their practice, particularly in view of Canon 34 of the American Bar Association.[1] In an attempt to answer this question, a joint statement has recently been issued by the committees on professional ethics of the Association of the Bar of the City of New York, the New York County Lawyers' Association, the Queens County Bar Association, the Brooklyn Bar Association, the Richmond County Bar Association, the Bronx County Bar Association and the New York State Bar Association.

The joint statement accepts the view expressed by the committee on professional ethics and grievances of the American Bar Association in its Opinion No. 217, construing Canon 34. That opinion reads in part as follows:

> "The last clause of the Canon was aimed at the evil of compensating a lawyer who renders no service and assumes no responsibility, for forwarding or directing legal business to another lawyer. It was directed at what is commonly known in the professions as 'fee splitting.'
>
> "The question here presented arises not in the ordinary situation, but because of a national emergency. Many young lawyers will be called for military service. Lawyers who are not called should, and will, serve their country in other ways. The plan for conserving the practice of lawyers called for military service serves a commendable and desirable objective. A lawyer who takes over the practice of a lawyer called to the service does so, not for the purpose of obtaining professional employment, but to serve his profession and aid his brother lawyer who is called for military service. In so doing he indirectly serves his country during the national emergency. For him voluntarily to pay over to the lawyer called to service a larger portion of the fees realized than the service rendered and responsibility assumed by the latter would warrant, does not in our opinion violate Canon 34."

Further elaborating, the ethics committees of the seven associations are of the opinion that any of the following arrangements may properly be made for the handling of the practice of a lawyer entering government service as a part of the war effort, whether in a military or in a civilian capacity:

[1] "34. Division of Fees. No division of fees for legal services is proper, except with another lawyer, based upon a division of service or responsibility."

"1. A lawyer entering service may continue to be a member of an existing partnership, and if his name is a part of the partnership name, it may be continued, and the lawyer may share in fees not only from pending business but also from new business.

"2. A lawyer entering service may enter into a new partnership, in which his name may or may not be included, to carry on his and the other partnership business.

"3. A firm may establish or continue an arrangement for sharing fees, with respect to new matters as well as old, with a lawyer on its staff who enters service.

"4. The practice of a lawyer entering service may be continued by a lawyer or lawyers designated by him, whether or not from a panel of lawyers created by a bar association for such purpose, provided the client in each case consents thereto. The practice of the lawyer entering service may properly be conducted in the name of the lawyer to whom the work is turned over. Provided there is no violation of law or rules of court,[2] the practice of the lawyer entering service may also properly be conducted:

"(a) In the name of the lawyer to whom the work is turned over, with additional language on pleadings and papers to indicate that he is acting in place of the lawyer in service; or

"(b) In the name of the lawyer who has entered service—excepting litigated matters.

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[2]Rule 11 of the federal Rules of Civil Procedure is, in part, as follows:

"Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. * * * The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay. * * *"

In addition the joint committee has particularly in mind §277 of the NEW YORK PENAL LAW and §479 of the NEW YORK JUDICIARY LAW. Those sections are as follows:

"§277. If an attorney knowingly permits any person, not being his general law partner or a clerk in his office, to sue out any process or to prosecute or defend any action in his name, except as authorized by this section [the exceptions are not pertinent], such attorney, and every person who shall so use his name, is guilty of a misdemeanor."

"§479. Action against attorney for lending his name in suits and against person using name.

"If an attorney knowingly permits a person not being his general law partner, or a clerk in his office, to sue out a mandate, or to prosecute or defend an action in his name, he, and the person who so uses his name, each forfeits to the party against whom the mandate has been sued out, or the action prosecuted or defended, the sum of fifty dollars, to be recovered in an action."

"Where there is no division of work or responsibility as between the two lawyers, if a portion of the fee will be paid to the lawyer who has gone into service, the client should be informed, since this fact might conceivably affect the client's decision to permit his work to be handled in the foregoing manner.

