



Every member should be familiar with the splendid one hundred year record of our New York State Bar Association. A distinguished, long-time member of the Association, former Judge of our Court of Appeals, and valued member of our Board of Editors recounts that history for our readers. Don't miss it!

History of the New York State Bar Association

A Century of Achievement

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ALBANY

I. Beginnings

In the Assembly Chamber of the Old Capitol in Albany, just a century before the issuance of this November, 1976 edition of the *State Bar Journal* the New York State Bar Association was established at a convention of lawyers. The date was November 21, 1876.

The new Association filled an immediate professional need in the state and from the outset it was blessed by leadership of distinction. Names of lawyers still familiar to us beyond the eroding memories of a century took part in its establishment and its initial programs. President Grover Cleveland, President Chester A. Arthur, Governor David B. Hill, Judge Samuel Hand of the Court of Appeals, Chief Judge William C. Ruger, Chauncey M. Depew, Matthew Hale — all played early roles in the Association's leadership.

The initiative for calling a "convention" of lawyers at the Capitol to establish a state organization came from the Association of the Bar of the City of New York. That Association had come into being five years earlier in 1871. A convention was a convenient constituent instrument of establishment and it was part of the public tradition of New York that fundamental law be laid down in a series of Constitutional Conventions.

Within a decade, the State Constitutional Convention of 1867-68 had met in the same Assembly Chamber to reorganize the state's judicial system, to re-cast the Court of Appeals in its modern form and to find a pragmatic means of settling the issue of election-appointment of judges for those times. The method of choosing delegates to the 1876 convention of the Bar was rather similar to the state's public conventions. Lawyers from each of the existing eight judicial districts selected delegates representative of the districts.

In November, 1875, a year before the convention was called, a committee of the Association of the Bar of the City of New York addressed an inquiry generally to the lawyers of the state to learn their views on the establishment of a statewide association. The Commit-

tee had been set up pursuant to a resolution adopted by the Association, the previous month, approving an initiative toward a state association. Response to the inquiry was favorable.

Following upon this affirmative response from lawyers in the state, the City Association issued an invitation to the profession to appoint 20 delegates and 20 alternatives from each of the eight judicial districts to meet in the organizing convention. When the convention met at "3-½ o'clock P.M." at the Assembly Chamber, there were 91 delegates present and a remarkable range of business was gone through before they went home that evening.

To begin with, there was approval of a motion — the act of foundation — "that it is expedient that a State Bar Association be now formed." A committee was thereupon appointed to report a constitution and by-laws. The committee got to work at once, and when the convention met again that evening, both constitution and by-laws were ready for presentation. It seems probable that there had been preliminary work done in the City Bar. There also was a report of the nominating committee ready, proposing a slate of officers and committees.

At the evening session the convention adopted the proposed constitution and bylaws, elected the officers and committees recommended by the nominating committee and, having done everything it was called into existence to do, adjourned *sine die*.

John K. Porter of New York was elected first president. Porter was one of the state's most distinguished lawyers, having then behind him a long career at the Bar and in public life. Porter, immediately after the convention adjourned, convened the Association in its first meeting. The Executive Committee was instructed to take the necessary steps to incorporate the Association. An offer by the *Albany Law Journal* to act as the official organ of the Association was referred to the Executive Committee.

Elliott F. Shepard of the New York Bar, who had been the sponsor of the City Bar's

resolution to take initial steps to establish a state association, then offered a prize on behalf of the lawyers of the First District, to be known as the "Postgraduate Prize," for which he sought sanction of the new Association. This sanction was given and seems to have been the first action taken by the Association beyond matters of formal organization. The Association then adjourned. Between 3:30 P.M. and the evening adjournment, it had laid down an historic record.

II. The Association's Early Accomplishments

The next meeting of the Association, "the first annual meeting," was held at Albany just a year later (November 20, 1877), which the records of the Association show was "primarily a dinner meeting." It was noted that the membership in the Association had reached 356 who had paid dues of \$5 each. John K. Porter was reelected president, and for a long period the reelection of presidents for a second term became the usual practice in the Association.

Porter, in a notable address at the 1877 meeting, outlined the role projected for a new Association in "Our Common Purposes and Aims." Martin W. Cooke, who heard it, writing many years later, noted that "No one who was present when President Porter first called the Association to order will forget the thrill awakened by his address."

From the very beginning the Executive Committee assumed an active and continuous role of policy and procedure, a role which was to continue well into the 20th Century. The Committee went to work at once after the Association's establishment. On November 22, 1876, the day following the first meeting of the Association, the Executive Committee met at Congress Hall in Albany. It fixed the quorum for meetings, made arrangements for the drafting of bylaws, and appointed the *Albany Law Journal* official reporter for the Association, "without compensation."

The Executive Committee met again in Albany on January 13 and on May 30, 1877, approved rules governing its own proceedings

On motion of Mr. Elliott F. Shepard it was

RESOLVED, That a Committee of five be appointed by the Chair, to investigate as to the feasibility and desirability of this Association's taking any initiatory action for the formation of an Association of the Bar of the State of New York, and to report at a future meeting.

The Chairman appointed as such Committee Messrs. Elliott F. Shepard, Albert Mathews, Clifford A. Hand, Hamilton Odell and Robert W. deForest.

*Excerpt from Stated Meeting Minutes of the Association of the Bar of the City of New York,
October 12, 1875*

and approved the Articles of Incorporation. Judge Peter S. Danforth was named chairman of the Committee on Admissions; Hamilton Fish, Jr. of the Committee on Grievances, and Matthew Hale of the Committee on Law Reform. Chauncey M. Depew was made a member of the Committee on Prizes, of which Elliott F. Shepard was chairman.

At a July 18 meeting at the United States Hotel at Saratoga Springs (then in the height of its luxury and hospitality), the Executive Committee laid down for itself — and for the Association — a rigorous and exacting program.

And it was an ambitious program as well, for it directed that the Committee on Arrangements for the annual meeting "prepare an order of exercise for the meeting; call in, arrange and print separately the various reports to be presented to the Executive Committee on the day preceding the annual meeting; employ a stenographer to report the proceedings of the annual meeting; invite the attendance of honorary members and any distinguished lawyers from abroad; invite the reading of theses or the delivery of addresses by designated members on topics to be assigned by that committee; and take such other steps as deemed necessary to secure a large attendance of the profession and give permanent interest to the proceedings." The sights were set high; the Association was to function earnestly.

Finally, and more specifically, the Committee on Law Reform, led by Mr. Hale, was directed to report at the next annual meeting its judgment as to action by the next Legisla-

ture "in respect to the Code of Civil Procedure."

After the Association's annual meeting in 1877, the Executive Committee continued its strong leadership of the Association. Meeting in Albany in May, 1878, it undertook to foster the formation of local bar associations throughout the state. It would accomplish this by requesting the "several district committees of the Executive Committee" (the Committee as well as the Association itself was organized in lines of judicial districts) to "use their influence" to promote the formation of local bar associations.

At the same meeting, it directed the Committee on Grievances to investigate "whether there are any, and if so what, abuses in any of the Courts of Record of the State affecting the administration of justice or the interests of the legal profession; and if abuses are found, what remedies are deemed advisable."

