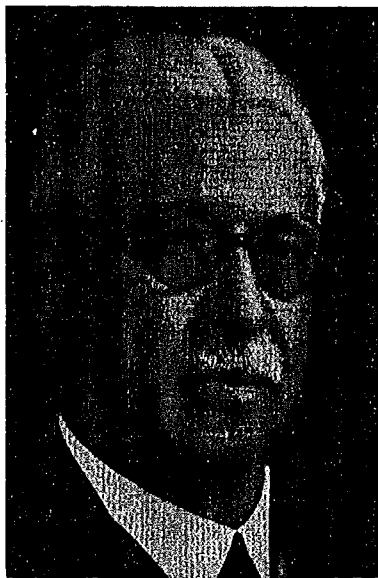


Seventy-five Years of Achievement— Our Association in Retrospect

By Nathan L. Miller

Former Governor of the State of New York; Past President, New York State Bar Association



Nathan L. Miller

ON the 21st of November, 1876, at the instance of the Bar Association of the City of New York, a meeting of lawyers was held in the Assembly Chamber of the Old Capitol. It decided to form a State Bar Association, adopted a Constitution and By-Laws, and appointed a committee, consisting of John K. Porter, Elliott F. Shepard, Clifford A. Hand, Marcus T. Hun and Esek Cowen, all leaders of the Bar, to secure the enactment of a special act of incorporation.

Purposes

Such an Act, Chapter 210 of the Laws of 1877, was passed on May 2, 1877. Its stated purpose was to "cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, and to cherish the spirit of brotherhood among the members thereof".

The State Bar Association, in cooperation with the Federations, Local, County and City Bar Associations, has steadfastly for three-quarters of a century promoted those high purposes. On the whole, its efforts have met with marked success.

Growth in Importance and Influence

In January, 1878, it had 387 members. Its first annual dinner was then held at the Delavan Hotel in Albany. It made arrangements for 100 places, but only 61 attended, causing a deficit of \$78.

Associate Justice Miller of the Supreme Court addressed the meeting.

Today it has more than 7,600 members. In 1949 it received a bequest of \$275,000 under Mr. William Nelson Cromwell's will for "research and exposition and general legal purposes". It now has its own home in Albany which will soon be available and convenient for the use of its members.

One of its first acts was to promote the organization and activities of local Bar Associations. Every county in the State, except Hamilton, now has a County Bar Association, and the activities of many of them are not limited to the adoption of memorials. There is now provision for legal aid to all who may need it in every populous center and legal aid facilities are being expanded throughout the rural counties.

There are a number of local Bar Associations and there are four active District Federations. Their activities are greatly stimulated by the State Bar Association.

Thus, the work of the Bar Associations has been brought close to the people. The lawyers have traditionally and of right exercised great influence both as citizens and in their own special fields, namely, the improvement of the administration of justice, the reform of the law and the elevation of professional standards. Although contrary views have been expressed, the number of lawyers in legislative and administrative positions attest the fact that their influence as citizens has kept pace with the times. Other professions may have gained more relatively because they started with less.

The Bar of the State is now organized in a way to make the influence of its members most effective and, whilst there is always room for improvement, in my opinion, the published reports of the various associations attest the fact that they are doing so.

Our Association is one of the oldest and presently the second largest voluntary State Bar Association in the country.

Major Accomplishments

Two of the subjects first considered by it were a uniform divorce law and the injustice of the fellow-servant doctrine. There appears to be less likelihood of the former now than ever due to the increasing tendency of different States for financial reasons to make divorce easy. New York had steadfastly maintained a single ground for divorce. Annulment and separation are different subjects. It took thirty-six years to secure the enactment of a Workmen's Compensation Law which withstood the Constitutional test. Once enacted, its improvement was easier. The fact that those were the first

two measures considered by the Law Reform Committee is a high tribute to its members and shows the high plane on which it began its career, throughout which it has maintained that position.

David Dudley Field served as Chairman of the Law Reform Committee from 1885 to 1894. He valiantly strove for a codification of the Common Law, and met with success in a number of States, but he was unable to convince the New York Bar, which, in my opinion, is thus entitled to great credit. The law governing our daily transactions should remain as flexible as possible, and should be changed by statute only in respect of particular subjects when changes appear to be made advisable by changed conditions.

