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# LEGAL INSTITUTES FOR EVERY LOCAL LAWYER

By BURT J. THOMPSON\*

I think it is rather remarkable that there should be as many men present today as there are in this room. It is a hot day. In addition everybody is so disturbed and worried.

I realize that much of what I have to say is already familiar to many of your Bar, but in an association with a membership of diversified interests, equipment and accomplishment, there may be justification in asking those of larger experience to retrace what to them may be familiar paths, to the end that a much *larger* number may participate in the task of examining some of our professional difficulties.

With all the work that has been done, there are many urgent problems yet afflicting our profession and many sincere and earnest men are trying to discover the formula that precipitates the solution.

I wish to discuss only one.

It may be incorrect to speak of it as *one* problem; and indeed it would be extremely difficult to encompass in a single statement its limitations or ramifications.

The problem is glimpsed by suggesting these questions:

Why is the legal profession a collection of individual units that think and act in terms of individual initiative but seldom, if ever, in terms of the entire legal order?

Why is there no one person, representative or group, who can speak with authority, for a profession that includes 180,000 individuals in its membership?

Why is it that not more than 10 or 15% in number enjoy 75% of the total income of the profession and why is there such a struggle on the part of at least a half of our profession to eke out a fair standard of existence?

Why is it that after more than sixty years of effort, our National Association has no more than 16% of our lawyers

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in its membership and is in personal contact with on more than 2% once a year?

And, finally, why is the potential influence of this most powerful group, moving together as a unit, not available in meeting the great problems which are afflicting this part of a bewildered world?

No formula, program or crusade is going to produce the answer or solve these problems overnight.

However, it is my firm conviction that the members of the bar have in their own hands a simple and practical method or medium that once generally accepted and put into operation, will take the profession a *long way* toward a solution of some of these problems and a long way toward implementing itself in a manner that *may be* the difference between ultimate extinction and ultimate self-preservation.

This medium is the subject of my discussion and is the spring-board from which the American Bar Association through the efforts of a Committee of which I am a member, (operating under the Section of Legal Education) has launched a program that, if generally accepted, will, I believe, result in definite benefits to our entire order and will also provide the answer to the questions earlier propounded.

In approaching a discussion of this subject, we must appreciate that times, and likewise conditions, have changed radically in the last generation. I desire to refer briefly to a very few of these changes. They may *suggest*, at least, why we must adopt some new methods.

In 1860 there were 10,000 reported decisions in the State and Federal Reports. Today there are one and three-quarters million reported cases; with 25,000 new cases being added each year.

The American Digest System, which aims to set out the important points or propositions in our reported cases from the beginning, now contains seven million headnotes or paragraphs.

Until comparatively recent years we have transacted most of the judicial business of the country in our traditional courts.

Today there are more than a hundred Federal Administrative Agencies, bureaus, commissions and boards, and perhaps as many state agencies, many of which exercise quasi-judicial functions and each of which removes some of our business from the Courts.

The procedure in these administrative courts is entirely different from the statutory or common law procedure of our experience.

Young men have been flocking into the profession in droves and the number is increasing every year. As illustrating the apparent demand for the exercise of the right to practice law, it appears that in 1900 there were 102 law schools in the United States. In 1937 there were 205, an increase of more than 100%. In 1900 there were 12,500 students in the law schools; today there are nearly 40,000. I think a member of your Committee this morning reported 37,500 as the last census of the law schools. In other words, in thirty-seven years we have increased by 100% the number of factories for turning out lawyers, and have increased the output during the same period more than 300%. More than 9,000 new lawyers are coming in to the profession every year. The lawyer population of the United States is increasing nearly twice as fast as the rest of our population.

During this same period an industrial revolution has taken place which has brought with it, changes so complete as to have created almost a new industrial world and a new social order.

