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THE PROPER PLACE AND FUNCTION OF THE LAWYER IN SOCIETY

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The order of society rests upon the administration of the law. Society needs more than the law since society itself, which is the aggregate of men, is inflicted with the individual proneness of man to overlook the law given to it. Society needs government under the law. Law, in its highest sense, is the will of God. God alone has inherent authority and everything else is derivative of that. God delegates to society authority for self-government in its own behalf to enforce obedience to His law and to punish disobedience. This is the authority of the state, and the source and scope of all its power, legislative, executive and judicial. The administration of the law implies the judicial function which includes a bar trained and skilled in the principles and processes of the law. Independent of the judicial function the legislature is impotent and the executive is despotic.

During the eighteenth century a group of intellectuals on the continent, especially in France, left God out of His creation. The blueprint for their philosophy of action declaring the omnipotence of reason and the omnicausality of science was Liberalism. Its rallying cry during the French Revolution was "Liberty—Equality—Fraternity." *Liberty* however is not the exercise of unbridled will. Liberty, without the basis of God, degenerates into license in the exercise of unrestrained abuses. "Might makes right" glorifies brute force or its satellite, totalitarianism. It is immaterial whether such state is fascist, nazi or communistic. *Equality*, without its bedrock foundation in religion as to equality of creation, redemption and eternal happiness, resolves itself into the right of survival. Everyone knows he is not equal to another in talent, opportunity and inheritance. Science then proclaimed the survival of the fittest in lieu of equality. The logical result was racism. *Fraternity*, without charity—love of God and love of neighbor—found expression in humanitarianism and philanthropy, not based on justice. The benevolent despot of an earlier monarchical form of government finds its counterpart in the totalitarian state, the logical result of realistic liberalism.

A government of force—devoted to state supremacy—is based upon the denial of human rights and is above and beyond all considerations

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of morality and justice. The judicial function in the administration of the law in a totalitarian state must advance the ruthless exploitation of men for the establishment of a planned and regimented economy at home and power politics abroad. To appreciate the place and function of the lawyer in such a government one might consider the role of the court in the Soviet Union.

Article 130 of the Constitution of the U.S.S.R.[1] provides that "it is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse." Since the most important function of the socialistic state is the rooting of a respect for law and justice in the conscience of the general masses this then too becomes the primary task of the court.

Socialistic justice becomes most important in assisting the state in the struggle with those elements which by their criminal activities undermine the laws and rules of socialistic living, in the safeguarding and defense of law and order and legality, and in influencing of the toilers in the spirit of communistic education.

Article 112 of the Soviet Constitution[2] states that "judges are independent and subject only to the law." The subordination of the court to the law is "the reification of justice in the interests of the toilers, the strengthening of the foundation of socialism."[3] While the judges are elected by the toilers, they do not enjoy freedom of action. For example, the *People's Court*, the court of the toilers, was set up to guard the victory of the socialistic revolution. The court, and all superior courts as well, is composed of a judge and two regular jurors, who during a trial are fully empowered judges and each juror is equal to the judge. The two jurors by voting together can overrule the judge's opinion in the verdict or decision brought in the name of the court. In all cases the decision is made in the spirit of Soviet laws and rules of socialistic living to promote "the strengthening of legality and justice, as an indispensible condition of the struggle for the construction of communism."[4] It is most important in this struggle for the building of a communistic society that responsible officials, as well as all citizens, observe strict legal forms.[5] Lenin even demanded the removal of judges, without any pity, if they failed to observe as sacred the laws

[1] *Constitution of the Union of Soviet Socialist Republics*, Ogiz, 1938, p. 109-10.
[2] *Constitution of the Union of Soviet Socialist Republics*, *supra*, Note 1, p. 95.
[3] Golyakov, Prof. I. T., Chief Justice of the Supreme Court of the Soviet Union, The Role of the Soviet Court, p. 10.
[4] Golyakov, *op. cit. supra*, Note 3, p. 88.
[5] "'In order not to fall into utopianism' said Lenin even in 1917, 'it must not be thought that, having got rid of capitalism, people will at once learn to work for society *without any kind of legal norms*.'" *Ibid.*, p. 2-3.

and orders of the Soviet power in imposing sufficiently strict sentences.[6] Since the state considers the education of its citizens "in the spirit of devotion to socialism and to communistic labor discipline" to be one of the most important functions, it is the sacred duty of the judge to do all within his power to promote this end. The judge who conducts a trial skillfully and *in the Party manner* always has a good audience. The general political training of the judge is all importance since he can easily master the necessary legal knowledge.

