

A Sick Profession

Several years ago the United States of America was termed "a sick society" in the popular cliché used by those bent on destroying the American system or on remaking it to suit their own image. Now there emerges in the present popular onslaught against the legal profession the same device utilized to destroy the American legal profession or to remake it to fit the image of its enemies.

The March 25 issue of *U.S. News & World Report* features a special report captioned *AMERICA'S LAWYERS: "A SICK PROFESSION"?* The law is "a sick profession." It is sick of defamation at the hands of its inferiors. It is sick of compromise with and appeasement of its enemies. It is sick of apology and retreat on the part of some of its national leadership. It is sick and belly tired of catering to its detractors. It is ill to the core of being charged with an infamy which it did not earn and does not share.

This particularly devious diatribe in *U.S. News & World Report* is based principally on weaving the web of Watergate around America's lawyers. Its ghoulish journalistic gloating lingers lasciviously over the political misdeeds in non-lawyer capacities of eleven persons listed as having law practices enumerated under the subcaption "THE ROLE OF LAWYERS IN WATERGATE." After thus establishing to its own satisfaction that "the Nation's 375,000 lawyers" are thereby tarnished and tainted, the slick smear sheet moves on to the insidious implantment with the readers that there are too many lawyers; that they make too much money; that they are too incompetent; that they charge too much; and that something ought to be done about them. There is also repeatedly imbedded the sinister suggestion that the lawyers really plead guilty to it all. Indictment and conviction are carried in the following subheading: "Soaring Fees *** Doubts About Competence *** Questions of Ethics *** No One Is More Conscious of Abuses in the Legal Profession Than Lawyers Themselves. Most agree: reforms to improve quality of legal services are overdue."

The charges, as always, are totally unsupported by any objective facts or empirical data. "Lawyers' fees range from \$25 to \$250 an hour and up." In other words, the minimum is roughly equivalent to the prevailing wage of a master mechanic or a master brickmason under current union contracts. No comparison of the variation in the stated annual earnings of \$32,000 to \$150,000 is made with the range in journalism from a cub reporter to a Hearst or a Chandler (whose recent stock promotion legal difficulties are not said to besmirch all of journalism).

The hatchetmen make no mention of the fact that the 1970 survey made by the American Bar Association showed that the median annual income of the American lawyer was \$21,260. 56 ABA Jn. 1164. The suggestions of widespread incompetence are accompanied by no comparisons with the levels of competence of preachers, professors, physicians, or journalists. Attacks upon competency in the special report are not accompanied by the unassailable fact that today's graduating new lawyers are the most talented in history and educated in the best law schools of all time. The point is not revealed that continuing legal education of the practicing lawyer through organized bars like the State Bar of Texas is more extensive and intensive than ever before. No mention is made of the fact

that the legal profession itself through the organized bar was diligently and endlessly pursuing improvement, reform, elevation of the profession and its level of practicing ability, and modernized and intensified disciplinary programs and procedures long before inept, untrained, amateur bunglers ever sought to befoul its glorious heritage and traditions with intermeddling hands.

The time for timidity has passed. The hour for a militant counter-attack upon the enemies of the profession has come. It is time for truth squads of lawyers to carry to the people the question, *which* profession is it that is *really* sick? Reading the rubbish I have reviewed gives an easy key to the answer.

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From the May 1974 Texas Bar Journal