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## Address of the President of the American Bar Association

Charles S. Rhyne

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(The Honorable Robert C. Finley, Judge of the Supreme Court of Washington, introduced the principal speaker, Mr. Charles S. Rhyne, President of the American Bar Association.)

ADDRESS OF THE PRESIDENT OF THE  
AMERICAN BAR ASSOCIATION

Charles S. Rhyne

The American Bar Association exists for two reasons: to serve our profession and to serve the public. And I would, first of all, bring you up to date in capsule form on what our association is today. It is 88,000 lawyers, and I hope we can shove that over 100,000 before the year is over. It is a great new law center in Chicago with more than 100 employees. It is 35,000 members of our American Law Student Association. It is the American Bar Foundation, which can do basic research in all fields of law. It is the American Bar endowment, which raises money to help pay for these research programs.

Through our House of Delegates, we represent not only these 88,000 members of our Association, but we represent, in essence, all the practicing lawyers of the United States. When your State Bar and the California State Bar and all the others have their representatives sitting in the House of Delegates to hammer out an overall policy or program for the legal profession of the United States, they in essence speak for the organized bar, and not just the members of the American Bar Association itself. The doubling of our membership within the past few years has given us new strength, not only in manpower, but in finances to carry out the essential work of the organized Bar. Our budget this year, for example, is more than \$1,000,000 for the first time in the history of our Association.

*Services to the Profession: Law Practice Economics*

I would mention first of all, then, some of the services that the American Bar Association is rendering to our profession. And I would start by mentioning the new Committee on Law Practice Economics which the Board of Governors created in London. One of the things that many lawyers have said to me is that the American Bar Association does not serve the grassroots lawyer; that it does not do anything for lawyers themselves. I think that is false, but I am determined that we *prove* it is false.

This new Committee on Law Practice Economics is not only going to do such things as collect information and print pamphlets on law office management, but it is also going to explore some fascinating new ideas, such as the idea of feeding all the millions of cases that we have into some big machine like Univac and pushing a few buttons and having it disgorge the cases in point. You all know that lawyers spend much of their time in basic legal research. And, we haven't changed our method of doing research for the past 50 or more years. Anything that can cut down on the time that we spend in basic research is going to mean money in the pocket of lawyers.

Perhaps this idea is fantastic; perhaps not, but after all, you have right here in Seattle the Boeing Aircraft Company, a tremendous company which has most of the personnel records of its employees on IBM cards. I am told that most of the great corporations can, through pushing a few buttons, find any one of several thousand employees who has some peculiar or particular characteristic that they are looking for.

Why it is that we cannot harness the marvels of the electronic age for the legal profession I do not know, but we intend to find out. The late Mr. Justice Vanderbilt of New Jersey pointed out that there are more than 2,000,000 decided court decisions that had been reported, and that these are increasing at the rate of 22,000 a year. Clearly, we must do something to improve our method of finding the law.

We have not only court decisions, but we also have that vast jungle of administrative law practice. And we have to find a new way of filing, finding and indexing this great mass of legal material, if lawyers are going to keep up with the productivity of other professions, and other wage earners, for that matter.

I noticed figures not long ago pointing out that the medical profession had increased its income by 157 per cent from 1929 to 1951, and that during the same period incomes of lawyers had only increased 58 per cent. That is a rather serious thing. I know that we have more recent figures, perhaps, and that they might not look so black. But over in England, for example, Sir Hartley Shawcraft said to me, "I'm not going to send my son into the law. He can't make a living, practicing law in England, anymore." I am sure that that is true of many other bright young men over there, and that it is true of too many bright young men in our country. We must face up to some of the economic problems of our profession, and this new committee is going to do just that.

*Other Services to Lawyers*

I would like to mention other programs that the American Bar Association has which are certainly of service to lawyers. We have an insurance program under which lawyers can obtain the cheapest life insurance that is obtainable by a lawyer. We have an information service at the American Bar center that answered over 2,000 inquiries last year. We have institutes and workshops at our regional and annual meetings which bring lawyers up to date and help them to learn of new things that are going on in the profession.