"5. A lawyer entering service may send an announcement to his clients or to others where warranted by personal relations, stating that his practice will be continued in his absence by the firm of which he has been a member or by a new firm of which he is a member, or by a specified lawyer or lawyers."

"All of the foregoing," continues the statement, "assumes, of course, that there will be a compliance with any applicable statutes or regulations of the service that may impose restrictions upon lawyers entering government service as regards their practice of law; also, that the professional ethics of the situation will be observed as regards the handling of legal matters in which the government may be directly or indirectly interested."[3]

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[3]In Opinion No. 47 of the Attorney General of the United States (Vol. 40), dated April 27, 1942, it is held that the federal law does not prohibit a public officer from carrying on a private business activity for compensation except when the private activity touches upon some interest of the government and falls within the statutes and principles of law aimed at improper conflicts of interest, or when the officer is subject to one of several statutes forbidding specified officers to engage in private business activities. Certain types of prohibitory statutes are referred to and discussed in the opinion.

Opinion No. 48 of the Attorney General of the United States, dated April 23, 1942, which is contained in the same volume, holds that it would not be a violation of federal law for a patent attorney commissioned as an officer in the army to receive part of the profits of his law firm so long as he took no part in the firm's activities and did not engage in any activities as an army officer in which the interests of the United States might conflict with his private interests. In the same opinion, it is said that the term "compensation" as used in Section 3 (f) of the SELECTIVE TRAINING AND SERVICE ACT of 1940 is broad enough to include a partner's share in the partnership profits derived from services performed by the other partners while he is absent on duty in the armed forces.

Section 3 (f) of the SELECTIVE TRAINING AND SERVICE ACT of 1940 is as follows:

"Nothing contained in this or any other Act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted into the land or naval forces of the United States for training and service under this Act, or to members of the reserve components of such forces now or hereafter on any type of active duty, who, prior to their induction or commencement of active duty, were receiving compensation from such person, firm, or corporation."

The Lawyer and the Real Estate Broker

BY EDWIN J. WITTELSHOFER*

Some two years ago a situation was current in Denver in relation to real estate transactions which could properly be called fantastic. The primary causes of this condition were twofold.

First, titles to real property less than perfect were often rejected because of mere irregularities, and upon purely technical and often frivolous objections. One examiner felt compelled to reject a title for no other reason than that some subsequent examiner might do so. Even the most practical of lawyers felt the necessity of protecting themselves by rejecting titles on the ground of unimportant irregularities, for all practicability in this field had been removed.

Many parties to real estate transactions considered this situation scandalous and real estate brokers approached the consummation of such transactions with the fear of almost certain difficulties.

The Denver Bar Association, taking cognizance of this condition, appointed a committee which is undertaking to set up standards covering many of the common objections. The standards already submitted have been almost universally accepted by the Bar, and the entire approach to and consideration of real estate titles have been materially changed, not only in respect to the objections covered by the standards already set up by the committee, but in the circumspection and deliberation of lawyers before turning down titles on mere suspicion, or fear of criticism of subsequent examiners.

Based upon the success thus obtained it is reasonable to assume that the second cause of the condition mentioned may be remedied or alleviated by the use of a like application of sound judgment and cooperation. This second cause results from the real estate broker, and others, attempting to render their clients services in a real estate transaction which they are unqualified and unprepared to perform, and which services can only properly be rendered by skillful and trained lawyers. In most instances these services are not rendered by the broker for profit or gain but rather to limit as much as possible the costs and expenses of the transaction for his client. This situation is not just a local one, and in an endeavor to make real estate transactions simple, fair and equitable to all parties, both the American Bar Association and the National Association of Real Estate Boards have given consideration to the problem.

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*Of the Denver Bar. This paper was delivered before the Denver Bar Association on February 1, 1942.

Last year a committee of the American Bar Association, acting in conjunction with a like committee of the National Association of Real Estate Boards, organized a Joint Conference Committee, reciting in the preamble like resolutions establishing such a committee and the desirability of formulating a statement of principles, in the interest of lawyers, real estate brokers, and the general public.

