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THE ALLEGHENY COUNTY BAR ASSOCIATION, 1870-1960

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As an Association and as individuals, we can but serve our community by doing everything possible in working and cooperating with our Courts so that the public can obtain expedient and equal justice. We must face the fact that any criticism of the Courts is an attack upon us. If the Courts do not command the respect of the public, certainly the people will have considerably less regard for lawyers.*

Introduction

The Allegheny County Bar Association recently celebrated its ninetieth anniversary. Since it was chartered in 1870, the Association has grown from a small imaginative group of lawyers trained in the common law, whose spirit of professionalism permeated every phase of their individual lives, and whose personal interests, and those of the legal profession, could be closely identi-

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fied with the Association's, to a large and complex group. Its membership, exceeding sixteen hundred, is scattered throughout the County, State and nation. Some members find it difficult, if not impossible, to identify their personal interests and status with the general programs and goals of the Association.

The Association has existed during a period of imponderable changes in every aspect of human existence. The class structure, social stratification and economic scarcity that greeted its birth, and provided initial direction, have largely gone. They have been replaced by other forces, and perhaps even menaces, that present new challenges. Remarkably, the Association has survived these, and in a large number of cases it has had an effect on the environment in which it functions.

Fully to understand the nature and history of the Association, it is essential that one read the minutes of every meeting held since 1870. The cumulative impact of such an undertaking is invaluable when one attempts to generalize. The effort leaves one favorably impressed, but not untouched by some misgivings.

One cannot help but be impressed with the power that the Association possesses through its membership. Where adequate motivation has existed, and a corresponding sense of determination has been generated, seemingly impossible goals have been met. The Association has been extremely forward looking and boldly imaginative in certain areas. The most notable is that of judicial reform. It has persistently, from the early days of its founding, sought more and better judges, who are adequately compensated, and has patiently lobbied for more courtroom facilities.

There is an area for disappointment. On far too many occasions, the Association has commenced noble and ambitious programs that inexplicably were never completed. This was especially true before 1920. There is an area for some concern and misgiving. Little has actually been accomplished to expand and improve the quality of legal services available to the public. If one were to attempt to predict the future, it is safe to assert that the next twenty years will find the Association expending, and I might add successfully, greater efforts and resources towards making more and better services available to a broader base within the community. With equal certainty, it can be said that to the extent that this responsibility is not fulfilled, public confidence in the Association will wane, and the Association itself will become isolated in the pursuit of its own interests. Under-
takings such as the "Lawyers Reference Service" and "Legally Speaking," two very worthwhile pursuits, are not complete solutions. They merely point up the fact that the Association is aware of the need, but not that it is yet prepared to meet it on a large scale.

To study the history of the Association in great detail is to delve into the growth of the County, State and nation. To study the lives of its members is to vicariously associate with the individuals that helped instrumentally in developing Allegheny County. On a grander scale, it is a study of constitutional government and the important place that private groups play in its smooth functioning; it is to realize the importance of the lawyer who ultimately is the vortex around which governmental action moves. When the coercive powers of the government are exercised, it is the lawyer who invokes appropriate safeguards meant to protect the rights of the individual.

The approach taken by the author has been to emphasize the functional aspects of the Association. Emphasis has been placed on programs and policies initiated and pursued by the Association. In taking such an approach, one unconsciously tends to place emphasis on that which he thinks is important, and should be of primary concern to any organized bar association. Little attention has been devoted to the Association's organizational pattern unless any particular organizational structure was critical or important to the success or failure of any particular undertaking.

The basic research for this paper consisted of examining Minute Books containing reports of monthly meetings and other official records made available through the generous assistance of the Association, its former President, Thomas W. Pomeroy, Jr., Esquire, and its present Secretary, Robert M. Entwisle, Esquire. In addition, this writer is indebted to Clare B. McDermott, Esquire, who as a member of the faculty of the University of Pittsburgh School of Law suggested and supervised preparation of the forerunner of this work while breeding a spirit of professionalism in all of the students who took his course in Legal Ethics. My gratitude goes to Jean R. Donaghue of Pittsburgh, Pennsylvania, who tirelessly and critically helped to prepare and did check the manuscript. Needless to say, any opinions or errors in this work are the sole responsibility of the author.

The Founding of the Association

The establishment of Allegheny County in 1788 as a separate
political entity by legislative enactment was accompanied by open hostility on the part of early settlers towards lawyers and judges. These settlers recalled William Penn's experience with the Crown and the early English legal system which led him to conclude that both groups could be dispensed with for the benefit of the polity.\(^1\) His hostility towards the bench and bar was contagious, and early settlers of the County, and its occupants until well into the first half of the nineteenth century, actively opposed the introduction of the legal subtleties of the English Bar, and the legal procedure and processes of the English Bench. The early Bar of Allegheny County was very small, and there are records of cases where a plaintiff complained to the court that the defendant had retained or otherwise secured the loyalty of all available lawyers.\(^2\) Until adoption of the Pennsylvania Constitution of 1874, the western counties of the State, whose population was predominately rural and pursued agricultural activities, were bitter in their opposition to the so-called eastern Pennsylvania "aristocrats" and their lawyers.\(^3\)

Hostility towards an organized bar of any form took a different turn in the middle of the nineteenth century. All professional associations, including and particularly bar associations, were deemed to be un-democratic and un-American. The organized bar was viewed as a secret trade union, or a privileged class, not open to all citizens.\(^4\)

It was in this general atmosphere that any organized bar association activity took place throughout Pennsylvania.

It appears that the prototype of the Allegheny County Bar Association was the "Pittsburgh Law Academy," informally organized on October 10, 1831. Originally composed of fifteen members who met periodically, it disbanded in 1883 after finding little success. Its members would meet weekly and debate various topics, such as: "Is an act of the Legislature granting authority to the Supreme Court

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to charter religious and charitable institutions constitutional?" and "Ought the United States Bank to be rechartered?" 5

Early organized bar associations throughout the United States were frequently an extension of local library associations through which a group of lawyers would pool their resources and purchase books. As an example, the "Law Library Company of the City of Philadelphia," chartered on March 3, 1802, eventually developed, after merger with "The Associated Members of the Bar of Philadelphia Practicing Before the Supreme Court," into the "Philadelphia Bar Association" in 1827. 6 It does not appear that the Allegheny County Bar Association can be linked to any local law library association. To this very day, the two have remained autonomous, being individually staffed and operated. The Allegheny County Law Library was founded by John H. Hampton, Esquire, who drafted a bill entitled, "An Act Relative to the Purchase of a Law Library in County of Allegheny." It was passed by the General Assembly and signed by the Governor on April 15, 1867, three years before the Association was chartered. The library was initially financed by the County, as it is to this very day, and its founding did not reflect or generate a community type effort or spirit that might have motivated and accounted for the subsequent development of the Association. 7

A group of lawyers met in the Supreme Court Room in Alle-

5 Vol. 66, *Pittsburgh Legal Journal*, Pamp. No. 50, December 14, 1918, p. 3. This interesting information was contained in a speech delivered by Thomas Patterson, Esquire, entitled, "Our Association—Its Past and Future," delivered on December 6, 1918, when the Allegheny County Bar Association opened its new rooms on the ninth floor of the City-County Building, Pittsburgh, Pennsylvania.


