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Look Before You Leap - Finding Your Place in the Legal Profession

North Dakota State Bar Association

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that he has been called on to do in his County. This particular member either has held or does hold the following uncompensated jobs: County Chairman of War Bond Sales, County Secretary of Red Cross, member of advisory committee on selective service, member of unemployment committee connected with selective service, County Chairman of Infantile Paralysis, Chairman of price panel for OPA. Vice-chairman of Boy Scout activities, his wife was also War Fund Chairman for the Red Cross and he handled most of the work. As you understand, this member of the Bar was not complaining, and did not cite this work for the purpose of receiving any publicity. However, it illustrates the fact that practically every member of the Bar of the State of North Dakota, could submit a list of activities somewhat similar to the above list. Consequently, I feel that the North Dakota Bar Association should inform the public through proper publicity because I feel that the public would appreciate the efforts if they were only informed. I would like to obtain the services of a good publicity committee who would send out a questionnaire to each of the lawyers in the state and ask them to furnish a list of their uncompensated activities. This could be compiled into a report and I am sure that it would surprise everyone, including the lawyers themselves, the vast amount of work that has been done voluntarily by the various members of the Bar.

Sincerely,
 ROY A. PLOYHAR
 Acting President

LOOK BEFORE YOU LEAP
 FINDING YOUR PLACE IN THE LEGAL PROFESSION
 Special Committee on the Economic Condition of the Bar
 of the American Bar Association, 1945

WHAT DO YOU WANT TO DO?
 (Continued from last issue)

LAW IN GOVERNMENT

Judicial Officers. The administration of the judicial functions of government is the form of public service most closely related to the legal profession. In addition to judgeship, there are opportunities for employment as public prosecutors and defenders, masters in chancery, referees in bankruptcy, public administrators, special trustees and receivers, law enforcement and probation officers, clerks, secretaries, bailiffs and other administrative personnel.

These offices are filled either by election or appointment and the tenure in office depends on continuous reelection or reappointment. Where the duties do not require the full time of the incumbent, as in the work of justice of the peace or public prosecutor in small counties, he may, within limits, engage in part-time practice of law. Some judicial officers are paid on a fee basis,

but the tendency is toward fixed salaries that are adequate to compensate for the sacrifice of private income that is involved.

Civil Service Careers. The growth of local, state and federal agencies for the administration of government has created a wide variety of opportunity for law-trained personnel in public service. The choice of occupations is broad enough to fit the personal talents and interests of almost any individual. The lists of available positions, which can be obtained from the civil service examining offices, permit a selection based on the type of work desired.

Government service offers a higher starting salary than does the practice of law, and affords the security of continuing employment with reasonable prospects for advancements, and pension and retirement benefits. The civil servant may have to sacrifice his personal choice of geographic location, and he never achieves the independence of thought and action that is the privilege of the general practitioner. Experience gained in government service is valuable in subsequent occupation, though many administrative agencies now restrict the activities of their former employees for a definite period of time.

Executive and Legislative Office. In the executive branch of government, law training is often a recommendation for employment as policy-making officers and administrative agency personnel not subject to civil service. It is equally valuable to the legislator who takes part in drafting and enacting statutory law.

Executive and legislative officials are paid fixed salaries, but since their employment depends on election or appointment, the tenure in office may be limited. The work of a state legislator requires only part-time attention, leaving the individual free to engage in active practice of law or other occupation for the balance of his time.

Local Government. The opportunities for or part-time employment in local government should not be overlooked. Many agencies of local government employ legal counsel on a retained or salary basis; in most metropolitan areas there are full-time legal staffs serving various departments of municipal government.

LAW IN BUSINESS

Legal Staff Work. Modern business and industrial corporations have found it advantageous to establish full-time legal staffs within their own organizations. Typical of this field of employment are the legal departments of banks and trust companies, insurance companies, railroads and other public utilities, and industrial and manufacturing concerns. This is a field of occupation that is especially attractive and suited to the specialist in law who prefers to limit his professional practice.

