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ADDRESS OF PRESIDENT OF AMERICAN BAR ASSOCIATION

E. SMYTHE GAMBRELL*

President Spangler and Brethren of the Wyoming Bar:

As this is my first public appearance since assuming the Presidency of the American Bar Association, this fine meeting in this scenic setting has an unusual meaning for me. I'm glad to start my tour of duty out in the great Western country, where frontiers still are a challenge and horizons are still wide. I'm grateful for the opportunity to visit this romantic area where my old friends Joe Spangler, Glen Kinsley, Ed Murane, Jerry Housel, Oliver Steadman, Mr. Zaring and other American Bar Association stalwarts live; where the individual still counts and the fundamentals of the American way of life still flourish and are respected.

I follow a line of ABA presidents with whom I do not venture to challenge comparison. Those who have gone before have thrown to us the torch of liberty within the law, and it is our duty to see that it shines with increased brilliance throughout the earth so that all peoples can acclaim the triumph of the law represented by the lawyer, over force, as the only foundation of government.

On an occasion such as this all one can do is to indicate a point of view, with respect to the work of our profession. If we are to expand our sphere of influence our thoughts should be focused, it seems to me, not on those who attend these annual meetings and the meeting of the national body, but on those lawyers who unfortunately may not be interested and who may not even be members of the organized Bar, and beyond them, on the public at large.

The American Bar Association desires to meet its nationwide responsibilities. We seek the active participation of all lawyers and the cooperation of the public. Much that is needed cannot be done single-handed or on a patch-work basis. Many of our problems are beyond the solution of any one man, or city, or locality. More and more we have our regional and national challenges. There lies before us a common task to be discharged by a common effort.

The re-organization of the American Bar Association in 1936 gave us a representative body in which 98% of the lawyers of this country—the members of all state associations and many local associations—indirectly have a voice. What we are today is a far cry from the select social group

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which constituted our beginning at Saratoga Springs in 1878. In the new American Bar Center which we have recently occupied in Chicago, there is now a staff of more than fifty trained employees who are dedicated to helping American lawyers meet their responsibilities. Working through seventeen sections and a score of committees, the Association constantly is holding conferences and conducting studies and research, and is publishing reports and other literature in the ever increasing and growing branches of the law, supplying to lawyers inspiration, leadership, education and tools with which to do better work for their clients and for the public. The research reports and the many publications of the Association are of a high order and every lawyer and every state and local Bar Association ought to have full and constant access to them.

The American Bar Association is moving on to ever increasing usefulness and influence—but the process is too slow. It is a matter of deep concern to me that lawyers in this country are far behind members of other professions in group organization and group action on a national basis. It is nothing short of scandalous that 76% of the lawyers of this country have never known the American Bar Association, have never participated in its great civic enterprises, have never read its literature or enjoyed its fellowship or felt its great cultural impact. The following comparison (on last year's figures) between the mobilization of our great profession and that of other professions startles me:

Organization	Potential Member- ship	Member- ship	Percentage of Member- ship	Senior Dues	Income from Dues	Total Income
Am. Medical Ass'n	180,000	150,000	83%	\$25	\$3,500,000	\$9,000,000
Am. Dental Ass'n	84,000	72,000	86%	20	1,400,000	2,100,000
Am. Inst. of Acct's	50,000	25,000	50%	40	1,000,000	1,300,000
Am. Osteop. Ass'n	12,371	8,900	72%	75	525,000	790,000
Am. Bar Ass'n	220,000	53,000	24%	16	606,000	666,000

It is difficult for me to understand how we, this year boasting of 241,000 lawyers in this country, can be complacent when we have only 53,000 (24%) in our national body. How does it happen that men in other professions, sometimes considered to have less prestige and stature in the community, are so much more concerned about their self-improvement and the meeting of their social responsibilities that the percentage of their affiliation with their national organizations are three times as great as that of the lawyers—particularly when it appears that the bar association dues paid by lawyers are much lower than dues paid by members of other professions.

The legal profession can never do its best work, can never measure up to its social responsibility, until all its members realize that legal education and self-improvement must be a constant process for practicing lawyers and that membership in the American Bar Association, as well as in state and local associations, is an absolute necessity for a lawyer who expects to meet his duties to society, serve his clients well and earn a respectable livelihood.

One of the principal objectives of the ABA this year will be the bringing of a majority of the lawyers of this country—at least 51%—into the national body. The first act of its new board of governors, after the annual meeting in Philadelphia last week, was the streamlining of new membership processing; so that any reputable lawyer may be admitted to membership within a few days after he files written application duly indorsed by an existing member. There is no place for exclusiveness in our national organization. All lawyers in good standing must be brought in to give of their hearts and minds and energies, and to gain the advantages which it has to offer. In this enterprise I know we have the full support of lawyers and state and local bar associations everywhere.