From this consideration of the role of the court in the Soviet State, it follows that the place and function of the lawyer in such an economic or political totalitarian autocracy is, and must be, as an agent in the preservation of the state and ultimately society. The statute on the bar of the U.S.S.R. defines the task of the bar, and places the control of the bar under the Ministry of Justice. "Lawyers in the U.S.S.R. are cognizant of their relationship to the State at all times. They are taught Soviet political theory in their schools. They are taught that the court and lawyer are *the agents of political power and that the interests of the state must always be paramount.* A lawyer could not conduct a campaign against the State in a spirit of hostility. Yet this fact . . . does not mean that his duties are those of a rubber stamp."[7]

On the other hand a government of law—dedicated to the preservation of inalienable human rights, the safeguarding of liberties and the advancement of the common good—is democratic in concept and in purpose. A government of law makes a country free. Without full and free administration of the law, such government necessarily lapses into one of force. In free countries the administration of the law is the law. Life, liberty and property in a government of law are protected by courts. Such a government proceeds always upon inquiry, hears always before determination and renders judgment only after trial.

The family is the germ and also the initial form of society. The state is the outgrowth of the family. Man was not created *in* society, but *for* society. In entering into society man made his first step in civilization by obeying the law of his being. Society is not the creature of the will of man, but it is the order of his nature. While man organized society, God ordained it. To understand the nature of civil society one must understand the nature of man. If man is conceived as a person—endowed with freedom, dignity, inherent rights and ultimate purposes—then civil society is affected by this fact to the extent that it, too, will be concerned with both rights and duties. Civil society exists to safe-

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[6] "No matter how good the laws are, justice will not give the proper effect unless in every decision of the court, made in the name of the state, there is not to be seen respect for the law on the part of the judge himself." *Ibid.,* p. 20.

[7] Hazard, John N., Law Practice in Russia: The organized bar in the U.S.S.R., 35 Am. B. Assoc. J. 269, (1949). (Emphasis added by author)

guard and promote the welfare of its members in the full development of their personalities. In a democracy the individual citizen must be its subject, its foundation and its end.[8] A democracy guarantees two rights to its citizens: "they shall have full freedom to set forth their own views of the duties and sacrifices imposed upon them, and they will not be compelled to obey without being heard."[9]

Chief Justice Edward G. Ryan of the Wisconsin Supreme Court in 1873, described the function of the legal profession in a government of law, as follows: ". . . society has instituted and set apart a body of men, trained to the knowledge and practice of the law; learned in its principles and processes, to interpret the law to society, to guide the business of society under the law, to protect the legal rights of society and its members, to look to the intelligent and faithful course of judicial proceedings, and to stand charged with the holy office of the administration of God's justice among men."[10]

The profession of the law is "charged with the peaceful protection of every public right in the state, of every civil and religious right of the people in the state; charged with the security and order of society."[11] Hence life, liberty and property are in the ultimate safe-keeping of the legal profession.

The law is a science and one of the learned professions. "The lawyer then must be a learned man in the sense that he has mastered the intellectual content of the law, and he must be a professional man in the sense that he is laboring for the common good and not for honors or riches."[12] The fees of the lawyer should enable him to support himself and family "in the luxury of refined and elegant poverty" and are only an incident, not the aim, of professional life. The true ambition of the

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[8] Genuine democracy rests on the following basic realities:

1. Recognition of the dignity, liberty, intrinsic worth, sanctity and rights of every human being.
2. Recognition of the fundamental equality of all men, no matter what the race, nation, education, age, color or sex.
3. Recognition of the personal, economic and political freedom of all people. All men under the guidance of moral law should enjoy the liberty of the sons of God.
4. Recognition of the social character of man, and of the family, as the basic social cell of all societies.
5. Recognition of the responsibility of all to cooperate freely and mutually for the common good of every class, social group, nation and people, as well as for the universal human society to embrace the higher well-being and perfection of all men everywhere.

MacLean, Donald A., Democracy: Real or Skin Deep, 26 Columbia 11 (1946).

[9] Pius XII and Democracy. Christmas Message of Pope Pius XII, December 24, 1944 (Revised Translation—Rev. John B. Hurney, C.S.P., p. 8, ¶17.)

