

LECTURE # 6 – THE AMERICAN LEGAL PROFESSION

When a lawyer becomes licensed we say he is “admitted to the bar”. It is an old English idiom from the days when there was a rail or bar in a courtroom between the public and the lawyers – who were seated in front of the bar. Lawyer regulation is more than just admission to the Bar. Of course to become admitted to the bar in any of the 50 states, one must prove a clean, free from crime background and one must also prove he or she is in some way or another recommended by several people who are in the bar – something that’s not difficult to do because there are so many lawyers. And then one must pass a test, called the Bar examination. After one is in the Bar, the people who license are very careful to take complaints about lawyers for either overcharging or not keeping the confidences of their clients or breaking the rules of the Bar. We call these rules the Canons of Ethics or the Code of Professional Responsibility.

There are many of them, one for instance which comes to mind, is the fact that you are not allowed to divulge a confidence. A person comes into the office and says he committed a crime and he wants you to represent him in a burglary or robbery of a bank and you ask him “Did you commit the robbery?”, and he says, “Yes, I did”, you are not allowed to divulge that. It is confidential information and you are not allowed to tell anyone. Interestingly, there is a second rule to the Canon of Ethics or Code of Professional Responsibility that says you’re also not allowed to let that client stand up in court and testify and say, “I did not do the bank robbery,” if you know he did the bank robbery. As a lawyer, you must insist your client does not testify, and if he does, resign. You are not allowed to tell anybody that that is why you are resigning, but you must resign. I read once in the newspaper of a case of an important judge who was accused of taking a bribe, and I read that his lawyer resigned, an important criminal lawyer in our community, and I knew then that the reason was probably that the judge wanted to stand up in court and say he did not take the bribe and the lawyer knew that he did do it because the judge had admitted it to him and so he didn’t want to represent him. The judge did get off on the crime by the way. This is probably the same reason O.J. Simpson did not testify at his criminal trial – his lawyers knew he did it so they could not allow him to stand up and say he did not.

Lawyer regulation is done by state and local Bar Associations who hear public complaints about:

1. Illegal lawyer advertising
2. Excessive legal fees
3. Lawyer conflicts of interest
4. Lawyer violations of Code of Professional Responsibility including Oath of Admission (Reading #11 on website)

The Bar committees then conduct hearings on the violations and administer penalties from reprimands to short suspensions of license to permanent disbarment and loss of license.

Reading #14 on the website, johnaritter.com, gives the large number of lawyers admitted and licensed in the US and what is the breakdown of states where they are licensed.