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## Report of the Board of Governors and Address of the President

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It will often mean that, in order to equitably distribute the work load, your cases will sometimes be stricken and reassigned on the calendar. It will also mean, sometimes, that you will see strange faces when you go to try a case.

In view of these changes, I would like to say this as President Judge of the Judges' Association: I honestly feel, and I believe the other judges in the Association feel, the time has come when we should get together much more often on a state level.

REPORT OF THE BOARD OF GOVERNERS  
AND  
ADDRESS OF THE PRESIDENT  
George W. Martin

I want to summarize a few things that I have been impressed with during the past year as your President. I am more impressed than ever that the practice of law is not a business and shouldn't be a business; that it is a profession and should continue to be a profession. I am more convinced than ever that the practice of law is a privilege and not a right and that lawyers should conduct themselves in the highest traditions of the Bar. I am persuaded that the courts are not made for the judges nor for the lawyers, but that the courts are made for the public and that everything should be done for the benefit of the public in the conduct of litigation and the settlement of disputes.

I feel that we have a paramount duty to the public first, and to ourselves second. And I believe that we have an obligation within our own ranks to uphold our profession and give it a good name and improve it in prestige.

During the past year I have had tremendous help from the executives of the Bar Association, and I may say to you that Alice Ralls, as executive secretary, has done a tremendous job and deserves your thanks. I might also tell you that during the past year we employed the services of T. M. Royce to act as counsel for the Bar Association. I know that his predecessor did a very fine bit of work for many, many years, and that Mr. Royce is an outstanding lawyer, a lawyer with high ideals and high regard for the profession and also a man of sound judgment.

*Functions of the State Bar Association: Admissions to the Bar*

Now, as far as the Bar Association is concerned, I have felt that its functions fall into the following categories. And I think the work of the Bar Association is much more important than most lawyers think

it is. Those of you who have worked on committees, and those of you who have been members of the Board or who have been presidents of the Bar, know that very well.

The first function of the Bar under the integrated act, of course, is to take care of admissions to the Bar: to see that qualified lawyers of good moral character and with a proper legal training are admitted. A good part of the Board's time is taken up, twice each year, with the admission of new law students. The Bar examiners have done a wonderful bit of work in preparing fair and proper questions, and the Board itself has taken a lot of time to see that the lawyers that come into practice do have proper moral standing.

When a lawyer comes from outside the state, we get a conference report on him concerning his background and whether or not he has ever been charged with any juvenile delinquency or with any arrests or conviction of any crimes. It is surprising, occasionally, what we run into.

I have said to the dean of the law school and to a dean of a law school of another state that, in my opinion, law schools should do more work in checking their students before they even get into the law school. I am persuaded that there are some who are graduated who should not have been brought into law school in the first place.

In any event, at the present time we have about 160 lawyers taking the Bar examination each year, in January and in June. And of that number, on the average 25 to 30 per cent fail and are required to take it a second time or a third time. We are, on the average, admitting about 125 lawyers each year whom we feel are qualified.

### *Continuing Legal Education*

The second function of the Bar has been to carry on continuing legal education, and I think the institutes that have been presented to you at this convention are evidence of the good work that has been done along that line. I feel that more institutes should be carried on during the rest of the year, and not only at convention time. I know that in the state of California, where they have 17,000 lawyers, the Bar Association has, with the help of the University of California, spent \$200,000 during the past two years on continuing legal education. It is a wonderful thing for lawyers, and our Bar Association should do more of it.

### *Problems of Discipline*

The next important function of the Bar is to handle the discipline

of counsel. Now, I may say that there are a great many complaints made against lawyers that are not justified. There are a great many things written in newspapers and in magazines and in fiction that are not justified. I have felt that it is the duty of the Bar Association to protect lawyers against unjustified complaints, as well as to discipline them when there has been an intentional breach of the rules.

The Board of Governors that you have had this past year have been outstanding lawyers of excellent judgment. They are very serious in the consideration of discipline cases and in any major case no decision is made until each member of the Board of Governors reads every part of the transcript of the evidence presented at the trial.

We do have a number of unusual problems in discipline. You realize, of course, that it takes a Board of Governors of courage to decide these cases. We have four forms of discipline: disbarment, suspension, reprimand, and an oral censure before the Board. The latter is used in those cases where we have felt that a lawyer ought to be called in and informed that he was not practicing as we felt he should, but where the offense was not too serious.

