Report of the Committee on the Practice of the Law

Minn. L. Rev. Editorial Board

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business, whereas during the past year practically all of the work has been in the field of divorce.

In some states, legal services in divorce cases have been rendered to service men gratis. In each instance where a lawyer in Minnesota has been recommended to a service man either by the chairman or a member of the committee, the servicemen has been advised at the outset that unless his circumstances are such that he cannot afford to pay, he is expected to pay, in addition to the disbursements, such reasonable charges as are generally made by the lawyers of the particular judicial districts for work in similar cases. So far as can be learned, there has been no misunderstanding nor trouble respecting either the lawyer or the serviceman.

Respectfully submitted,

Albin S. Pearson, Chairman

Ludvig Gullickson

Erlyng Berg

Wm. T. Johnson

Lyman Brink

O. A. Lexbe

James E. Carr

F. V. Molle

Wm. C. Christensen

R. N. Nelson

S. S. Dahl

Clifford E. Olson

Kenneth H. Dell

Edw. L. Rogers

L. L. Duxbury

Wm. Strautmann

H. J. Edison

Paul C. Thomas

C. L. Erickson

H. G. Whitney

REPORT OF THE COMMITTEE ON THE PRACTICE
OF THE LAW

To the Minnesota State Bar Association

RECOMMENDATIONS

Your committee recommends that there be referred to the Committee on Legal Education of the Minnesota State Bar Association the matter of the study and advisability of the collection of material in the field of legal ethics, the opinions of local and state grievance committees, ethics committees and practice of law committees; the compilation of such decisions and materials; the establishment of a depository of the same and publication and making available of such material to the several law schools of the state for instruction and study.

REPORT

There have been referred to your committee a lesser number of complaints concerning attorneys the past year, and the number of complaints against the laity for assuming to engage in the practice of law has been greatly reduced. Whether this latter reduction in complaints may be explained in increased general business activity and employment making encroachment on the field of law unattractive, or because of the vigilance of the Committee in suppressing the unauthorized practice of the law over the past few years, your Committee is not in a position to state. It is a fact, however, that relatively few complaints of unauthorized practice by laymen and lay organizations have been referred to the committee, and that in each of such instances, when they were shown the merits of the complaint, such laymen agreed to refrain from offending further. It has been found that when matters are carefully explained, and the legal impropriety of laymen engaging in practice of the law is pointed out,
generally a layman or lay organization willingly agrees to cease performing or attempting to perform services constituting the practice of the law. Two matters involving relatively unimportant matters are still pending and it is expected they will be disposed of to the mutual satisfaction of the profession and such parties. It is not uncommon to find laymen engaged in performing services of a legal nature without fully realizing the practice they have permitted to grow up about their businesses, such as insurance agencies, collection agencies and similar businesses, and when they have been shown wherein their activity is unauthorized, they have grasped the opportunity of refusing to continue in such activity and have directed their former "clients" to attorneys of their own choice.

It is, however, only by continued vigilance of the bar, and the filing of complaints with local and state committees that unlawful practice can be kept to a minimum, for your committee has no paid investigators going about the state to search out the unauthorized practice of the law by laymen.

There have been several complaints against lawyers arising by reason of dilatory practice and procrastination. Our committee on several occasions has pointed out that the failure to promptly attend to correspondence, delay in bringing matters to issue and slowness in accounting to clients, is the cause of more complaints than any other one thing. Our Supreme Court has with justification chided attorneys for such bad habits, and there have been disbarments because of it.

Your committee most sincerely and emphatically urges attorneys to answer correspondence and inquiries as quickly as possible, to expedite matters with propriety as much as possible, and to report results promptly to clients. If he does not desire to handle business referred to him, an attorney should without delay return the matter to the forwarder in order that loss may not be occasioned by changing conditions.

Your committee has noted with interest a proposal made by the Association of American Law Schools through its Committee on Relations with Bench and Bar to collect material in the field of legal ethics. While decisions of courts are available through published reports, opinions of Grievance Committees of state and local bar associations are not available to law schools for study.

Law school students are potential members of the bar, and if a means may be provided whereby the student bodies of law schools may have such opinions available for study and danger signals, as it were, displayed to them as they proceed along the pathway toward their chosen profession, it is felt that they may stay within proper bounds of practice and thus avoid cause of some of the complaints levelled at older brethren.

It is suggested that the first step in collection of such opinions and data be to establish a depository for such material, and that the University of Minnesota Law School might be induced to accept the duty, and that arrangements be made to see to it that other school faculties in the state have access to such material so that they may pass the information on to their student bodies. It is imperative that those submitting this information to the depository eliminate therefrom all references to names, places and facts which in any way would serve to identify the lawyer whose conduct was investigated, as such identification could serve no useful purpose.

It is recommended that the matter be referred to the Committee on Legal Education for consideration and report to the Association.

Respectfully submitted,

Edward L. Gruber, Chairman
Sheldon S. Larson
Philip Neville
Edgar E. Sharp
Paul C. Thomas

James D. Bain
Lucius A. Smith
P. M. Meehl
Charles H. Richter

PAUL C. THOMAS
EDGAR E. SHARP
PHILIP NEVILLE
LUCIUS A. SMITH
JAMES D. BAIN
SHOLEN S. LARSON
EDWARD L. GRUBER, CHAIRMAN