We know also that the Law business is concentrating in large organizations and that specialization is taking the place of the general practitioner, in a great many fields. It is no longer startling to discover law firms with 50 to 75 lawyers and nearly as many clerks, secretaries and assistants.

Again, *encroachments* of many kinds have reduced the lawyers' field of activity.

We have not succeeded in any great measure in meeting these encroachments that are rapidly reducing the activities and influence of our profession; that make the practice an economic and moral hazard for most of those who enter.

These encroachments are increasing. Some years ago it was largely in the form of unauthorized practice. Today these encroachments assume many *new* forms. These new forms spring from the following:

An unsatisfactory administration of justice due in part at least to procedural limitations.

Unsatisfactory public relations which produce unfair but vicious criticism and consequent loss of confidence.

The natural results that flow from overcrowding.

The speed and complexity of business relations which demand a constant change in the technique of our professions.

The growth of a great nation whose administrative business must be done by administrative agencies. *They are here to stay.* We must learn a new ritual and new methods if we transact any part of the tremendous volume of business that must be done before these new tribunals. Col. McGuire in his article on "Administrative Law and American Democracy," in the May number of the American Bar Association Journal, makes the statement that one of these agencies determined more than four times as many cases as all the Federal Courts during a corresponding period.

These are the problems which the individual lawyer is helpless to solve by himself and for these reasons and looking into the years to come, we are suggesting to the members of the Bar what seems to be a practical method or medium that in the years to come, may result in an organized Bar with capacity to preserve itself and capacity to help with the job of preserving our Democracy.

Let me interpolate here just a moment. I was very much interested in the splendid address of your President this morning in which he dealt largely with your campaign for an integrated bar. It is very familiar language. He talked of things that happened in my own state just one year ago. I knew exactly what he had done and I knew the disappointment that you all had in failure to secure an integrated bar. But, gentlemen (this is perhaps a little personal), I rode all over the state of Iowa in an effort to induce our bar to accept it, when I found out in the middle of the year that it wasn't going to go through, I sought for some method or medium that might take the place of integration. It almost came by

accident for it was at a meeting of the American Bankers Association in Kansas City that two of us happened to drop in to a meeting where the conventional type of institute was being discussed, and out of that meeting and out of the disappointment that we had, came a determination to gear that thing down to a place where it would be possible to institute a series of institutes for our lawyers in the state of Iowa.

Nobody could have been more saturated with the desire and determination to secure integration than I was in my state, but there isn't going to be any compulsory thing that is going to get done the things we want done, because it is a frame of mind. We are talking about an organized bar. That can not be produced in any compulsory method that I know anything about, so I feel personally that if this method and this medium which we are talking about here today and which is being talked about all over the country, can be accepted by the bar in place of integration, they are going to accomplish the results that can not otherwise be reached.

Integration produces a fund that is desirable and we all need it, but that is in my mind the only thing that this will not do.

We must adapt ourselves to many new methods and learn many new ways of transacting business. We are a part of a great country that is examining new and sometimes strange philosophies of government and economy.

We cannot remain outside and take no part in these changes, and while we may not all agree upon all of the details, we should be able, by congenial and general examination, to arrive at some common understanding as to the part we are to play in the solution of these problems which affect the welfare of our country and the welfare of our fellow-workmen.

The legal profession from the very inception of our government contributed to our public welfare because its membership actively participated in our public affairs.

If we continue to exist as a group with either business or influence we have no choice in participating as an order.

We exist only so long as we serve some social function.

Again, there is a field of endeavor which rightfully belongs to the members of the bar. We are required to meet increasingly stringent qualifications and spend more time and money in preparing ourselves in a way that fits us for this responsibility.

We are told that none may transact certain types of business except those who are licensed by the State, but the facts are quite different, and this is due in part, at least, to our inability to move together in protecting that business which we alone, under the law, are properly prepared for and entitled to transact.

This is an age of organization and the group or profession that is not organized, is bound to be seriously handicapped.