It did not rest there. It requested the Committee on Law Reform to consider six specific areas of legal reform for action by the Legislature — all of historic interest in the development of New York Law. One was addressed to a major problem of law and policy: "the law exempting the master from liability for injury to his fellow servant occasioned by the negligence of a fellow servant."

The second annual meeting of the Association was held at Tweedle Hall in Albany on November 19 and 20, 1878. There was a dinner at the Delavan House. Mr. Justice Samuel F. Miller of the United States Supreme Court was the prin-

The regular monthly meeting of the Bar Association was held at No. 9 West Twenty-ninth street last evening, Hon. William M. Evarts in the chair. A large number of prominent members of the association were present. The report of the Secretary showed that the association now numbered 660 members, and that its financial affairs are in a satisfactory condition.

The Committee on Formation of a State Bar Association reported that they had sent circulars propounding sixteen different question to 1,300 lawyers in various parts of the State, and that the replies received were overwhelmingly in favor of the establishment of such an association. The respective plans of direct and delegated membership were duly canvassed, and the question left open to the settlement of the future organization when constituted. The organizations of the Inner and Middle Temple, and Lincoln's and Grey's Inns, and the influence exerted by them upon the character and tone of the profession in Great Britain were referred to, and the conclusion drawn that the establishment throughout the country of voluntary bodies, after the plan of the Bar Association of this City, would result in the general improvement and elevation of the legal profession in the State and nation. The report closes with the submission of the following resolution:

RESOLVED, That the Bar Association of the City of New York will extend an invitation to lawyers resident in the several judicial districts of the State to meet at some place most convenient within such districts, then and there to select twenty of their number as delegates from such several districts, at convention to be charged with the organization of a State Bar Association, and that the association will, at the proper time, designate twenty delegates to represent their judicial district in the said convention.

The report was accepted, and the resolution laid on the table until the next meeting.

Excerpts from the New York Times, December 15, 1875, p. 7, col. 1.

cipal speaker. Judge Samuel Hand was elected second president of the Association. (He was the father of Learned Hand, the distinguished jurist of the next generation). The Association members debated proposed legislative changes in divorce laws, but this was in the best of spirits, since the minutes show that the dinner meeting was closed with the singing of "Auld Lang Syne."

The following month, the Executive Committee totalled up the expense of the meeting, including a shortfall on tickets for the Delvan

House dinner, the expenses incurred by Justice Miller in coming to speak (\$24.40 for his hotel bill and \$50 transportation), a printing bill and rent for Tweedle Hall. The total came to \$412.91, which the Committee approved.

In the spring of 1879, the Executive Committee directed its secretary to make arrangements to facilitate delivery of Court of Appeals reports to members of the Association at a contract price of \$.48 each. At the meeting of November 17 the Committee's secretary reported that he had made arrangements to furnish

members with current Court of Appeals reports at \$.75, made up of \$.48 for the report, \$.23 postage and \$.04 wrapping. The committee also reported that it had made arrangements for the annual dinner at the Kenmore Hotel in Albany and had guaranteed 75 dinners at \$2 each and there were 10 complimentary tickets.

In 1879, the Association's annual meeting was held for the first time in the "new Capitol." During this period the Court of Appeals was struggling to manage an increasingly heavy and intractable calendar load. The Association's Committee on Law Reform reported its recommendation that the best way to deal with this problem was to increase the judicial personnel of the court from seven to 12. It was the first step in a long series of efforts by the Association to help the court meet its burden and permit it to function effectively — a question involving differences of opinion which lasted for 15 years, until settled at the Constitutional

Convention of 1894.

At the Executive Committee meeting the next month in Albany, it was learned that the Commissioners of the New Capitol had directed the architects of the building "to prepare for the use of the State Bar Association a convenient room in connection with those of the State Library, and connecting with the Law Department thereof." The basis for this action by the Commissioners was that the Association's charter required it to furnish copies of its annual reports to the public law libraries for use of the Justices of the Supreme Court, and because the Association is "for the benefit of the people of the State, and of the Bench and Bar of this State."

This put public and professional relations on a cordial basis, in recognizing the general benefit of the Association to the people of the state. The Executive Committee, of course, accepted this welcome to the Capitol and appointed a

Mr. Shepard called up the Report of the Committee on the formation of an Association of the Bar of the State and moved the adoption of the resolution recommended in the Report of that Committee.

Mr. Price moved to lay the resolution on the table, which motion was lost.

Mr. Tracy moved that the delegation from each District—to the Convention provided for by the resolution consist of three members which motion was lost.

The resolution was then put to a vote and was carried. It is as follows:

RESOLVED That the Bar Association of the City of New York will extend an invitation to lawyers resident in the several judicial districts of the State to meet at some place most convenient within their districts and then and there select twenty of their number as delegates (with twenty alternates) from such several districts to a convention to be charged with the organization of a State Bar Association; and that this Association will at the proper time designate twenty delegates (and twenty alternates) to represent this judicial district in said convention.

On motion of Mr. Sewell it was

RESOLVED That the Committee on a State Bar Association be continued with the duty of extending to the Bar of the State the invitation referred to in the resolution just passed, and otherwise carrying that resolution into effect.

From Sheldon's Letter Book [of the Association of the Bar of the City of N.Y.] 1870-1930
April 11, 1876

committee to meet with the state architects.

At the February, 1880 meeting of the Executive Committee, action of major importance to the development of law was taken. The Committee on Law Reform was directed to examine and report its judgment on the proposed codification of the Common Law of the State. At the November meeting of that year, William E. Rogers of Buffalo was elected third president of the Association, succeeding Judge Hand. His election followed the early policy of the Association to choose a president from different geographical areas, indicated by judicial districts. This was followed fairly consistently for the first 20 years of the Association's existence.

At the 1881 general meeting, a proposal to change the time of the annual meeting from November to January "so that greater influence may be exerted on the Legislature," was defeated. But at the November, 1882 meeting the time was changed to the second Tuesday in January, commencing with the 1884 meeting.

In 1882 Chief Judge William C. Ruger of the Court of Appeals was chosen fourth president of the Association. Ruger had been elected Chief Judge two years earlier in 1880 at a contested election with William Andrews, a judge of the Court holding the office of Chief Judge by appointment. Both were from Syracuse. Ruger, an outsider, was carried along by the Cleveland sweep as governor against former Chief Judge Charles J. Folger who was a candidate for governor in 1880.

Within the next year the Association held its first great gala affair, a special meeting on October 11, 1883 at the New York Academy of Music. It was attended by 4,000 members and guests to honor Baron Coleridge, the Lord Chief Justice of England. The affair was a memorable occasion and the first Association gathering in New York City. Reports to the Association showed that numerous receptions had been held for Chief Justice Coleridge, including one by the Association of the Bar of the City of New York, the Suffolk County Bar Association and the Fort Orange Club in Albany.

Governor Grover Cleveland, Vice-President of the Association from the Eighth Judicial District, presided at the annual meeting on

January 8, 1884, the same year in which Cleveland was elected President of the United States. The date of the annual meeting was changed again: From the second to the third Tuesday of January.