Realizing that the attempt of lawyers to act in the capacity of real estate brokers, and of real estate brokers to act in the capacity of lawyers, can result only to the detriment of all interested in such transactions, the Conference Committee has set up specifications wherein the relative duties of lawyers and brokers are expressed.

Briefly and in part they are as follows:

1. The broker shall not practice law or give legal advice, directly or indirectly, nor act as a conveyancer, nor give advice or opinion as to the legal effect of legal instruments, nor offer opinion as to the validity of real estate titles, nor prevent nor discourage any party to a real estate transaction from engaging the services of a lawyer, nor undertake to draw or prepare documents fixing and defining the legal rights of parties to such transactions, except as to the original contract of sale and purchase, but provided, however, that such contract shall be in the form approved by the bar association.

2. The lawyer shall not express opinions concerning the business prudence of real estate transactions in which his legal services are used unless such opinions are sought by his client, and shall not seek to participate in the broker's compensation.

Consideration of these specifications, in the light of practices of both lawyers and brokers in our community and the results of such practices, will demonstrate their fairness, equity and validity.

Perhaps nothing now current in our methods of consummation of real estate transactions has wrought more disaster than that resulting from conveyancing carried on indiscriminately by brokers, notaries public and others.

In times past conveyancing has ever been held to be a highly specialized and important branch of the law, only to be engaged in by skilled draftsmen specially educated in that branch of the profession.

The lawyers have perhaps themselves to a considerable extent been the cause of the present situation, for in their attempt to simplify their work in conveyancing they have been guilty of great over-simplification. They have placed this important and difficult business of conveyancing on the basis of an automat, creating printed forms of every kind and character of instrument, from that of a simple promissory note to that

of the highly individualized instrument, a last will and testament. Whenever I run across the use of a printed form of will and give thought to all the difficulties, trouble and expense that have resulted from the indiscriminate use of printed forms, I have the feeling that that pious declaration found thereon, "In the name of God, amen," might well be made to appear on the top of all printed instruments, so handily prepared that seemingly all that is necessary is to dot the i's and cross the t's.

According to the Law Publisher's Catalogue in Denver there are six pages listing printed forms to be used by conveyancers. Of deeds alone there are 24 different kinds. The pseudo-conveyancer, by the simple expediency of not attempting to discriminate in selection of the proper form—and in all too many cases he is unable to do so—will make use of any printed form carrying a general designation of the instrument desired. So many joint tenancy deeds have appeared of record in which a single grantee is named that the Bar committee has felt compelled to set up a standard in regard thereto, and this is just one of many illustrations which might be cited.

No title examiner of average experience but can testify to the countless difficulties that have been inflicted upon an unwary and unsuspecting public from the unqualified and unskilled conveyancer.

Real estate has two characteristics which set it apart from all other species of property. It is indestructible and has an unchangeable situs. As our social and economic system becomes more and more intricate and complex, land must serve more and more ends. Its peculiar characteristic of indestructibility makes it possible for real estate to be used concurrently by many people for different purposes and thus it becomes the object of innumerable rights. By reason of the countless centuries in which it has remained immovable, real property has gathered unto itself burdens, restrictions and conditions without end—general taxes, special taxes, local improvement assessments, federal estate taxes, rights-of-way, building restrictions, mechanics' liens, homestead rights, judgments, mortgages, party-wall agreements, vacation of streets and alleys, zoning, and other ordinances, and, within the last few weeks, the very highly and important extension of rights of occupants, to mention only a few. All these restrictions, burdens and conditions must be considered insofar as any of them may concern the real estate in a given transaction. Thus it is quite apparent that much could be accomplished with great benefit to all concerned through a limitation that only those qualified to do so should engage in conveyancing.