I mentioned a few minutes ago the trend of the legal profession between the years 1900 to 1937. In contrast, during the same period, the medical profession, which is admittedly one of the best organized groups in the country, made this record.

In 1900 there were 163 medical schools. In 1937 there were 81.

In 1900 there were 25,000 medical students and in 1937 there were less than 25,000. In other words, while we were increasing our law schools by 100%, the medical schools were decreased by 50%. While our student body increased over 300%, their student body remained stationary.

The labor group demonstrates its power in high and low places every day and no one is taking the place of John L. Lewis or Mr. Green at the end of the year.

Agriculture, through its organized pressure, subtracts a billion dollars a year from the public treasury.

The barber, beauty parlor operator and veterinarian in my state have more protective and effective legislation enacted for their benefit than do the lawyers.

Our National Association is a voluntary type of organization pure and simple, with a constant change of personnel, and the same is true with most of the State Bar Associations. Its weakness is due to the necessity of "beginning all over"

at the end of each year. We have not yet devised a method of utilizing and perpetuating the administrative genius developed by the actual experience of our executives. We relegate them just about the time they begin to acquire capacity and value. The same process, if followed by business or industry, would wreck them all.

Until very recently the activities of Bar Associations have been directed inward. You have almost heard this part of my address this morning. I am very much delighted to hear the emphasis your President placed upon this thought. Associations, both state and national, have spent much of their energy in attempting to draw the lawyers into the organization for the sake of creating and perpetuating strong central associations; the underlying conception being, a top entity toward which all loyal lawyers should make some contribution of money, time and effort. This conception has attracted the interest of but a thin layer or segment of the profession and which is composed largely of lawyers who need the Association the least.

Bar organizations have, therefore, been compelled to dissipate a large proportion of their energy and sustenance in maintaining themselves.

As your Committee reported this morning, you gained 200 members of thereabouts and lost some more, and it is the record everywhere. We take some in and lose as many or more. As a result, the association has been a vital factor in the affairs, equipment and ability of but a very few.

If this "direction" can be reversed; if the purpose and justification for organized activity can be made to be the improvement of the lawyer and his chances; if the Association can be made to be a power-house that exists primarily to vitalize and increase the equipment of the individual lawyer, to bring him into harmony with his fellow workmen, and to keep him sensitive to those changing currents that affect the Social order, it will no longer be necessary to exhaust the energy of the machine in trying to keep its batteries charged.

The medium which I believe has at least a logical chance of realizing some of these objectives is the development of



an old, but until very recently, a very dormant idea, in perhaps a somewhat new method.

The idea or medium is post-admission legal education; the method is the establishment of a systematic series of Legal Institutes all over the United States which are available to all lawyers whether members of our associations or not.

### POST-ADMISSION LEGAL EDUCATION

Post admission legal education is being developed along three fronts:

1. *Legal Institutes Proper*—similar to the Cleveland, New York and Washington institutes; a series of lectures on one subject supported by registration fees.
2. *Practicing Law Courses*—as developed by Professor Seligson.
3. *Smaller Community or "District" Institutes*—built on the same general plan as the large city institutes but geared down to fit the situation and with voluntary speakers.

Institutes have been held in 44 of the larger cities. These large institutes are possible only where there are from 500 to 1000 lawyers living in a single city, as they are expensive and are financed by registration fees at from \$2 to \$5 for the series.

This makes it possible to secure nationally known speakers and experts in their particular field for a series of discussions which are of great practical value to the busy practicing lawyer.

The quality of these discussions is evidenced by the fact that as many as 1200 have paid for a single series on the Federal Rules and the transcripts of the Proceedings are the most authoritative treatment in print of the application of the new Rules.

The new Federal Rules gave the movement great impetus.

There has been a remarkable growth of this type of Institute especially during the last two years.