7 "Half a Century of the Allegheny County Bar Association," Vol. 4, No. 3, *Western Pennsylvania Historical Magazine*, July, 1921, pp. 127-143. The original law library was founded in two small rooms, each measuring fifteen feet by fifteen feet, and located in Tilgman Hall. The library was located at the corner of Grant and Forbes Avenue (previously Diamond Street); this location is now occupied in part by the Bakewell Building. There were two large book cases in the original library containing 500 books: *Pennsylvania Reports, Purdon's and Brightley's Digests, Massachusetts State Reports*, and leading text-books. The bar was relatively small at this time, and close contact was frequent. In a nostalgic spirit, Frank C. McGirr delivered a speech before the Historical Society of Western Pennsylvania in which he said the following: "There was much more sociability among the lawyers of the Eighties than there is today. And there was none of that commercial spirit, that is so evident nowadays . . . The Bar of the Eighties, or before that time, was conducted much after the manner of a social club." 12 *Western Pennsylvania Historical Magazine*, pp. 155, 156 (1929).
gheny County on December 18, 1869. At this meeting, James W. Murray introduced a motion, which was adopted, whereby a committee would be established to report on the advisability of establishing a bar association.\(^8\) The appointed committee consisted of James W. Murray, Jacob F. Slagle, David Reed, William B. Negley, and James E. McKelvy, all of whom eventually became leading members of the bench and bar of Allegheny County, and quite active in Association affairs. The committee reported back and recommended that a charter be secured.\(^9\)

The Allegheny County Bar Association was chartered by an Act of the General Assembly. The Act was signed by Governor John W. Geary on February 28, 1870, and the association was originally named the “Pittsburgh Law Association.”\(^10\) John H. Hampton drafted the enabling legislation which was introduced in the House of Representatives by John H. Kerr, of Allegheny County, and guided through the Senate by Senator Howard.\(^11\) On May 5, 1882, a resolution was offered and accepted whereby the name of the Association would be changed to “Allegheny County Bar Association.”\(^12\)

At a meeting of the Association held on March 9, 1917, a resolution was introduced and approved providing that the name be changed to “Pittsburgh Bar Association,” inasmuch as bar associations generally took the name of the principal city in the county.\(^13\) A search of the Minute Books of the Association, and of appropriate court records, fails to show that this resolution was ever effectuated.

The Association was the first county-wide organization of lawyers formed in the United States.\(^14\) Its first meeting was held in the Pennsylvania Supreme Court Room on March 19, 1870, attended by twenty of the original forty-one charter members. The following constituted the first officers: President, Adam M. Brown; Vice

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\(^{8}\) Minute Book No. 1, A.C.B.A., p. 1. Hereinafter, the Minute Books of the Association will be referred to by the abbreviation M.B., and the date which follows will reflect the date of the meeting at which the transaction or event being footnoted occurred.

\(^{9}\) M.B., No. 1, p. 2. No date given.

\(^{10}\) Act of February 28, 1870, P. L. No. 260.


\(^{12}\) M.B., No. 1, May 6, 1882. This change was effectuated. See No. 200 March Term 1883, Court of Common Pleas No. 1.

\(^{13}\) M.B., No. 3, March 9, 1917. It is most likely to the advantage of the Association that the change was never effectuated, for it could possibly have led to the development of a series of competing associations in communities surrounding Pittsburgh.

President, John H. Bailey; Secretary, W. S. McCune; Treasurer, Marcus W. Acheson. An examination of the Minute Books shows that the Association has been active during the following periods: March 3, 1870 to March 3, 1872; and after a period of ten years of inactivity, from February 4, 1882, except for a greater part of 1883, to date.

Twenty-three applicants were admitted to membership in the Association at its second meeting, including Josiah Cohen, Thomas M. Marshall, and George Shiras, Jr. New members were taken in freely. Within two months after its founding, approximately 165 members of the Allegheny County Bar, which in 1870 consisted of approximately 350 lawyers, had been accepted or applied for membership. The Association met monthly on Saturday afternoons using either the Supreme Court Room or the District Court Room.

From a comparison between applications received and those approved for membership, it does not appear that the Association in its early years or at any time thereafter was restrictive. This is certainly different from the situation that generally prevailed in local bar associations throughout the United States which at times were restrictive and discriminatory. Eventually, such restrictive associations were faced with active opposition and rival competing organizations menacingly appeared. Fortunately the Allegheny County Bar Association has infrequently or never been so challenged.

During the first two years of its existence, the Association discussed topics closely resembling those found in the Minute Books of recent decades: means of eliminating the minor judiciary and expediting the disposition of small claims, establishment of minimum fees for attorneys, and standards for admission to the bar, especially for graduates of the Western University of Pittsburgh, now the University of Pittsburgh.

The Association was completely inactive for a period of ten years beginning in 1872, and for a greater part of 1883. Obviously, any explanation of this inactivity at this time would be elusive and largely speculative. However, two factors should not be overlooked. First, there was the early role and significance of John W. Hampton, Esquire, who prepared the chartering legislation and undertook many of the tasks incidental to getting the Association started as a func-

tioniing entity. After being defeated in his bid for the presidency in 1870, he completely withdrew from participation in Association affairs. A decline in Association affairs followed soon thereafter. When the Association was revived in 1882, Mr. Hampton was elected to the presidency. His overall influence in helping to sustain the young Association becomes rather significant in light of this additional observation. Local organized bar associations in other areas of the country arose in order to combat particular evils or satisfy group needs that defied individual corrective action. These organizations were permeated by a contagious and energizing spirit that provided sustained group motivation, thereby helping to guarantee continuity for their organization. As an example, The Association of the Bar of the City of New York was formed as a direct and immediate response to the corrupt Tweed ring, later combining informally with the "Committee of Seventy" in helping to overthrow the Tweed régime in New York City.16 Perhaps the absence of such an initial rallying point, which could have generated a unifying and desirable sustaining momentum, together with Mr. Hampton's influence, could explain why the Association faltered so soon after its founding.

Physical Facilities

The Association's chartering legislation, Section 4 of the Act of February 28, 1870, No. 260, provides as follows: "That the commissioners of said county (Allegheny) are authorized and hereby directed to provide for the use of said association a suitable room or rooms in the court house of said county."

Before the Association occupied its present facilities in 1918, it experienced persistent difficulty in obtaining adequate and permanent quarters.

Four months after its founding, the Association directed the Executive Committee to obtain a meeting place. Mr. Chris Magee was thereafter appointed to contact the County Commissioners, but he met with no success. During the first two years of its existence, the Association met in four different rooms: Supreme Court Room, Quarter Session Room, Common Pleas Court Room, and District Court Room.

When the Association was reactivated in 1882, its meetings were held at different times in each of the different court rooms

throughout the City of Pittsburgh. When work commenced on the County Court House, the Association again sought more permanent quarters. An Association Committee reporting on arrangements for the new Court House indicated that the County Commissioners had promised to provide a room in the structure for a law library and one for the Association.\(^{17}\) A dispute arose between the Commissioners and the Association, and when the new structure was completed in 1888, the absence of the Association at the official dedication was obvious. The Association was originally scheduled to provide a guest speaker for the dedication, and its President, W. B. Negley, was to preside.\(^ {18}\) At a meeting held on November 3, 1888, Mr. Charles C. Dickey introduced a motion that was adopted whereby in reliance on provisions in the enabling legislation, legal action would be brought against the Commissioners in the event they failed to provide adequate facilities.\(^ {19}\) A five man committee was appointed and soon thereafter reported that the Commissioners had promised to make available, for the exclusive use of the Association, a second floor room on the Ross Street and Fifth Avenue corner of the new Court House.\(^ {20}\) The first meeting of the Association in its new quarters was held on October 5, 1889. Telephones were installed and a permanent Association clerk hired.\(^ {21}\)

The Association never purchased its own building or meeting hall. In 1900 a seven man committee was appointed by President Robert S. Frazer to investigate the possibility of undertaking such a venture.\(^ {22}\) The files and Minute Books fail to indicate what action was taken by the committee, and the Association, in accordance with the practice of other local bar associations, continues to utilize publicly owned facilities.\(^ {23}\)

The Association moved to its present location on the ninth floor of the City-County Building in 1918. This acquisition and relocation

\(^{17}\) M.B., No. 1, December 12, 1887.
\(^{18}\) Ibid., February 4, March 3, May 5, and July 5, 1888.
\(^{19}\) Ibid., November 3, 1888.
\(^{20}\) Ibid., March 2, 1889.
\(^{21}\) Ibid., October 5, 1889.
\(^{22}\) M.B., No. 2, June 1, 1900.
\(^{23}\) It appears that the Montgomery County Bar Association is the only local bar organization in Pennsylvania that has purchased its own building. This organization made the purchase in order to emulate the English Inns of Court. At the time of the purchase, it was planned that the law students registered in Montgomery County would be required to attend Association meetings and select lectures to be given by members of the bar explaining the tradition, ethics and ideals of the profession, and the purpose of the Bar Association. J. D. McTighe, “Montgomery Bar Association Inns of Court,” 15 Pa. B. A. Q. 250 (1944).
was made with much less difficulty than had been experienced in the past. From the days when the structure was as yet on the drawing boards, it was planned that an area would be reserved for the Association. The first meeting held in the new rooms took place on December 6, 1918, and the following individuals made presentations: Justice Edward J. Fot, a member of the Pennsylvania Supreme Court, spoke on "The Lawyers in the Appellate Courts," Honorable John D. Shafer spoke on "The Old Bar and the New Bar," and Mr. Thomas Patterson made a memorable presentation that was published in the *Pittsburgh Legal Journal*, under the title "Our Association, Its Past and Future." 

