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ADDRESS BY THE PRESIDENT American Bar Association

Earl F. Morris

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

I first met George Guy at the Conference of State Attorneys General a year ago last May. I had somewhat the feeling that I'd been hit by a Wyoming cyclone. I found that I had been given a somewhat better rating than a dyed-in-the-wool Buckeye might expect at George's hands because he had learned that I somehow had been able to slip into the same college fraternity that had gladly embraced him.

Since that initial meeting George and I have become good friends. I see him often because, as you know, there is the custom among some of the states in these parts for the presidents of the state bars to visit the annual meetings in the other states. George carries the Wyoming banner to them all! Our friendship is such that I recently rose to his defense when a Colorado lawyer told a clearly apocryphal story about George. George was to attend a meeting in Denver. He phoned at the last minute and said he couldn't come because both his horse, Trooper, and his wife were sick. A week later the lawyer received a letter in which George said that he was sorry that he had been unable to come. Then came the sentence: "Trooper is much better." and on the letter was a P.S. "So is my wife."

Wyoming gave to the American Bar Association one of its outstanding leaders in Ed Murane. I overlapped with him for a year on the Board of Governors and I sat under him as he presided expertly as Chairman of the House of Delegates. He has been ably succeeded as your state delegate by Al Pence. George Millett and I won World War II together. When he was your president I saw him at the

meetings of the National Conference of Bar Presidents and he told me that he enjoyed practicing in Wyoming because he could get away from the office on Friday afternoons, get into the mountains, have a weekend of hunting or fishing and be back home Sunday night. I later told this to Al. "Did George say that? Earl, the fact is he leaves Thursday afternoon and gets back about noon on Monday."

As you know from George's introduction, prior to coming to my present American Bar Association post, I served as president of my local and state bars and as Chairman of the National Conference of Bar Presidents. As a result of this, I conceive of bar activity during the coming year as a partnership of the American Bar Association and state and local associations facing many common problems and striving to achieve certain common goals.

We do this against a back-drop of an era of drastic social change—sometimes subtle, sometimes violent, always complex. While there has always been change, as Dr. Oppenheimer, the famed scientist, has suggested: "One thing that is new is the prevalence of newness, the changing scale and scope of change itself." The face of America is changing—a rural America becomes increasingly urbanized; the Negro population shifts from Southern farms to Northern cities; industries grow and merge and labor unions follow suit; even as the automobile becomes more numerous, travel moves to supersonic airplanes and a rocket is pointed at the moon.

The legal profession is an integral part of this "revolutionary" age, and we must respond with all the force of our diverse talents and our wide-ranging abilities. Never before have we seen such an enormous need for organization among the members of our profession—for unity, for strength, and for the partnership to which I referred.

The American Bar Association, as the national organization of our profession, recognizes its obligation to give leadership in developing and implementing programs to meet squarely the challenges facing the bar.

In order to meet this obligation during the coming year, we have developed a three-point program.

A primary thrust of this program will be in the field of crime—clearly the number one domestic problem in our nation. Last February, the President's Commission on Law Enforcement and Administration of Justice made its excellent report, appropriately entitled "The Challenge of Crime in a

Free Society," containing, among other things, some two hundred recommendations for the prevention and control of crime.

As one reads the report, it is not difficult to envision the role of bar associations and of each individual lawyer in the war on crime. But last May, in order to bring this role into sharper focus, the Attorney General of the United States, in cooperation with the American Bar Association, convened the Lawyers Conference on Crime Control. This meeting was attended by bar leaders from all over the United States. Since that time the Association has considered ways and means of discharging its responsibility, and during the meeting in Honolulu a special committee on the prevention and control of crime was authorized and appointed.

Activity is already underway—we have offered to assist the bar associations in Michigan in the almost insuperable task of disposing of the 4,000 cases arising from arrests during the Detroit riot; our Criminal Law Section is at work on a manual dealing with the handling of such mass arrests and resulting criminal changes; and we have tendered our services to the President's Commission on Civil Disorders.

I am told that your Association has taken no steps in the crime control field. I can readily understand that in Wyoming your feeling toward the urgency of combatting crime is quite different than it is in New York and California, Texas and Illinois. But I am confident that you will find that here, too, crime has increased and that it merits your attention.

The second phase of the American Bar Association program for the coming year will relate to the modernization of our courts. Everywhere I travel in this country, people are talking about ways of bringing our courts up to date and in line with changing times and changing needs. The important thing is that we do more than talk—that we do something in the various states about meeting the minimum standards for effective court systems.