The reasons for the change were multiple and throw light on the Association's own view of its contemporary role: (1) because on the second Tuesday in January the Court of Appeals was not in session; (2) the Legislature had adjourned to appoint its committees; (3) the annual election of the City Bar was that day; (4) the Albany law students who were generally invited to meetings of the Association would just then return from their holidays. It was estimated that because of the earlier date, the attendance of some 60 members of the Legislature was lost and there were further losses of attendance due to other conflicts.

The 1884 meeting also adopted a resolution suggesting to the Court of Appeals that its judges "should wear gowns." The minutes follow with the cryptic historic note: "and the court thereupon assumed the gown."

Governor David B. Hill was elected sixth president of the Association at the annual meeting on January 20, 1885. Hill, an active lawyer from Elmira, had been Lieutenant Governor under Cleveland, and had assumed the office of Governor a few days earlier (January 6) on Cleveland's resignation to prepare to become President.

President-elect Cleveland was again elected a Vice-President of the Association from the Eighth Judicial District. The records of the Association also show that President Chester A. Arthur was, at the time of his election as Vice-President in 1880 and his succession to Garfield as President in 1881, a Vice-President of the Association. Thus the fledgling State Bar Association had two of its leaders in quick succession reach the highest national office.

Hill was elected Governor in the general election of 1885 and reelected President of the Association at the annual meeting on January 19, 1886. The meeting addressed itself to the continuing problem of the Court of Appeals calendar and with delays which plagued the court system generally. David Dudley Field, the chief architect of the Field Code, addressed the Association on improvements in the practice.

One of his suggestions was there be a direct appeal to the Court of Appeals within 10 days of conviction for a capital offense.

III. "Vigorous and Healthy Manhood"

At the annual meeting on January 18 and 19, 1887, Governor Hill's address as retiring president of the Association noted that now "females otherwise properly qualified cannot be rejected from being admitted to practice as attorneys solely on account of their sex." Field read a paper on "Needs of Legislation." The dinner at the Delavan House was a success with 150 persons present. There were a number of traditional toasts — to "our Country," the "State of New York," the "Court of Appeals," and finally "to the Governor." The Association generously sang to its President and Governor, "For He's a Jolly Good Fellow."

The Association paused in 1888 to observe its own progress. Martin W. Cooke of Rochester, its seventh president, elected in 1887, told the Association that it "has survived a precarious infancy," and despite "accidents and mistakes" has developed into "vigorous and healthy manhood." He continued this appraisal the following year listing achievements of the Association — reform in respect of land transfers, provisions for relief of the Court of Appeals calendar and improvement in the salaries of its judges.

It was not all business, however, for the Association, reporting on its 1889 dinner, noted not only that it "was the most brilliant and enjoyable festive event" connected with the history of the Association, but quite appropriately, that it "blended the intellectual and the humorous" with "the rarest viands that could tempt the appetite."

The centennial of the establishment of the Supreme Court of the United States was observed in February, 1890 in a public celebration organized and conducted by the Association at the Metropolitan Opera House. Chief Justice Fuller spoke on behalf of the court. All of the Justices were present. This was followed by a reception at the City Bar quarters and a dinner at the Lenox Lyceum.

The increasing role then played by the Association in the public affairs of the state is sug-

gested by the fact that in 1890 the Legislature passed a statute drafted by the Association's Committee on Law Reform (L. 1890, ch. 189) setting up a Constitutional Commission to propose amendments to the Judiciary Article. The statute provided for bi-partisan membership and representation from each judicial district. Governor Hill appointed 38 of the leading lawyers of the State.

The Commission in 1891 recommended that the Court of Appeals continue with a roster of seven judges, but that the calendar problem be relieved by limitation on appeals. The report differed from the Association's view that there should be a substantial increase in judicial manpower to 12 to 15 judges and no constitutional restriction on access. The Commission's report became an important basis of the court's structure and jurisdiction laid out in the 1894 Constitution.

In 1893 the Association was advised that "new, elegant and commodious" accommodations had been provided for its use in the new Capitol, on the north side near the Washington Avenue entrance. Another happy note was struck, that "for the first time in the history of the Association we find ourselves virtually out of debt at the time of the annual meeting." During this period Matthew Hale and J. Newton Fiero were elected president in 1890 and 1892-3 respectively.

The Constitutional Convention met in the spring of 1894 and the Association urged its members to stimulate interest of the delegates in necessary changes in the Judiciary Article and to exercise a "proper judgment" relating to the court system.

From 1893 to 1895 the Association had been urging a statutory provision to establish a State Board of Law Examiners to insure uniform examinations throughout the state for admission to the bar. (These would supplant area examinations held in the four judicial departments). In 1895 the Legislature, following the Association's suggestion, enacted a statute providing for the appointment of a Board of Law Examiners by the Court of Appeals and for uniform examinations in the state. The action was widely approved and became the basis for similar plans in a number of states. The Association also succeeded in obtaining the adoption of a

rule by the Court of Appeals requiring the filing and exchange of briefs before argument.

The national stature of the Association among American lawyers is suggested by an

You are known everywhere throughout the United States as the leading state bar association in the country in every respect...."

address by the Secretary of the Michigan State Bar Association at the 1896 meeting: "Your Association stands easily at the head of such organizations in the character of its membership, in its services to the law, and in utility to the profession.... You are known everywhere throughout the United States as the leading state bar association in the country in every respect...."

At the 20th Annual Meeting in 1897 — an important milestone in the Association's early life — its attention turned to international law, to consider the high hopes held out at the end of the last century for a world governed by law. This was to be effected through international arbitration of disputes among nations. Lawyers were examining the means by which arbitration could be set up and made effective. The following year, the Association turned attention from international settlements to an important domestic issue — the unlawful practice of law. The Association succeeded in establishing by law, a central registry of all the state's lawyers in the Court of Appeals clerk's office, as a curb on unlawful practice.

The last year of the century was notable for the Association. Governor Theodore Roosevelt was the speaker at the annual dinner and Oliver Wendell Holmes, then a Justice of the Supreme Judicial Court of Massachusetts, addressed the members at the Association meeting on "Law In Science and Science in Law."

In the same year Chief Judge Alton B. Parker of the Court of Appeals, addressing the American Bar Association, gave generous credit to the Association for its contribution to the new Constitution. The Convention of 1894, he

said, had incorporated into the Judiciary Article "every recommendation which the New York State Bar Association made to the Constitutional Commission except one." In the last years of the old century Simon W. Rosendale and Walter S. Logan served as presidents.

IV. Our Association on the International Scene

The new century, which was to have the misfortune to witness the two most devastating wars in history, opened with a happy note for the future of world peace based on international arbitration. The Association, following its examination into the possibilities of arbitration three years before, had appointed a Committee on International Arbitration which reported that the Association's plan for an International Court had been submitted to the President and the Czar of Russia and that the plan was in substance "advocated by representatives of this nation in conference at the Hague" and that portions of the plan were "adopted by the conference in its final action." Judge Francis M. Finch of the Court of Appeals was elected first president of the Association in the new century.