Prior to January, 1937, there were only two states, Ohio and Washington, that had made as much as an experiment

in holding legal institutes. Three cities in Ohio (Cleveland, Toledo and Cincinnati) and Seattle in Washington, had together held 20 institutes. Cleveland was the pioneer, beginning in 1931, and between then and 1937, held ten institutes.

Since July, 1938, however, 26 states have experimented with the idea and 44 cities in these 26 states have held 57 institutes, 12,000 to 15,000 were in attendance. This is an *average* however, of only one institute in two years for all of the cities in this group.

However, there are only 67 cities in the United States with a population of 100,000 or more—and a city with any smaller population would not be able to finance this type.

In all of these 67 cities, the lawyer population (in 1930) was about 65,000. It becomes evident that if every lawyer residing in each of these cities should be reached by the large city or conventional Institutes, we would miss nearly two-thirds of the bar of the country.

There are approximately 4200 lawyers in the practice in Indiana, according to Martindale.

While there are five cities in your state with populations of over 100,000, only one of them (Indianapolis) has a lawyer population of more than 200; (there are 1124 lawyers in Indianapolis).

There are, therefore, more than 3000 lawyers, or approximately three-fourths of all your practitioners, who are doing business outside the metropolitan areas.

172 of your 206 cities and towns, have a population of less than 10,000.

Indiana, therefore has its practicing lawyers more or less evenly spread over the entire state.

You are doubtless all familiar with Prof. Seligson's "Practicing Law Course" (now the Practicing Law Institutes) which are now definitely established and being reproduced in San Francisco, Toledo, Philadelphia, Boston, Chicago, Syracuse, Los Angeles and Buffalo. To those of you who are not familiar with the amazing success of the Seligson Institute, I recommend reading the report he has just made to his trustees of the work accomplished in 1938.

In 1933 he gave two courses attended by 60 with 16 lecturers.

In 1938, he gave 31 courses attended by over 800 graduates of 51 law schools, given by 78 lecturers. A summer session was first held in 1938, with 103 lawyers from 20 different states.

If there ever was an illustration of devotion to an ideal of service, this is one.

The third type of post admission legal education is the institute which has been developed in Iowa and which is being held in the smaller community areas. The first Institute of this type was held in February, 1938, in the Twelfth Judicial District of Iowa. This district is composed of 8 counties and has a lawyer population of about 125.

As stated earlier, not quite two-thirds of all the lawyers in the United States live in communities that have a population of much under 100,000. However, post-admission legal education is fully as important to the lawyers in these areas as it is to lawyers in the large cities.

The need for their benefits is just as great one place as another but they cannot be conducted in the same manner nor financed on the same scale nor is the same type of leadership available.

We met these problems in Iowa and there are more legal institutes being held in that state today than in any equal area in the United States. 25 "District" institutes have been held this year.

We found that the members of the Bar were not only hungry for this sort of thing but we also discovered that the most outstanding members of the Bar were not too deeply absorbed in their own business to prevent them from making very substantial contributions of their time and ability.

We organized the state into 21 units using each of the 21 judicial districts as a separate unit. These are composed of from 4 to 9 counties.

The average number of lawyers in each of these districts is in the vicinity of 150.

In establishing these institutes we had to first organize bar associations in many instances, and that was a good thing. There are 99 counties in Iowa. When we started there were about 50 counties that had organized bar associations. In 8 months, there were 85. When we started, there were 5 "judicial district" organizations. At the end of 8 months, there were 12.

The first institute was held at Charles City, Iowa, in February, 1938, and in June last year when we held our state convention, we were conducting legal institutes in 13 of the 21 judicial districts.

These 13 judicial districts included 64 of the 99 counties in Iowa.

As soon as we had a district organization, we were ready to hold an Institute. The process was simple.

We began first by contacting eight or ten of our outstanding lawyers and requesting them to discuss a problem that frequently came up in their every-day business—something that they had met and worked up in their practice. The response was instantaneous and surprising.