[10] Ryan, Edward G., Address to Law School of University of Wisconsin in 1873, privately printed, p. 18.

[11] *Ibid.*, p. 18.

[12] Hutchins, Robert M., The Bar and Legal Education, 62 Reports of Am. B. Assoc. 516, 519 (1937).

lawyer should be "to obey God in the service of society, to fulfill His law in the order of society; to promote His order in the subordination of society to its own law, adopted under His authority; to minister to His justice, by the nearest approach to it, under the municipal law, which human intelligence and conscience can accomplish. To serve man, by diligent study and true counsel of the municipal law; to aid in solving the questions and guiding the business of society, according to the law; to fulfill his alloted part in protecting society and its members against wrong, in enforcing all rights and redressing all wrongs; and to answer, before God and man, according to the scope of his office and duty for the true and just administration of the municipal law."[13]

In addition to this ambition, every lawyer worthy to practice should possess high integrity, deep reverence for all authority, human and divine, inherent love of truth and right, intense sense of obedience to law, a generous sympathy with man and knowledge of his profound dependence on God. Every lawyer of reasonable intelligence can acquire an adequate knowledge of the law for meritorious service in the profession. Not everyone is gifted with high intelligence. In the legal profession, character without high intellect is a greater power for good than intellect without high character.[14] The lawyer's strength lies in his thorough knowledge of legal truth and devotion to legal right. His goal is professional duty.

Legal education since colonial days must be considered in order to appreciate the place of the lawyer in American society. Many of the founding fathers of the American constitutional system were trained and educated in the English common law and were the products of the American frontier. The colonial lawyers were steeped "in Coke's teachings, for Coke's Institutes were the most authoritive law books available to them, and they were dealing with a tradition and not a code."[15] This was an inexact process of reasoning from a general principle to a particular application. Coke seldom considered Magna Carta as the bedrock foundation of the institution of the English common law. Coke invariably used "common right and reason" in bolstering Magna Carta, which "was not *ipso facto* binding, but was evidentiary of concepts universally acknowledged and observed both before and since 1215. Coke's Commentaries and Decisions are replete with his explanations of what these universally acknowledged concepts were."[16]

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[13] Ryan, Edward G., *supra*, Note 10, p. 19.

[14] "*Craft* is the vice, not the spirit of the profession. *Trick* is professional prostitution. *Falsehood* is professional apostasy", *supra*, Ryan, Note 10, p. 20.

[15] Pound, Roscoe, The Development of Constitutional Guarantees of Liberty, 20 N. D. Lawyer 347, 348 (1945).

[16] Manion, Clarence E., The Natural Law Philosophy of Founding Fathers, Natural Law Institute Proceedings (1947), Vol. I, p. 8.

The natural law, as expounded by Coke in the seventeenth century, and by Blackstone in the eighteenth century, was the fundamental principle upon which the pre-revolutionary legal education was based. Blackstone accepted the natural law as the inspiration of the common law. Blackstone apparently disagreed with Coke only on the "power" of Parliament to override natural law and common law. It must be remembered that the English Revolution of 1688 occurred after Coke's death and after 1688 there was no fundamental law superior to Parliament. American colonial lawyers were taught "the language of Magna Carta as interpreted by Coke, namely, that statutes could be scrutinized to look into the basis of their authority and if in conflict with fundamental law they must be disregarded,"[17] which fundamental law was later put into state and federal constitutions. The main and controlling legal issue of the American Revolution as set forth in the Declaration of Independence was the enforcement and implementation of a law "superior in obligation to any other . . . coeval with mankind and dictated by God himself."[18] The significant contribution of the American Revolution to the doctrine of natural law was "the effective limitation of sovereignty and government by *division, judicial review* and *democratic forces* . . ., a necessary corollary to the doctrine of inalienable natural rights."[19] Sovereignty was separated and checked so that it was obviously a servant of the God-given rights of men.