But we have to develop some method of getting the information that we have in these institutes to more lawyers. After all, only 1,000 lawyers attend a regional meeting, and about an average of 4,000 attend annual meetings. This new committee has that as one of its problems, also.

I would also like to call to your attention such things as our support of the Jenkins-Keogh bill, which would give self-employed persons the same status as persons under pension programs of large industry. I would also mention that we, as an organization, are going to fight to secure for the members of our profession in federal service the status in compensation to which they are entitled. We have been rather backward in going in before house committees and fighting for lawyers. But the American Medical Association makes no bones about going in and fighting for doctors, and look what they have accomplished in military service, for example. The dentists and even the veterinarians have done the same thing; you are all familiar with that. This amounts to a rank discrimination against lawyers and the important function that they perform, and we are going to try to do something about this.

The American Bar Association is serving the profession. I have merely cited a few illustrations of things that we are doing.

*Services to the Public*

I would like to give you three illustrations of service by the American Bar Association to the public. I think that our public services do as much or more than anything else to help the economic side of law practice. Anything that increases the prestige or esteem of the Bar will certainly make people more willing to entrust their matters to it. A degraded legal profession or a legal profession that is low in the public confidence and esteem, will certainly not be given the same amount of business as one that has the high status that our profession is entitled to.

### *Traffic Court Program*

First of all, in this public service category, I would mention our traffic court program. Ninety-five per cent of all our people receive their only experience with a court in the traffic court. To them it is a court just like all other courts. If they receive a bad impression of law, lawyers and the administration of justice there, it will stick with them throughout their whole life, because they will probably never get into a court of general jurisdiction.

The American Bar Association has, since 1942, launched a tremendous program to wipe out such things as the J.P. system. Here in the state of Washington you now require that all J.P.'s in the major cities be lawyers. This is not true in many other states, but in state after state the law is being changed. Prior to the launching of this program many of the trials of traffic court offenders took place in barber shops, in private homes, and in other places under procedures that were not due process or anything else. They were just procedures designed, in many instances, to elicit as large a fine as possible because the J.P. himself got a share in that fine, and the larger the fine the better off he was.

The Bar Association's program has achieved remarkable results on an overall national basis. We have shown that there is a direct relation between respect for traffic laws and ordinances, and respect for the courts in which they are enforced, and the accident rate. And of course, the accident rate in our country, which has often been referred to as "the blood bath of the highways," is appalling. There were some 40,000 people killed last year, some 2,000,000 injured, and more than \$2,000,000,000 in direct economic injury resulting from accidents on the highways. In nearly every accident there was involved some violation of some law or ordinance. Thus we are making a contribution which probably affects more people than almost any other program that we are working on.

### *Federal Legislative Program*

The second illustration I would like to mention to you, because of an innovation that we have there, is our federal legislative program. We have created a new committee to sponsor our federal legislative program on an overall basis. It has been said that it was beneath the dignity of the American Bar Association to lobby in the halls of Congress.

Now, we decry as much as anyone lobbying in the sense of bribery

or corruption or under-the-table influence peddling. However, I think that the Association is failing in one of its major areas of responsibility when it does not assume leadership in the halls of Congress with respect to improvement of the administration of justice in the courts and especially before federal administrative agencies. One of the first jobs that this new committee will have will be to push forward the improvements in the federal administrative law field that have grown out of the studies of the Hoover Commission, as those studies have been refined by our sections and committees.

Almost every person comes into contact or contest with the federal government at some time, since its activities reach into practically every man's home these days. We think that there should be some basic rules insuring fair treatment of those who do come into contact or contest with the federal government. This new legislative committee will have, as one of its first jobs, the duty of pushing those rules through in the form of federal legislation.

### *International "Peace Under Law"*

The final illustration I would like to give you, of a place where the American Bar Association has assumed leadership and is rendering a great public service, is in the field that I would call "peace under law."

