

March 13, 1975

It's a situation where the few can ensnare the many. I've been told that if the Bar membership is made voluntary most of the lawyers would withdraw. Yet at the same time they want to talk about what a democratic process the Bar is and how it functions. If they are saying that the only way you can keep the lawyers in is through compulsion, compulsion violates the principle of democracy. This bill will not abolish the Bar Association, this bill will make membership voluntary. I want to make a couple of comments then I'm going to move that the bill be advanced. I know there will be some comments, there has to be some comments because we have members of that profession sitting in this body. Because of the nature of the Bar Association, they have no choice, we know they have no choice. Everything they say must be taken with a grain of salt. Their discussion on this bill should be lifted out of the context of their general discussions on this floor. Usually, most of them are articulate. They are intelligent in their presentation of arguments. They have a logically and morally defensible position. In this case, they are put in a card game where they have no cards but they've got to play anyway. They've got to roll the dice, if they get out of the card game, and lose, and roll and lose, and roll and lose again. This bill will allow the public to, in a sense, have a referendum on the quality of legal services they're receiving in this state. The people will vote on the Bar Association. The vote, in fact, will be a message to the legal profession of what the public thinks about the quality of services they're getting. A lawyer is not essential to justice. The U.S. Constitution, when it was being drafted, knew what a lawyer was. Many lawyers participated in its drafting. When they guaranteed a person the right to representation in a criminal trial the term was not 'everyone was entitled to a lawyer of his or her choice', 'a person is entitled to counsel'. In Rhode Island there was a prohibition against a lawyer being a member of the Legislature. Right now Justice Burger of the U.S. Supreme Court has stated that discipline in the Bar Association, in the legal profession, is lacking. Justice Powell, who when he was President of the American Bar Association, said there is inadequate disciplining of the profession. The Bar Association does nothing except extort money from unwilling members. This last point, for right now. When I offered procedural changes in how the bar exam is administered, the Bar Association opposed those changes. The Bar opposed a change in rules which would make their administration of that exam more fair. The judges of the State Supreme Court adopted those changes. This the kind of situation we're dealing with. I ask that you vote to advance this bill. If you do advance it from General File you'll see the legal profession begin to scratch and come out of corners, and maybe show some consideration to the public, and at least declare the positions that they should take. I said I had only one other thing, but I must read this without comment. This is what a judge stated, "it would be unreasonable to impose upon the entire Bar a rule that every lawyer must at all times in all circumstances be completely truthful and accurate in every statement that he makes whether under oath or not". It just happens when he made this statement he was dealing with a government certified liar who happens to have political and social pull in this state. I ask that you advance this bill.