Perhaps the role of the Association in the cause of international peace was the reason for the presence in the next two annual meetings of distinguished foreign speakers. In 1901 Wu Ting-fang, Envoy Extraordinary and Minister Plenipotentiary of the Emperor of China to the United States, Spain and Peru, addressed the Association on "Chinese Jurisprudence." The next year the French Ambassador to Washington, M. Jules Martin Cambon, spoke at the annual dinner. The record notes, merely, that he "delivered his address in French." The Association debated, at some length, a proposal to hold meetings elsewhere than in Albany to create wider interest in the Association. For the time being the meeting place was unchanged.

The new century continued to bring distinguished leadership to the Association: William B. Hornblower (1901); John G. Milburn (1902); Richard L. Hand (1904); Joseph H. Choate (1906); Adelbert Moot (1909); Elihu Root (1910). Nearly all of them served two terms.

The 1907 meeting, at which Mr. Choate pre-

sided, welcomed as a speaker Louis D. Brandeis of Boston, and it also precipitated a decision on the place of the annual meeting. There had been growing complaints about Albany — the limited number of hotel accommodations, difficulty in getting meals served before 9 o'clock, plus others, which resulted in "unanimous approval" of a decision to hold the next meeting in New York City.

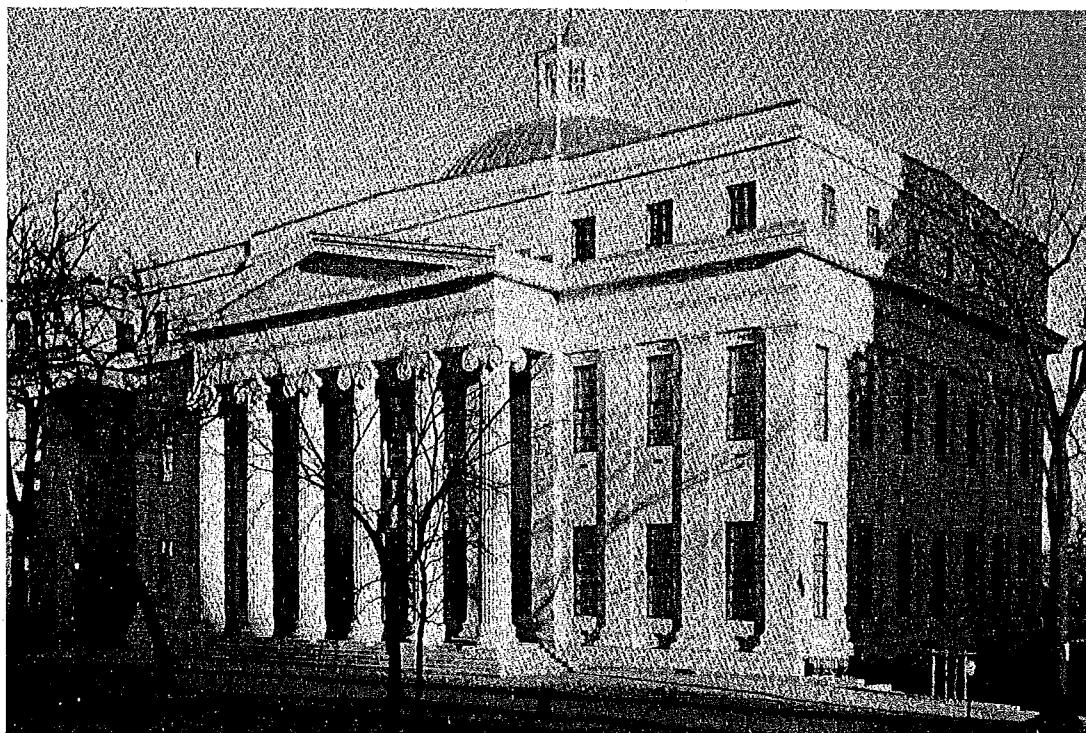
Accordingly, the annual meeting in 1908 was held at the rooms of the Association of the Bar of the City of New York. There were greatly enlarged facilities for hospitality, as the Century Association, the City Club and the Union League Club all extended guest privileges to the members. There was a dinner at the Waldorf Astoria (the old one) at which Governor Charles E. Hughes spoke.

Coming to New York City for its annual meeting, the Association was greeted with welcoming good humour. President Choate said of the Association that "it has been hidden away there in a quiet corner in Albany for the past 31 years and this move of coming to New York City for the first time, why, it is a new birth." Governor Hughes was equally felicitous. The Association "was content with the mildest

revels at Albany, and there under the aegis of governmental authority, a few members, mainly from the up-country, met. . . . Now, with a metropolitan president and a world outlook, they have yielded to metropolitan seductions and they will go home wiser, albeit poorer, men."

There was serious business, too. Ambassador James Bryce of Great Britain spoke to the Association at Carnegie Hall; and the Committee on Consolidated Laws reported that after many attempts to bring to order the general statutes, a plan was suggested by the Committee for the appointment of five lawyers to make the preliminary studies and plans of consolidation, a step ultimately resulting in the Consolidated Laws.

The Association then began to experiment with meetings held in different cities: 1909 in Buffalo; 1910 in Rochester; 1911 in Syracuse; 1913 in Utica; 1915 in Buffalo; 1917 in Brooklyn. In 1912 and 1916 it was in New York City. From 1918 on (with the exception of a meeting in Buffalo in 1925), the annual meetings were held in New York City. A compromise on the place was reached in 1938 when the first summer meeting was held at Saranac



Court of Appeals

Lake on July 1 and 2 and for many years the Association membership agreed to the annual meeting in New York City in January, balanced by a summer meeting at Saranac Lake and later at Lake Placid. The arrangement worked conveniently.

Elihu Root was chosen president at the 1910 meeting in Rochester. Root had retired the year before as Secretary of State (1905-1909) in the administration of Theodore Roosevelt and had been Secretary of War (1899-1904) under McKinley and Roosevelt.

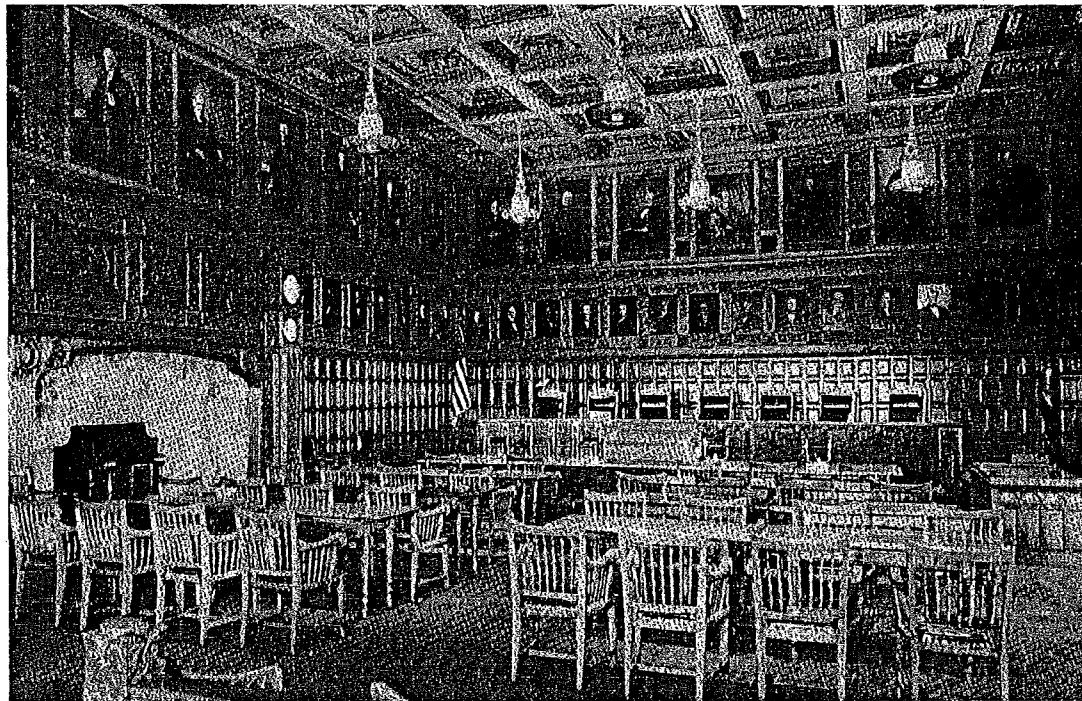
In the year of his election by the Association, he became president of the Carnegie Foundation for International Peace, and in 1912 he was awarded the Nobel Peace Prize. The cause of international peace through arbitration, it will be recalled, was one of the prime projects of the Association. The Association adopted in 1910 its Canons of Ethics and appointed a committee to consider the problem of workmen's compensation.