No discussion of physical facilities would be complete without reference to the many portraits and paintings that have been contributed to the Association and that, to this very day, adorn the walls in its quarters. To know the lives and activities of the subjects of these portraits is to know the history of the County, State and, in many cases, of the nation. The first paintings were donated to the Association by Mr. Frederick M. Magee, a distinguished lawyer, whose subjects were as follows: 1. Chief Justice Sharwood of the Pennsylvania Supreme Court; 2. Judge Stowe (oldest judge in point of service in Allegheny County); and 3. Honorable Thomas M. Marshall (oldest lawyer in point of time in Allegheny County). Mr. Magee contributed many portraits and paintings during the ensuing months. Soon thereafter, other individuals made similar contributions, and eventually the Association was forced to place restrictions on the type of portraits or paintings that would be accepted. It was decided that the Executive Committee of the Association would pass on all applications to make donations; in any event, portraits and paintings of Judges of the Supreme Courts of the United States and Pennsylvania, other United States Courts, and members of the Orphans’ Court and Court of Common Pleas were to be accepted in all cases. Portraits and paintings of other members of the bar were to be accepted on the basis of the quality of the workmanship and the identity of the subject.

**Succession to and Term of the Presidency**

From the date of its founding in 1870, and up to and including

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25 M.B., No. 3, December 16, 1918.
26 M.B., No. 2, October 10, 1889.
the election for the presidency in 1960, the Association has been served by fifty-two presidents. (See Appendix A.) During this time, two rather rigid traditions concerning succession and reelection to office have developed: 1. The vice president is elected president without opposition; 2. The president is to hold office for a term of one year only.

Of the fifty-six different vice presidents elected by the Association, forty-five have succeeded to the presidency. Five of these successions were unsuccessfully contested. In 1949, a contest for the presidency took place between an appointed vice president who had not been a candidate for any office in 1948, and an unsuccessful candidate for the vice presidency in 1948 who had failed to gain a majority of the votes cast at that time. Under the by-laws, the executive committee then appointed the vice president.28

Of the forty-five vice presidents who succeeded to the presidency, only twenty-one were opposed for election to the former office. Therefore, twenty presidents who held through succession were never opposed for any of the two offices.

When Mr. John G. Buchanan was elected to the Presidency in 1940, he stated in his inaugural speech that he would hold the office for one year. This appears to be the commencement of the one term tradition.

The longest period during which any one individual continuously held office is six years. William B. Negley, Esquire, was elected on May 3, 1884, and left office on March 1, 1890. Thereafter, and until 1940, presidents generally served for a period of two years. At the regular monthly meeting in February, 1894, President Marcus A. Woodward, first elected in 1892, refused renomination and delivered a strong speech in favor of the two term tradition.29

President William Backhouse Negley and the Rebirth of the Allegheny County Bar Association

William Backhouse Negley, Esquire, was elected President of the Association in 1884 and served continuously until 1890 when he refused renomination. It was during this time that the Association initiated some of the functions, accepted the responsibilities, formed

28 Minute Book A.C.B.A., 1929-1951, May 6, 1949. The tradition of succession first began to take form in 1890 when Vice President Samuel A. McClung succeeded President William B. Negley, though there is some evidence of the tradition beginning in 1872 when the first President, Adam M. Brown, was succeeded by Vice President James W. Murray.
29 Ibid., February 3, 1894.
the basic organizational pattern and laid the groundwork for traditions that prevail, to a large extent, to the present. It was during his term of office that the Association took form, and no study would be complete without a detailed examination of his accomplishments in office.

When Mr. Negley assumed the Presidency in 1884, the Association had been in existence as a chartered entity for fourteen years. However, it had functioned as an active body for only three of these years. In his inaugural address, President Negley stressed the need for professionalism on the part of every lawyer, and went on to say: "Since the grant of our charter, fourteen years ago, practically nothing has been done. If no more is to be accomplished, it would be far better for us to disperse at once and not longer attempt to maintain an empty form, but have an open field for others more worthy to occupy." 30

This was the first verbatim report made of an inaugural address, and though the Minute Books show generally that the various presidents-elect made such addresses, none was again recorded in the Minute Books until 1945 when Association President William H. Eckert, Esquire, assumed office.31 During Mr. Negley's tenure, the Association initiated and implemented the following significant innovations: the by-laws were completely revised;32 for the first time regular and permanent standing committees were appointed in the following areas: Legislation, Fee Bills, Biography and History;33 a permanent meeting room was secured and a full time clerk hired;34 and effective discipline was achieved by appointment of the Committee of Censors.35

During President Negley's tenure, the Committee of Censors recommended the disbarment of six lawyers, including both Association members and others, from the various courts within the County. The actual presentation of evidence to support a disbarment was made by a three man subcommittee appointed by the Association.

One of the most significant accomplishments during President Negley's tenure can be attributed to the activities of a special committee appointed to investigate community distrust of the jury system. The Association appropriated $50.00 for the investigation when the Com-

30 M.B., No. 1, June 7, 1884.
32 Ibid., October 4, 1884.
33 Ibid., November 14, 1884.
34 M.B., No. 2, October 5, 1889.
35 M.B., No. 1, May 3, 1884.
mittee was first formed in 1884. After making various interim reports, the Committee made a complete and exhaustive report to the Association at a regular monthly meeting in 1888. The Committee in general terms denounced the entire jury system as being corrupt. The alleged cause of this corruption was the method used in selecting jury commissioners. Elected jury commissioners would allegedly select corrupt and pliable individuals to serve on the jury panels, and thereby helped to develop their own political power base. The Committee advocated a vigorous campaign on the part of the Association to inform the public at large of the corruption that pervaded the jury system, and specifically proposed that jury commissioners no longer be elected, but rather, that their selection be vested in the judges of the various courts in the County. With little success the Committee recommended a list of nine Republicans and six Democrats as potential candidates for jury commissionerships, and legislation implementing the recommendation of the Committee was prepared and approved by the Association. Though the Committee alerted the public, no change followed.

The annual banquet and summer outing were inaugurated. The first banquet at $3.00 per plate was held at the Monongahela House on December 27, 1888, beginning at 8:00 p.m. with attendance limited to members. The first annual summer outing was held at Rock Point, West Virginia, a very famous picnic area at that time. Pictures of subsequent gatherings at this resort can be found in the Association offices in the City-County Building.

The Association was concerned with extending and aiding organized bar associations throughout the state, and it was alert to the need for cooperating with any national organization. The Johnstown flood of 1889 gave the Association another opportunity to assist fellow members of the profession. A sum of $1000 was appropriated to assist the Cambria County Bar Association in rehabilitating its flooded and badly damaged Law Library. The Secretary was instructed to write to bar associations throughout the United States for additional assistance. Four delegates were

36 Ibid., June 7, 1884.
37 Ibid., January 14, 1888.
38 Ibid., February 4, 1888.
39 Ibid., June 2, 1888.
40 Ibid., December 15, 1888.
41 Ibid., December 15, 1888.
42 Ibid., June 17, 1889.
43 Ibid., June 17, 1889.
elected to attend a meeting of the "National Bar Association" (apparently the American Bar Association): Samuel A. McClung, John D. Shafer, Marcus A. Woodward, and John Dalzell. The Executive Committee requested and was granted permission to contact county organizations throughout the state in an attempt to establish a statewide bar association.

