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Melvin A. Steinberg

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## From the Law School

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**“Although it is a healthy situation for a legislative body to have a diversified constituency, I am concerned about the steady loss of lawyer membership.”**

**by Senator Melvin A. Steinberg,  
President of Maryland Senate**

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I come before you today to speak on the role of lawyers in the legislative process.

You know, the alumni of an educational institution are like the wake of a ship; they spread out and ultimately disappear; but not until they have made a few waves.

I can say, with no small amount of old school pride, that the alumni of the University of Baltimore School of Law have indeed spread throughout the legal, commercial and educational institutions of the State of Maryland and that they have made and continue to make waves. In addition to the large percentage of alumni now serving on the bench throughout the state, we may take pride in the fact that many members of the Maryland General Assembly hail from our alma mater.

In addition to myself, two other important leadership positions in the Senate, namely, the Chairmen of the Economic Affairs Committee and the Committee on Constitutional and Public Laws are held by graduates of the University of Baltimore Law School; Senator Jerome Connell and Senator Norman Stone. In fact, there are approximately forty University of Baltimore alumni in the Maryland General Assembly; many of whom are law graduates.

The legislature has members with law degrees from schools throughout the country as well. However, while lawyers are still the predominant profession represented in the Maryland General Assembly, the proportion of lawyers to other

professions has declined over the years. Moreover, the actual percentage of lawyers in both houses is probably lower than most people think. Currently, they represent approximately 30% of the total membership down from 33% four years ago and 35% eight years ago.

Members of both houses now encompass a variety of professions. Lawyers and farmers are increasingly giving way to small business people, teachers, administrators, students, retirees, homemakers, nurses, recreation directors, bankers and consultants. There are also several insurance agents, realtors, corporate executives and engineers.

Although it is a healthy situation for a legislative body to have a diversified constituency, I am concerned about the steady loss of lawyer membership.

In saying this I do not intend to denigrate the experience and qualifications of those Senators and Delegates who come from occupational backgrounds not encompassing legal training. I wish only to assert that a certain amount of expertise in the law, acquired only through legal training and experience, is essential to protect the public interest in the enactment of complex bills affecting criminal and civil laws and the operation of the judicial branch.

A look at the training of the 56 signers of the Declaration of Independence is noteworthy. Of those men who propounded and executed that landmark document, half were trained in the law. Fourteen

of the signers were practicing attorneys and fourteen were judges. Two, incidentally, were from Maryland—Charles Carroll of Carrollton and Thomas Stone. Up until recent years Congress and state legislatures were predominantly populated by lawyers.

Criticism citing domination of our state legislatures by members of the legal profession is valid in many respects. A diversity of opinion in our democratic process is essential to the formulation of laws and budget priorities in order to serve the broad public interests and purposes.

Nevertheless, there are clear advantages in having the legal profession well represented in state legislatures. Such advantages cannot be obtained by relying heavily on the technical assistance of legislative staff, lawyer-lobbyists or on the input of the organized bar. As Senator Gordon Walgren of Washington State pointed out in a 1980 article, “Too much reliance on staff and lobbyists for legal judgment can result in a surrender of independence and judgment. Such a reliance can only partially compensate for a dearth of lawyers actively participating as voting members in the preparation, amendment and final passage of many of the complex bills which come before state legislatures.”

What are legislatures, if not bodies of citizens who come together to enact or amend laws to serve the constantly evolving constituency who elect them? Careful examination and thoughtful preparation of laws, by those best trained and with the most experience, is an essential ingredient of the legislative process if we are to enact the most effective legislation and if we are to distinguish it from unsound bills.

As lawyers, we know that we must continue to participate in the legislative process in order to best deal with such technical legal subjects as corporations, probate, torts, contracts and criminal laws. These are subjects which touch everyone, but which are only familiar ground to a few.

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One of the principal reasons for decreasing participation by members of the bar in the legislative process is the escalating demands placed on legislators in recent years; i.e., the increased complexity and financial and emotional strain of the election campaign; the public disclosure laws, the long sessions, the service on committees during the interim, the strain on family relationships and partnerships, and the inadequate compensation commensurate with the workload, all have contributed substantially to the decline of lawyer-legislators. For the sole practitioner and the small partnership, the extended absences from the law office create conflict between the lawyer-legislator and his partners, as well as between he and his clients.

A great deal can and has been done in Maryland to alleviate many of these concerns. Effective organization and streamlined data processing and communication, along with addition of adequate professional staff has freed legislators of much of the time consuming work done in the past, making the time away from the law office more manageable.

Ethical consideration 8-8 of the ABA Code of Professional Responsibility states:

"Lawyers often serve as legislators or as holders of public offices. This is highly desirable, as lawyers are uniquely qualified to make significant contributions to the improvement of the legal system."

Today I call on the organized bar to make a concerted effort to encourage public service and further, to enhance the image of the lawyer-legislator. If the citizen legislature is to survive and if we are to resist the trend toward the congressional model of full-time professional politicians, such participation by the bar is crucial.

*Excerpt from the speech delivered January 14, 1983, at the University of Baltimore Alumni Luncheon for the mid-winter meeting of the Maryland State Bar Association.*



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Family Law	3
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Law and Psychiatry	3
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