President William Howard Taft addressed in 1912 the dinner of the Association at the Waldorf Astoria and Henry L. Stimson, Secretary of War also spoke. Secretary of State Philander Chase Knox addressed the Asso-

ciation at its session held at Carnegie Hall.

The meeting of the following year was in Utica and Alton B. Parker, former Chief Judge of the Court of Appeals, was elected president. Parker had been a candidate for president of the United States against Theodore Roosevelt in 1904. The Committee on Revision of Civil Practice reported it had introduced in the Legislature a plan for simplification of the practice — a plan from which ultimately emerged the Civil Practice Act.

The Association addressed itself to the shortcomings of the facilities used by the Court of Appeals in the Capitol, the courtroom of which was in the present Assembly Parlor. The courtroom, said the report "is absolutely without ventilation except by means of transom windows, which are so placed that, when opened in cold weather, the draughts compel the attorneys to seek refuge in the anteroom" which was "even worse." How the judges fended was not revealed. The Committee examined alternatives, among them a new building for the court and concluded that the old "State House" could be made suitable for the court with a reasonable cost — and this, on recommendation to the State, became the present Court of Appeals Hall.



Court of Appeals Courtroom

At the Brooklyn meeting in 1917, Charles Evans Hughes, former Governor, former Justice of the United States Supreme Court and 1916 candidate for President against Woodrow Wilson, was elected president of the Association. The meeting was historic for yet another reason: After considerable "discussion" about admission of women lawyers to membership, two women were elected members — the first two. They were Miss Georgia Hare of Groton and Mrs. Clarice Magoles Baright of Manhattan.

The next year, a year of war, the meeting was in New York City and the dinner at the Astor. Secretary of State Robert Lansing and Elihu Root were speakers with the Governor General of Canada and French and Italian Ambassadors — our allies — as guests. In the following year in New York City, a special committee on Legal Aid Societies — the first — was appointed, and the next year the Association approved a plan to establish the Judicial Section.

V. Post-World War I Developments

Henry W. Taft was chosen president in 1918 and Governor Nathan L. Miller in 1920. At the 1924 dinner Governor Alfred E. Smith was the speaker; and at the 1926 dinner Mayor James Walker spoke. The 1927 dinner brought together a notable and memorable combination: Both Governor Smith and Judge Benjamin N. Cardozo spoke from the same dais.

The economic depression which followed the market crash in 1929 and which deepened in 1930 and 1931 had its effect on the economics of the Bar. Governor Franklin D. Roosevelt addressed the Association in 1930, and in 1931 the Association examined closely the financial situation of lawyers. There was a long discussion and the Committee on Legal Education and Admission to the Bar was chosen as the appropriate group to report on the problem.

Since 1929 the Association had supported the creation of a Judicial Council to improve the administration of justice and it was noted at the 1932 meeting that a statute creating the council had become operative in 1931. During this whole period, the Association continued to

recruitable leadership: William D. Guthrie, (1921); Walter P. Cooke, (1924); Arthur E. Southerland, (1926); Frank H. Hiscock, former Chief Judge of the Court of Appeals, (1929); Samuel Seabury, former Judge of the Court of Appeals, (1932); Daniel J. Kenefick, (1934); John Godfrey Saxe, (1935).

President Roosevelt in 1933 and 1934 sponsored a series of Congressional enactments under a liberal and experimental New Deal program. The conservative majority of the Supreme Court held important aspects of this program unconstitutional. Roosevelt regarded these decisions as frustrating the public will and the freedom of Congress to deal with significant national problems. He proposed to meet this judicial challenge by a statutory enlargement of the court, with resulting presidential appointments of justices receptive to his New Deal program to out-vote the conservative justices. This, the "court packing" plan, precipitated a constitutional crisis.

The New York State Bar Association and many other lawyer groups throughout the country opposed this proposed use of congressional and presidential powers to overcome judicial decisions. President George H. Bond, reporting in 1937 on the effectiveness of the Association against "the inherent evils of such a change," observed that "this was an example of how the Bar can respond when leadership in public affairs is called for, and this and similar action by other Associations" were credited with the defeat of the proposal.

It was commonly believed at the time, however, that the judicial statesmanship of the former president of the Association, Chief Justice Hughes, had evolved a compromise which both saved the court from direct interference and also softened the anti-New Deal policies of the justices. Time cured the rest.

There was a state Constitutional Convention in 1938 and a Special Committee of the Association presented its views on constitutional revision to the Convention. When the Judiciary Article (which was separately submitted to the people in 1938) was defeated, the Association continued to advocate portions of the proposal, e.g., a Court on the Judiciary, which were ultimately approved.

In the same year, the Young Lawyers

Section of the Association was organized, and Weston Vernon, Jr., who was chairman of the Junior Bar Committee which proposed establishment of the Section, became not only the first chairman of the Section, but 14 years later (in 1952) became president of the Association. At the annual dinner in 1939 Sumner Wells, Undersecretary of State, was the speaker.

The Association continued to support legislation to improve the administration of law. In 1941 it was largely responsible for the enactment of the new Motor Vehicle Safety Responsibility Act, which it had advocated for three years and which greatly strengthened the means of fixing financial responsibility for motor vehicle casualties. Senator Robert A. Taft spoke at the annual dinner that year. The war curtailed normal programs and the Association took an active part in war-related legal problems.

At the annual meeting of 1943, Governor Leverett Saltonstall of Massachusetts spoke on "The State at War and Afterward." Judge Learned Hand spoke on the Youth Correction Authority, and at the annual dinner Governor Bricker of Ohio addressed the Association.

The war ended in 1945 and at the annual meeting that year the Association devoted itself to a wide-ranging discussion of the general topic "Post War Problems and the Lawyer." Both the Navy Department, through Secretary James Forrestal, and the War Department through Secretary Henry L. Stimson, issued certificates to the Association and its members in appreciation of the contribution which had been made of time and professional services by lawyers to naval and army personnel, contributing to the morale of both branches and "to the successful prosecution of the war." Rev. Robert I. Gannon spoke at the annual dinner.

