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A SYMPOSIUM ON POST WAR PROBLEMS OF THE LEGAL PROFESSION

Preface

In time of war the processes of law and order are demoralized. Lawyers become the most expendable of all professional people, for implicit in the choice of war is a choice of force over order—of power over justice. World anarchy supplants international law. The withdrawal of professional personnel, the necessary limitation of constitutional processes, and the very psychology of the people minimize the importance of the legal system. But with the coming of peace the process is reversed—the sword is sheathed and the pen becomes again the agent of action.

But is the pen ready? Are we prepared for action? If our profession is to play the principal role, as indeed it should, in rebuilding law and order and the free processes of justice, not only here but also throughout the world, we must mobilize our forces for concerted leadership. Desiring to discharge our small part in this great undertaking, the JOURNAL has invited a distinguished group of lawyers and law teachers to discuss the post war problems of the profession.

The following articles disclose the complexity of the problems—problems of post war practice in communities large and small; of constitutional law and legislative policy; of standards of admission; of governmental administration; and of bar solidarity. All of these relate, as Judge Richman points out, to the power of the profession to maintain and improve its professional identity and discharge its profes-

sional responsibility to society. In addition the profession must assume a position of leadership in the establishment of law and order on a world wide basis, as Grenville Clark has so excellently expounded.

The successful resolution of these problems require the strongest unity of the profession. They challenge the bar to accept the responsibility which is truly theirs as officers of the court.

And yet this is not easy, for individualism which is the strength of our profession is also its weakness. Because we represent and defend the interests of others, our professional interests are frequently dissipated as we assume the diverse interests of our clients. No other profession finds itself so divided. Among ourselves and among the public we are known as defense lawyers, plaintiffs lawyers, government lawyers, corporation lawyers, et cetera. Complete professional solidarity is thus difficult to achieve. Nevertheless, with all these handicaps, the lengthening history of this country gives continuing evidence that in the arena of action and of policy making, the legal profession has always been predominate. The shaping of our constitution and formulation of the bill of rights inevitably fell to the farseeing wisdom of the legal profession. Nor have we been laggard since that day. Thus, in the future, as in the past, lawyers must be captains of the peace if their profession is to survive; for surely there is no group which depends more on law and justice and suffers more from chaos and strife than the legal profession.

It is axiomatic that as a nation we have been equally unprepared for war and for the peace which follows. The "reconstruction period" and "normalcy" are grave reminders that the scars of peace may be as permanent as the wounds of war. It is the responsibility of the legal profession to see that our country is prepared for the problems of peace when the present conflict stops. Thus, on the day of Victory our profession will face its own D-Day. We must provide the "general staff" of a peace time society and upon our wisdom will depend the success or failure of human desire for peace as an eternal reality. Are we prepared?

The Editor