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The Position of the Profession

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THE POSITION OF THE PROFESSION

A Century ago DeTocqueville wrote: "The special information which lawyers derive from their studies ensures them a separate station in society; and they constitute a sort of privileged body in the scale of intelligence. * * * Lawyers are attached to public order beyond every other consideration and the best security of public order is authority. * * * In America there are no nobles or literary men, and the people are apt to mistrust the wealthy; lawyers consequently form the highest political class and the most cultivated circle of society. * * * If I were asked where I place the American Aristocracy, I should reply without hesitation, that it is not composed of the rich, who are united by no common tie, but that it occupies the judicial bench and the bar."

The lawyers of today by temperament and training have the capacity and the vision to supply the leadership which America so sorely needs. If our profession fails to exercise that controlling influence upon the affairs of state which ought to be our contribution, it will, I believe, be due to our inability to rise above the tide of excessive partisanship or our failure to arrest our innermost convictions when they run counter to the interests of those by whom we are employed. Our profession is properly political minded. Party loyalty is a splendid thing. If we are to make our influence felt we must espouse the cause of that party whose principles and policies by and large, seem to us to promise most for the public good. I speak, however, of individual measures. How often do we praise or condemn because praise or condemnation issues from the high command of our party? How often is our position reluctantly influenced, not by what is most for the public good, but by what will most insure the political success of our party or bring about the defeat of our adversaries?

Devotion to a client's cause is, of course, the most sacred obligation of professional employment. I am ready to concede that that obligation extends beyond strict professional employment. We owe it to those who have favored us with their business to exert ourselves to the end that their rights are protected as against imposition on the part of public agencies as well as aggression at the hands of private interests. And yet how often is the attitude of lawyers on public questions dictated not by their own sincere convictions, not by a consideration for the rights of their clients, but by a consideration for the interests and the desires of those for whom they serve.

If the lawyers of this country, endowed by their training to so readily discern right from wrong, could take their stand upon every public question, freed from considerations of party loyalty and party advantage—freed from the aims and the interests of their clients—seeking only that which is best for America, how much more unanimous would be their verdict, how much more controlling would be their influence and how much more secure would be the future of our land.