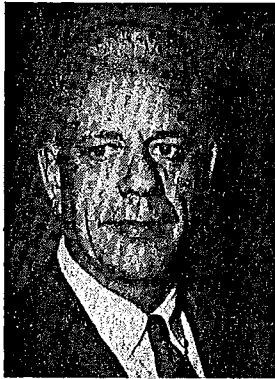


Your Association—A Capsule History

By John E. Berry

Executive Director, NYSBA

Our indefatigable and efficient Executive Director has put together for your information this history of our Association. It is condensed from an earlier article which appeared in 47 ABAJ 1111 (November, 1961).



John E. Berry

THE New York State Bar Association, characterized by Dean Roscoe Pound as "the oldest of the State Bar Associations organized before 1878 with unbroken continuity," owes its beginnings to the initiative of The Association of the Bar of the City of New York. In 1875 that Association authorized a committee to invite delegates from throughout the state to attend a convention in Albany. On November 21, 1876, ninety-one delegates met in the Assembly Chamber of the old Capitol to organize the New York State Bar Association and elected a New Yorker, John K. Porter, as its first President. The long history of both associations has been marked by warm co-operation,

and nine lawyers have served as Presidents of both associations. Three of those nine, Joseph Choate, Elihu Root and Charles Evans Hughes, went on to serve as Presidents of the American Bar Association.

The Association was incorporated by statute on May 2, 1877. This was the year when the famous Supreme Court decision in *Pennoy v. Neff* was handed down, the Brooklyn Bridge was under construction, and Thomas Edison was just entering upon experiments at Menlo Park, which culminated two years later in the invention of the incandescent lamp! One wonders what the reaction of our founders might be were they, today, to see

Committees on Atomic Energy and on Electronic Data Processing and its Application to the Law listed among the activities of the Association!

Coincidentally, the oldest voluntary state bar is housed in probably the oldest headquarters building of any association in the country. Its present headquarters, dedicated in 1953, was built in 1799 and was used in the early 1800's as the Executive Mansion for the Governor of the State, Daniel J. Tompkins, who later became Vice President of the United States. Its stately exterior belies the modern equipment it houses to meet the ever-increasing

demands of servicing more than 11,400 members.

Major Accomplishments

The reputation of a professional association is measured by its contributions to the well-being of the profession and the public. Too few outside of the profession are aware of the contributions of the organized Bar to better government and better justice. Active bar members know only too well the time, effort and expense required to achieve results. Thus, a few illustrations will indicate the New York State Bar Association's accomplishments at the national and state level.

On the National Level

Unknown to most, but worthy of mention, is the fact that in the late 1800's the Association drafted a plan for a world court to settle international disputes, and a memorial to the Congress and the President was prepared urging its adoption. The plan reached its fulfillment with the establishment of the present world court. During the same period, a committee secured enactment of legislation providing for uniform statewide bar examinations under the supervision of a single Board of Law Examiners. This plan was generally adopted throughout the country and did much to elevate the standards of the profession.

The Association is also credited with initiating the movement which resulted in the first passage of an arbitration law in the State of New York. This, in turn, became the model for a proposed uniform statute, later accepted nationally, which

was the basis for eventual treaties on international arbitration.

The Association was a pioneer in establishing the first organized bar committee on American citizenship, and through its efforts bar associations throughout the country established similar committees which were primarily concerned with improving the status of American citizens, particularly those of foreign birth or descent.

Long forgotten in the tedious effort to enact legislation to provide some sort of retirement benefits for the self-employed, is the fact that the idea originated in the Taxation Section of the Association through a small committee working in cooperation with Congressman Eugene J. Keogh.

At the State Level

Like every other strong bar association, the New York State Bar Association has devoted its most serious attention to the improvement of judicial administration. Its efforts have been far-ranging and continuous, and brief reference is made to what may be considered some of the major accomplishments of the past eighty-five years.

The Association was instrumental in arranging the publication of what are known as the "Miscellaneous Reports" which preserve all opinions of the courts in the state, other than those of the Court of Appeals and Appellate Divisions which are printed in official reports. Its efforts likewise resulted in the publication of weekly "Advance Sheets" to furnish lawyers prompt information on current decisions and opinions, pending their later publication in official reports.

