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WYOMING STATE BAR SECTION

PUBLIC RELATIONS AND RELATIONS WITH OUR FELLOW LAWYERS*

HOMER MANN**

I feel deeply and for a long time have been much concerned with our Public Relations and our relations with our fellow lawyers, and want to talk to you a little bit about that. I know that this matter was taken up at our last State Bar meeting that, unfortunately, I was unable to attend, so maybe this is all old stuff, but I know we need to do something about it.

This might be somewhat egotistical, because after all, it is the practice of law as I have seen it after a good many years of practice as a country lawyer, with very little court litigation or spectacular court room work, which might be contrary to any anticipation and perhaps disappointing to my former law professors. I am sure we all know that when we hang out our shingle we do not know beforehand what type of work our new location will demand, what we will get or what type of work we will want. At least I have had years of contact with many people—superior as the rank and file of the good people who make up our better type of communities—the kind that have helped build a great country, but perhaps considered inferior according to other standards, or by the opinion of people of a different type of a community. At least I have had years of close association with many people and with my fellow lawyers.

Instead of being entitled "Public Relations and Relations With Our Fellow Lawyers," perhaps this talk had better be labeled, "The Problems of An Honest Man Who Tries To Be a Lawyer"—a tragedy in ten harrowing acts. You see before you the resulting wreck.

Yes, it is true that I entered the practice of law high in heart and full of noble ideals. My professors had told me that the duty of lawyer was to contribute to the welfare of mankind by doing his part to further the achievement of justice in government and order in society, thereby justifying his own existence, and at the same time enabling him to support his family in the manner which they deserved. I had no doubt that I could do it all, and at the same time, enjoy myself, for it seemed like a truly inspiring career. I pictured myself after about 25 years of this soul satisfying work, surrounded by loving clients and grateful citizens, myself a benevolent and beaming kindly old fellow, all mellow and with quiet dignity, renowned far and wide for my wisdom, integrity and justifiable prosperity, which I enjoyed with dignity and reserve and shared with all those in need. At this period I saw myself retiring from the active field to give

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way to the new young idealistic chaps who now wished to follow my footsteps and be guided by my experience and kindly counsel, while I, in my care free prosperity would devote the remainder of my days helping the needy, perhaps without fee, if not against the Bar regulations, (or perhaps be suspended from the Bar) travelling and enjoying the fruits of my labor in other pleasant ways with my family.

I began this inspiring career. The first blow was not totally unexpected as I knew that jokes about lawyers were older than the jokes about the Model "T" Ford, and perhaps older than jokes about women. It is these jokes about the lawyers' honesty, integrity, shysterism and the like that have bothered me, and I firmly believe that these derogatory and belittling jokes, cartoons, movies, newspaper headlines, funny books and those on the radio have helped to mold an unfortunate public opinion. I knew of these jokes and gags, but even so I was not quite prepared for what I believe to be the prevalent public attitude that every lawyer is a slicker, crook, money grabber and worse, until proven otherwise. It is this general attitude on the part of the public that we must combat and we must combat it by conduct, words and deeds. There may be some in our profession that justify that attitude as there are shyters in all trades and professions, but although there are very few of us who are not honorable in our dealings, we are all too indifferent in failing to put across to the public, our true mission, which I think is the assistance of our fellow man in matters of his legal rights in business relationships, family and community relationships, and assistance in the maintenance of honest justice for all.

My next blow in the profession was the frequent attitude on the part of some of our fellow lawyers (sad but true) that every other lawyer except himself is a shyster and a crook, the matter of honor between attorneys, the matter of fair competition, and the matter of our code of ethics which in some instances seem ridiculous, some more important matters, not being included in the code and others not being strictly adhered to. One very grave failing in the profession is the danger we fall into, of not upholding the honor of our fellow attorney. Our honor falls with theirs, and we should be most careful in our dealings with our clients to make it clear that the purpose of all attorneys, even opposing counsel, is to find true justice, and not to put across any sort of shenanigans for a client because of the fee involved, nor to consider it a feather in our cap if we can free a criminal that we ourselves think guilty, nor to win for our client if we ourselves know him to be legally and morally wrong.