Most law departments follow a regular routine of employment and training of their personnel, with fixed salaries, pension and retirement benefits, and reasonable opportunity for advance-

ment. As with government civil service, the individual is limited in his choice of location and lacks the independence of the general practitioner. Those who reach the higher legal staff positions receive salaries that compare favorably with the highest returns from active practice of law.

Non-Legal Employment. Law training has proved a valuable asset in the careers of many who have risen to executive positions in business or have otherwise engaged in work that is not directly related to the practice of law. The field of accounting, for example, demands a broad background in commercial law; the increase in tax problems makes law of even greater importance to the accountant. The same is true in transportation and commerce, where a knowledge of the law carriers is of special value.

In smaller communities where conditions permit, lawyers often find profitable full or part-time employment in the preparation of abstracts of title to real estate, and many combine the practice of law with other business enterprises. In some cases this results from the necessity for a supplemental income to tide over the beginning period in the general practice of law.

Thus the range of opportunities for application of law training is almost limitless, either within or without the profession. If you are diligent in your inquiry and honest in your self-appraisal, you surely find the right place for your own combination of talents, abilities, and personal interests. Having arrived at that decision, you can then consider how and where you are going to put your law training to use.

HOW DO YOU WANT TO PRACTICE?

If you have decided to apply your law training outside the actual practice of law, the matter of how and where to enter upon that career will be determined by the field you have elected to enter. Since most law-trained men and women want at least some experience in active practice, this portion of the discussion is directed to the method of obtaining that experience.

INDIVIDUAL PRACTICE

Although the modern trend is toward partnerships or associations among lawyers, there are always those who prefer to practice alone, and there are likewise many communities that cannot support more than one resident full-time lawyer. It is therefore pertinent to consider the advantages and disadvantages of individual private practice, where the lawyer maintains his own office and has no professional associates.

Advantages. The lawyer who practices by himself is indeed his own master. He is responsible only to himself and can come or go as he pleases. His clients are his own, he can choose them to suit his personal tastes and interests, and he is not hampered by possible conflicting interests of a partner in accepting employ-

ment. He enjoys the exclusive use of the facilities of his office and is free to engage in any other business enterprise he may desire. His is the utmost in personal independence and self-reliance that can be achieved in the practice of law.

Disadvantages. The success of the lawyer in individual practice depends entirely upon his own ability, industry and resourcefulness. He must rely upon this effort to attract sufficient practice to maintain his income. He must exercise his own judgment without benefit of the advice of partners or associates, a responsibility that sometimes can make or break a professional reputation. The difficulties of the beginning years of individual practice cannot be disregarded; the physical and mental strain, particularly if attended by financial worries, demands great courage, patience, fortitude and strength of character.

PROFESSIONAL ASSOCIATION

Professional associations of lawyers are of two kinds: the informal arrangement under which two or more lawyers share office space; and the law partnership in which two or more lawyers enter into the relationship of legal partners. The partnership involves personal obligations and responsibilities that are not present in the space-sharing association.

Advantages. Association with other lawyers permits a division of office expense that reduces the cost of operation for each participant. In the informal association, the lawyer retains the advantages of individual practice, with the economic benefit of lower overhead, and the opportunity to discuss professional problems with other lawyers. The formal partnership gains the broader contacts of the many partners as a source of firm employment, and permits a division of responsibility in dealing with clients. Partners may specialize in practice while the firm itself continues in its character of general practice. Over a period of years a partnership will build up a prestige that will benefit all its members even after the original partners have retired from active practice.

Disadvantages. Except for the benefits of shared expense and experience, the informal association presents the same disadvantages as those suggested for individual practice. The distribution of profits and losses of a partnership sometimes places a stronger, more capable partner at an economic disadvantage with a less energetic partner. The close personal relationship between partners intensifies any differences in their characters and temperaments. Partners must think primarily in terms of the partnership, and to that extent they lack the freedom and independence of the individual practitioner.