It must a source of pride to the lawyers of the state of Wyoming, as it is to me, that your great state stands third from the top in percentage of lawyer membership in the ABA. This speaks well for the leadership of the Bar in this state and indicates that the lawyers here are alert to the great benefits to be derived from ABA membership and the great opportunity to serve in that organization.

In a democracy lawyers are the natural leaders from whom and whose conduct the attitude of the community toward the law ought largely to be derived. The prestige and authority of law as a social force at any time is very much what the lawyers make it. They should be stirred by an enlightened self-interest, for the people will neither patronize nor endure a system of justice that is tardy, inefficient, or insincere.

We are duty-bound to supply bold and imaginative leadership to bring and keep justice within the reach of persons in every condition of life and to preserve not merely the forms of constitutional government but the spirit of liberty under law as embodied in our Constitution. Perhaps our greatest task is to find a happy balance between liberty and authority in the modern state. The deepest issue of our time is whether civilized peoples can and will maintain a free society.

We recognize the need for continuing improvement of law and its administration. But we know that improving substantive and adjective law is not enough. To attain that goal of social good order, which is the real objective, we must strive for a technique whereby the promulgated rule may function effectively. Even the most perfect laws are not self-executing. The reforms they embody will be meaningless without this technique. Good administration is largely a matter of skill and spirit, rather than number and complexity of the rules which are provided. While the legal profession, by reason of its training, experience and exclusive license, is specially charged with the duty of leadership in maintaining, improving and administering a system of justice, it may be said that all our institutions spring from the people, and that the people, in the long run, will have the kind of justice they deserve. In the triangle of the administration of justice, the bench and the bar have peculiar responsibilities, but the base of the triangle is the public.

Since law improvement cannot rise above popular respect for law and the agencies that enforce it, it is of paramount importance that our legal institutions and their functioning should be fairly and intelligently interpreted to the people. We cannot hope to secure popular respect for law or its administration when the rights of litigants frequently are determined by sensational newspaper trials in advance of or during trials by constituted authority. Too often the conduct of publicity-seeking lawyers and prosecutors is at the root of this evil. Until the public sees in the trial of a case something more than a display of forensic skill and recognizes that it has an interest in right's prevailing in every instance, the struggle for a better administration of justice will be discouraging. If democracy is to be a real and living thing, the citizens who share the responsibility of governing—all citizens—ought to have access to information upon public affairs which is accurate and adequate.

The legal profession exists for the benefit of the public and must justify itself by its services to the public, not overlooking the fact that in the long run the public will purchase service in any particular field from those who provide the best service, regardless of whether they belong to a profession or are laymen.

I emphasize the public, for the fundamental proposition on which all Bar Association work is premised is that any measure that is not for the best interests of the public is not for the best interests of the Bar; and those measures which are for the best interests of the public are for the best interests of the Bar. This proposition, I take it, is not debatable. To question it, to seek to put the interests of the Bar above the interests of the public is to reduce ourselves from the high level of a profession to the status of a trade or occupation.

Lawyers have a monopoly of the right to practice law, to give legal advice and to appear in court. That is a valuable privilege which should carry with it substantial responsibilities. The protection of the dignity and worth of every human being depends ultimately on whether the poor as well as the rich are able adequately to assert their rights in all relationships and are assured of equal treatment in our courts. Any failure in achieving equal justice for all is primarily the responsibility of the legal profession. A certificate to practice law not only gives to the lawyer the right to earn a living; it makes him a member of a great profession whose obligation it is and always will be to see to it that justice under law is made a reality for all our people.

We lawyers, if we are wise, will consider how we can make our profession better serve the public. We have read in the Book of Genesis that it was said to Cain: "If thou doest well, shalt thou not be accepted?"

Good public relations in the legal profession, as in other callings, starts with being good. Good public relations is simply good service, publicly appreciated. If performance is good, all we need is Truth well

disseminated. The American Bar Association's Committee on Public Relations says: "Good deeds are the only foundation for good public relations . . ."

If we would set ourselves to improve the profession from within, our outward aspects and our public relations would largely take care of themselves, the public would get better and swifter justice, the influence of lawyers in courts and legislatures and elsewhere would be enhanced, and the American way of life would be happier.

I verily believe the Association is at the beginning of a new day for the legal profession in this country. Let us re-dedicate ourselves to service in keeping with its best traditions. Our first charge, our abiding obligation, concerns the promotion of justice, and our greatest happiness should be found in the fellowship and cooperation of those engaged in the task of safeguarding and improving it.