

THE ETHICS OF THE LEGAL PROFESSION.



Do not start gentle reader ; it is just possible that a lawyer may have a conscience ; and it may be that the ethics of the legal profession are as irreproachable as those of the most orthodox theology. I grant you there is a popular opinion to the contrary, but, whilst conceding the omniscience of the democracy it matters political,—since one must do so if one desires to be thought abreast of the times, I am not yet prepared to accept public opinion as an infallible critic of ethical principles as embodied in a profession of which the ordinary layman considers he knows everything, whilst the greatest jurisconsults, after a lifetime of study, confess they have scarcely mastered the general outlines. From time immemorial the lawyer has been regarded by the populace with much the same sentiments as those entertained towards his satanic majesty, viz,—that he is a personage to be ostensibly respected because of his power to do evil. Few popular impressions are wholly false, and it may be admitted that the commonly accepted notion of the lawyer was not originally, and possibly is not even yet, wholly devoid of justification.

The practices of some of the lower circle of legal practitioners in mediæval times might well have furnished a groundwork on which to base this popular opinion, and perhaps the doings of modern pettifoggers may be cited with considerable effect to support it at the present time. But this paper purposes to deal with the true lawyer only,—the man who stands well in his profession and who loves it for itself and not for the lucre it brings him. Against him the popular charges, I take it can be reduced to four, viz—*that his fees are out of all proportion to the services rendered, that he indulges in sharp practice for the benefit of his client, that he undertakes cases he knows to be unjust, and that by artful dissimulation he*

endeavors to persuade judges and juries that he is fully convinced of the existence of a state of facts which in his heart he knows to be mere fictions. To deal with these seriatim ; the first will hardly commend itself to thinking men as being damning to any great extent. But as the present object is to combat public opinion, and as perhaps this is the charge that appeals most strongly to the many, because it affects their pockets, it is accorded a place in this discussion. It, of course, seems preposterous to an uneducated man that he should have to pay, say, five dollars for a ten minutes' conversation with a lawyer. Why, he reasons, I have to work hard for two whole days to earn that amount, whilst this gentleman in his easy chair has the impudence to ask it of me for the exertion of a few minutes' conversation. Very true my friend, but you forget that to be able to favor you with that ten minutes' talk, the lawyer has had to burn the midnight oil for at least five years, and if he is a man of any ability in his profession, for a much longer period, and during that time, instead of earning anything, has had to pay for his sustenance and pay dearly as well for the privilege of entering the ranks of his profession. He must give the years of his youth and strength to laborious and persistent study, if he desires to be other than a mere pettifogger. And if my surly friend were seated with a musty law book before him, and compelled to study it with the intensity necessary to master it for ten full minutes, I doubt that he would care to continue to do so for any great length of time, even were he given five dollars for every such period actually so employed.

The laborer is worthy of his hire, any one conversant in the least degree with the intricacies of law, and of the mental effort required to successfully grapple with them, will not begrudge the lawyer his fee, exorbitant though it may seem to those not so informed.

The charge of sharp practice is a grave