The most important instrument in connection with a real estate transaction is that initial instrument which is called a "contract of sale and purchase" by the lawyer, and a "receipt for deposit" by the broker, and in these two designations lie their respective viewpoints. Nothing.

however, can change the conclusion that the contract is the basis and the foundation of the transaction. While under ordinary circumstances such an instrument should be prepared only by the skillful and experienced lawyer, yet when it is considered that all too often a broker must close his deal at that moment when the minds of the seller and purchaser have met, or else lose the deal, realism demands that he be permitted to prepare and have executed the contract of sale and purchase, but nonetheless he should be bound to observe certain regulations, among which briefly I submit the following:

1. If a printed form is used it should be such as has the approval of the bar association. If no printed form is used the contract should contain such standard provisions as have the approval of the association.

2. Before attempting to make the sale the broker should have a complete legal description of the property being sold, the abstract of title if possible, the opinion of the lawyer who examined it for the seller, and should take steps to determine what burdens, conditions and restrictions are imposed upon the property. Otherwise he is creating difficulties and disputes for his clients.

3. The broker, through consultation, should be advised what type of contract is to be executed, whether it is an outright contract to sell or merely an option, and beyond this he should in every case inform both the buyer and seller of the legal effect of such contract.

4. A minimum as to the amount of the deposit should be established. Few sellers are aware of the difficulties and dangers of signing contracts in which the deposit in no way insures that it is a real or genuine deal.

5. The broker should examine the property being sold and determine if there is necessity of a survey or possibility of mechanics' liens, or other conditions not otherwise apparent.

6. The utmost care should be taken in specifying in the contract the precise terms upon which the transaction is to be consummated—such as whether encumbrances are to be assumed, and the exceptions, which the seller should eliminate from his warranty.

While the foregoing may place exacting burdens upon the brokers it yet must be remembered that the real estate broker occupies a position unique in the business world. He represents both the purchaser and the seller and at the same time he, himself, has a financial interest in the transaction. Upon no other class serving the general public has a comparable trust been imposed, and upon no other class should there be a greater or higher sense of responsibility. In all too many cases the broker, through carelessness, haste in making the deal, or anxiety to do so, or some lack of proper understanding of his duties, fails to give opportunity

to both the buyer and seller to know the exact terms of the deal and to be appraised of the legal effect thereof, nor does he always seek to guard the rights of both. Thus, when the deal does come to the lawyer and he begins to make inquiries because of these omissions, doubt and hesitation are engendered in his client, and the deal often falls through. The broker feels that the lawyer has unnecessarily inter-meddled where it was not his duty to do so; and the lawyer feels that the broker is one whom he should guard his client against. Thus is intensified the feeling upon the part of the broker that it is good business for him to keep his client from his lawyer, and on the part of the lawyer that so far as possible his client should be kept away from the broker.

Resulting from this attitude, it all too often happens that the broker suggests to his client that there is no necessity to have a title examined, perhaps because of some previous examinations, or other reasons, and undertakes to prepare the legal instruments necessary to carry into effect the terms of the deal, and performs all of the duties of both broker and lawyer; while the lawyer in all too many cases, when his client is seeking to make a sale of his property, voluntarily undertakes to carry on the business of a real estate broker and dispose of the property himself.

The broker is not a skillful lawyer, and the lawyer is not a capable broker, and common sense must dictate that the client through such procedure is placed at an unwarranted disadvantage.

In the specifications of the Joint Conference Committee it is contended that the lawyer should not attempt to participate in the broker's commission. This is self evident. If such practice exists in Denver—and if it does I am entirely unaware of it—it probably stems from the fact that all too often, through the omission of the broker, neither the seller nor the buyer has a full and complete understanding of the terms of the deal, and this even though the contract has already been executed. Thus when it reaches the lawyer for closing the deal has not been completed and often the lawyer must spend his time and effort in aid of finishing what the broker has only initiated. If, on the other hand, care and attention and proper efforts are used by the broker so that a full and complete understanding of the terms and conditions of the transaction are known to all parties, the lawyer has no other duty save to prepare the necessary papers to carry out the contract already executed, and under no circumstances should he attempt to participate in the commission.

