

# Materials on the Lawyers Professional Responsibility. By Professor William Trumbull

George Lorinczi

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## BOOK REVIEW

*Materials on the Lawyer's Professional Responsibility* by William M. Trumbull (Prentice-Hall, Inc. 1957)—Professor William Trumbull of the Northwestern University School of Law presents an extremely interesting and well constructed symposium on three broad fields affecting the professional responsibilities of the legal profession. Although covered in several nonconsecutive chapters, these fields may be stated as (1) the nature, extent and characteristics of the attorney's professional responsibilities to his client and profession; (2) the organization and disciplinary powers of the Bar and (3) the responsibilities of the organized Bar to the public.

In treating the professional responsibilities of attorneys, Professor Trumbull begins by defining the scope of that responsibility through the Recommended Oath of Admission and a number of Canons of Professional Ethics of the American Bar Association. The subject is further discussed in a number of articles and annual reports of bar association committees. Among the articles, perhaps the outstanding discussion is represented by a particularly thought-provoking and incisive contribution by Dean Roscoe Pound, sponsored by the National Conference of Judicial Councils, entitled "The Causes of Popular Dissatisfaction with the Administration of Justice."

Among the materials Professor Trumbull has chosen concerning the organization of the Bar, the most interesting portions, from the standpoint of Wisconsin lawyers, relate to the recently and hotly debated question of the integration of the Bar. The opinion of the Supreme Court of Florida in the *Matter of the Petition of the Florida State Bar Association*, 40 So. 2nd 901 (1949) is particularly instructive. There are other interesting articles and materials on the activities of the organized Bar, of which a table of organization of the committees of the Chicago Bar Association with the due dates of their reports might be especially helpful to Bar presidents in determining the scope and effectiveness of their own Bar Association. The chapter entitled "The Power of Discipline," is "must" reading for Grievance and Ethics chairmen as well as Bar officers and General Counsel concerned with disciplinary problems.

In four outstandingly informative chapters entitled "Fiduciary Relationship to Client," "Special Problems of Advocacy," "The Practice of Criminal Law" and "Professional Fees," the author collects a wide variety of articles, reports, decisions and canons bearing on these subject matters. The colorful presentation of this relatively dry subject, coupled with the careful selection of authoritative materials and the careful and precise questions and notes appended by the author makes these chapters highly instructive reading for the law student, and

valuable reference material for the practicing lawyer and the Bar Association official.

Perhaps the most interesting and sorely needed portion of the book is the chapter entitled "The 'Right' to Practice Law" in which the author assembles a number of decisions and canons bearing on the obligation of the organized Bar with respect to the field of unauthorized practice of the law by laymen. While much has been written in recent years on the responsibilities of the attorney and of the organized Bar to maintain the ethics of the profession so far as the duty of the individual practitioner toward his clients is concerned, there is a relative paucity of materials concerning the equally important duty to prevent the practice of law by unqualified persons.

It is perhaps unfortunate that the book was published just before the 1957 annual report of the Standing Committee on Unauthorized Practice of the Law of the American Bar Association for the year 1957. This report contains a most succinct yet persuasive statement of this duty in the following language:

"The biggest and the most important problem facing the American Bar as a profession today is that of the unauthorized practice of law by laymen and by corporations. It is unfortunate, but nevertheless true, that there are too many lawyers, law professors and even judges who do not appreciate the importance to the general public and to our form of government, of the maintenance and preservation of the Bar as a strong and independent professional group. The average lawyer basically takes pride in his profession and believes, as he should, that a well regulated and disciplined bar is essential, not only to the welfare of the profession, but of the public as well. However, too often he finds himself too busy with his own private practice to take an active and positive part in eliminating unethical and unauthorized practices. This indifference and apathy cannot continue if we are to survive as a profession.

"It is well enough for the bar to go to great lengths to require long years of training as a prerequisite to admission to the bar; to insist upon strict adherence to high standards of conduct and to take strenuous measures in disciplinary actions against the few undesirables who hold licenses. These are manifestly important; however, they mean nothing if at the same time we subject those who have met and maintained the requirements of education and ethical standards to competition from those who have not done so, and in many cases could not, but who, nevertheless, are free to advertise and solicit and proclaim to the world that they can do a better job and do it cheaper than lawyers. Such a course is but to repair leaks in the dam when its foundations are crumbling. Lawyers subject to ethical restraints cannot do combat on a fair basis with persons who advertise and solicit. If a lawyer, young or old, is forced to compete day in and day out with lawmen and with corporations backed by substantial amounts of capital, then it is inevitable that ethical restraints

will be ignored and the legal profession will, and should, be discredited in the eyes of the public.

"We earnestly appeal to all lawyers of America that they awaken themselves to their public and professional responsibility and join actively and courageously in the program to stamp out unauthorized practices and to thus maintain the integrity and independence of the legal profession. We cannot give the 'kiss it and it will go away' treatment in this problem. Success in eliminating unauthorized practice will require conviction, time, initiative and determination of every lawyer in this country. We earnestly solicit the understanding and cooperation of the public as well as lawyers everywhere in this important undertaking."

All in all, Professor Trumbull's book is profitable and enjoyable reading and should be well received by the Bench, the Bar and the law schools.

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