I have been gratified to learn what you are doing in Wyoming toward improving your judicial system. I am told that you are seeking to eliminate Justice of Peace courts in part and to establish a system of minor courts. While in some states justice of peace courts were abolished some time ago (they were abolished in Ohio in 1958), the movement has increased in tempo and this important step has been taken in the last five years in Illinois, Connecticut, Maine, Delaware,

Florida and North Carolina. I understand that you do not have three of the other necessary ingredients of the best of our state judicial systems—the merit system of selection of judges (the “Missouri Plan,” if you will); compulsory retirement with adequate retirement compensation and provision for assigning retired judges to sit when needed; and a method other than impeachment for removal of the incompetent or incapacitated judge. I understand, however, that you are giving your attention to these matters and I sincerely hope that the day of accomplishment is not far distant.

The third phase of our program will be to move forward with the numerous projects of our sections and committees. I can, of course, touch on only a few and may I combine what I have to say in this regard under the general heading of availability of legal services. I do so because I have found this to embrace matters of primary concern to state bar associations and because of the great interest shown in it during the annual meeting not only by lawyers but equally by the media.

First, legal services to the poor. Traditional legal aid supported largely from private sources was infused with substantial federal funds with the development of the Legal Services Program of the Office of Economic Opportunity. While there have been some problems under the program, it can be safely said that overall it has been very successful. The bugaboo of federal control has been scotched as local control of the program, largely by lawyers, has been achieved. There are now programs in 45 states and in 45 of the 50 largest cities. There are some 600 neighborhood offices staffed by approximately 1,200 lawyers who are rendering competent professional services in the traditional client-attorney manner. Three programs have been funded in Wyoming and it is my understanding that they are functioning reasonably satisfactorily.

Last year more than 825,000 indigent persons were served through legal aid and defender systems and this fact, when coupled with the forward-looking and unselfish way in which the bar of this country approached the Legal Services Program, constitutes a record of which the profession may be justly proud.

Secondly, legal services to the middle income group. Time Magazine, while quoting accurately from one of my speeches in Honolulu, characterized me as “a supporter of group legal services”. What I had said was:

The legal profession has responded well in the rendition of legal services to clients, corporate and individual, who could well afford to pay for them. The same is true in increasing measure of the indigent. But, while the profession has thus rendered reasonably effective legal services at both ends of the economic spectrum, we have failed in substantial measure to educate what for want of a better term is called "the middle class" to the need for legal services and then to make them available at a cost they can afford to pay.

The suggested solutions have been, on one hand, to expand our lawyer referral and neighborhood law offices, and, on the other hand, to legitimize and encourage group legal services—services rendered by a lawyer retained by a group such as a labor union or a trade or similar association to administer to the peculiar legal needs and perhaps to the entire legal needs of the members of the group.

For a year and a half the American Bar Association Committee on Availability of Legal Services has been studying this problem. It is making a recommendation as to lawyer referral systems to the House of Delegates next week and will report on group legal services within the next year. I anticipate that this report will be a landmark treatment of the problem. I am also satisfied that it will, at most, mark only the beginning of our needed attention to the issues at hand and that the future course to be taken will test our professional wisdom.

On this statement I am prepared to stand, but I have not and will not take a position on a problem as vital as group legal services while it is under study by one of our committees.

A related matter is specialization. In 1954 the American Bar Association went on record as approving in principle the recognition of voluntary specialization and delegated to the Board of Governors the responsibility for developing a plan for certification of competence. Two attempts to do this have failed. Our Committee on Availability of Legal Services recommended that the Board make a further attempt to develop a definitive plan that would prove acceptable. After reserving the question of approval of specialization in principle, the House granted authority to the Board to try again. I have no illusion as to the difficulty of the task but I feel that the current situation calls for the production of

the best plan possible and its full consideration by the Association.

Related, too, is the revision of our Canons of Professional Ethics and our disciplinary study. We had a very small peek at the new Canons in Honolulu but a draft is promised for wide distribution and study by next Spring looking toward action by the House in February, 1969. The disciplinary study under the chairmanship of Justice Clark is underway. We have had excellent cooperation from state associations and I am confident that the end-product will be something that will be of substantial value to all of us.

Never has the bar been as assiduous in reappraising itself and its role in society as it has during the last few years. We are resolved that we shall serve our clients better, advance the interests of the members of the profession, and contribute in as large measure as possible to the public interest. We have, in a word, resolved to discharge to the full our professional responsibility. With all else that we are doing, we shall try next March to examine our function even more closely. The American Bar Association, in cooperation with The American Assembly, will convene a conference of participants drawn from the law, sociology, business and government to attempt to draw guidelines for the profession's role in meeting the emerging demands of our changing society during the remaining third of this century.

I have been proud of the profession of the law since the day I opened my first casebook thirty-seven years ago this fall. I grow prouder of it every day. If we can but guide our course by the lodestar upon which we have fixed our gaze, the future is bright for the profession and for the public which we serve.