However, the State Bar Association did identify itself with the adoption of the Penal Law and Codes of Civil and Criminal Procedure and in all the improvements of them. Indeed, it has sponsored and promoted every procedural reform, and its members have been influential in every Commission to draft measures to reform either substantive law or procedure.

Perhaps its most notable achievement was in the reorganization of our judicial system in 1895. Its advice was followed. The system then recommended by it was established and has stood the test of time. Whilst there have been some changes, particularly in respect of jurisdiction, the system then established remains intact and after 57 years of trial no one seriously proposes to change it.

Our State Government was reorganized in 1925, pursuant to a plan recommended by a Commission largely composed of lawyers, of which the late Chief Justice Hughes was Chairman. As far as I know, it has never been subjected to serious criticism. Of course, it did not prevent the creation of additional bureaus and even of commissions in existing departments, and no plan should undertake to do that. Good government requires efficient administration as well as sound organization.

In 1895 it was instrumental in securing the establishment of a single Board of Law Examiners appointed by the Court of Appeals to insure uniform examinations and higher standards. The plan has received widespread approval and has been quite generally adopted throughout the country. It has contributed much to the elevation of professional standards.

In 1896, as a result perhaps of the tension between this country and England, the Association held a special meeting, approved and adopted a plan for an International Court to settle international disputes and a memorial to the Congress and the President urging the adoption of the plan. Thus, to

the New York State Bar Association belongs the credit of having on its own initiative formulated and promoted the adoption of a plan of international arbitration, which resulted in the present World Court.

When we reflect that that was 56 years ago, we should have more patience with the slow development of international organizations for peace.

In 1904 the Association took the initiative in an effort which resulted in our Consolidated Laws.

1910, after many years of effort, the Association finally succeeded in procuring legislation effecting many needed reforms in Surrogate's procedure and appellate practice.

The New York State Association of Surrogates has stated that it is a creature of the State Bar Association. It now holds a meeting each year at Saranac in connection with the summer meeting there of the State Bar Association.

In 1912 the Association took the initiative in securing the removal of the Court of Appeals from its inadequate quarters in the Capitol to the Old State Hall, an historic building which now stands as a monument to the Association's efficiency and public spirit.

Again, it initiated the effort which led to the creation in 1934 of the Judicial Council, which has become an important and influential body in the work of law reform.

There can be no more important or useful work than the extension of legal aid to those in need of it, who have not the ability to pay. The Association's work in that field has been greatly intensified in recent years. This is a work which all of the Associations, State, City and County, must share. Much has been accomplished. More and more people, however humble, may now receive needed legal advice and service within their means.

The Association has played a leading role in securing the adoption of uniform State laws. Indeed, it initiated the effort. Much has been accomplished. More remains to be done.

General Observations

I have not attempted to chronicle the activities and accomplishments of recent years. They are known to all and their recital would unduly lengthen this article. The expansion of committee and section activities during this period has resulted and will continue to result in an ever wider range of accomplishments. The accomplishments which I have chronicled are not as well known but are sufficient to prove the great influence for the public good which the Association has constantly exercised throughout its history.

It has not been possible to mention in a brief chronicle every important measure which it has successfully sponsored. Their number is legion. The number of bad measures which it has successfully opposed is impressive. Suffice it to say that it has always been guided by what it believed to be in the public interest.

It has brought about many important reforms both in substantive law and procedure. It has greatly improved the administration of justice. It has elevated both the ethical and the educational standards of the profession. It has played important roles in the adoption of measures for the general good. It has kept pace with the times.

I have been greatly impressed by the expansion of its activities in recent years.

As I have said, it now has its own headquarters, conveniently located for the use of its members, to be available in the near future. Its increasing business has required it to employ a full-time lawyer as Executive Assistant, but its many activities continue to increase the demands upon the time of its President. It now has eight sections and over fifty committees devoted to public and professional service. Its most important committees function actively throughout the year. It cooperates with all Bar Associations, National, County, City, Federated and Local. Its reports on proposed and pending legislation are most helpful. Its Bulletin has become a valuable publication.

With such a history and such an organization, its continued usefulness is assured.

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(American Bar Association Journal, January, 1952).

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