In 1946 it was reported that the Association had the previous year gained 1,000 new members — a record for new membership up to that time — and the Association decided to employ a full-time Executive. During this period the Association continued to recruit presidents from different areas: Joseph Rosch of Albany, (1938); Fred L. Gross, Brooklyn, (1939); Warnick J. Kernan, Utica (1940); John G. Jackson, New York (1941); James McMitchell, Buffalo, (1942); Jackson A. Dykman, Brooklyn (1944); Lewis C. Ryan, Syracuse (1945);

Robert E. Lee, New York, (1957); Mason H. Bigelow, New York (1948); Arthur V.D. Chamberlain, Rochester (1951).

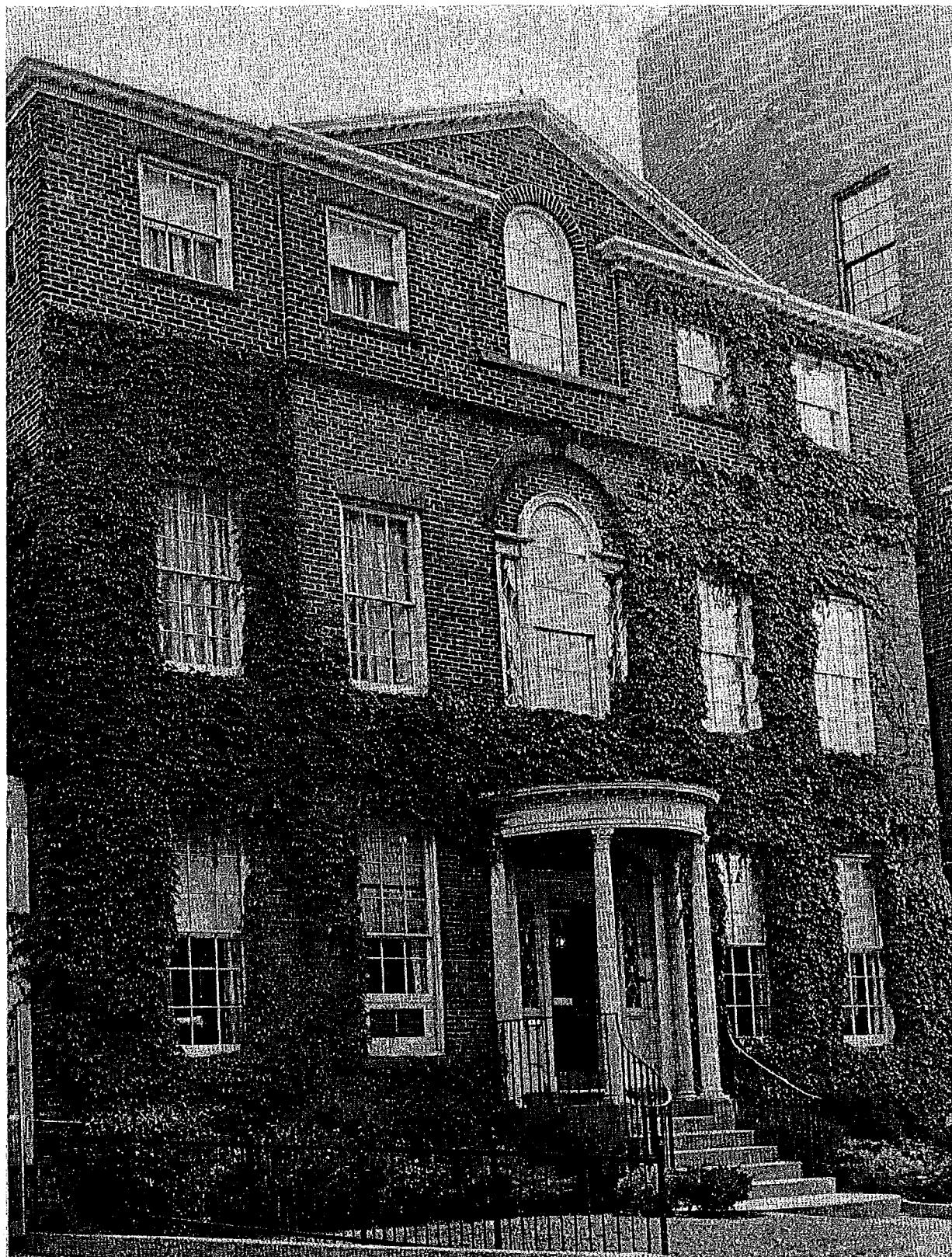
Consistent with its early interest in international law and the arbitration of international controversy, the Association welcomed the first international conference of the legal profession in New York City in 1947 and tendered a reception and dinner to members of the House of Deputies of the International Bar Association.

At the 1946 dinner Admiral William Frederick Halsey was the speaker. At the dinner the next year, the legal officers of the delegations of member countries in the United Nations were guests and Warren Austin spoke. The following year Charles B. Sears, a former Judge of the Court of Appeals and chairman of the Judiciary Committee of the 1938 Constitutional Convention, who had been a judge of a post-war military tribunal in Germany, spoke on "The Recent War Crimes Trials in Germany." John Lord O'Brian spoke on "Loyalty Tests and Guilty by Association" and Attorney General Tom C. Clark spoke on subversive activities.

VI. A New Home for New York's Lawyers

Since 1893, when it was assigned "new, elegant and commodious" rooms in the Capitol as a result of the action taken fourteen years earlier by the Commissioners of the Capitol, the Association had been concerned with establishing adequate facilities of its own at Albany. Not until nearly 60 years later was an effective step taken when in 1951, the Association bought the building at 99 Washington Avenue which became its home. This was made possible through the generosity of William Nelson Cromwell, who had made provision to aid the Association in his will.

On May 2, 1953, the dedication of this first real home of the Association was an historic event marked by a ceremony at the building in the afternoon and a reception and dinner in the evening at the DeWitt Clinton Hotel. Mayor Erastus Corning of the City of Albany and Joseph A. Yavondite, president of the Albany County Bar Association extended greetings. Edward H. Green, executor of the Cromwell estate was the main speaker, and Jackson A.