Blackstone's ideal of educating gentlemen rather than giving them vocational training was the objective of all legal education down to the end of the Civil War. Students studied law in the office of some practicing attorney and gained practical experience by doing small tasks. With the increasing flood of state and federal judicial decisions emphasis was shifted from the law of nature and of nations and philosophical jurisprudential subjects to technical studies of American law. Langdell's institution of the case system at Harvard in 1870 was based upon the assumption that law could be taught inductively. This was the turning point of legal education, because "Ideas of specialization, of concentrating on facts with scientific objectivity as in the social sciences to the avoidance of the philosophical and ethical came to dominate legal education in America."[20]

The spirit of legal education became intensely practical and positive law was taught as a self-sufficient science, having no relation to the social sciences, and was divorced from natural law and ethics. The trend was "in the direction of relativism, positivism, empiricism, concentration on concrete measurable facts and the analysis of narrowly

[17] Pound, *op. cit. supra,* Note 15, p. 367.
[18] Blackstone's Commentaries (Lewis Ed.), Vol. I, p. 31.
[19] Manion, *op. cit., supra,* Note 16, p. 21.
[20] Palmer, Ben W., The Natural Law & Pragmatism, Natural Law Institute Proceedings, 1947, Vol. I, p. 55.

circumscribed situations by specialists using their own highly specialized techniques. The emphasis was on change rather than stability, on the temporal and immediately rather than the eternal, on the natural to the exclusion of the supernatural."[21] Under the leadership of such men as Justices Holmes and Brandeis, lawyers and legal education espoused a new philosophy of law based upon pragmatism which traced the fundamental roots of law to concepts of social welfare. The most dangerous of the evil effects of pragmatism and its offspring, legal realism, was the unsettling of the philosophical bases of law.

The impact of the industrial revolution in America and the growth of Big Business on the practice of law affected the lawyer's place in society. During the first decades after the adoption of the Federal Constitution, when the United States was an agricultural nation, national problems were political rather than economic. Lawyers were at the peak of their influence and were the greatest orators of America's golden age of oratory. Their practice dealt more often with property rights rather than with personal rights and they devoted themselves almost exclusively to advocacy. American inventive genius changed this country into an industrial one. This transition was rapid after the Civil War, and as trade and industry passed from individual to corporate ownership, lawyers were retained to draft legal documents for organizing, merging or reorganizing corporations, to supervise issuance of securities and to advise on mixed questions of law and business. The lawyer's function shifted from advocacy to corporate practice wherein a structure was designed to withstand future legal attack. The emphasis was on the retention of lawyers whose abilities lay in negotiations in the conference room and in drafting of documents rather than in arguing before courts.

Big Business, with its corporate ownership largely separated from management, frequently paid inadequate wages and permitted intolerable working conditions to exist. The workers necessarily organized for their own protection. With the formation of the American Federation of Labor, which organized skilled labor by crafts horizontally, Big Labor began. It reached gigantic stature when the Congress for Industrial Organization was formed to organize vertically the workers of entire industries.

By its frequent disregard of obligations to the general public, Big Business made Big Government inevitable. The activities of Big Business became a recognized menace to small individual business, to new ventures and to that very competition which is so necessary to preserve free private enterprise. A mass of federal and state regulatory legislation was enacted, interpreted and enforced by numerous boards, bu-

[21] *Ibid.*, p. 56.

reaus, commissions and departments. These administrative agencies issue many and often conflicting regulations and rulings, all of which the lawyers are presumed to know. The increasing amount and variety of work made specialization inevitable.

The law office with retainers from large corporate clients must, if it is to give adequate legal service, have experts, not only in advocacy, but in all the important fields of the law. The law office personnel was necessarily augmented which resulted in the formation of large partnership firms, wherein some lawyers were partners and others were employed for salaries. Many corporations have their own house attorneys, their own legal department, manned by full-time salaried attorneys who handle their day to day problems and contacts with governmental agencies. Such corporations then consult their outside attorneys on more important matters.

"Big Labor" also has its army of specialized legal talent to represent unions in their many proceedings before administrative boards and in the courts as well as in their lobbying and poltical activities. Big Labor employs both retainers of independent practitioners and salaried lawyers. Many lawyers have also left independent practice for service in the many legal department of Big Government.

The corporation lawyer exercises great economic and financial influence, whether acting solely as counsel or in the dual role of counsel and director. The profession has been charged with failure when it rendered specialized service to business and finance to live up to the unswerving search for justice. Too often the legal profession has been considered the willing servant of business and has been tainted by the morals of the market place in that the lawyer would lose his independence of thought, or at least of expression. Wigmore has called the legal profession "the Priesthood of Justice," and in the popular mind the profession has been accused of surrendering the Temple of Justice to Mammon, especially when it was fashionable to blame all economic ills on Big Business, its bankers and its lawyers.