We have also encouraged lawyers to write to the Ethics Committee for an opinion on a matter before they attempt to get involved in it. But there are a great many times when the complaints have no basis or truth whatever, and I feel that our Board of Governors has, in those cases where it has been justified, protected counsel.

Now, you don't hear a great deal about these matters because we have felt that complaints made to the Bar Association should not be made public and that only those going to the Supreme Court in the form of suspension or disbarment or reprimand, when appealed from, should be disclosed. Contrary to some of the people in this country, we do not believe that a man should be convicted just on a claim. There are many cases that are taken up, discussed and disposed of that do not come to your attention but that have taken a lot of the Board's time.

The principal matters that come to us are those that involve a violation of the lawyer's duty to his clients or to the courts or to other lawyers. Also, we have had a number of situations where lawyers have had a nervous breakdown or where they have taken to drinking more than they should. In such cases we have called them in and asked them merely to turn in their license until they could rehabilitate themselves. We've made no record of it. We have been very fair to them, and on the occasions that we have done it, the lawyers have become

rehabilitated and have continued practice in an honorable way. We have thought, perhaps, of suggesting a change in the rules which would permit the Board to act where a lawyer has engaged in conduct unbecoming to the profession; conduct which has caused the profession to be held in disrepute.

Now, a rather interesting thing is that in checking those cases in which discipline has been given, we find that the largest number of those who have been involved are lawyers who had a rather poor grade when they passed the Bar examination. It may be that those gentlemen were not imbued properly with the way in which lawyers should practice.

#### *Other Functions of the Bar Association*

In connection with the improvement of justice, the Bar Association has constantly worked with the judges of the Superior and Supreme Court in going over various rules and changes. We have had liaison committees. And I have felt, myself, that the courts are a step ahead of us. It seems to me that they are the ones who are initiating most of the changes, and I have felt that the lawyers of the Bar Association ought to take more responsibility in making suggestions for the improvement of justice.

Another function we have had has been to improve public relations and to try to elevate the profession and to establish prestige, which it properly deserves. In that connection we have worked through our public relations committee.

Another function has been the recommendation of legislation which we felt would be in the interests of the public, and in some cases for the revision of the judicial administration. This year we have a tremendous job and we were very successful. I told you the other day that Governor Rosellini had helped us a great deal, as have many lawyers who were in the legislature. I won't go into details of what we obtained passage of except to say that, in my opinion, the greatest contribution to the administration of justice in this state in many years was the passage of the Court Administrator bill. This act will do a great deal to rejuvenate the courts, remove congestion and expedite trials. We hope that the judges will work with the new Court Administrator, Albert Bise, to the end that these results will be accomplished.

We have also been active in recommending judges for appointment, and I may say that the governor has in every instance followed the recommendation of the judicial selection committees.

*Lawyers' Role in the Bar Association*

Now, throughout the year, of course, the Board and the President and executives don't do all the work. Most of the work is done by the various committees, and I may say that many lawyers have done a tremendous job in handling their assignments. There are years when a committee will have very little to do, and other years when they are working all the time. Lawyers have shown an interest in performing work for us, and I am pleased with the acceptance of the various assignments.

One of the things which I have felt ought to be restored to the Bar is a closer cooperation between the lawyer and the Bar Association. I feel that the Bar Association should reflect the views of the lawyers. The lawyers should be encouraged to write to the Bar with suggestions or with any matter that they think ought to be considered. We have had a pretty fair response on that subject.

Now, summing it up, I have also felt that lawyers should be willing to render a public service not only for the Bar but for the public as well. I think, as previous gentlemen have said, that history has proven that the great contributions made to our democratic way of life have been made by lawyers. We are very privileged to be able to practice law. We are fortunate that the legislature has granted us the integrated Bar. I feel that we have a great obligation to protect the public interest, and that we have a great obligation to safeguard the rights of individuals.

I feel that, contrary to much that has been said, lawyers, as a class, are some of the finest men and women in this country. I think that the vast majority of lawyers practice law honorably. I feel their word is good, and you know as well as I do that in many cases the lawyers are far more honest than their clients. And yet we are sometimes looked upon in a different light. It's up to us, of course, to convince the public that we are entitled to be commended.

I feel that during the past year the Bar Association, through its Board of Governors and through the executives, has done a very creditable job in performing the tasks that the Bar Association ought to perform. There can always be improvements. We learn every year. And I want to thank all of the people that have helped during the past year.