Our first headquarters building, 99 Washington Avenue

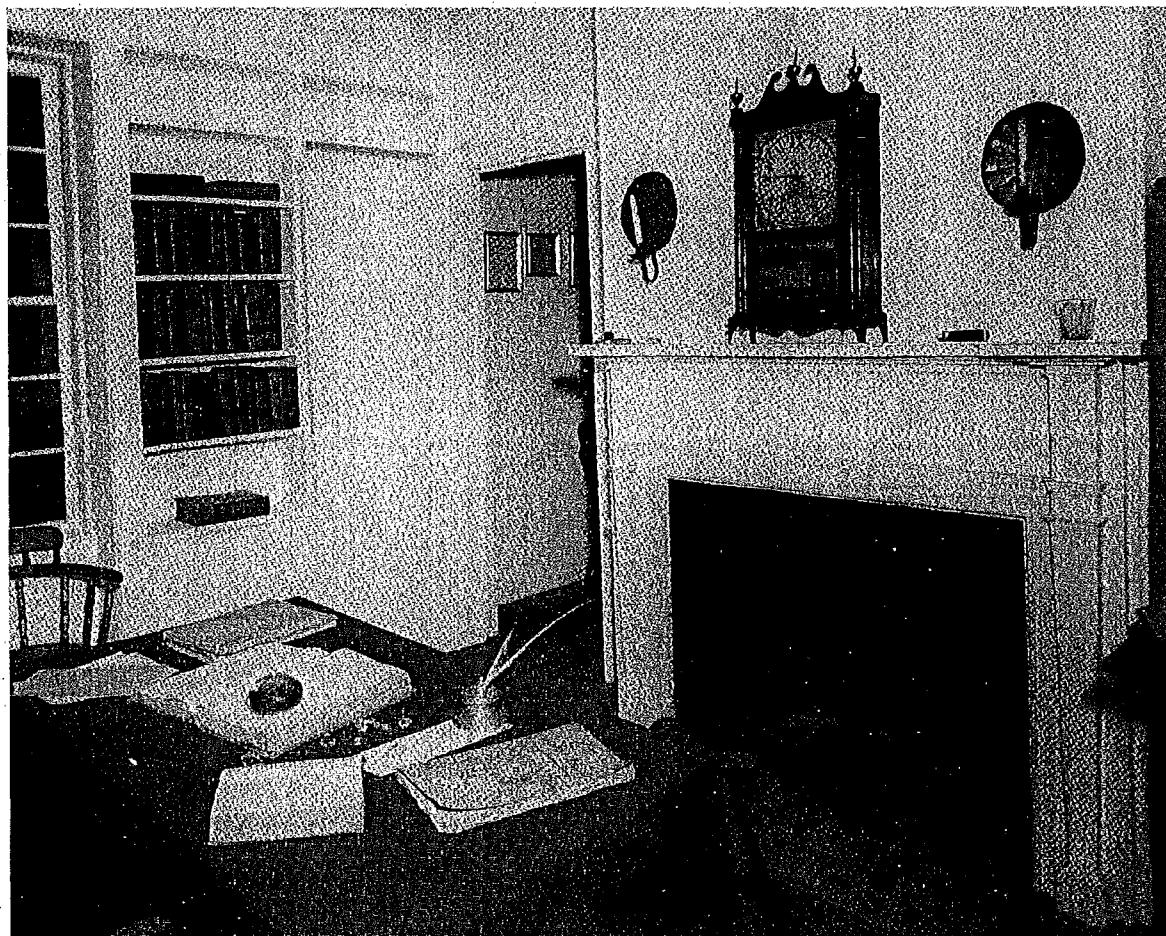
Dykman, Franklin R. Brown, Weston Vernon, Jr. and Arthur V. D. Chamberlain responded for the Association. At the dinner, David W. Peck, presiding justice of the Appellate Division, First Department, spoke.

During the succeeding decade the Association continued to recruit, as it had from the very beginning, professional and public leaders to its presidency, and to achieve a remarkable geographic balance in selection. In 1953 the Association elected Franklin R. Brown (Buffalo); and in 1954 Hunter L. Delatour (Brooklyn). In 1955 the Association went back to repeat that which it did in its very earliest years in 1882 (when it elected Chief Judge William C. Ruger as president); it chose Chief Judge Edmund H. Lewis to the office. It was a singular coincidence that each came from Syracuse.

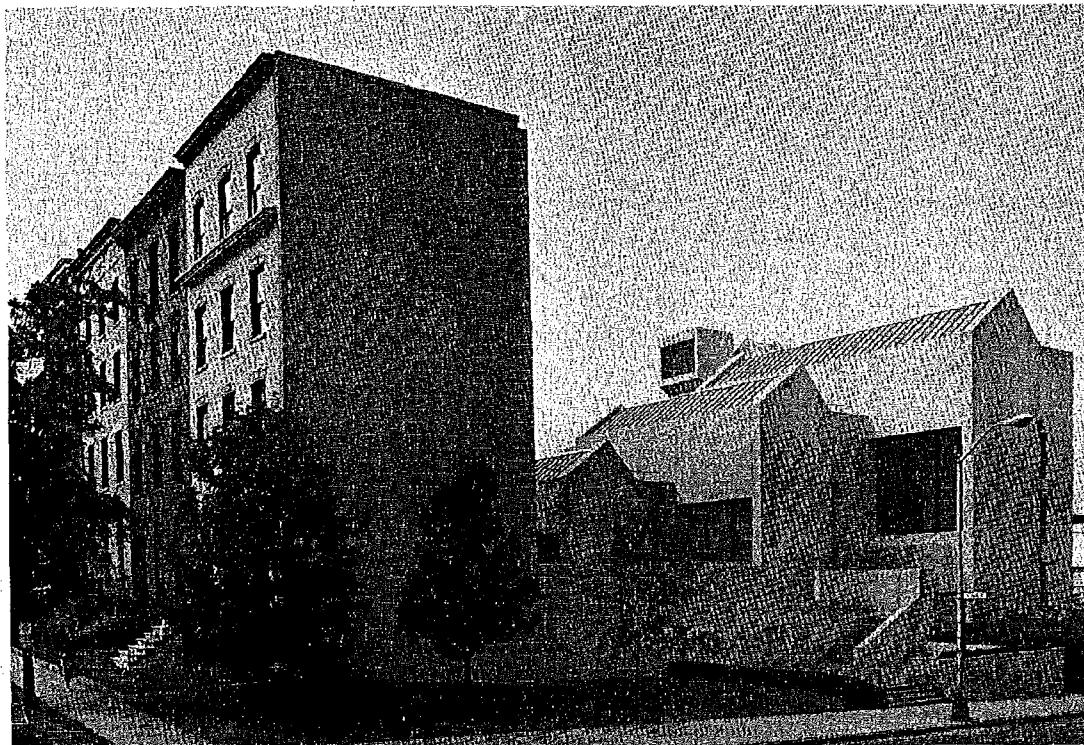
The following year Cloyd LaPorte (New York) was elected president; and in 1958

Clarence C. Runals of Niagara Falls, a delegate to the Constitutional Convention of 1938, was chosen. In 1958, S. Hazard Gillespie, Jr. (New York) was selected; in 1959 C. Addison Keeler (Binghamton); in 1960 Chauncey Belknap (New York); and in 1961 J. Boyd Mullan, (Rochester). In 1962 David W. Peck, a former Presiding Justice of the Appellate Division, First Department, became president.

A leading role in the establishment of the New York Fair Trial-Free Press Conference was taken by the Association in 1968. Former Chief Judge Stanley H. Fuld, who during its early period was chairman of the conference, observed that its purpose was "to give shape to an ongoing dialogue between the news media and the law enforcement agencies." The conference attracted well-rounded representation of the bench, the bar, prosecutors, police, newspapers, radio and television. It considered two im-



Justice Nelson's nineteenth century law office at Cooperstown
Courtesy New York State Historical Association, Cooperstown, N.Y. Photo by Peter Hollis



Our Association's modern headquarters, One Elk Street

portant aspects of an important public issue — the right of the public in a democracy to know the facts of public prosecution as well as other public actions; and the right of the accused in a criminal trial, or a party in a civil case, to safeguards against prejudicial publicity which would impair the objectivity and fairness of the judicial determination affecting his rights.