Lawyers trained in the school of advocacy were highly legalistic in their approach since common law and equity were their two principal fields of law. The rigidity of common law pleading placed too much emphasis upon form rather than substance. While they prosecuted or defended to the best of their ability, they availed themselves of every technicality of practice. When such lawyers were retained by Big Business, they were satisfied merely to advise their clients how they could legally do what they wanted without questioning the propriety of the ultimate objective. Natural law theories of the just wage and fair price and of the social responsibilities of wealth were entirely ignored or perverted so as to fit in admirably in an individualistic, competitive society. Corporation lawyers might well have considered the economic

and social consequences of many of the transactions which they advised in effecting the lawful attainment of the client's objectives.

The natural law itself was adapted or perverted to the point of view of those who believed in a *laissez faire* society. The economic philosophy of the Manchester school of political economy and of Adam Smith was generally accepted. The Spencerian theory that the progress of society would be furthered by hands off policy on the part of government in so far as it concerned economic enterprise and the struggle between capital and labor fitted in admirably with this theory. The due process clause of the Fourteenth Amendment was then not considered merely procedural. When accepted as a principle of substantive law it gave constitutional sanction to *laissez faire.* That doctrine "translated the principles of natural law and of the 'inalienable rights' of the Declaration of Independence into the due process clause barrier to any social or economic legislation, which the court, accepting the *laissez faire* Spencerian philosophy, deemed undesirable and violative of such rights. Marked for a particularly jealous care were rights of property and 'liberty of contract.' "[22]

The humanitarian movement of the nineteenth century, among others, created an increasing demand for the abandonment of *laissez faire.* Courts were criticized as barriers to social legislation and the enemy of the new concept of law which was "a law that would balance the interests of conflicting social and economic groups . . . not merely by preserving private property and a theoretical liberty of contract but by redressing the balance in favor of the economically weak. The machinery of the state was to be used also to establish and enforce rules of the game for the protection of the ethical, the better social type and of the public generally. The law was to be used to rebuild society nearer to the heart's desire of those filled with humanitarian zeal—and in some cases with envy of their neighbor's wealth."[23]

If the law is to survive as a learned and respected profession dedicated to the public service, consideration must next be given, not to the lawyer individually, but collectively in the brotherhood of the servants of the law. The voluntary association of lawyers in bar associations, is much more effective in striving for uniformity and simplicity in the statement of the law and in administration of justice than any individual effort could be. The legal profession made its appearance rather suddenly in the middle of the fourteenth century when lawyers came

[22] Palmer, Ben W., Groping for a Legal Philosophy, Natural Law in a Creative and Dynamic Age, 35 Am. B. Assoc. J. 13 (January, 1949).
[23] Palmer, *op. cit., supra,* Note 22, p. 14.
[24] Lincoln's Inn, Gray's Inn and the Inner and Middle Temples; the Inner and Middle Temple are found in buildings formerly the property of the Knights Templars. Williams, E. K., Lawyer's Wife, 62 Reports of Am. B. Assoc. 456 (1937).

into possession of the Inns of Court of England.[24] The life of the lawyer appears to have centered entirely around the Inns of Court and the Circuits with their Messes. The lawyer there engaged in the struggles at bar and kept in friendship and brotherhood the various festivals—Grand Nights and Revels, high days and holidays. Throughout the years the lawyer has played no small part in improving the law of the land and improving the administration of justice.

The years immediately following the establishment of the American Republic under the Federal Constitution were the Golden Age of the American Bar, especially when measured in terms of public service by the legal profession. An overshadowing business depression made the lawyers, representatives of insistant creditors, most unpopular. The legal profession was spurned and the idea of it being a learned profession was scorned. "Not only were standards of legal education and admission to the bar all but eliminated . . . but, in addition thereto, in all but a handful of States, the Legislature confided or the Court of last resort delegated the power to admit lawyers either to local courts or local bar associations."[25] These depressing professional conditions continued to exist long after the economic and political causes that produced them had vanished. The American Bar Associaton, founded in 1878, directed its attention to professional ethics, legal education and admissions to the bar at its first meeting. Since then it has been the chief agency in the work of restoring the law to the position of a learned and respected profession. The record of achievements of the American Bar Association during its more than seventy years of existence emphasizes that it is a dynamic force in improving American jurisprudence and in defending the doctrine of the independence of the judiciary. When one considers that progress can be made only to the degree that not only lawyers but laymen are convinced the record of achievements is most remarkable. The American Bar Association has "no compulsive power either over individual lawyers or any other Bar Association. It has no legislative, executive or judicial power. It has no patronage to dispense, no grants-in-aid to distribute. Its powers are solely those of deliberation. It succeeds so far, and only so far, as it appeals to reason and conscience, and thereby wins the assent and approbation both of the profession and of the public."[26]