The first report of the Committee on Fee Bills was made during this period and tabled by the membership. Extracts from the report show the following recommendations:

<table>
<thead>
<tr>
<th>Office Practice</th>
<th>Minimum Fees</th>
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<tbody>
<tr>
<td>Consultation</td>
<td>$5.00</td>
</tr>
<tr>
<td>Writing or Examining Common Deeds</td>
<td>$25.00</td>
</tr>
<tr>
<td>Preparing Charter for a Corporation</td>
<td>$50.00</td>
</tr>
<tr>
<td>Preparing Statement of Limited Partnership</td>
<td>$50.00</td>
</tr>
<tr>
<td>Preparing Partnership Agreement</td>
<td>$15.00</td>
</tr>
<tr>
<td>Preparing Lease, ordinary</td>
<td>$5.00</td>
</tr>
<tr>
<td>Preparing Will or Testamentary Papers</td>
<td>$10.00</td>
</tr>
<tr>
<td>Examine Titles to Real Estate:</td>
<td></td>
</tr>
<tr>
<td>a. Where amount involved is $2,000.00 and under $2,500.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>b. Where amount is $2,500.00 and not over $3,000.00</td>
<td>$30.00</td>
</tr>
<tr>
<td>c. When the amount is in excess of $3,000.00, fee to be ¾ of 1% in addition to such excess.</td>
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</tbody>
</table>

The Association refused to join the Philadelphia Bar Association in pressing for legislation creating an intermediate appellate court in Pennsylvania. The performance of official duties by traditional county row officers was of immediate concern to every lawyer in Allegheny County, and a special committee was appointed to investigate taxation and the collection of costs. Legislation was introduced in the General Assembly dealing with warranties where goods were sold by sample, and with the mortgaging of leaseholds. A uniform fee bill was prepared covering the Sheriff's Office. Out of deference to a well established but possibly outmoded system of common law pleading, the Association unexpectedly passed the following resolution by a vote of twelve to nine:

Resolved, that it is the sense of the Allegheny County Bar Association that the Act of 25th of May, 1887, entitled, "An Act Providing for the Abolition of the Distinctions heretofore existing between actions ex-contractu and actions ex-delico," so far as relates to procedure, and providing

44 Ibid., June 17, 1889.
45 M.B., No. 2, April 6, 1889.
46 Ibid., February 2, 1890.
47 M.B., No. 1, January 10, 1885.
48 Ibid., April 3, 1886.
49 Ibid., January 1, 1887.
50 Ibid., April 2, 1886.
for two forms of action, and regulating the pleading thereunder, should be repealed and that no attempt to modify the practice of the courts of the state by adoption of the Code should be made.\footnote{Ibid., January 1, 1887. The position taken by the Association on this question remained unaltered for many years. The "Code" referred to in the resolution is apparently the "Arnold Code" promulgated and recommended by the Philadelphia Bar Association, and written by Philadelphia County Common Pleas Judge Arnold. It sought to abolish the traditional common law forms of action and pleading.}

When President Negley left office in 1890, the Association was well organized, and in its activity during the preceding six years one senses a virility that would prove to make it an exception to the criticism of Mr. Alexander Simpson, Jr., who in addressing the Pennsylvania Bar Association in 1894 said the following:

Most of our local associations appear to do little except give annual banquets to the Justices of the Supreme Courts, or to some incoming or outgoing judge of a local court . . . . At times, it is true, papers have been read at meetings of the Association; in aggravated cases action has been taken looking to the disbarment of guilty practitioners; and when during legislative sessions, some venturesome reformers have endeavored to obtain what he considered needed changes, the dry bones have stirred, and resolutions, accompanied by addresses more or less relevant, have been duly passed and forwarded to the proper legislative committee, to be followed, in turn, by a great calm, lasting until the next session of the legislature.\footnote{Simpson, 1 Pa. B. A. 140 (1895); See Wickser, "Bar Associations," 15 Cor. L. Quar. 397 (1930).}

Towards the end of President Negley's tenure, the Association's structure began to take form reflecting an organizational pattern that has to some extent persisted to the present day. Its future became more stable and predictable, and the unknowns that greet any new organization became less threatening. From this point of relative security, the Association could now begin to project its thinking and efforts outside of itself, thereby allowing for more direct participation in community and governmental activities. It became more concerned with those phases of local government that directly affected its members in the pursuit of their profession and livelihood, as for example, the Russell Indexing System, as well as other aspects of local government having any connection with the general administration of justice.

Russell Indexing System

As Allegheny County entered the twentieth century, and its population increased, simultaneously becoming more ambulatory, real estate transactions increased in complexity and volume. In 1902 the Association considered a resolution providing for a change in the system of direct indexing in the Office of Recorder of
Deeds whereby the index record would be constructed to exhibit a continuous and consecutive series of conveyances or mortgages, against a given name, with an appendix showing the location of the real estate by ward or some unit of local government. In the following year, a five man committee was appointed to contact the newly elected Recorder, J. Denny O’Neil, relative to the indexing problem. Two years later the Committee reported that several systems of indexing were being studied, and the Association appropriated $100.00 to help complete the project.

Feeling that efforts to bring order into the Recorder’s office would not be successful, a resolution was thereafter introduced and adopted by the Association whereby a five man committee would be appointed to determine whether the Association had power, under the law, to collect, preserve, arrange and index, for the use and benefit of its members, books, maps, papers, deeds, and other materials relating to land titles.

The Committee reported at the next meeting of the Association. According to the majority, the Association did in fact have the power to collect data relative to land titles, and they recommended that a seven man committee, to serve for five years, be appointed with authority to establish a library pertaining to land titles in Allegheny County, for the exclusive use of Association members. In a minority report, Mr. Thomas S. Brown protested against such an undertaking for the following reasons: 1. the undertaking was outside the corporate purpose of the organization; and 2. such an activity would make the Association a business corporation. He went on to say: “The purpose and functions of this Association are concerned with the relations of the members with each other, with the Courts, and with the community, as lawyers, members of the legal profession.”

The majority report was not accepted, and the Association requested the Recorder of Deeds to expedite transcriptions. Later in the same year, the Committee reported that as a result of its experimentation, it came to the conclusion that the Russell Indexing System was most efficient, and recommended its adoption. The system’s author was engaged to implement and operate it in the

53 M.B., No. 3, November 7, 1902.
54 Ibid., January 9, 1903.
55 Ibid., February 3, 1905.
56 Ibid., March 3, 1905.
57 Ibid., April 4, 1905.
58 Ibid., May 5, 1905.
Recorder's office for thirty days. The Association appropriated $200.00 for his remuneration,\textsuperscript{59} and three years later an order of the Court of Common Pleas officially adopted the system.\textsuperscript{60}

Through subsequent efforts, the Association was successful in having the "Russell Index System" installed in the Prothonotary's office,\textsuperscript{61} and in the office of the Register of Wills.\textsuperscript{62} Because of opposition by the United States Department of Justice, the Association was unsuccessful in having it accepted by the Clerk of the United States District Court for the Western District of Pennsylvania.

The Association has jealously guarded this system. On one occasion, a motion was introduced at a meeting whereby Mr. William B. Kirk, a candidate for Prothonotary, would be required to file a stipulation with the Association pledging allegiance to the system.

\textit{National Defense and the Association}

The Association as an entity, and its members individually, have not restricted their efforts and limited their role to furthering their own personal objectives and realizing material gain. Like the legal profession as a whole, they have been concerned with the role of the United States in world affairs, ever ready to come to and participate in the defense of their nation, and to extend assistance and comfort to those actively participating in military campaigns.

