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# LAND AND WATER LAW REVIEW

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## ADDRESS BY THE PRESIDENT AMERICAN BAR ASSOCIATION

*Orison S. Marden*

MR. PRESIDENT, LADIES AND GENTLEMEN OF  
THE WYOMING BAR:

My wife and I greatly appreciate having the privilege of being with you for your Fifty-first Annual Meeting. While we are strangers to most of you, you are not strangers to us. For the past two years we have heard a great deal about the Wyoming Bar from Ed Murane, who has just retired as Chairman of the House of Delegates of the American Bar Association. In fact, during the past year, Ed and his lovely wife, Jean, have been frequent traveling companions of ours. We shall miss them in the year ahead.

It is my honor and privilege to bring you the warm greetings of the officers and members of the Board of Governors of the American Bar Association. We are grateful to the lawyers of Wyoming for your participation in the work of your national association.

Ed Murane was the first lawyer from the Rocky Mountain Region to become Chairman of the ABA House of Delegates, second ranking officer of the Association. We are proud of his two years of service in that position and I am sure that his home bar association is equally proud of him. In addition to Ed Murane, your delegation in the House of Delegates now includes Alfred Pence, State Delegate, and Jerry Housel, delegate of the Wyoming State Bar Association. Yours is a strong delegation and we are delighted with your selections.

As you know, the American Bar Association has grown tremendously in recent years — not only in numbers for we are now approaching 125,000 lawyers — but especially in service to the profession and the public.

There are a number of cogent reasons for participating in the national work of the organized bar through membership in the American Bar Association, as many Wyoming lawyers have found. In addition, the twenty-one sections of the Association offer substantial bread and butter advantages to their members. The publications of most of these sections have improved substantially in recent years and you would find them, I think, of great benefit to you in your practice. The cost is very little.

We are making a determined effort to be of service to state and local bar associations, and a separate section of our staff has been established for this purpose. Please use these facilities which are set up especially for your benefit.

Our Washington office becomes more effective every day in service to the profession and the public. The voice of the organized bar is becoming increasingly important in the processing of Congressional legislation. If you have problems in Washington which affect the legal profession, I urge you to use the facilities of our Washington office. We are there to serve you.

And now let me refer briefly to some of the recent activities of your Association which should bear fruit by the time of our meeting in Honolulu next August.

The proposed Twenty-fifth Amendment to the Federal Constitution, prescribing steps to be taken if our President becomes 'disabled'; and which also provides for the filling of a vacancy in the office of Vice President, will surely receive the seven votes required for adoption. We hope that Wyoming will supply one of those seven votes when your legislature meets in 1967.

The success of our efforts in drafting and securing favorable action by the Congress with respect to the proposed Twenty-fifth Amendment has led us to study, through a distinguished commission, possible changes in the Electoral College. We hope that this study will be completed during the coming year.

Minimum standards for the administration of criminal justice, from police interrogation through trial, appeal and post-conviction proceedings will be submitted for consider-

ation and adoption by the Association. These principles, with supporting comment, will represent years of earnest labor by some 80 of the most knowledgeable judges, lawyers and law teachers in the land.

New proposed standards of professional conduct are being drafted. These will be circulated for consideration by our members next spring. They are designed to replace canons which have remained substantially unchanged for sixty years.

Our Legal Aid Program, under the stimulus of grants from the Office of Economic Opportunity, will make strides undreamed of a few years ago.

On the criminal law side, the Association's campaign for the establishment of adequate defender facilities, to provide representation for impoverished persons accused of crime, is likely to proceed at an even faster rate, spurred on by the courts, the organized bar and our faithful affiliate, the National Legal Aid and Defender Association.

This is an area where much helpful experimentation is going on today. Your state is participating in this experimentation. As many of you know, the National Defender Project of the National Legal Aid and Defender Association made a grant last year to the State Bar of Wyoming and your law school. The purpose was to start the first statewide system for the practical education of law students in all phases of criminal law. Student assistance to counsel assigned to defend indigents accused of crime is a principal ingredient of the program.

Of course, the primary purpose of the plan is education of the student so that when he is admitted to the bar he goes from classroom to courtroom with less trauma. It also develops a close feeling between judges, lawyers and students. Secondarily, some of you have reported that the students perform valuable service and assist substantially in lightening the load of assigned counsel.

