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Sunderland: History of the American Bar Association and its Work

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RECENT BOOKS

This department undertakes to note or review briefly current books on law and materials closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

HISTORY OF THE AMERICAN BAR ASSOCIATION AND ITS WORK. By *Edson R. Sunderland*. Chicago: American Bar Association. 1953. Pp. 258.

This year was the seventy-fifth anniversary year of the American Bar Association, and Professor Sunderland's book came along just in time to add its bit to the Diamond Jubilee celebration in Boston. Complimentary copies of it were distributed to all of the convention registrants. For a more important reason than that, however, it is a fortunate coincidence that the book was published in this particular year.

Professor Sunderland has divided the history of the Association into three great eras—the Saratoga Era, 1878-1902, characterized by the regular annual meetings at Saratoga Springs, N. Y.; the Era of National Expansion, 1903-1935, during which membership grew from 1,718 to 27,669; and the Era of Federation, 1936 to the present, so called from the representation of state and large local bar associations and other organizations of the legal profession in the A.B.A. House of Delegates under the constitution of 1936. Even as copies of the Sunderland book were being distributed to Boston convention-goers, however, steam shovels were at work excavating the site for the great new American Bar Center in Chicago, into which the American Bar Association is expected to move its headquarters by the time of the 1954 annual meeting next August. Surely few can doubt that future historians of the American Bar Association will look upon the third great era of the Association's history as having come to an end with the publication of this book, and will see the opening of the American Bar Center as heralding the beginning of a fourth great epoch in the course of which the least inspired of us may confidently expect to see the American Bar Association, and under its leadership the whole legal profession, attain new heights of influence, prestige, usefulness and public service.

What will the American Bar Association be like in the new era about to open? Much depends, of course, upon the course of national life, and upon the personality and vision of tomorrow's leaders of the bar, factors as yet quite unknown. Otherwise, however, a picture of the future can be drawn by the simple mathematical device of plotting a curve from facts supplied in this book and extending the curve into the future.

On that basis, it is not hard to predict that the American Bar Association will be more of a public service institution in the future than in the past. The

trend has been in that direction ever since 1878, and in recent years it has been accelerating. In the early years the Association's meetings were chiefly social; today that element is entirely incidental.

The A.B.A. of the future will depend more and more upon section organization. The first section was that of legal education, organized in 1893. During the second era the number of sections increased to ten, and there were sixteen during the third era. More than five hundred section committees were at work during the era of federation. Only through the device of section organization, with each section a little semi-autonomous A.B.A. in its field, can such a volume of activity be carried on without stumbling over its own complexity.

What will be the A.B.A.'s membership in the future? In the beginning it was small and highly selective. In 1882 it was seriously proposed that it be limited to one thousand. "Unless some limit is fixed," said the secretary of the Association, "we shall be put to many inconveniences." One reason why the Saratoga era came to an end, however, was the vision of some of the leaders who thought the organization ought to have a great many more members, and who saw through meetings in other localities a chance to stimulate interest to that end. By 1936 membership had grown to more than 27,000, and again forward-looking bar leaders had visions of still wider influence and prestige for the national association by establishing some kind of organizational link between it and the state associations. The result was the establishment that year of the House of Delegates as the Association's legislative and policy-making body, composed of delegates from close to a hundred state and large local bar associations and other organizations in the legal profession.

Actually, however, "federation" is a rather loose term to apply to the link between the A.B.A. and those organizations. According to Webster, the main characteristic of a federal state is the division of power between the central authority and the constituent jurisdictions, which have rights guaranteed to them by the constitution, to which both they and the central government are subordinate. So far, the American legal profession has not achieved anything resembling that sort of federation. There are many who argue that it should not be. But ever since 1878 there has been a steadily growing feeling throughout American legal circles that the organized bar ought not to be just the cream of the profession, but that it ought to be *the* profession; that if a man is good enough to be admitted to the bar, he belongs in the bar association, and if he is not good enough to be in the bar association, then he is not worthy to practice law at all. This feeling has been at the bottom of the integrated bar movement, which has now spread to half of the states.

Is it too much to hope that the time may come when these sentiments will be acknowledged to apply not only to state bar membership but to American Bar Association membership as well? If the curve of A.B.A. membership spread is plotted through the pages of Professor Sunderland's book and extended by means of an imaginary dotted line on into the coming Fourth Era, it is only a question

of years until every person who is admitted to practice law will be a member of his organized state bar, and as an incident to that membership will automatically be a member of the appropriate local bar association and of the American Bar Association. Historians of that day will then think up another name for the 1936-1953 era, and then, at last, the American Bar Association will be in a position to attain its highest destiny in service to the legal profession, to the administration of justice, and to America.

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