We also requested some of the law school instructors to participate and we had more than we knew what to do with.

When we had this list of speakers and subjects completed we invited every lawyer in the district regardless of membership in any association—75% of all of them attended. The results have been amazing.

The discussions cover a wide range of practical, every-day problems that we meet in our normal practice. These discussions are summarized and mimeographed and distributed to all who attend. They are splendid briefs and already constitute a valuable collection that are authoritative and complete.

Dean Garrison made this statement in an article which appeared in the March, 1938, number of the *American Bar Journal*:

"I suspect that we have overestimated the absorption of lawyers in their daily affairs and have underestimated their willingness and capacity to help in legal education; and I suspect that we also have

underestimated the latent hunger for learning and discussion which lies buried within most educated adults, including lawyers, and which waits only the proper spur to reveal itself."

We discovered that truth of what Dean Garrison said long before he made this statement.

Post admission legal education is an activity that had to come. It is national in scope and it is here to stay and these are some of the reasons:

1st. The individual lawyer who conducts a reasonably busy office cannot find time to keep himself informed of the thousands of new decisions and statutes and the deeper currents influencing the profession but which affect his welfare none the less. Every intelligent lawyer must have some contacts with the new types of procedure—an occasional brushing up on substantive law. The desire for it is everywhere, although it may not be expressed.

2nd. Law schools cannot cover all the field of the law and constantly change their courses in order to turn out students who know all of the new developments.

3rd. Younger members are entitled to help and encouragement in ironing out some of the difficulties always encountered in the early years of the practice. If this help is made available it may shorten the starvation period and simplify an observance of the code of ethics.

4th. The public is entitled to more efficiently trained lawyers for they will thus receive a better administration of justice with higher standards of efficiency.

5th. Broader dissemination of legal information will likewise retard the concentration of business which may ultimately result in a complete change in the complexion of the profession.

6th. If we continue to have the kind of a country that this generation knows and understands, it is necessary to have good lawyers all over the land and not a concentration in the metropolitan districts only.

Some of the reasons why this movement is more than "just another activity" that someone has conceived, are the following:

1. It offers something of personal advantage.
2. It appeals to the human instinct of self-preservation.
3. It is wholly practical.
4. It permits of frequent personal contact and interchange of ideas by *all* of the members of the profession.

5. It is not limited to membership in any association or conditioned upon the payment of dues.

6. It is as broad in scope as the bar itself and includes within its purview every lawyer of every rank and station.

7. It excludes the implication of being exclusive.

And Last But Not Least

8. It is tied up with an ideal.

The success of this activity is due to the fact that the bar association is actually taking something of value out to the lawyers where they live and this is a definite change in the direction of bar association activity.

Although the development of the Legal Institute program is being conducted under the Section of Legal Education, it is primarily a Bar Organization activity.

The Committee of the American Bar Association on Organization and Development, is composed of 11 members, to each of whom has been allocated certain states. Since the Committee was organized last November, we have made very gratifying progress in both fields.

We have held Regional Conferences in Kansas City, Columbus, New York City and Atlanta which were attended by the Executives of state and local bar associations from Colorado and Oklahoma on the West to Maine and South Carolina on the East.

Institutes in the smaller community areas are already being conducted in California, Colorado, Nebraska, Iowa, North Dakota, Vermont, New Hampshire, Ohio, Wisconsin, Missouri, New Jersey, West Virginia, Utah and New Mexico. Each of the States named have already held from 1 to 25 institutes. Several other states have appointed their committees and expect to begin holding institutes this fall.

While the information is difficult to secure, reports indicate that 63 of the "district" type of Institutes have been held in these 14 states since we organized our Committee and went to work last November. The attendance was between 3000 and 4000 lawyers, all from the small communities. The im-

portance of these figures is appreciated, and when we consider that a substantial percentage of those in attendance are lawyers who know nothing and care less about the American Bar Association and who likewise have very little contact with or interest in their state or local associations.

