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Law Lists and Directories

North Dakota Law Review Associate Editors

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other process than by selecting men of such authoritative knowledge and character that they will take charge of the trials before them, make the lawyers stop 'yapping', and really direct the course of justice. No doubt this would lead to some reversals but it ought not to lead to a change of practice by a really qualified judge.

"In a large trial court the judges realize that they are being compared and contrasted by the trial bar. To be firm and courageous then means that a judge may be considered 'arbitrary,' and there are few adjectives more politically menacing than that one. There develops naturally some competition among the judges in respect to sweetness of demeanor and patience with longwinded and needless argument. Patience tends to be exalted until it becomes a vice.

"There appears to be grounds for the opinion that judicial power needs only to be exerted impartially to win bar respect and approval. When it comes to abuse of judicial power any bar which is not courageous enough to assert its rights deserves to suffer."

TRIAL BY NEWSPAPER

There are in America today two processes of justice—one official and the other popular, or as it is more familiarly designated, trial by newspaper. The serious implications of this irregular popular process have been recognized by leaders of both the law and the press.

The celebrated Hauptmann case is an example in point. We are not concerned here with the merits of the case—they have been passed upon by the highest courts in the land. But we are concerned with the manner in which the case was presented in the newspapers, over the radio and on the movie screen. Within a week after his arrest, New York papers announced that "Clues Build Ironclad Case Against Bruno." A few days later one New York paper blazoned the headline that a jury of 12 men and women selected at random in the street had decided Hauptmann was guilty.

Recently we have seen examples of this type of newspaper enterprise closer home. There have been comments on the reliability of the witnesses and even on the merits of the case in our own newspapers.

Nor is the press entirely to blame. There is a growing tendency on the part of some members of the bar to try their cases in the newspapers instead of the courts. And in many instances the police have sought to bolster up their evidence by improper appeals to the public. The important point is not to fix the blame for the condition, but to remedy it. The American Bar Association has begun a campaign toward this end. It deserves our support.—THE BENCH & BAR, Missouri.

LAW LISTS AND DIRECTORIES

Recently the Supreme Court of Oklahoma amended one of the Rules of Professional Conduct governing lawyers of that state so as to define reputable law directories and lists, prohibit listings in other lists and describe what information may be given in such listings. The Court also ordered that the Governors of the State Bar be empowered to determine what publications are such reputable law directories and lists. The Bar Governors immediately drew up standards and regulations to aid them in the task. To date they have approved only one, a standard and well-known directory, and only two law lists.

Earlier, under similar rules and proceedings the Missouri Advisory Committee also approved two of these three lists and directories and add-

ed two others to their approved list. Missouri went even further. The Attorney-General of the State with the aid of several bar organizations has instituted a number of suits prosecuting collection agencies for the unauthorized practice of law. In one of these cases—the Dudley case—the special commissioner named to hear the case has filed his report holding that the respondent agency had been engaged in practicing law. His report shows that he was impressed with the finding that more than 10% of the 5000 claims handled by the agency since January 1, 1933 had been placed with attorneys. He concluded as a matter of law that when the efforts of the lay agency failed and it became necessary to place the claims with lawyers, at that point the field of the practice of law was invaded. This case, and others on similar points, are now pending in various stages of appeal, according to the Missouri Bar Journal.

TYPICAL AMERICAN LAWYER

The typical American lawyer as I have observed him, is very much a part of the life and work of his community. He owns his home and usually a little land, may walk to his office, knows by first name the people he meets along the street, knows the men with whom he practices law, has a feeling of independence in spite of moderate fees and slow collections, and is called in to sit at the council table of every community project. He has time to read a little, play a little, and think a good deal. He takes part in the public affairs and politics of his town, sits in its school board, is active in its churches and lodges, is identified with its banks and industries, knows its people, and is all the while called upon for judgment as to its problems and for leadership in its public opinion, cultural life and community activities. His relationship to all these things is individual and personal, and he becomes the greatest individualist in America. He does not surrender his opinions to clients or political parties or Bar Associations; he thinks and speaks and acts and votes as he individually see fit; and is generally a most useful and respected citizen, who has and deserves the confidence of his community as well as of his profession; and lately he has shown, in not a few States, a willingness to deal with the problems and duties of his profession as a whole. I do not for one moment suggest that, in any part of this country during the past few years, the life and work of the lawyers as a class have been any "bed of roses" or that the highest ideals of the profession have anywhere been completely realized; but I do suggest that we would not need to worry about the future of the legal profession in the United States, if it were left to the smaller cities and towns of this country and were not dictated by the conditions of life and practice in the few largest cities.

HON. WILLIAM L. RANSOM, President,
American Bar Ass'n, in speech before
New York County Lawyers Ass'n.

REMEDY FOR SENSATIONALISM AT HAND

The courts now possess ample power and authority to correct the abuses of offending newspapers. The trouble is our judges are placed on the bench by popular vote, and no judge has any desire to incur the enmity of a powerful newspaper. Trials in federal courts are not interfered with and the main reasons are that the tenure of the judges is secure and no newspaper is going to take the chance it otherwise would take in a state court.—JUDGE ALBERT B. CHIPMAN, Ind.