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Thomas Morgan

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ADDRESS OF THE PRESIDENT

ANNUAL MEETING OF THE WYOMING STATE BAR

Thomas Morgan

Laramie, Wyoming

September 12, 1974

Members of the Wyoming State Bar:

Precedent dictates that at this time in the annual meeting of the Wyoming State Bar that we receive the President's annual address. I invite you to join with me in respecting the precedent.

I would be presumptuous to assume that by reason of your electing me to this office I have any great or particular wisdom to impart. The work and progress of the Bar during the past year has been the result of the effort of a great many people.

I wish to publicly express my sincere thanks to Dan Burke, who as our new secretary, has performed excellently under the difficulty of also being new in his job.

I also wish to thank our President-Elect, Bill Kirven, for his good counsel and assistance, as well as for his time spent on Bar activities, and I know he will give the Wyoming State Bar great leadership in the year which starts tomorrow evening, Friday the 13th.

Also, I wish to commend Charlie Kepler for the time and effort spent as Vice-President of the Bar, working on committees and attending Bar functions in our state and at the ABA meetings, preparing him to take a term at assuming the responsibilities of the President of the State Bar.

The Bar Commissioners have been a devoted group, and I wish to thank them for their assistance in giving direction to our organi-

zation. They have helped in appointing committees, in getting interested members of the Bar appointed, and in some instances have requested appointments themselves and have served with dedication and distinction.

The committee chairmen and committee members have performed excellently and much of their work will be reported to you during our annual meeting as you will note from your program. Much of the work of the committees is on-going and will be completed in the future, but they deserve the thanks of all the members of the Wyoming State Bar.

Honoring me with the presidency of the Wyoming State Bar will be a joy which I will cherish the rest of my life, but also I will recall that every time I have called upon a member of the Bar for assistance, it has been promptly forthcoming. I would certainly be remiss if I did not publicly thank my law partners, Wade Brorby and Dan Morgan, for their counsel and assistance in the work of the Bar, and for the help they have given me in trying to carry on our practice, which at times I have had to give less time to because of the demands made upon my time to perform the duties of the presidency of the Bar.

However, I think it is fitting and proper that the president address the Bar and give some report of his stewardship and thoughts for the future. During the past year I have attended 2 meetings of the American Bar Association, the meetings of the bars of Nebraska, South Dakota, and Utah, and one area bar association usually known as the "Jackrabbit Bar," whose formal name is the Association of the Bars of the Northwestern Plains and Mountains. It is made up of the current officers and past-presidents of the bars of Wyoming, Montana, Idaho, North Dakota and South Dakota. Bill Kirven represented the Wyoming Bar at the Western Regional Bar Conference. I also attended a regional meeting called by the leadership of the ABA, known as the ABA Caravan. Ed Murane and I attended a meeting of the ABA Committee on Professional Discipline which was conducted by Shepard Tate, who will appear tomorrow in our program. With that exposure and some worry and concern about the problems of the Bar, I feel I should at least share some of my thoughts and concerns with you.

One area in which we must continue to give our constant concern is legal ethics, and the public image of the Bar. We all know that we do not enjoy a very favorable position with the public — the last poll I saw indicated that 24% of the public had a favorable impression of our profession which is right down with Congress and our immediate past president. Misdeeds of lawyers get extensive headlines, interviews and comments while the accomplishments of the Bar are likely

to go unnoticed. The legal profession is often misunderstood and given insufficient credit for its competence, strength, ethics, contributions and defense of our American way of life, free enterprise system, individual rights and society of government of laws.

In a recent speech Whitney North Seymour, Jr., president of the New York State Bar, asked the question, "What is there about our profession that justifies our calling it honorable?" He answered this question by pointing out that the answer is found in three words: Independence; Integrity; Brotherhood.

Independence is the basic strength of the lawyer. It insures the ability to arrive at his own judgments and make his own decisions based on what he believes is right. Although he owes a primary duty to his client's cause, he never becomes so identified with it that he loses his own objectivity and his ability to tell the difference between right and wrong. It also means the courage to stand up against formidable adversaries, including the government when necessary, to advocate the cause of justice on behalf of a client, rich or poor, beloved or despised.

Integrity is the *sine qua non* of our profession. We carry on our work on the basis of trust, and trust presumes honesty. Integrity means much more than not stealing, not lying, or not paying bribes. It means uprightness and decency and speaking out against corruption and dishonesty, whether engaged in by our colleagues or others. Too many lawyers are literally honest, while not reaching the special level of integrity which our profession requires and demands. We continually insist on the right to clean our own house, but when the cleaning job arrives we are often full of excuses as to why the job should not or could not be performed. Lawyers can be excellent judges of the conduct of other lawyers when they know how to apply the standards of the profession, but when we lawyers seek to excuse misconduct and find reasons why exceptions should be made to the highest possible standards of integrity, then we lose the right to police ourselves.

Brotherhood among lawyers keeps our traditions alive. In England it is the practice of the members of the bar to dine together regularly in order to discuss the business of the profession and to build friendships which insure honorable dealings. Brotherhood comes from the countless informal exchanges between fellow lawyers in their day to day business, but more importantly comes through the organized bar. Brotherhood at the bar means more than just fellowship — it means lawyers working together to advance the ideals and honor of the profession.