Ninety-one members of the Allegheny County Bar, who thereafter joined the Association, served in the Civil War as members of the Union Army. In addition, several served in governmental positions in Washington, D. C., including the Honorable Edwin M. Stanton, who served as President Lincoln's Secretary of War from 1862 to 1865. The Association had appointed a five man committee to erect a plaque honoring the men who served, but there is no evidence available indicating that this responsibility was discharged.\textsuperscript{63}

There is no official compilation available as to how many members of the Association served in the Spanish-American War or World War I. Members of the Association did serve in both wars; however, an examination of the Association's Minute Books Numbers 2 and 3 indicates that returning lawyers and members frequently addressed the Association on their war experiences.

\begin{itemize}
  \item \textsuperscript{59} Ibid., November 3, 1905.
  \item \textsuperscript{60} Ibid., February 7, 1908.
  \item \textsuperscript{61} M.B., A.C.B.A., 1929-1951, January 21, 1931.
  \item \textsuperscript{62} M.B., No. 3, April 4, 1923.
  \item \textsuperscript{63} "Roll of Honor, Memorial Tablets to Members of the Allegheny County Bar Association who served in the War for the Union, 1861 to 1865," 57 \textit{Pittsb. Leg. J.}, I to III, 1909.
\end{itemize}
In contrast to its limited activity during the previous wars, the Association as such actively contributed to the defense effort in a multifold manner during World War II. An impressive record was compiled on the homefront. At the height of the War, sixteen members were serving in civilian capacity in the War Department, while ten to twelve additional members served in other governmental agencies. Public trade schools were opened to lawyers for training in industrial skills and subsequent employment in defense plants often followed. Approximately three hundred lawyers, many of whom were members of the Association, served on local draft boards, and six were affiliated with the Office of Price Administration.\(^{64}\)

A Committee on Military Service, later called the Committee on War Work, came into being soon after the War commenced. Its function was to represent and protect the legal rights of servicemen who were serving outside the County. Their problems would be referred to the Committee by the Judge Advocates of the various military services. A report of the Committee, issued by Chairman E. B. Strassburger, Esquire, indicates both the scope and importance of the work that it performed.\(^{65}\)

In the report one can see many examples of the invaluable services performed for needy servicemen by such members of the bar as Wayne Theophilus, Robert H. McClure, James D. Gray, Charles M. Thorp, Fred C. Houston, Maurice Goldstein, and J. Frank McKenna.

Throughout the War, this Committee disposed of one hundred and ninety-five cases utilizing fourteen members of the Association.\(^{66}\)

A committee working on the “Bill of Rights” program undertook to represent individuals who were charged with and prosecuted for violating selective service laws, and who were unable to obtain counsel. The following individuals contributed to this program: Robert A. Jarvis, Joseph A. Beck, J. Frank McKenna, Carl D. Smith, William W. Riehl, R. M. Marley, C. Bryson Schreiner, David Olbum, Sylvan Libson, Bernard Goodman, Harry Caplan, J. Alfred Wilner, John G. Kish, Charles C. Arensberg, and Marjorie H. Matson.\(^{67}\)

Many members of the Association made public addresses in behalf of the war bond drives. In the early days of the War, two


\(^{65}\) Ibid., May 5, 1944.

\(^{66}\) Ibid., March 3, 1945.

\(^{67}\) Ibid., December 3, 1943.
hundred and thirty-one members made such addresses, and many performed as minutemen in movie houses throughout the County.\(^\text{68}\)

In anticipation of the War's ending, and the subsequent return of lawyers to civilian life, the Association, through a committee headed by Dr. Judson A. Crane, Dean of the University of Pittsburgh School of Law, laid plans for a refresher course.\(^\text{69}\) The program was approved by the federal government entitling students to receive educational allowances. The course ran from January to March, and met Tuesday and Thursday afternoons from 4 to 6 p.m. After two years of activity, the program was abandoned in 1947.\(^\text{70}\)

Though the efforts of the Association in fostering and implementing innovations throughout local government, and its participation in national defense are noteworthy, any study of the Association must concentrate on its efforts to promote the administration of justice in the County. Every organization has, as a rule, one or two fundamental purposes for its existence that tend to permeate all of its activities, provide direction, and serve as a dynamism for other undertakings. The primary purpose for creating and continuing the Association is to promote the interests of justice for all, which is precisely the purpose for the continued existence of the legal profession.

**The Association and the Administration of Justice**

Before exploring this topic, it would be useful to examine generally some of the objects and purposes sought in organizing a bar association, as well as those espoused by the Association.

In 1878, seventy-five attorneys from twenty-one states met in Saratoga, New York, and founded the American Bar Association.\(^\text{71}\) In its organizational manifesto, this infant organization announced five general purposes that it would attempt to realize. Primarily, the organization was established in order to enhance the status and dignity of the profession as a whole. In turn, realization of this goal would facilitate success in reaching other more immediate goals: promote the effective administration of justice; help perfect the science of jurisprudence; secure the enactment of uniform legis-

\(^{68}\) *Ibid.*, October 2, 1942.

\(^{69}\) *Ibid.*, October 6, 1944.


\(^{71}\) Contrary to information contained in other publications, this meeting did not take place specifically to organize the American Bar Association. The group that met in 1878 comprised an organization known as the American Social Scientists, who had been meeting in Saratoga Springs, New York, for many years. Wickser, "Bar Associations," *13 Cor. L. Quar.* 397 (1930).
lation in the various states; and, above all, encourage cordial and frequent social contact among all members of the legal fraternity. It was quite natural that an organization potentially as large as the American Bar Association, and covering a relatively large geographic area, should espouse a multiplicity of purposes. As is obvious, these purposes are directed at goals other than the immediate enhancement of the individual member’s pecuniary rewards.72

In more sweeping terms, it has been said that county bar associations exist for the following main purpose: “To the extent that County Bar Associations help, really help, in the administration of justice, they justify their existence. When all the rest is said, that is their main function, because the lawyers, and the court of which the lawyer is a sworn officer, should serve that basic purpose—the administration of justice.”71

Section 1 of the Association’s incorporating Act states that the purpose of its founding is as follows: “The elevation of the character, superintendence of the general interests and cultivation of a fraternal feeling among the members of the profession of law in said county; and generally to do all and singular the matters and things which shall be lawful for the well being and due management of the affairs of the said association, . . . .”

This narrowly stated purpose has not tended to restrict the programs that the Association has initiated, pursued, and in many cases brought to a successful conclusion in an attempt to improve the administration of justice in the County and State.

1. *Expediting the disposition of trials*: The Allegheny County Bar Association has continuously been in the lead in attempting to keep trial dockets current. Primarily, it pursues this goal by agitating for more courts, judges, better courtroom facilities, creation and expansion of small claims tribunals, use of arbitration, and general modernization of judicial administration.

   a. *Increasing the types and number of courts and judges*: During the first year of its existence, the Association explored the feasibility of establishing a method for disposing of small claims whereby jury trials could be waived, and such cases thereafter placed at the head of the docket.74 No further action was taken in this area until 1899 when a resolution was adopted recommending the

74 M.B., No. 1, October 17, 1870.
establishment of an additional court, to be known as the Court of Common Pleas Number 4.75 Unfortunately, necessary enabling legislation was not enacted by the General Assembly. In 1904, a new committee consisting of H. M. Scott, Chairman; E. Y. Breck, Secretary; C. A. Fagan, Charles C. Dickey and George B. Gordon was appointed to investigate the feasibility of establishing additional courts.76

After one month of intensive study, the Committee prepared, had printed, and distributed an elaborate report recommending to the Governor and the General Assembly the establishment of two new courts. On page two thereof, the Committee reported the following:

There are now between 2,000 and 2,100 cases at issue and untried in the Common Pleas No. 1; between 1,200 and 1,300 in the Common Pleas No. 2; and between 1,200 and 1,300 in Common Pleas No. 3. It is estimated that if no more cases are added to the issue dockets it will take the Common Pleas No. 1 about three and one-half years, and the Common Pleas Nos. 2 and 3 about two years to dispose of the cases now at issue awaiting trial.