THE LARGE LAW OFFICE

The large office is principally found in metropolitan centers. The independent firm is usually the outgrowth of a small partnership, with the senior members holding the status of partners, as-

sisted by associates employed by the partnership. The business law department function like a large firm, but has only one client, the concern of which it is a part.

Advantages. The primary advantage of the large law office is the pooling of talent, experience, facilities, and expense. Associates are employed on a fixed salary basis and have no direct responsibility for the maintenance of the office. The large volume and variety of service rendered permit individual specialization in practice. The lawyer is under less pressure to maintain contacts that will produce employment than in the case of the individual practitioner or partner in a small firm.

Disadvantages. The professional activities of the large law office may be highly departmentalized, with each associate assigned to definite routines. The individual associate is restricted in the scope of his work, without much freedom of choice or independence. His time and energies belong entirely to the firm; he is subject to direction by superiors in all that he does. Junior associates are often regarded as apprentices and paid correspondingly low salaries during their period of training in the work of the office. As in the partnership, the close relation between lawyers in a large office magnify difference of personal temperament that make this type of employment uncongenial for those who cannot adjust themselves to working with others.

It should be obvious that while the choice of how to practice is dictated largely by personal considerations, there is a place in the practice of law for almost every kind or combination of talent, character or temperament. Some are well suited to the strain and demands of individual practice, some prefer the sharing of responsibilities in a partnership, and others find their greatest satisfaction in the relative anonymity of association with a large law office. It is a choice that each must make for himself, and one that affects in no small measure the final question of where to locate in the profession of the law.

WHERE DO YOU WANT TO PRACTICE

Those who apply their law training to other than the practice of law must seek employment where the opportunities are best presented. With the exception of the large law offices that are exclusively situated in metropolitan areas, the person entering upon the practice of law has an almost unlimited choice of geographic location. The answer to this question involves complex, related factors that again reflect the personal desires and background of the individual concerned.

METROPOLIS, CITY, OR VILLAGE?

Size of a city bears little direct relationship to the prospects for professional success. There are lawyers who have made a comfortable living in villages with less than 100 population, others have literally starved in the heart of metropolitan cities. In terms of personal happiness, however, the size of the com-

munity has great significance in the choice of location in which to build a career in the law.

The Metropolis. For the purpose of this analysis areas with more than 100,000 population are regarded as metropolitan. In these cities the lawyer can anticipate the largest and most varied sources on business attended by the greatest competition for professional employment, the highest costs of living and office maintenance, and the most complicated, hectic pressure of daily life. If he practices in the center of business activity, he will live miles from his office and the courts. If he offices in the suburbs, he will have to be content with smaller items of business that do not reach the city lawyer.

His home and family life will be that of the apartment tenant or suburban commuter. His opportunities for cultural advancement and social diversion will be great, but, unless he is outstanding in his profession, his personal recognition will be most limited. If he has been reared in such an environment, however, he is usually well content and would probably feel ill at ease elsewhere.

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OUR SUPREME COURT HOLDS

In the Matter of the Estate of Ingimar Gislason, Incompetent.
J. D. Gislason, Guardian, Petr. and Aespt., vs. Gudrun Gislason, et al., Respts., and United States Veterans Administration, Fargo, North Dakota, Appt.

That North Dakota Revised Code of 1943, 30-2313, (which provides:—"The compensation payable to guardians under the provisions of this chapter shall not exceed five percent of the income of the ward during any year. If extraordinary services are rendered by such guardian, the county court, upon petition and after hearing thereon, may authorize additional compensation therefor payable from the estate of the ward."), does not make authorization by the court before the services are rendered a condition precedent to allowance by the court of compensation for extraordinary services.

That the term "extraordinary services" was used by the Legislature in contradistinction to "ordinary services." By "extraordinary services" the lawmakers meant services other than, and in addition to, such usual, customary and regular services as a guardian ordinarily is required to render in any or in every case.

That for reasons stated in the opinion it is held that in this case the court was authorized to approve payment to the guardian of compensation, for extraordinary services performed by him, and by others at his request, for the benefit of the ward and his estate.