The Association led the way to the first statutory consolidation in New York State. It persuaded the legislature to house the Court of Appeals in adequate quarters of its own in what was known as the old State House, and is now one of the most beautiful courthouses in the country. The Association was instrumental in the complete reorganization of the state's judicial system in 1895, which system remains substantially in effect today. It continues to study and makes recommendations for revision of the court system in the state. It initiated the effort which resulted in the creation of the first Judicial Council of the State of New York in 1934, and in 1941 its recommendations resulted in enactment of the first substantial Motor Vehicle Safety Responsibility Act for the State of New York.

In recent years its achievements, to mention but a few, include a major part in the revision of the corporation laws of the state; enactment of public defender legislation in New York State; intensive studies and recommendations dealing with complete revision of the Civil Practice Act and Rules of Procedure; adoption of uniform rules for disciplinary proceedings in upstate New York; legislation to permit the court to charge back to the county the costs of disbarment proceedings against an attorney practicing in that county, and a major study, believed to be the first of its kind, in co-operation with the Attorney General of the State of New York, of the New York State anti-trust laws. At the request of Legislative Commission Chairmen, Association committees are now co-operating in reviews of the law of decedent's estates and penal law and

criminal procedure, preparatory to expected revision.

Some Current Projects

Three years ago, the Association initiated a major public relations program. The program won the Association a Silver Anvil Award from the American Public Relations Association for "outstanding public relations performance in the field of professional organizations." It also received a Freedoms Foundation Medal for promotion of statewide observations of Constitution Week on the theme: "Responsibility of citizens to uphold and protect their federal constitution." A series of short 5-minute films has been produced. A periodic newsletter keeps members informed of current activities.

A newspaper series appears weekly in 158 newspapers. The same material is now being used in more than 400 high schools in connection with classroom work. In conjunction with the State Education Department, a course entitled "Law Everyone Should Know" is conducted as part of a regular adult education program. Recently the Association had a specially designed exhibit booth constructed which is used at State Fair and other similar exhibitions, both by the Association and by local bar associations and some state governmental agencies. In addition, a speaker's manual was recently published and over 2,000,000 pamphlets have been distributed as part of the public information program.

A little over a year ago, the office of Director of Continuing Legal Education was established and development of a long-range statewide program is well under way.

The Association is concentrating upon a practical program of professional economics. It has concluded the first statewide survey of law office practices and lawyer incomes in the state. The results of that survey were used as the basis for a series of one-day professional economic institutes conducted in seven cities last fall.

A unique and detailed survey of the 3,000 members of the Young Lawyers' Section was conducted to obtain a bird's eye view of the special problems confronting the lawyer in his early years of practice and of those elements which appear to make for success or failure.

In the past year, considerable effort was expended in revamping both court and committee rules dealing with grievance procedures, and a temporary counsel to the Grievance Committee was retained. A full-time counsel has been employed to handle grievance matters, unlawful practice problems and related subjects.

No résumé of the activities of the Association would be accurate if it were not acknowledged that, since its early beginning, it has enjoyed the closest co-operation and assistance from county, local and federated bar associations. The active participation of those associations and their committees lend strong support to the programs of the State Bar.

A Look Ahead

Some 35 years ago, the then President of the Association said:

The past has its lesson, the present its duty, the future its hope. We shall be poor students of the past and of the present if we are not taught thereby what course to mark out for the future. Fine as the record of the Association is, admirable as its achievements may have been; nevertheless, I think we may find opportunity for great improvement in the service and influence of this Association.

The New York State Bar Association has found, and will continue to look for, just such opportunities.
[End]

The Law Is a Profession

In a sketch of the history and functions of legal ethics in America in the [Massachusetts Law] "Quarterly" for May 1916, the following quotation from Dean Wigmore appeared (p. 185): "For lawyers, the most important truth about the law is that it is a profession. That truth has been more and more forgotten among us of late years. To restore it to our convictions will be a great service."

Why? Because the profession in the long run has acquired since the 17th century and will keep "a good name" and good public reputation *only* by deserving them and *being a profession* in its best sense in the character and behavior of the bulk of its individual members who respect and hand on its traditions from generation to generation. A profession is something more than being admitted to the bar.

—Frank W. Grinnell, "A Doubter's Comments," *Boston Bar Journal*, Vol. 6, No. 5 (May, 1962), p. 5 at p. 7.