We should learn a lesson from some other professions in this regard. It is almost impossible to find one doctor who will criticize another doctor to a patient, although among themselves we know quite well that there are strong rivalries, jealousies and difference of professional medical opinion. I have yet to see the doctor who will tell you that another doctor

made a serious mistake in removing some part of my own or other's anatomy, and any part of our anatomy may be more important than the loss of some wordly goods through an honest mistake of a lawyer. The first concern is always to uphold the honor of their profession which is sometimes to the extreme irritation of a patient who feels wronged. A lawyer on the other hand, may by the nature of his work be inclined to fall into the bad habit of insulting and belittling the other fellow for his own edification in the eyes of the public. He is cutting off his nose to spite his face, for surely sooner or later the public attitude he has created about one attorney will be the public attitude toward himself as well as other attorneys. They will reason that it takes a slicker to beat a slicker.

I think it is the duty of the lawyer to create or to preserve what little does exist of an opinion on the part of the public that the lawyer gains his points or assists his clients by the enforcement of his legal rights or the punishment of anothers' legal wrongs, and works for the preservation of justice, the vindication of the innocent, and the punishment of the guilty.

I truly believe that a real and profound change could be brought upon our present deplorable national honor if the legal profession as a whole would, at all times, keep these ideals before it. There is doubtless a vast amount of crime that would not exist were it not believed that a lawyer could be found to twist the meaning of the law, to hide and manufacture evidence and to carry on a "grey market" in legal dealings, to get a criminal freed, or to procure property or monetary gain for a client unlawfully or dishonorably for a sufficient consideration.

Now to come to the matter of upholding the honor and ability of our fellow attorney. The matter of policy I have just discussed merely concerns us as a society of lawyers and only indirectly effects us personally here as so far as it concerns public opinion.

I have a special word concerning derogatory remarks belittling the ability of our fellow attorney in our immediate community or communities where we practice. It should naturally be assumed that we are all adequately trained to conduct our legal practice, that we entered into the profession with enough intelligence, and that the law schools are not permitting us to enter the field until we have proven ourselves capable. The degrees we have received and our admission to the Bar by the proper authority should be testimony that all of us have been considered able to do our chosen work. To reflect on another lawyer's ability is again to question our own, for it attacks the schools and examining boards who considered us capable and allowed us to serve the public in the practice of the law. It is up to each of us to see that he justifies these methods of screening out the men of poor ability, and that until proven dishonorable or incompetent by the proper board or authority, it should always be assumed and insisted upon, for our mutual good, that we are all able and are all honest.

Let us remind ourselves and the public of the good qualities of lawyers. I recently read a reprinted article by the Editor of the Tulsa, Oklahoma Tribune entitled, "What I Like About Lawyers" which gave me some further inspiration for this talk, and the next few statements are taken from that article. He says, "Do lawyers have particular virtue? Of course they have and they far outbalance their vices." He says generally that they are disciples of order, they are admirers of precedent and they want the rules of yesterday to apply to today, and, if possible consistent with progress, to tomorrow. This exasperates impatient idealists, but we are sure that no nation has ever grown while governed by the shifting sentiments of the mob. We know and hope that no nation has or will long survive under a government by whim. Lawyers are admired for their sense of proportion—they are a force of stability—they act as a balance wheel. The lawyer is the escape mechanism that releases the power in the mainspring of human endeavor gradually and in an orderly tempo for the greater good of all. They know how to divorce issues from personalities. They can and should control anger, resist hatred, and delegate disagreements into their proper place.

I think it is a line in Shakesphere's "Taming the Shrew" that says, "and do as adversaries do in law—strive mightily, but eat and drink as friends."

If in these times of uncertainty and the questioning of the good of our profession in our upset society, I have said anything that will make us more proud and happy in our profession, I will feel well repaid for my effort, and I hope you will not feel too harshly toward our President for imposing me upon you.