It is inspiring to see this development — a program guided by an Advisory Council composed of judges, law teachers and lawyers, including your Chief Justice, your State Bar President, the Attorney General and the Warden. Your plan is now generally referred to around the country as the

Wyoming Plan. The National Defender Project has more recently made grants to Montana and Colorado for the operation of similar plans.

Thus your State is helping to develop a tremendously valuable investment in the future — a practical program for the development of law students into lawyers. In addition the program may well lead to improvements in the administration of criminal justice. Your population may be small but their adoption of this plan reflects the personal concern of your leaders in the better administration of justice. Under the stewardship of Dean Trelease, your law school is included among the leading state schools in the country. A great state with a great law school owes a duty to the rest of the country to set a nation-wide example, as you are now doing.

The availability of legal services to the average citizen, and the ability of the lawyer to render those services as a matter of economics, have been under intensive study by the American Bar Association. Unfortunately, the lawyer has not been able to operate on the assembly-line basis that characterizes the practice of the average doctor or dentist. Moreover, the great mass of our citizens are not using lawyers except to pursue personal injury claims or to administer decedent estates. This is largely the result of ignorance as to what lawyers can do in the resolution of everyday problems for the average citizen and in the prevention of legal difficulties.

The demand for legal advice and representation will grow enormously as the average citizen becomes aware that lawyers can be helpful in preventing legal problems and in resolving difficulties that do not now come to lawyers; and that legal charges are reasonable and well worth their cost.

In order to handle this office business in volume, however, we must devise ways and means of reducing the time required to perform the service. Otherwise, this type of business will not pay its way in the average law office. These are matters of great concern to the future of our profession and it is time that serious thought should be given to them by the bar at the national, state and local levels. The ABA Committees on the Availability of Legal Services and on the Economics of Law Practice are studying these and kindred problems in depth. The views of these committees will be the sub-

ject of extensive discussion during the year and possible action.

Before the year is out we hope to bring into our Association, as Associate Members, law students in ABA-approved law schools — a Law Student Division of the American Bar Association.

The tenth anniversary of Law Day, U.S.A. will occur in 1967. Major plans for observance of this highly successful Association program are under way.

Recommendations of the President's Commission on Crime and the Administration of Justice, to be filed early in 1967, will require our close study and possible action.

Our continuing and intensive efforts to substitute law for force in the resolution of disputes between nations will again be the subject of a world conference of lawyers and judges, to be held in Geneva next July.

Our new Section of Individual Rights and Responsibilities, authorized by the House of Delegates at Montreal, is now being launched. It will develop ways and means to encourage public understanding that individual rights go hand in hand with corresponding duties of American citizenship. It will seek to nurture a sense of responsibility on the part of lawyers and the recognition and enforcement of these rights and responsibilities. When legal rights are challenged or infringed, as Mr. Justice Jackson once observed, they are worth "just what some lawyer makes them worth."

In addition, lawyers will learn how they can help to ease racial unrest in our cities, to take strife from the streets to the mediation table or the courts. Here is great opportunity for public service; and the creation of this new Section, without dissenting vote in the House, is concrete evidence that we are ready to assume this responsibility and leadership.

A special committee to study the critical problem of national strikes in the transportation industries and to recommend appropriate solutions was created by the House of Delegates at the Montreal meeting. This is another indication of our determination to serve the public interest.

Our Committee on Education about Communism will continue to carry on a program of great public importance. This summer that Committee has provided guest speakers and study materials to 21 teacher institutes concerned with democracy vs. communism. Some one thousand school teachers from forty-two states have participated.

With these and many other important current programs of the Association, we will obviously have plenty to do in the coming year. However, it is my hope that we will also be able to suggest improvements in disciplinary procedures of state and local bar associations, to the end that those unworthy of membership in an honorable profession will be cast out and that effective discipline will be the rule throughout the land. This effort will go hand in hand with our proposed new standards of professional conduct.

We are increasingly concerned that the profession carry its full responsibilities in these fast changing times. As we see new opportunities for leadership by lawyers, we will not hesitate to seize them.

My colleagues at the bar, a glorious future lies before us if we have the courage to fully accept the responsibilities entrusted to us and the vision to increase our capacity to serve. Let us work together to this end.