

Vol 6

Speech Outline

I. Opening Remarks

- a. Remarks re: Country Lawyers - all laudatory

II. Responsibilities (Client)

- a. Failure to spend enough time (procedure, etc.)
- b. Check with client about progress of case.
- c. Slowness of justice is legitimate complaint
  - (1) Ervin quote (p. 5)
  - (2) Tydings quote (p. 5)                      DELAY ENDS
  - (3) Warren Burger quote (p.5)              DETERRANT EFFECT
  - (4) Williams quote (p. 6)

IV. Consumer Protection Division

- a. Discuss its work - re: Challenge of professional responsibility
  - (1) Regulatory agency representative
  - (2) Adversary system re: regulatory bodies
- b. Appendix is case examples of consumer protection cases.

V. Responsibilities of Attorneys to Criminal Justice

- a. Recognize that liberty is involved--MOST IMPORTANT--  
to each individual. We have seen this many times  
but to this man, it's a big thing - so

- b. Give of your time due to new standards
  - (1) Lineups
  - (2) Interrogations
  - (3) Preliminary hearing (discovery device)
  
- c. May have to get out of bed, or cut short a pleasant evening. Remember - when we help the defendant, we are helping all society.

VII. Don't Initiate Delay

- a. Continuance - drag out process)
  - b. Makes witnesses - police hostile)
  - c. Loses deterrant effect )
  - d. Costs policemen time )
- NEW RULES OF  
OF PRACTICE -  
SUGGEST JAIL CASES  
COME FIRST

VIII. Recognizing Value of Liberty - try to get bond

- a. Will be able to find witnesses and so on -
- b. May work rather than languishing in jail

Don't Get in a Rut!

- a. Creative law - just because we've done something one way for years and years does not validate the way - always look for

better ways to do things - new ways to reach the same end. All within the "conceptual framework" of due process and equal protection.

X. Plea Bargaining

- a. Explain in detail to client the roles played, the options, penalties so that he can make the choice.
- b. High ideals of personal integrity.

XI. Sentencing - provide information for judge .

XII. Post Conviction

- a. Cooperate with other attorneys.
- b. Diligently perfect all appeals

Speech by: Robert Morgan  
Attorney General

To: Nash County Bar Association  
Nashville, North Carolina

Date: June 11, 1970

ON RESPONSIBILITY OF ATTORNEYS TO IMPROVE  
THE CRIMINAL JUSTICE SYSTEM

I am very grateful for this privilege of meeting with you tonight, the members of the profession in which I have served for many years. It is a special pleasure since I have worked with and called many of you friends since I became a member of the Bar and Clerk of the Superior Court in my native Harnett County, some twenty years ago.

That seems like a long time ago, and it seems like a long time since I brought to a close, at least temporarily, my career as a county-seat lawyer and became your Attorney General. I did so with a certain feeling of nostalgia for as Justice Robert H. Jackson once pointed out, the country or county-seat lawyer is an American institution.

I think most of you would consider yourselves "county-seat lawyers" and would agree that (Justice Jackson) was right when he said that such a lawyer understands the structure of society and how its groups interlock and interact, because he lives in a community so small that he can keep it all in view - while lawyers in large cities so often do not know their cities; they generally know only their circles, and urban circles are apt to be made up of those with kindred outlooks and opinions.

But the circle of the lawyer from the small city or town, like those here in your county, is the whole community

and embraces persons of every outlook. He sees firsthand how this society lives and works under the law and adjusts its conflicts by its procedures. Consequently, I think we often have a greater appreciation for our system and greater dedication to making it work.

Later tonight you will be considering a program to provide legal services for the indigent. Your concern is natural for a group such as yours, "county-seat lawyers" who see the need about you and want to see those needs filled by working within the present judicial system and in a well-planned and economical manner.

As country lawyers we have rarely specialized, nor have we picked and chosen clients. Certainly, we have rarely declined service to worthy ones because of their inability to pay and once enlisted for a client, we have taken our obligation seriously, and given every power and resource to the cause often at personal and financial sacrifices.

I know that as a country lawyer I tried to identify with my clients' causes fully and perhaps sometimes too fully, but I have loved my profession and I hope you will not think me immodest if I say, as Justice Jackson, that I have tried to possess a real dedication to the administration of justice, and to hold my head high as a lawyer and to be honorable and straightforward at the Bar.

To the country lawyer, the law is like a religion and its practice is more than a means of support; it is a mission. He is not always popular in his community, but he is respected. Unpopular minorities and individuals often find in him their only friend and advocate. He is too independent to seek popularity - he thinks of himself as a leader and lawgiver, not as a mouthpiece. He usually lives well, works hard and dies poor. Often his name is forgotten in a generation or two.

But my friends, it has been from that brotherhood that America has drawn its greatest statesmen and its judges. Our Nation stands today as a monument to the little known as well as the famous men of our profession.

But it is not enough for us to gather tonight and merely reminisce. As members of the legal profession, we must be concerned with the problems of our time.

It is to these problems that you have turned your attention tonight and I congratulate you for your interest and concern. Likewise, I think this is a good time for me to share with you, my fellow members of the Bar, some things which I believe all of us should consider, for I believe they effect substantially the image which we as lawyers, country lawyers if I may, project and the respect the lay public holds for our system of jurisprudence.

No. 1.        Though we seldom turn anyone away from our doors, too often we fail to spend sufficient time with those we make a sincere effort to assist.    What do I mean?

(Explain that if we took a few minutes to explain the procedure to be followed and why a certain result is achieved, we would create good will and greater respect.)

No. 2        Though we ordinarily process a case in due time, it is difficult for a client to believe this unless we check with him from time to time and let him know his case is being handled with some concern.

No. 3        We must recognize that the client has a legitimate complaint when he complains about the slow pace of justice and the delay between the time his case is opened and the time it is finally closed.

(Explain that nothing could do more to improve our system of jurisprudence and create respect for the law than sure and swift justice.

Comment on San Ervin's Bill and the following quote from Senator Ervin:



"We must face the fact that our criminal justice system is breaking down. We must not react to this breakdown, however, by the institution of new repressive devices which do violence to constitutional principles and which threaten to burden the system even more. Instead, we should finally do what is constitutionally required. We must take steps to make the Sixth Amendment right to a speedy trial - a right so far denied both society as well as the defendant - a reality after all these years."

What have some other people said about the delay between arrests and final determination of a case:

Senator Joseph Tydings of Maryland:

"What is needed in the judicial area is elimination of the tremendous delay in bringing cases to trial. The courts ought to modernize their administration. Judges ought to work hard."

U. S. Supreme Court Chief Justice Warren Burger:

"Many people will be deterred from serious crimes if they believe that justice is swift and sure. Today no one believes that."

Edward Bennett Williams, a nationally known defense attorney  
from Washington, D. C. :

"If punishment is to really work, it doesn't have to be  
severe, but it has to be swift. ... Unless it is administered  
swiftly, it does not have a deterred effect."

There are many other things I could mention but I  
wanted to save a few moments to discuss how we in the Attorney  
General's Office are trying to meet the challenges of this new  
day for our profession.

(Comment on Consumer Program, representation  
before the regulatory agencies including discussion  
of the virtues of the adversary system - then  
CONCLUDE.)

Judge Stacey of the North Carolina Supreme Court, some forty years ago, commented on the slowness of justice. He stated "Though justice sometimes treads with leaden feet . . .she strikes with a iron hand."

Though I would agree with Justice Stacey on many other things, I believe that when justice treads with leaden feet, she seldom packs any whollop at all and in fact, brings the whole system into disrepute.