No argument is needed to show that this condition of the business of the courts is an actual denial of justice to parties interested in suits required to be tried by jury.77

No results were realized. With great patience, the Association again appointed a committee to draft legislation for consideration by the General Assembly authorizing two additional common pleas courts.78 Finally, appropriate enabling legislation was passed, and a Court of Common Pleas Number 4 was established in 1907.79

The Association realized that the backlog in the trial dockets might largely be attributed to the many small claims susceptible of adjudication by inferior courts or being disposed of by non-judicial means. In 1909, a resolution was adopted providing as follows: “Resolved that a committee of five be appointed by the chair to secure such legislation as is necessary to establish an inferior court.” 80 The County Court system was shortly thereafter established by an Act of the legislature in 1911,81 and took form closely resembling that

75 M.B., No. 2, March 3, 1899.
76 Ibid., December 2, 1904.
77 Ibid., January 6, 1905. This report is an elaborate statistical compilation that should be examined by anyone interested in modernizing judicial administration. The report is included in its entirety in M. B. No. 2, pp. 55-68, inclusive.
78 Ibid., January 7, 1906.
79 Ibid., March 20, 1907.
80 Ibid., February 25, 1909.
81 J. T. Tanger, in Pennsylvania Government (State College, Pa., 1950), p. 150, states that the Municipal Court of Philadelphia was not established until 1913.
recommended by the Association. Elements within the Association have attempted to abolish the County Court system on several occasions. As early as 1923, a group unsuccessfully attempted to have the Judiciary Committee recommend abolishment. In 1941, a "spirited" afternoon-long debate ended with Association members defeating a resolution calling for the abolishment of the County Court system.

Well ahead of other organizations, the Association early considered the establishment of a non-judicial tribunal to dispose of certain controversies. In 1909 a resolution was adopted which provided for a committee to study and prepare a detailed plan for the creation of a lawyers' court of compulsory arbitration, and to coordinate such a plan with the judges of the Courts of Common Pleas. Thereafter, in accordance with the recommendations of the committee, the President appointed a board consisting of three arbiters.

No additional information is available as to the power and jurisdiction that was conferred on this tribunal. At the December 6, 1912, meeting of the Association, John G. McConnell offered a bill for submission to the General Assembly providing for the appointment of a Board of Referees to sit, hear and act upon cases, "either civil or equitable," or any other dispute referred to it. Neither the files of the Association nor the Minute Books show what action was taken on this proposal. However, at the January 7, 1910, meeting of the Association, Mr. H. M. Scott read a report on the workings of the Committee of Lawyers' Arbitration, covering the period from its founding to December 31, 1909. Nothing appears in the Association's Minute Books on the workings of this tribunal after its report of February 4, 1910, was filed.

82 M. B., No. 3, January 6, and February 10, 1911. The Association was primarily responsible for the creation of the County Court system. For a more detailed view of the efforts of the Association in this regard, one should examine Volumes 10, 17, and 24 of a publication entitled "Miscellaneous Pamphlets," published by the Pittsburgh Legal Journal, and available in the Allegheny County Law Library, Pittsburgh, Pennsylvania.

83 M. B., No. 3, March 12, 1923. The basis for this resolution stemmed from a special meeting of the Association held on December 29, 1922, where the quality of performance by the County Court system was seriously questioned.

84 M. B., A.C.B.A., 1929-1951, December 5, 1941.


86 Ibid., June 4, 1909. Recently the County Court of Allegheny County successfully proposed the establishment of an arbitration tribunal functioning throughout the County in order to expedite the disposal of cases. It is unfortunate that greater details concerning this earlier system are not available so as to permit a comparison with the present system. "Rules for Arbitration of the County Court of Allegheny County, Pennsylvania," Pittsb. Leg. J., Vol. 85, No. 242, December 14, 1959; M. B., No. 3, December 6, 1912.
The Association continued to press for additional courts in the County, and simultaneously turned its attention to the federal judiciary. A three man committee was appointed in order to help seek congressional approval for a final court of appeals in patent cases, and the Association secured the creation of a new federal judgeship for the Western District of Pennsylvania.

Since its initial success, the Association has assiduously advocated the need for new or additional courts to reduce an overcrowded docket.

The central figure in the expansion of the court system of Allegheny County was Addison M. Imbrie, Esquire. His efforts were many, and his successes untold. A paragraph from a biographical sketch prepared by his son, Mr. B. V. Imbrie, and contained in the Association’s files, reads as follows: “He began the 20th Century as one of the agitators for reform in legal procedure. Through cooperating with others he caused Common Pleas No. 4 Court [sic] to come into existence by the Act of 1907. The Bar Association then made him chairman of a committee to secure an amendment to the constitution consolidating all four courts (accomplished in 1911). He helped obtain an additional judgeship for the United States District Court. In 1910 he traveled extensively to study the American jury system.”

Though the Association originally objected to the establishment of an intermediate appellate court in Pennsylvania, in 1895 it drafted legislation providing for such a court to be known as the “Circuit Court of Appeals.” The Superior Court was created soon thereafter by the General Assembly. The Association did not join in the efforts of a special committee of the Pennsylvania Bar Association that sought to abolish the Superior Court in 1910.

87 Ibid., October 1, 1909.
89 M. B., No. 1, January 10, 1885.
90 M. B., No. 2, January 9, 1895.

The Association has persistently, through a Committee headed by Attorney Ella Graubart, studied and fostered the Plan. For a detailed discussion and evaluation of the Plan, beyond the purview of this work, see Keefe,
b. Court Room Facilities: While the present County Court House still was on the drawing boards, an Association committee began to compile information from which recommendations would be made for additional court room facilities. Its first report was long and elaborate, and reflected a great deal of interest on the part of the Committee. The central theme of the report emphasized the need for isolating the court rooms and other judicial facilities from general County activities. In great detail, the report discussed the type of furniture, flooring and general ornamentation for each court room.92

Visualizing a continuous growth of the County, the Association boldly adopted a resolution at its January meeting in 1907 recommending to the County Commissioners that the area bounded by Grant Street, Fourth Avenue, Ross Street and Diamond Street (now Forbes Avenue) be purchased immediately. This is the area presently occupied by the City-County Building. The Commissioners were not responsive to this resolution, and countered with a proposal that the then existing County Court House be expanded.93 In 1912, the County Commissioners were again urged to make the purchase and seriously to consider the need for a new County office building.94 These recommendations were eventually accepted and the Association cooperated closely with architects in designing the new court rooms in the City-County Building.

2. Procedure: The Association has been quite concerned with all phases of judicial procedure as it affects the operation of the judicial system in the Commonwealth, and the more specific courts of Allegheny County.

The Association persistently opposed legislation seeking to abolish the old common law forms of action. Its opposition commenced in 1889,95 and was renewed in 1895, by describing such legislation as being "mischievous in character and tending to unsettle the law."96 The Association again resisted efforts of the General Assembly to modernize the forms of action in 1901, and in a resolution went on to say that such a change would unsettle established rules of practice, produce uncertainty, and "clog dockets."97

92 M. B., No. 1, December 3, 1887.
93 M. B., No. 3, December 27, 1906 and January 4, 1907.
94 M. B., No. 3, December 6, 1912.
95 M. B., No. 1, January 1, 1889.
96 M. B., No. 2, December 1, 1894 and January 1, 1895.
97 Ibid., April 12, 1901.
In 1903, the Association recommended to the legislature that the "Service of Process Act of 1901" be repealed for it was in certain sections "insensible and absurd." 98 In spite of these early stands by the Association, the old forms of common law actions were eventually abolished, and the entire system of pleading was modernized by legislation, and subsequent procedural rules successfully established and promulgated by the courts acting through and in cooperation with the Association.