It is also contended that lawyers all too often volunteer their personal opinion as to the business prudence of real estate transactions, and there is perhaps considerable warrant for such contention. Just as the broker, through lack of academic or special training, has no fitness to engage in conveyancing, so the lawyer, for like reasons, has no reason to

indulge in the expression of real estate values, and he should not do so unless upon direct request of his client. And if he has profited by experience he will not do so, for if his advice is acted upon by his client and proves profitable, the client takes credit only to himself for having followed the advice, whereas if it proves unprofitable he remembers only the unsound advice given by the lawyer.

The interests of the lawyer and the real estate broker are so closely integrated that any effort on the part of either resulting in an improvement in relationship to the efficiency or fairness in the conduct of real estate transfers, or in the enlightenment of the public on matters of general interest affecting real estate, resolves to the benefit of all. Therefore, it logically appears that a close union should be established in these matters so that through cooperation and liaison the efforts and energy of both can be better applied to the accomplishment of these ends.

Especially is such action pertinent in these days when the most substantial property rights are subject to constantly changing regulations, not through public legislative enactment, but by direction of purely administrative officers.

What has been herewith presented is not intended as a criticism or blue-print setting forth with nicety the relative duties of the lawyer and the broker in a real estate transaction, but as a challenge to the sense of public responsibility of both the legal and real estate fraternities.

American Bar to Stress War Winning Projects

The request of the Office of Defense Transportation, to confine meetings to war-winning projects, will furnish the keynote of the mid-year meeting of the American Bar Association's House of Delegates at Chicago, on March 29 and 30.

George Maurice Morris of Washington, D. C., president of the association, said a few days ago that the program will be focused directly upon those activities of the organized Bar which "contribute in an important way to winning the war." He also announced the association is discontinuing its program for regional meetings in various parts of the country because such programs do not lend themselves to complete concentration on shortening the war.

Mr. Morris pointed out that since September, 1940, the Bar has been devoting itself to the solution of the procedural problems concerned with the selection of personnel, both enlisted and commissioned, for the armed forces and with assisting men in the forces and persons dependent upon them with their individual legal problems. New procedures are in prospect with the possible formal development of "legal clinics" in

each army camp, post or station. The part that state and local bar associations may play in such a plan will be worked out in part by the representatives of those associations who sit in the House of Delegates.

Requiring immediate attention is the organizing of the lawyers in each state to promote adequate state laws to control venereal disease among soldiers and sailors. The association's committee on courts and wartime social protection, of which John Marshall Goldsmith of Radford, Virginia, is chairman, has pointed out that in World War I the number of new cases of venereal disease was greater by 1,000,000 than the number of wounds incurred in battle and that of the first million men examined for the current selective service, over 60,000 were found to be infected. An organized attack upon prostitution, the root of this devastating enemy of the armed forces, through improved techniques in police and court procedure, is an objective of the Bar.

Setting up a machinery to look after the legal needs of war plant workers flooding into new communities is another project which the association has undertaken at the request of the Manpower Commission. The work of the Office of Civilian Defense and the operations of the Office of Price Administration require voluntary service by lawyers on a large scale. Cooperative plans for this work will be considered by the House of Delegates.

It is inevitable, Mr. Morris said, that the increasing demand for a definition of war aims and the consideration of post-war problems will call for consideration by the House of Delegates. He pointed out that the progress toward winning the war will be accelerated by a clarification of objectives which are sought and lawyers have many ideas on this subject. The House of Delegates, as the representative assembly of the Bar, offers a medium, its members believe, for effectively focusing these ideas for public consideration.

Regulation

In these days when the government tells us what we can and cannot eat, wear and do, and bearing particularly upon the stories and poems which have been going around lately as to some things which were not rationed, we quote the following, taken by Carle Whitehead from an order of one of our county courts:

"IT IS FURTHER ORDERED by the court that respondent be, and is hereby, restrained from molesting, quarreling with, or in any manner bothering the petitioner until further orders of this court."