Reconciliation of sharp differences of viewpoint and relative values was called for and the conference has accepted guidelines for both media and public officials seeking to minimize the restriction on access to information on one side and impairment of fair trials on the other. In this effort, the Association has taken an active and continuous role.

VII. Lawyers in the Public Service

Again reaching out to the quality of service to the community afforded by both bench and bar, the Association in 1974 established two significant special committees, one on Lawyers and the Community; the other on Courts and the Community. The committee dealing with

lawyers' service was charged with "monitoring the conduct of lawyers in the courts, before government agencies, and in their representation of clients to insure professional responsibility; to develop a client's Bill of Rights to explain to laymen what the lawyer's duty to his client is; to review law school training in professional responsibility and in ethical conduct and to follow public criticism of the profession to insure that well-founded criticisms are followed up and ill-founded criticisms explained or answered."

The Special Committee on the Courts and the Community serves a similar function in relation to the courts and judges, including the monitoring of conduct of judges to insure that apparent violations of the Code of Judicial Conduct are referred to a proper disciplinary body, and additionally to maintain "surveillance of the performance of the Commission on Judicial Conduct and other bodies charged with the responsibility for reviewing allegations of improper conduct by judges."

The committee also reviews instances of public criticism of judicial conduct and, if well

founded, sees that they go to the appropriate agency, and if not, that they are properly explained. The committee also helps the media to gain better understanding of the courts and the administration of justice. The two committees are important and ongoing agencies to help both the lawyer and the judge toward improved performance.

The Association continued to attract the leading public and professional figures of the period to appear at and address the annual Association dinners, maintaining the high tradition of the past. In 1948 Associate Judge of the Court of Appeals Thomas O. Thatcher and Presiding Justice Peck of the First Department were the speakers. The following year, the next President of the United States, Dwight D. Eisenhower spoke. It was this year that John E. Berry was named by the Association as Executive Director.

Sir Gladwyn Jebb, permanent delegate from the United Kingdom to the United Nations, was the speaker and on the same dais was Judge Harold Medina of the United States District Court. The roll of distinguished speakers has continued over recent years: Senator Everett M. Dirksen, (1952); Andre Taschereau, president of the Canadian Bar Association, (1953); Chief Judge Albert Conway, (1955); Supreme Court Justice John H. Harlan, (1957); General Maxwell D. Taylor, Chief of Staff, U.S. Army, (1958); Dr. Charles Malik, President General Assembly United Nations, and Secretary of State John Foster Dulles (1959); Supreme Court Justice Felix Frankfurter and Whitney North Seymour, President of the American Bar Association (1961); Arthur H. Dean, U.S. Delegate to the 16th General Assembly of the United Nations for Disarmament (1962); Lieutenant Governor Malcolm Wilson (1968); Governor Nelson A. Rockefeller (1969); Chief Judge Stanley H. Fuld (1971); Chief Judge Charles D. Breitel and Judge William Hughes Mulligan (1974); U.S. Ambassador to Israel Kenneth B. Keating, a former Associate Judge Court of Appeals (1975); Governor Hugh L. Carey and U.S. Supreme Court Justice Thurgood Marshall (1976).

VIII. New Headquarters & New Ideals

The Association quarters at 99 Washington

Avenue, which in 1952 seemed so fully sufficient for the future, rapidly became inadequate to house the expanding size, range of activities and services performed by the Association. New headquarters became a necessity. The Association acquired four parcels on the north side of Elk Street, opposite the Court-house. An ingenious architectural concept emerged by which the facades of three buildings dating back to the early part of the last century were to be preserved and a large and modern facility constructed in back of and around the preserved portions of the old structures.

The result was a strikingly imaginative and practical facility designed by Architect James Stewart Polshek. It has won widespread acclaim of architects and it was given the 1969 award by the national publication *Progressive Architecture*. In 1972 the center was chosen as one of the nine winners of the American Institute of Architecture and Mr. Polshek was cited by the institute for having created "a happy blend of historic preservation and imaginative design."

In the same year the New York State Council on the Arts honored the Association for "successfully incorporating valuable nineteenth century architectural elements into a functional twentieth century complex." This award and that of the Institute of Architecture were presented by Governor Rockefeller to President Hugh R. Jones in a ceremony at the Whitney Museum of American Art.

The Association additionally received during this period a series of awards. The National Freedoms Foundation in 1960 awarded the Association two citations for its promotion in 1959 of the observance of Constitution Week. In 1965 it received the American Bar Association's Award of Merit, Honorable Mention, for its Law Day program. In 1968 the Association was given that same award for its part in creating additional judicial manpower by obtaining 125 more judgeships. In 1969 it received the Award of Merit of the American Bar Association for its successful program in initiating the Grievance Procedure Plan of 1968 under which the Association, under the direction of the Appellate Division, Third Department, maintained grievance procedures for the bar in that De-

partment. That award was the highest American Bar award ever won by our Association.

In 1976, the Association received yet another Honorable Mention in the ABA's Award of Merit program — this time, for the considerable efforts made by its Committee on Citizenship Education to promote law-related education in the secondary schools of New York State.

The Association continued, as it had through its century-long history, to derive its presidents from among the leaders of the profession. In 1963 it elected William F. Fitzpatrick (Syracuse); 1965 Sidney B. Pfeifer (Buffalo); 1966, Lawrence E. Walsh, (New York) former United States District Judge and later President of the American Bar Association; 1967, J. Henry Neale (Scarsdale); 1968, Lyman M. Tondel, Jr. (New York); 1971, Hugh R. Jones, now Associate Judge of the Court of Appeals (Utica); 1972, Robert MacCrate (New York); 1973, Ellsworth VanGraefland, now a Judge of the U.S. Court of Appeals (Rochester); 1974, Whitney North Seymour, Jr., former United States Attorney, Southern District of New York, (New York); 1975 Joseph H. Murphy (Syracuse).

Early in 1973, in a bold move, the Association launched its first "Action Unit" on court reform. This Unit was responsible for focusing public attention on the need for far-reaching court reforms. As a result of its ac-

complishments, the Association's action program received special recognition from the American Bar Association's Section of Bar Activities. The NYSBA further developed its action program by appointing a second such unit in 1974 to study the need for reform in the State Legislature. A third Action Unit, charged with seeking new ways to improve delivery of legal services to the public, was formed in 1976.

Perhaps the most important organizational and functional change in the Association since its foundation in 1876 was the amendment of the Constitution in 1972 establishing the House of Delegates. The policies and management of the Association under this change are placed in the hands of a democratically chosen group elected by bar associations throughout the state and fully representative of the whole Association and the bar. It is an institution able to preserve both continuity and to recognize, as they arise, the changing needs of the profession.

Through the long time roll of the century, our Association has been blessed with the leadership afforded by distinguished lawyers and judges who labored valiantly and successfully to improve our system of law and the administration of justice for the public we serve. The New York State Bar Association has behind it, as this record abundantly shows, a century of outstanding professional achievement.

