

Washington Law Review

Volume 19 | Number 4

11-1-1944

The Lawyer's Challenge

Frank E. Holman

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wlr>



Part of the [Legal Profession Commons](#)

Recommended Citation

Frank E. Holman, State Bar Journal, *The Lawyer's Challenge*, 19 Wash. L. Rev. & St. B.J. 222 (1944).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol19/iss4/6>

This State Bar Journal is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington Law Review by an authorized editor of UW Law Digital Commons. For more information, please contact lawref@uw.edu.

Association was held later in the afternoon and addressed by the Honorable Mr. Justice Sidney Smith, judge of the British Columbia Court of Appeals on "The Law of the Sea."

The annual bench and bar dinner, held that evening, was addressed by the Honorable Arthur B. Langlie, governor of the state of Washington, Mr. Tracy E. Griffin and Justice Roger J. Traynor, of the Supreme Court of California.

Mr. Frank E. Holman of Seattle was elected president of the association for the ensuing year and Mr. R. V. Welts of Mt. Vernon and Mr. F. A. Kern of Ellensburg were installed on the board of governors.

WILLIAM J. MADDEN, *Editor*,
Washington State Bar Journal.

THE LAWYER'S CHALLENGE

(Address of President Frank E. Holman)

In accepting the presidency of the Washington State Bar Association at the annual meeting in Tacoma, I stated that a profession of the law is necessary to any ordered society, and particularly necessary in any form of society based upon representative and constitutional government—that if some cataclysm wiped out the whole of the legal profession overnight, a new group of lawyers must come into being so that the processes of ordered society might continue. The lawyer is the defender of the life, liberty and property of the citizenry, even as against the government or sovereign itself. No person may represent another in the courts except he be a lawyer, and without the lawyer the citizen in the protection of his rights would be without adequate advice and representation.

The lawyer's challenge ordinarily is and has been that of representing his client honestly and ably. It is, of course, always recognized in the ethics of the profession that zeal for a client's cause must not lead the lawyer to forget the basic obligation of every lawyer to uphold the integrity and the dignity of the law. From time to time events so develop in the field of government that the lawyer as an individual and lawyers as a class are brought face to face with movements or programs seeking to change the fundamental principles and processes of government. Then the lawyer's obligation transcends the matter of clients, and he faces the challenge of fearlessly and unselfishly rallying to the defense of our form of government as such. Many times these movements or programs get started without any recognition of their significance and for a time both private and public thinking are confused. Sometimes the events preceding a crisis in our affairs as a nation arise wholly within our own country. Sometimes, and that is particularly true now, foreign events and foreign influences have a direct impact on our national life and the future course and character of our government. The lawyer today, therefore, is under the double duty to advise himself not only with respect to domestic issues, but with respect to international problems. In both these fields the lawyer and the organized bar, in the whole history of the country, have never faced challenges of greater significance.

The lawyer cannot adequately meet these challenges without functioning through organized bar associations. In local and state affairs

the lawyer has his own local and state bar associations and, through these organizations and the appropriate committees thereof, can influence public opinion in the direction of sound legislation and good government.

We are approaching another session of the state legislature. The state bar has an active and able legislative committee. In the appointment of this committee the local bar associations throughout the state have been given representation so far as possible. The committee will have a competent paid representative at the legislative session to draft and interpret legislation. Our state bar has already built for itself in the minds of legislators a respect for its fairness in advising legislators and a regard for the contribution it has already made toward good government in this state. All lawyers should be alert and active in their support of this legislative committee.

Because of the challenge to the lawyers of the country in the larger fields of national and international affairs, I should like to see as many members of the Washington Bar as possible join the American Bar Association. It only costs \$8.00 per year and for that each member receives the American Bar Association Journal, which keeps its readers advised of American Bar activities and is more than worthwhile if for no other reason, because it publicizes monthly the important decisions of the courts and the pronouncements of leading jurists.

Perhaps the two most important matters now before the American Bar Association and upon which lawyers in the state and all other states should take an immediate interest and a definite stand are:

1. The Proposals for an Organization of the Nations for Peace and Law.
2. The pending measure before Congress for a uniform and simplified federal administrative procedure and judicial review as set forth in the McCarran-Sumners Bill (S. 2030 and H. R. 5081).

As to the first of these matters, the House of Delegates of the American Bar Association at its September meeting in Chicago approved, by a set of resolutions published in the October issue of the Journal, a general world organization for security, to include an international judiciary, an executive council and a representative assembly, but opposed as unnecessary and unwise, the creation of any super government or super world state. There are, however, many sincere individuals and groups advocating a super-state as the way to world peace. What should be the final attitude of the lawyers of America in this great debate? The American Bar committee has been continued to make further studies and to report to the association a plan or plans for effectively suppressing acts likely to lead to breaches of international peace. This is the nub of the problem. Can breaches of international peace be prevented without the creation of a super-sovereignty and how far should America surrender a part of its own sovereignty to a world government? This question requires serious consideration and is one in which lawyers should take an immediate interest. The American Bar Association in its resolutions of last September specifically urges state and local bar organizations to give study to this international problem.

As to the second matter, no one can deny that chaos and complexity exists in our administrative law and procedure. This is no partisan

issue. Much of our administrative law has come to stay, but uniformity and simplification must be achieved. The American Bar Association has worked long and earnestly to produce a form of legislation which Congress might approve. It has been a major undertaking, in which lawyers of every field of practice have aided and laymen in every walk of life have given support. While the Association's studies are still continuing with a view to simplifying the legislative draft, the basic structure for legislation has been agreed upon and published. In its present form, it is now pending in Congress as the McCarran-Summers Bill. So that it may be fairly presented and passed promptly and without foolish or misadvised change, the lawyers of the country, individually and through their local bar associations, are requested to secure copies of the bill for study, and if they approve, as I am sure they must, then to urge upon their representatives and senators to support it and vote for it. Copies of the bill and any other pertinent information may be obtained by writing to the American Bar Association at 1002 Hill Bldg., Washington 6, D. C., or 1140 N. Dearborn, Chicago 10.

The tendency of most Americans is to accept free government as a birthright, to think of it as one of the most natural and ordinary facts of life, to have no concern that it may be changed because of national or international pressure groups to an arbitrary form of government, to remain effortless and assume that free government will continue of its own accord. On the contrary, free government, more than any other, can and is influenced and changed by the plans of men, sometimes sincere reformers and sometimes demagogues. On these two vital questions, what should be the power and limitation of a world organization for peace and how far administrative law with its tendency toward bureaucracy should be allowed to develop, it is the duty of every lawyer to have a voice. These are great national issues to be reviewed earnestly, to be debated fairly, and to be settled without partisanship. May I remind you of the words and the spirit of a great Civil War lawyer who said: "The Constitution is my only client and its preservation is the only fee I ask."

FRANK E. HOLMAN, *President,*
Washington State Bar Association.