West Virginia Bar Association–Discipline and Disbarment of Attorneys–Grievance Committee's Report

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brief, setting forth a cause of action too plain to be mistaken? Are you one of the judges from whom counsel seeking to postpone the evil day can always get delay? Do you allow endless cross-examination without penalty? Do you—be frank not with us but with yourself—do you render perfunctory decisions which purport to be real opinions in those troublesome cases which are sure to be appealed? If so, is that justice to the party against whom the facts appear to have been found? Would you like to think such things of yourself? Do you permit receivership funds to be dissipated in fees, allowances and expenses where slight benefit to the fund has been obtained? If you want to be a judge in whose court these features are dealt with as you believe to be best, are you not free to accomplish this by rules of your court, made and interpreted and enforced by yourself?”

These two quotations do not require extended comment because they have a remarkable completeness in themselves. They cover more matters than appear from a mere cursory reading. They also leave the following query in the writer's mind: Was the President spreading propaganda in favor of the rule-making power of the courts, a subject which has received so much attention in various other states and so little in West Virginia?

WEST VIRGINIA BAR ASSOCIATION — DISCIPLINE AND DISBARMENT OF ATTORNEYS—GRIEVANCE COMMITTEE'S REPORT.

—At the recent meeting of the West Virginia Bar Association great interest was taken in the Report of the Grievance Committee and a desire expressed for a study by the Association of a better method of handling grievance committee problems. The Quarterly has attempted to collect material on this subject without finding very much that is available.

The unpleasant task of keeping the bar respectable is generally assumed throughout the United States by grievance committees. Their only sanction is generally the public opinion of the bar association exercised by way of social pressure brought to bear on the offending attorney. Their effectiveness varies in different states depending upon the acuteness of the problem and the zeal of the particular grievance committee. As a general rule there is machinery set up for the disbarment of attorneys by legislative enact-
ment which must be put in motion by volunteer committees. This is a burden and expense on these committees and evidence of members of bar associations crowding each other to obtain places on grievance committees is not noticeable.

In a minority of the states the matter of discipline can be taken care of under the rule-making power of the court. This is generally supposed to be the most effective method of handling the problem, but investigation as to the practical effects of such provisions is lacking. A report on the problem sufficiently thorough to justify a statement as to the advisability of adopting any particular plan has not been brought to our attention, although theoretically questions of discipline can be most completely handled under the rule-making power.

It is reported, however, on good authority that the Committee on Admissions and Discipline of the American Bar Association is contemplating an investigation, the results of which will be put before the American Bar Association next year. It will attempt to find out what has been done in the various bar associations of the country in the matter of discipline for the last ten years, covering the following:

1. The number of members of the bar in each county.
2. The number of charges that have been made against attorneys and the character of the same.
3. What was done to investigate the charges and whether the investigation resulted in ignoring the charge or pressing the same or the results thereof.
4. What, generally, was the attitude of the bar in such county in pressing charges against attorneys for breach of their oath of office?

It is too early to say whether this material can be collected before the next meeting of the Bar Association, but if substantial progress is made this information would enable the Association to act with more intelligence in deciding whether changes in present procedure or statutes are necessary in West Virginia.

WEST VIRGINIA BAR ASSOCIATION.—REPORT OF CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.—Mr. Randolph Bias brought up at the meeting of the Bar Association the question of the moral obligation of the state