Now, I would like to briefly refer to the development of this campaign. Legal education has been advanced along three fronts. Some outstanding lawyer or some expert that occupies a unique position in the country comes to your city and delivers a series of lectures, usually two or three days. It is supported by registration fees of from \$2 to \$5, and it is a splendid thing, but that type of institute, gentlemen, is available to only a very small number of communities in the United States. There are only 67 in '30, that is the last census, in 1930 only 67 cities in the United States that had a population of 100,000 or more, and in those 67 cities there were approximately one-third of the bar of the country. So that even if we have this type of institute operated in every one of our large cities, we would only reach a small portion of the bar of the country. But you can't even hold that type of institute in four of your cities with a population of 100,000. You have five altogether, but out of those there are four cities in Indiana that have a population of over 100,000 and also you have a lawyer population of over 200 lawyers. Now, 200 lawyers can't support that type of institute. So, in the State of Indiana, where you have 4,000 lawyers, you have 3,000 of them at least in the smaller communities. You have 206 cities and towns in Indiana where lawyers do their business; 173 of these are towns of a population of less than 10,000. Indiana is a state like Iowa. Your lawyer population is scattered. It is spread out somewhat evenly all over the state. So what are we going to do if post-admission legal education is a necessary thing for all lawyers? I certainly believe it is. What are we going to do for the lawyer in the small office, and the small town, when the convention type of institute is absolutely impossible for him to attend? I will tell you what we did in our state. It is the only thing that I know about myself.

We started without any plans and specifications; it has never been done any place before. The first thing we did, of course, was to face the problem. First, we had no money; second, no speakers; third, no place to go if we had a speaker or had money, so we had to find the answer to all those questions.

Our state is organized judicially into 21 judicial districts, and I presume—at least, I gathered this morning from listening to your President—that Indiana has twelve judicial districts, perhaps the same type of judicial organization that we have, so we adopted the judicial district as the unit in which we organized. When we started, only half of the counties of our state had a bar association, and not even half of the judicial districts had bar associations, but we started to organize a bar association in each of the judicial districts.

Just as soon as we got an organization—that is, a paper sort of thing, but as soon as we got a president and secretary elected in the judicial district, we were ready to hold an institute. The next thing we did was to write to ten or fifteen outstanding lawyers of the State of Iowa, and ask them to prepare discussions, not upon theoretical aspects of the law, but problems they deal with in their offices, problems common to all lawyers, things that come over our desks all the time.

The surprising thing was there wasn't one of these men that we invited to participate that refused. We had a collection of speakers that way. I brought some material I thought you gentlemen would be interested in. I have a very few copies of the programs; that is, the subjects and the speakers that we had in a very short time, ready to conduct these discussions. While I don't want to take too much time in going over these, I will call your attention to a few of the subjects we found to be extremely interesting.

Constitutional Law—"The Meaning of General Welfare," by Vernon A. Vrooman; "Contemporary Constitutional Law Problems," by W. Willare Wirtz.

Corporation Law—"Iowa's Obsolete Corporation Laws," by Scott Rowley; "Significance of Modern Incorporation Statutes," by Wiley Rutledge.



That discussion was conducted by Mason Ladd who is now the Dean of our Law School, who took Wiley Rutledge's place, who I understand is now down at Bloomington at your Law School down there.

Another one of these Evidence problems was "Invasion of the Province of the Jury By Opinion Evidence," conducted by William Bliss, who is now on our Supreme Court. Now, that dealt (you might not get it from the subject) solely with how are you going to get your evidence in an accident case. What questions can you ask the doctor and not have your case reversed because you asked the wrong question, or put a little too much in it. The law was a little confused in our state, no one was sure how to get their medical evidence in the record in accident cases. This thing cleared that up, and now men in Iowa know how to get their medical evidence in, and they were not getting it in right.