When we were in London, there was one thing that seemed to hover over all of our deliberations and discussions. The Disarmament Commission was in session and there was quite a bit of discussion on International Law; we were the largest international gathering of lawyers in the history of the world. Everyone seemed to agree that the need for law in the world community is the greatest gap in the legal structure of mankind.

We all seemed to agree that the rule of law is the only sure foundation upon which civilization can rest. The airplane has shrunk nations to neighborhoods. I am told that every spot on earth is within 20 hours of Seattle, with the new, fast jet aircraft that are being developed. Our newspaper headlines herald international developments most of the time. To a great extent, probably too great an extent in the opinion of many people, international developments largely control our domestic policies and programs. But those are the facts of the world in which we live. It is also a fact that with the atomic bomb, the people of the world are more attuned to the idea of the absolute neces-

sity of developing some system of settling disputes between nations other than through war.

The leaders of our profession all down through history have worked and tried to develop some machinery for the peaceful settlement of international disputes under the rule of law. I think that because they have failed is no reason for us of our generation to be weak-kneed about it or not to face up to the problem that exists. This is the greatest opportunity and the greatest challenge to our profession that exists today.

In London we created a new International Law Planning Committee. This group is going to take a look at what the American Bar Association has done in the past, and try to point out ways in which we can strengthen the work of our sections and our committees to lead to the development of legal machinery whereby international disputes can be settled under the rule of law.

Some method must be developed whereby nations can maintain their essential national sovereignty, yet agree to have their disputes settled by some international tribunal. Now, it is true that since the beginning of time, mankind has been trying to come to some kind of an arrangement and to find the formula. But we of our day dare not fail. The American Bar Association can make a great contribution in this area.

In order to make progress, we not only must write the rules, but we must also harness public opinion in support of whatever we do come up with. In essence, law is crystallized public opinion. It will not do us any good to go off into some dark room and write out something that is very beautiful and say, "Here it is." We have to sell the people of our country on anything that we do develop. We have never been able to put across any successful program of improvement of the judicial administration in our country without the backing of the lay public. One of the keys to success in this whole program will be to get the backing of the public. In order to get it, we must develop rules which are fair and which will command the respect of all people.

I was tremendously impressed with the address of Mr. Wright on the "Courage of the Bar." I also recall the references made by Frank Holman to "Freedom Under Law." The reason that our nation has the position it has in the world today is because "Freedom Under Law" exists in this country. It has been the members of the legal profession who have created and protected that freedom.

Thus I feel that all the people of our nation, and not just the lawyers, have a stake in the program that I have mentioned to you today, in just outline form, of strengthening the work of the American Bar Association. I firmly believe that in the liberty of the people of the United States lies the hope of the world. And it is certainly true that in a strong legal profession lies the only way that that liberty can be maintained.

It has been a wonderful experience to visit with you and to have this privilege of appearing before you today. I ask each and every one of you to give me and give the American Bar Association your assistance in order that we can make of this great profession of ours the kind of a profession that we would all like to have.

#### REPORT OF THE RESOLUTIONS COMMITTEE

In the absence of Mr. Floyd Reischling of Seattle, Chairman of the Resolutions Committee, the report of the committee was given by Mr. Lee Olwell of Seattle, who reported the following resolutions with the recommendation that they do pass. Both resolutions were adopted. The resolution relating to the unauthorized practice of law provided the following:

WHEREAS, it has been reported that agents or employees of various banks, escrow and title companies doing business within the State of Washington have engaged and are engaging in the drafting of legal instruments for third persons; and

WHEREAS, the subject of this type of unauthorized practice has previously been given the attention of this Association in prior conventions which have condemned this unauthorized practice, but without specific directives, other than the authorization to commence court proceedings to stop such practices and activities in individual cases; now, therefore,

BE IT RESOLVED, that it is the sense of this convention that upon a report being made of the existence of this unauthorized practice in any community by such escrow company, title company, bank, or other institution, that such report be forthwith thoroughly investigated, and where indicated, preventative litigation be commenced and properly and vigorously prosecuted.

The second resolution provided:

WHEREAS, the Washington State Bar Association, in convention