The Association has been extremely successful in writing and having adopted procedural rules in the various courts of Allegheny County. The Minute Books of the Association are filled with numerous instances where changes in existing methods of procedure, or the adoption of entirely new rules by the local courts, resulted from Association efforts. 99 The Association at an early date published complete sets of rules for all of the Courts of Allegheny County, which were copyrighted and sold in the name of the Association. 100

On January 29, 1929, the Association held a dinner at the University Club in Pittsburgh celebrating the acceptance by the Orphans' Court of new rules of procedure. This event reflected the close cooperation that appears to exist among the courts, the Bar of Allegheny County, and the Association in devising rules of court. Association President Joseph Stadtfeld presided, and speeches were delivered by the Honorable Jacob J. Miller, President Judge of the Orphans' Court; William D. Evans, and Robbin B. Wolff. In his address to the gathering, Mr. Wolff revealed the cooperation that the effort had generated. It seems that while the rules were being drafted, he met Judge Trimble's law clerk and said that he understood that the Judge was preparing a new set of rules, and that in order to help guarantee acceptance of the rules by the Association, it might be desirable to have other lawyers assist in the drafting. The judge acted on the recommendation and appointed Mr. Wolff to provide the assistance. Mr. Frank C. Osburn, who also helped prepare the rules, quoted Judge Trimble as saying during the drafting sessions, "Gentlemen, you are making these rules, not me. Whatever you say here goes and I am not going to oppose it. When the majority of the committee votes, I will have to vote too. A ma-

98 Ibid., March 20, 1903.
99 Ibid., February 3, 1894;
M. B., No. 3, June 4, 1909;
Ibid., November 6, 1916;
Ibid., March 7, 1924.
100 M. B., No. 2, March 3, 1899.
ajority will rule in deciding any question that goes into these rules."  

3. *Expanding Legal Services*: Legal Aid; Public Defender; and Referral Service;

   a. *Legal Aid*: The Association has never officially sponsored or conducted a general large scale system of organized legal aid to the indigent or needy. One exception occurred during World War II when Association members represented individuals accused of violating the selective service laws. Individually, members of the Association have often cooperated with the local Legal Aid Society, but the Association’s assistance has largely been financial. In 1918, shortly after the Allegheny County Legal Aid Society was established, the Association appropriated $1000.00 to help cover the cost of its work. Thereafter, at infrequent intervals, the Association made financial contributions to the Society and formed a committee to work in conjunction with it on a continuing basis. The recently commenced “Volunteer Defender” (Project) will be discussed later in this work.

   b. *Public Defender*: In 1937, a special committee was appointed to investigate the possibility and feasibility of establishing a public defender’s office in the County. In a thorough and far-sighted report, the Committee favorably recommended the creation of such an agency, and elaborated in great detail on the type of staff that should be employed. The report, accompanied by enabling legislation, was accepted and filed without any positive action being taken by the Association.

   c. *Referral Service*: The establishment of the Association’s Lawyer’s Referral Service provided a series of tumultuous meetings that generated substantial interest on the part of the membership. A committee first recommended the establishment of a referral service. A plan was advanced any organized large scale plan, whereby counsel would be provided to all indigent criminal defendants under authority and direction of the Association itself. W. H. Elsbree, in “The Organized Bar and the Bill of Rights,” 27 *Pa. B. A. Q.* 244 (1956), recommended that local bar associations assume responsibility for providing counsel for the indigent. The author also makes a very sweeping attack on the alleged general apathy of local bar organizations towards vigilantly protecting civil liberties. Recent developments in this area will be discussed later in this work.

101 *History of the Orphans’ Court of Allegheny County* (1874-1929), (Pittsburgh, Pa., 1929), p. 35.
103 M. B., No. 3, June 7, 1918. Until 1960, the Association never successfully advanced any organized large scale plan, whereby counsel would be provided to all indigent criminal defendants under authority and direction of the Association itself. W. H. Elsbree, in “The Organized Bar and the Bill of Rights,” 27 *Pa. B. A. Q.* 244 (1956), recommended that local bar associations assume responsibility for providing counsel for the indigent. The author also makes a very sweeping attack on the alleged general apathy of local bar organizations towards vigilantly protecting civil liberties. Recent developments in this area will be discussed later in this work.
104 M. B., A.C.B.A., 1929-1951, May 6, 1938. It is rather surprising that greater attention was not given to this endeavor. The thinking of this Committee was certainly in advance of the legal profession as a whole. Since the date that this report was filed, nineteen cities and counties throughout the United States have established public defender's offices. Austin F. MacDonald, *American State Government and Administration* (1950), p. 451.
service in 1947. A plan for the initiation of the service was introduced by the Executive Committee through its chairman at a special meeting convened on February 11, 1948. After a long debate, the plan was approved, without any reference to the previously adopted Association's minimum fee bill. This approval was rescinded at the next regular meeting of the Association on the grounds that the membership had not been given adequate notice of the special meeting, and because there supposedly was no need for a referral service in Allegheny County.

Under the rescinded plan, individuals who were capable of paying for legal services would inquire at the Association's offices where a list of attorneys desiring to participate in the program would be maintained. With a minimum of superintendence, a potential client would be assigned to one of the lawyers on the referral list.

Mr. Charles C. Arensberg reintroduced the referral plan at the December, 1948, meeting. A long debate followed; the tenor of the opposition was contained in a statement allegedly made by a member of the Association who is quoted as saying: "... no matter how much they disavow that they don't want to get into socialization, but call this by any other name, this is a start of some sort of group stuff."

Vice President Robert Van der Voort, now Judge of the Court of Common Pleas, made a strong and cogent defense of the referral plan during the meeting.

Finally in 1950, the "Lawyer's Reference Plan" was adopted after prior opponents said that the features of the original plan, to which they objected, had been removed.

4. Nomination and Election of Judges: The Association has continuously shown an interest in the nomination, election and appointment of judges to the courts of the County, State and United States. This interest has been manifested through investigations made by the Association into the integrity of the selection process, and the indorsement of qualified candidates for judicial offices.

a. The process of elections: Widespread fraud and corruption allegedly permeated the primary elections in certain parts of Pittsburgh in 1927. Nine judicial nominees were selected in this

106 Ibid., February 11, 1948.
107 Ibid., March 5, 1948.
108 Ibid., December 3, 1948.
primary, causing concern on the part of the Association. At the October 7, 1927 meeting of the Association, Mr. Addison M. Imbrie introduced a resolution calling for the appointment of a committee to assist the District Attorney of Allegheny County in making investigations, conducting prosecutions, and, if necessary, petition for the appointment of a grand jury. In adopting the resolution, the Association directed the Committee to investigate the following: outright denial of the right to vote to qualified voters, stuffing ballot boxes, alteration of ballots, and other illegal voting activities.\textsuperscript{110}

Leading members of the community and Association were appointed to the Committee: Mr. Addison M. Imbrie, Chairman; Mr. George R. Wallace; Mr. E. Lowry Humes; Mr. William H. McNaugher; and Mr. Arthur M. Scully.\textsuperscript{111} The Committee conducted an intensive investigation for two years enlisting the assistance of many leading members of the community. Not being satisfied with merely obtaining the criminal conviction of those responsible for perpetrating the fraud, the committee went on to recommend the following:

1. That the District Attorney, with the assistance of a certified public accountant, undertake a study of the records of the Delinquent Tax Collector of Allegheny County, and the records in the Office of the County Treasurer;

2. That the District Attorney petition the courts to convene a special grand jury; and that

3. The Association conduct a study of all laws dealing with franchise and make recommendations as to any legislation required to expand and help guarantee the right to vote.\textsuperscript{112}

b. \textit{Indorsement of Judges}: It would be difficult if not impossible to state with any degree of certainty the extent to which the Association has been able to influence the electorate in electing judges. There are two reasons for this conclusion: since the inception of the Association, Allegheny County has been dominated by one of the two major political parties; and, election to the bench is not a traditional type of partisan political campaign through which the relative influence of opposing interests and groups are most accurately reflected in the ballot boxes. A distinguished member of the bar,\textsuperscript{113}