Then in Probate we had this: "The Widow's Distributive Share."

By the way, before I get through with it, I will call your attention to the fact that we have a few samples of the brief. "The Widow's Distributive Share" in Iowa turned out to be a thing we knew very little about, old lawyers as well as young ones, so this discussion was so popular that Bill Carr was invited to speak so often after his first appearance that he almost had to shut up his office.

Another question that was extremely popular was "Land Titles and Examination of Abstracts." Now, that is a discussion that I would like to refer to a little more at length, because Mr. Zimmerman, a practicing lawyer in Iowa, did such a masterly job with that subject when he discussed it the second time in his own town of Waterloo, that a young abstracter in Waterloo published a pamphlet containing his discussion. This pamphlet is a by-product of our Legal Institute, and is the only authoritative thing we have. Our lawyers are able to examine abstracts and pass tax titles which they had never been able to do before.

If you decide later on to attempt to organize this state, I would especially like to have the committee in charge look this

pamphlet over. It has so much that is encouraging about this method of procedure that I am sure it will be especially interesting to them.

There is a letter here enclosed from the President of the Blackhawk County Bar Association where this Institute was held, and the information in this little pamphlet deals with the Institute in that county.

Now, this year, instead of its being a one-man proposition which it was quite largely the first year, we have broadened out the machinery, and we have a committee. This committee is taken from the various congressional districts, and they are doing one thing this year that we could not do last year, but the type of material we have—I will quote a few from Judge Cravens' list that I have here: Easements; probate of lost wills; pleading cases of negligence in automobile cases; spendthrift trusts, landlord and tenant; motor vehicle law, and so on.

That illustrates the type and character of these discussions. Whenever we had a judicial district organization we invited every lawyer in the district, whether he belonged to any association or not, to attend this first meeting. It cost him \$1. That \$1 was for his dinner. It cost him nothing to attend. We had 75% of all the lawyers in the district attend every one of the district meetings that we held the first six months of its operation in our state. Twenty-five cents out of this dollar went to the Secretary to pay postage, etc. What did those boys get who attended this Institute?

First of all, they got a good dinner; then an hour and a half interlude between the dinner and the first discussion. Each of the discussions were summarized and mimeographed and I have on this table ten or fifteen copies of the briefs that were thus prepared, and in our district we use at least ten or fifteen of these briefs. They are distributed at the end of each meeting, and each lawyer in attendance gets one of these briefs on a live subject with which he deals every day of his life, which he pays nothing for.

So we did succeed not only in getting the speakers, but we did succeed in getting a place, and we did succeed in getting

a splendid attendance, considering the place; at least we did succeed in getting a degree of approval for this thing which no one could have anticipated.

We haven't completed our state, but have held institutes in thirteen of the districts. Last year we held 25 of this small type of institute in our state, so that it is no longer a question about whether or not it can be done or not.

Here is a letter from William Kelly, who is now the President of the Colorado Bar Association, and I must quote a sentence from this letter: "Our first legal institute in Colorado was as much a success as you had told us it would be. We tried to follow your plan exactly, and it surely is a good one."

This movement has been received with so much approval that it is being reproduced in at least eight or nine other states. If you haven't seen the report that Professor Seligson made to his board of trustees, just this early part of this summer, I recommend that you write to him and get a copy of it. It is a marvelous record. He has been required almost to conduct a summer school in the City of New York. The first one was last year. He had lawyers from twenty different states in the Union. There were lawyers from as far away as Florida and Nebraska. It is a wonderful demonstration of what a man can do when he has an idea that he believes in and is willing to do something about.

The first step toward united thinking and action is getting men together in one place where they will at least sit and listen.

*So far* I have referred to the field of post admission legal education as it affects the individual lawyers. It has a much broader and more important aspect as it effects bar organization and unity everywhere.