The challenge facing the members of our profession is painfully clear. We must find a way to restore honor to the profession. To

achieve this goal, I believe the Wyoming lawyers should undertake a program of action which includes the following items:

1. We should strengthen our machinery for professional discipline so that the public and the profession can have confidence that it is working fairly but firmly without fear or favor. This means developing new initiatives and eliminating unnecessary delays and the air of secrecy which suggests that we have something to hide.

We have a very able and hard working grievance committee, and this is not meant to be a criticism of them, but to encourage them to proceed with their work knowing that the members of the Bar support their efforts and will provide them with the necessary money and tools to do the job. One of the big problems of our grievance committee is for the members to find the necessary time to devote to these problems in addition to performing the work of their individual practices. I hope that the secretary of the committee, Mr. Holstedt, will address us as to this problem in his report, and hopefully S. Shepard Tate and John McNulty of the American Bar Association Committee on Professional Discipline may give us some good advice on these matters later in our program.

2. We must continue to examine our standards of professional ethics to satisfy ourselves that the Code of Professional Responsibility is unambiguous in its statement of the highest traditions and ideals, and applies equally to all practitioners, whether in the courtroom or behind a desk.

3. We must re-educate the members of the Bar as to the basic tenets of professional ethics and our obligation to report violations and speak out against any lowering of standards. It is my observation that in many cases where a lawyer is disciplined, he seems to have no conception of proper ethical standards.

4. I believe we have an obligation to make sure that our own law school is adequately instructing future lawyers on the meaning of professional responsibility and we should offer whatever assistance we can in the development of instructional material, or any other possible assistance. Our own University of Wyoming is putting out a great product and we all see the results of it daily. However, I am not satisfied that most law schools are doing an adequate job of teaching legal ethics. The curriculum of the University of Wyoming devotes one hour per week for one semester to this subject. I doubt that this is sufficient, and am not certain in my own mind that the teaching of legal ethics is not a concept that should be taught throughout many courses, or at least some other method than the limited treatment presently given. Possibly we members of the Bar can be helpful in this regard, and possibly Judge Maier may have

something further to suggest in his report from the Committee on Legal Education and Bar Admissions later in the program, which has been actively concerning itself with programs of cooperation with the law school. It is my hope that through the cooperation of the law school with the lawyers and the judges that we may be able to provide a new opportunity to re-educate the members of the Bar and also direct the students' thinking along the line of ethics and propriety. I believe we will be fair to our new law students, to ourselves, and to the public whom we serve, when we place a proper emphasis on this subject in the law school.

5. We must develop workable procedures for monitoring the conduct of members of our profession, in the courts, in public agencies, and in their own offices, to insure that no professional misconduct goes unobserved because no disgruntled client has come forward to report it.

6. We must re-examine the delivery of legal services to individuals, particularly those of moderate means to insure that the cost of consulting a lawyer is within the reach of everyone. We have a very competent Pre-Paid Legal Service Committee headed by Ross Copenhaver, working on this problem. Although they have been making progress, it is very difficult, as you will hear in the committee report, to organize such a plan when confronted by the restrictive insurance laws, and threats from the Department of Justice that the open plans, allowing the client to choose any member of the Bar, may be a violation of the Sherman Antitrust Act, while a closed plan restricting the choice of lawyers is not.

Further in this regard, I know that many of you are familiar with the work of the Tunney sub-committee of the United States Senate. Numerous hearings have been conducted by the committee, and the ABA and numerous state bar associations have offered testimony in an attempt to work out acceptable legislation which will be helpful in providing legal services to the indigent and those otherwise found to be unable to bear the full expense of necessary legal services.

7. We must take a more active role in developing better public understanding of and respect for the courts, including encouraging the press to keep the public better informed about how the courts operate, and where their flaws and strengths lie. We must help restore public confidence in the administration of justice.

8. We must strengthen the role of the organized Bar, both as the voice of the legal profession and also as a means of maintaining professional competence, professional integrity, and professional independence.

I am proud of the programs presented by our Committee on Continuing Legal Education, and urge more of our membership to take advantage of the programs offered. As you are no doubt aware, there is a recommendation by Chesterfield Smith, the immediate past president of the ABA, to require periodic re-certification of lawyers, which is receiving considerable support. Some recommendations, including that last mentioned, would require attendance of members of the bar at a certain number of C. L. E. programs each year; while others would require certification by the attorney as to completion of certain courses of study within a specified period of time.

9. We should take an active interest in our law school, and cooperate with it in every way possible to insure that it has the necessary facilities, faculty and program of study to insure the continued quality of the graduates. As mentioned above we have an active, dedicated, hard working committee of the Bar who all have established what I believe to be an excellent communication with the administration, faculty and students of our law school, and I hope that this communication can be continued for the benefit of the Bar as well as the law school.

The recommendations just given are not easy, but I believe to be necessary if our Bar is to maintain its traditional role of leadership, and require direct and positive action which I hope will be implemented by the Wyoming State Bar.

I close my report to you by again expressing my gratitude for the rare privilege of having served as your President, and thank the many members of the Bar who during the past year have done so much for the legal profession and people of the State of Wyoming through the tireless, difficult and trying labors of committees, Bar Commissioners and officers. I earnestly urge your continued support of your incoming officers, but step aside with confidence that the Wyoming State Bar will continue under most capable and enthusiastic leadership.