

Editorial Comment

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Lawyers' Ethics

THE WATERGATE UPHEAVAL that shook the foundations of American government with the resignation from the presidency, just a year ago yesterday, of Richard M. Nixon left the legal profession damaged and blackened in public repute. Lawyers and judges everywhere in the country have cringed at the sight of one eminent administration lawyer after another going down the shadowy road of suspension and disbarment from practice. Punishment and reproof for breaches of ethics and violations of law have fallen heavily on the members of the former President's innermost circle—John Ehrlichman, John N. Mitchell, Spiro T. Agnew, John Dean, Charles W. Colson, Edward L. Morgan, Herbert W. Kalmbach and others more remote from the Oval Office.

By declaring his own withdrawal from the practice of the law and from membership in the Supreme Court Bar, Mr. Nixon took himself out of the range of disciplinary proceedings that had been begun by the State Bar of California.

Sixteen of 21 persons charged with the crimes of fraud, corruption, burglary and

obstruction of justice arising from Watergate were lawyers. In the late Earl Warren's opinion, this profoundly shocked the public and it led him to conclude that "many thoughtful people believe that in America our profession has plummeted to the nadir of its existence."

This judgment of the former Chief Justice of the United States is typical of many that were being pronounced a year ago upon the faithless lawyers around Nixon. Time has healed some of the bitterness and disillusionment of those days. Several of the lawyers found guilty of frauds and crimes have manfully faced their punishment. The concern of the bar with the ethics of its members has moved on from the limited venue of Judge Sirica and the Washington federal courts to what former Justice Tom Clark recently referred to in a speech here as "the low state of ethics in the profession" generally.

Whether it is really true that lawyers are less ethical today than they were a generation ago we do not know. Certain it is that the organized bar has gone to work to improve their ethical sensibilities. In California, for example, the State Bar has made an ethics test part of the bar examination and it must be tough because only 56 per cent of 3000 who took it last February passed it.

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ONE OF THOSE deeply concerned about misbehavior and misconduct by lawyers is Chief Justice Warren E. Burger. Last week he lectured the National Conference of Chief Justices of state supreme courts on their duty to crack down on misbehavior of lawyers.

"The legal profession," he said, "is coming under increasing public criticism, and in many respects some of this criticism is justified. There has been an almost complete lack of judicial or professional regulation of members of the bar, and this has led to great tolerance for misbehavior and misconduct that brings the system of justice into disrepute."

The chief justices should take up this challenge. If they don't, there will be the danger of legislators, or governors or the public taking over the self-policing tradition of the legal profession.