In 1936, only 16 out of the 48 states had as many as 20% of its bar in the American Bar Association. The general average over the country, however, was only 16%. The percentage of membership in 18 of the states with the heaviest lawyer population was between 10% and 15%. In 1935, 78,000 lawyers or 45% of the total, belonged to state bar

association. (Former President Ransom's address before the California State Bar Association in 1935.) This meager showing after more than half a century of effort.

At this time, in 1936, the structure of the American Bar Association was somewhat radically altered for the sole purpose of making it more representative of the Bar—more democratic. The "possibilities" of a thoroughly representative organization are there—but this is, as yet, only a possibility.

Before any organization is truly representative, it must first "include" those whom it seeks to represent.

There are at this time approximately 150,000 lawyers in the country who are neither connected with nor interested in what the American Bar Association does or does not do. None of this great majority is represented.

State Bar Associations fare some better as percentage of membership goes. Here (outside of integrated states) the general average of membership in state bar associations is something under 50%.

However, if we assume that these figures are conservative, they indicate that our profession has not made much more than a dent in the job of getting our lawyers together in a cohesive or organized group.

Group organization or solidarity is not accomplished by the simple process of having the names of a substantial majority printed in a membership list even if accomplished by the payment of dues; neither is it accomplished by any compulsory process.

Organization, if of value, is a state of mind that instinctively recognizes allegiance to a cause that is of importance personally or to an ideal that has an appeal. There must be a worth while and definite objective which creates some emotional reaction before any group becomes effectively "organized."

Are we justified in believing that there is any method, or medium of approach that will, in the years to come, tie our bar together into at least some semblance of a united group

with common purposes and aims and going somewhere and in the same general direction?

It takes courage to believe that what has not been accomplished in sixty years can be done at all—but it was courage and confidence that discovered every advance in civilization. Because a thing has not been done this way or that; because it has not been done at all, is no longer proof that it cannot or should not be done.

As the Bard of Avon said,

“Our *doubts* are traitors  
And make us lose the good we oft might win  
By fearing to attempt.”

Have we not listened to our doubts too long?

Genuine organization will not be accomplished unless we devise some method that at least brings the individual members of the bar together voluntarily in some common undertaking or purpose—not a fifth of them nor a tenth of them, but a very substantial majority of all of them.

It has been demonstrated that bar conventions, state or national, do not do it. Neither are conferences that are held but once a year going to accomplish this result, regardless of the attendance.

There is however, this available medium for frequent and general conferences, open to all lawyers whether they are on the membership roll of any Bar organization and there can never be a much more complete organization until we can appeal to all lawyers.

The ultimate implications of this institute program far transcend the mere extension of information on legal problems. There are many able and sober-minded citizens who feel and say, that democracy is at the crossroads; that there is now in progress a conflict that will determine whether a government of free people may longer survive.

Tomorrow the Continent of Europe may be swept into the vortex of a conflagration that will become a devastation and a scourge that threatens its civilization.

We are witnessing a critical and tragic situation.

Can we say with confidence that we, in America, are not involved?

Are our foundations so secure that we of the legal profession, need take no thought of their preservation?

The potential influence of 180,000 lawyers, if they could be brought together and moved together in this crucial struggle, cannot be over-estimated.

The solution of the difficulties precipitated and aggravated by wars and threats of war will depend, in part, at least, upon the attitude or lack of attitude of the legal order.

There is *need* in America for the sane and sober judgments of earnest lawyers; and

There is a *place* for the lawyer, in our American way of life, for what no other calling is so well equipped.

Our opportunity for service is increased a thousand-fold if a way is devised to think together; to move together toward some common goal; to join, when the time comes, in the crucial struggle to preserve liberty and freedom in almost the only remaining spot where the spirit is free.

I trust, therefore, that you may see in this movement something of much more vital concern and value to our profession and our country than mere additional technical information.

It is perhaps the greatest opportunity for service that has ever been presented in the history of the Bar.

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