Lawyers and the Promotion of Justice. By Esther Lucile Brown

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The Russell Sage Foundation was established "for the improvement of social and living conditions in the United States of America." In carrying out this purpose a staff is employed which conducts studies of certain social conditions in a well-organized and scientific manner. From time to time the Foundation publishes the results of studies in book or pamphlet form.

This monograph, under review, is a report of the studies of the legal profession in the United States. Facts and figures are effectively presented in this book and draw a clear-cut picture of the whole American legal profession—its past, its present, and its future. Portions of the report deal with the evolution of the legal profession in the United States, legal education and its problems, descriptions of the various national associations of lawyers, outstanding weaknesses of the profession, and new trends tending to promote justice.

Two parts of this report will be of especial interest and value to both lawyers and law-students. They deal with the problem of the number of lawyers and also present demand for legal services and the earnings of the lawyer.

To the question—are there too many lawyers in the United States—this report can give no definite answer. While the census figures for 1930 reveal 160,000 lawyers in the United States, the problem is far too complicated to be answered by considering the mere number of lawyers. The report points out that no extensive detailed study of the national picture has ever been made so as to furnish necessary data on which to base an accurate answer. Not until each locality is studied in detail—its economic structure, the diversity of its population, the demand for legal services, and other factors—will there be a definite standard which may be used to aid in finding an answer to this question.

In 1934 a detailed study of the legal profession was made in Wisconsin for the purpose of discovering various facts about such problems as the overcrowding of the bar and the earnings of lawyers. This book describes the Wisconsin survey and its rather startling revelations. Research workers engaged in this study made use of such sources as (1) figures showing growth of legal profession in numbers from 1848 to 1932; (2) legal indices as number of papers filed, number of civil and criminal actions commenced, and similar material; (3) economic indices such as value of manufactured goods, number of workers in manufacturing establishments, value of farm crops, and other economic indicators; (4) growth of population in state. While it was admitted by those conducting the survey that certain weaknesses and omissions were present, the conclusion was reached, "that the volume of legal business and opportunities for lawyers had increased in Wisconsin since 1880 more rapidly than had either lawyers or population. Even allowing for contraction of legal business in 1933, the position of the lawyer appeared to be more favorable than at any time prior to 1932."

Certain parts of this Wisconsin survey was devoted to a study of the effect of the depression on earnings, a comparison of the incomes of lawyers with those of physicians, and the relation of earnings to the localities where lawyers practiced, and the number of years they had been in active practice. Detailed study of income tax reports of lawyers was made to reach conclusions.
The conclusions reached by the investigators showed that incomes of 1876 Wisconsin attorneys dropped substantially in 1931 and also in 1932. In this latter year almost half of the total number of attorneys reported incomes of less than $2,000 whereas only a third had reported so small a figure in 1927.

This survey also revealed some interesting information about the influence of locality upon income of lawyers between 1927 to 1932. The book, under review, states the results as follows: "Upon tabulating the results by size of community, Milwaukee, the largest city in the state, was found to be the only area in which any attorney had earned an average as high as $45,000 for the six years. What was more significant, however, was the fact that 8 per cent of the 728 attorneys in that city averaged less than $1,000 a year and 19.5 per cent averaged between $1,000 and $2,000. The combined percentage earning less than $2,000 per year was higher for Milwaukee than for any other size-of-community category. Cities of from 10,000 to 70,000 population had larger percentages of lawyers earning an average of from $5,000 to $9,000 yearly than did Milwaukee. Even communities of from 2,000 to 5,000 had a higher percentage of incomes between $3,000 and $9,000 than did Milwaukee. Incomes of this size, moreover, naturally provide greater comfort in the smaller places than they do in large urban areas."

Finally, it was shown that the lawyer who made the highest earnings was one who has been in practice between twenty and forty years. The Russell Sage Foundation has performed a valuable service in conducting this study of the legal profession. Its results have been presented in a style which makes it extremely readable. It does not contain glowing accounts of the past glory of a learned profession but presents clear facts and figures worthy of careful consideration.

The reviewer of this book suggests that a valuable addition to this survey might consist of a collection of facts and figures concerning the numbers of law-trained men and women engaged in related fields of work and the possibilities in these fields. Such a study would furnish much-needed information about such growing fields for the law-trained person as (1) government service; (2) law enforcement work in the federal or state departments; (3) legal departments of insurance companies; (4) legal departments of large business corporations. Perhaps, in the future, such a report may be available.

J. Walter McKenna.