Lawyers, though individualists by training and experience, have no obligation to join a bar association when admitted to practice. The lawyer may regard his license to practice a vested property right without any corresponding social obligations and may decline to join the organized bar or to further its objectives in the public interest. While

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[25] Vanderbilt, Arthur T., United We Stand, 63 Reports of Am. B. Assoc. 699 (1938).
[26] Vanderbilt, Arthur T., *op. cit., supra,* Note 25, p. 701.

the association is *representative* of the profession, it is nevertheless *responsible* to the bar of the given community. Many young lawyers sensed that through association work they may use their leisure time to best possible advantage in fulfilling their obligations to society. They have stimulated the older generation into more active participation. Solution of problems cannot be the work of a few, but it is the result of the cooperative efforts of many. Only by constant reading and study can a lawyer fit himself and remain current for the work he must do. Through its institutes, regional meetings and post-admission-to-practice courses, the bar association keeps the lawyer current on the latest development of the law in various fields. The individual lawyer would neither have the time, patience nor technique to do this on his own. Lawyers have learned to appreciate bar association activities, not only in improving the administration of justice, but in improving the *esprit de corps* of the profession through social contacts. Bar association conventions perform the dual function of considering problems peculiar to the profession and the place of the profession in the life of the Nation. The individual lawyer, through the strength and inspiration he obtains in active bar association work, thereby is able to live up to the highest ideals of a profession whose duty it is to administer laws. The legal profession requires every lawyer *honesti vivere,* to live honestly—*neminem laedere,* to harm no one—and *suum cuique tribuere,* to render unto everyone his due.

The profession of the law is essential to the preservation of free government. Since the function of every lawyer is to defend life, liberty and property even as against the government itself, the lawyer must defend fearlessly and maintain unselfishly the essential relation between law and liberty, between the independence of the courts and the maintenance of our constitutional guarantees of individual freedom.

The function of the lawyer who serves industry, trade and finance must be not only to keep his clients technically within the law, but also to seek such solution to their legal problems as are compatible with changing social concepts and the avoidance of the abuses of economic power. The concentrated power of Big Business, Big Labor and Big Government presents a real danger to the destruction of individual freedom of opportunity in a system of free enterprise. The lawyer must never forget that the ultimate objective of the legal profession is that complete justice shall not only be granted, but also enforced against, all members of society alike.

The place of the lawyer, not only individually but through the organized bar, is to defend the preserve individual liberty under law. In the grave national and international issues that confront and confuse the American people today, the lawyer's role transcends the normal role of representing private clients. The lawyer must discharge his duty to

the public of intelligent leadership, which is as important and immediate as at anytime in history.

The lawyer must again rediscover the philosophy of the Founding Fathers that the available checks in government found in the Constitution and the Bill of Rights are *means* to an end, and not ends in themselves. The Founding Fathers knew that natural law was the one sure basis of constitutional liberty in America and they declared the rights of people to their individual freedoms to be inalienable and not subject to legislative fiat. Since the letter of these limitations is a protection of a well defined concept of man's inherent and imperishable nature, every lawyer must have a knowledge and evaluation of it. The lawyer must uphold and defend this concept of the God-given right of the individual against his own government and everyone else. Once the basic philosophy of the Constitution is gone and pragmatic philosophy dominates American constitutional law, then only the empty shell of flowery expression remains. The people may then turn on the profession for this mockery of justice and seek other gods—perhaps even the god of force as exemplified in the totalitarian state. It is yet not too late for the lawyer and the organized bar to take the place of the legal philosophers who persist in denying the American birthright and rededicate themselves to those principles which give meaning and purpose to laws and which give ultimate claim to the allegiance of men. Recognizing that God created an ordered universe of liberty and law, the lawyer prays:

> "So may I humbly do my part
> In building up through centuries the art
> Of reconciling liberty and order
> Preserving man from the ever imminent maw
> Of chaos, brutality, disorder."[27]

[27] Palmer, Ben. W., A Lawyer's Prayer. (Privately printed).