

# Washington Law Review

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Volume 45 | Number 1

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3-1-1970

## Editor's Notes

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### Recommended Citation

Loyal T. Snyder, Editors Notes, *Editor's Notes*, 45 Wash. L. Rev. xxi (1970).

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## EDITOR'S NOTES

The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

*Preamble, ABA CANONS OF PROFESSIONAL ETHICS*

Today controversy over the American legal system rages throughout every level of our society. Commentators are examining every aspect of the judicial process and are openly questioning the values upon which the system is based. The recent trial in Chicago of the seven men accused of conspiracy has, perhaps, furnished some insights into why the public is openly questioning the legal process. It is increasingly clear to me that the "now" generation is unwilling to allow the legal profession to pronounce solemnly that all is well with the legal system. The public will decide, in the final analysis, whether or not the system is worth preserving. Its judgment in this regard will be as well considered as the defenders of the system are articulate. The legal profession must perform an educational role in assisting the public to evaluate the legal process. It cannot duck the hard issues nor fail to rebuke those of its members who transgress its basic values.

The legal circus in Chicago was reported act by act by members of the press—only a few of whom can be called experts in the philosophy and values of the American legal system. Regrettably, the legal profession failed to effectively assist the public in understanding what was at issue, what was being decided, and which actions were proper and which were questionable during the course of the trial. But that failure did not prevent the public from forming opinions about the conduct of the professionals involved in the trial. Those opinions may be the only ones formed, and they were reached without the considered commentary of the legal profession.

If the legal profession is to take any effective action in defense of the legal system, which is under increasing attack in the wake of the Chicago trial, it must do so immediately and forthrightly. A profession, unlike a trade, is responsible to the general public for evaluating the conduct of its members. The conduct of the professionals in Chicago was subject to daily commentary in the news media, and much of the commentary suggested that the conduct fell below minimum standards of proper legal behavior. If the legal profession expects the public's confidence in its ability to control and improve the legal system, then the profession must act *now* to fully examine the conduct of every professional involved in this case.

The public is entitled to hear respected voices from the legal profession comment step-by-step on the events of this trial—to explain that conduct which might seem offensive to some, but which is considered to be within the legitimate bounds of legal conduct; and to condemn that conduct which exceeds those limits.

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Today's public clamor is not yet a cry for wholesale abandonment of the fundamentals of the American legal system, but that outcry may be focused by those who would bring our system to heel—either in the guise of its reformation or in an open assault on all the basic institutions of the American system of government. The organized bar has the role of leadership of the legal profession—perhaps the only group which can assist the general public in understanding the values and methods of the American legal system. If the bar fails to exert itself at this critical juncture in our history, it may find that the public has dismantled the present system without any clear understanding of what it is that they are abandoning.

The ABA Section on Individual Rights and Responsibilities has announced that it will undertake some inquiries into the Chicago affair. Hopefully they will be able to set in motion the complete resources of the American Bar Association to study the dimensions and the capacity of the organized bar to perform the educational role I suggest is required. In addition they can be expected to see that every professional involved in the trial is called to account for his professional conduct. Surely the poor example of the silence of the bar during the Chicago trial cannot be allowed to stand as a model response to legal events of national importance and interest.

LOYAL T. R. SNYDER  
*Editor-in-Chief*

March, 1970.