\textsuperscript{111} 75 \textit{Pittsb. Leg. J.}, Pamp. No. 43, October 22, 1929.
\textsuperscript{112} M. B., A.C.B.A., 1929-1951, December 12, 1929.
\textsuperscript{113} \textit{Ibid.}, January 21, 1949.
and a veteran jurist\textsuperscript{114} of this County, have referred to Association indorsement as a "kiss of death" for any judicial candidate. President John G. Buchanan reported in 1943, that during the general elections that took place that year, six out of eight candidates indorsed by the Association were elected, and that in the general elections that took place in 1941, all but one of the eight candidates indorsed by the Association were elected. He went on to say that during the preceding fifteen years the record of the Association with the voters had been excellent, and certainly better than that experienced with the Governors to whom the Association recommended appointments.\textsuperscript{115}

No attempt will be made here to evaluate the importance of Association indorsement. It will suffice if some insight is gained into the concern of the Association, as manifested in various ways, for the selection of qualified judges to the bench.\textsuperscript{116}

It appears that the Association first considered indorsement of candidates for political office in 1886 when the following resolutions were introduced and tabled: 1. A resolution by Mr. M. Cook whereby the Association was to refrain from approving or condemning any political candidate; 2. A resolution by Mr. Keenan that the Association decline to approve or in any way act on a candidate for the Court of Common Pleas No. 2.\textsuperscript{117}

Beginning in 1887, a special committee was appointed by the Association to nominate candidates for election to the bench in any particular election.\textsuperscript{118} The Association made no financial expenditures in this regard until 1892 when an unspecified sum of money was loaned to the "Association of the Bar of Allegheny County" which in turn sought to elect judges to the bench.\textsuperscript{119} No further activity by the Association in the political arena appears to have taken place until 1910 when a committee reported to the membership

\textsuperscript{114} Debates over the appointment of Mr. William Eberharter to a judgeship in the United States District Court for the Western District of Pennsylvania as found in M. B., A.C.B.A., 1929-1951, June 23, 1949.


\textsuperscript{116} For a very strong stand against the refusal of bar organizations to take an active part in the election of judges, see E. R. Beckwith, "Politics and Public Relations, An Inquiry Into Some Historical Attitudes of the Organized Bar," 28 \textit{Jour. of Amer. fur. Soc}, pp. 182-185 (1948).

\textsuperscript{117} M. B., No. 1, October 2, 1886.

\textsuperscript{118} \textit{Ibid.}, November 5, 1887.

\textsuperscript{119} M. B., No. 2, April 12, 1892. The Association at this time had meager financial resources. Its entire income was received from initiation fees until November 1, 1890, when an annual fee of $5.00 per member was adopted. See M. B., No. 1, November 1, 1890.
recommending the need for divorcing the judiciary from politics.120

The Association eventually abandoned the special committee approach for indorsing judicial candidates and considered potential indorsees at a general meeting of the entire membership.121 In 1916, it tabled a resolution recommending the appointment of Mr. Louis Brandeis to the United States Supreme Court by a 40 to 18 vote.122 A new procedure was commenced in 1930 whereby the Association polled its members by mail using printed ballots which contained the names of potential indorsees.123

In 1949, a dispute arose as to the method of selecting a nominee for a vacant judgeship in the local federal court. On its own initiative, the Judiciary Committee prepared a list of five names that were to be submitted to the President of the United States. The recommendations of the Committee were approved in spite of strong opposition from substantial elements within the Association.124

5. General Administrative Improvements: The Association, in spite of its size, has taken a stand on a large number of matters touching the daily operation of small but essential aspects of the judiciary. As a service to the community and to the members of the profession as a whole, the Association made arrangements with the Prothonotary of the Supreme Court of Pennsylvania whereby every appellant and appellee in each district was to file one copy of their paper books with the Allegheny County Law Library.125 In an effort to add more dignity to judicial proceedings, a resolution was adopted recommending that all judges wear their judicial robes during trials.126 The Association refused to recommend passage of legislation creating both the office of Supreme Court Prothonotary and authorizing the Chief Justice to transfer judges from one judicial district to another.127 Also, the Judges of the Courts of Common Pleas Nos. 1, 2, 3, and 4 were requested to daily prepare separate new trial, General Assignment and equity argument lists.128 In an attempt to preserve the efforts and time available to judges for the performance of their judicial functions, the Association opposed legislation giving judges the power to appoint members of the School Board

120 Ibid., November 2, 1910.
125 M. B., No. 2, February 3, 1894.
126 M. B., No. 3, February 6, 1903.
127 Ibid., November 13, 1908.
128 Ibid., December 11, 1908.
in Pittsburgh.\textsuperscript{129} Since their inception, the Courts of Common Pleas had been numbered, as is still true in Philadelphia County today, with each Court functioning as a separate independent entity. The Association successfully sponsored their much needed unification.\textsuperscript{130} Legislation was introduced in the General Assembly equalizing costs in the various courts of the County,\textsuperscript{131} and well in advance of its time, the Association showed dissatisfaction with the role and operation of the grand jury system.\textsuperscript{132}

**Standards of the Legal Profession**

One of the Association's most significant functions is the formulation of policies and the implementation of programs that tend to improve the individual lawyer's level of performance. To the extent that it is successful in this regard, the Association will help prevent problems from arising that are attributable in whole or in part to the conduct of sub-marginal or unethical lawyers. The areas in which the Association has attempted to fulfill and exercise this responsibility and duty are as follows:

1. **Education of the Lawyer and Admission to the Bar:** During the infant days of the Association, Josiah Cohen introduced a resolution whereby, "... any male person of age, who shall have passed a course of law studies at the Western University of Pittsburgh for the period of two years and has regularly graduated and received a diploma to that effect, should on presentation of such diploma be admitted to practice at the bar of the Courts of Allegheny County without an examination." This effort to dispense with the forerunner of the modern bar examination was not successful.\textsuperscript{133} No further action was taken by the Association in respect to admissions until 1896 when the following resolution was adopted:

That the Judges of the several courts of this county be requested to make the following suggestions the basis for drafting a set of rules for the government of the examining committee of this bar:

1st. A preliminary examination shall be required in all cases of applicants to the bar, except where the applicant is a lawyer from another state, or other county in this state, who has practiced law for two years continuously immediately before his application for admission here.

2nd. The term of study for admission to this bar shall be three years.

\textsuperscript{129} *Ibid.*, January 8, 1909.
\textsuperscript{130} The separate numbering of the Courts of Common Pleas, persistently opposed with great tenacity by the Association, resulted in serious administrative difficulties. *M. B.*, No. 3, April 2, 1909 and April 21, 1911.
\textsuperscript{131} *M. B.*, No. 3, January 5, 1917.
\textsuperscript{133} *M. B.*, No. 1, May 21, 1870.
one of which must be spent in the office of a practicing attorney, but the
time of study at any reputable law school shall shorten the time of study
at this Bar by the time so spent, except in regard to the year's experience
in the law office.

3rd. Lawyers from other states or other counties of this state are re-
quired to pass a preliminary as well as a final examination before admis-
sion, but they may be admitted without a preliminary examination if they
have, in good faith, practiced law for two years continuously immediately
prior to their application for admission.\textsuperscript{134}

A fourth paragraph to this resolution prohibiting the admission
of women to the bar was defeated. The resolution was prompted
by a scheme on the part of students who went to law school in one
of the western states, and after admission to the bar in such states,
returned to Pennsylvania and applied for admission to the County
bar without examination.\textsuperscript{135} The dispute over admission to the
bar continued when in 1896 Mr. Charles C. Dickey introduced a
motion which provided that inasmuch as the Western University of
Pennsylvania had been attempting to secure the admission of its
Law School graduates to the Allegheny County Bar upon school
examinations alone, that the Association "deprecates such action as
inexpedient . . . . to the interests of the Bar and the Public." The
motion was tabled by a vote of 28 to 27.\textsuperscript{136}

One of a few instances of direct contact between the Association
and law students occurred in 1926 when thirty-eight members of the
senior class of the University of Pittsburgh School of Law, and
thirty-four members of the senior class of Duquesne University
Law School attended an Association meeting. On one prior occasion
law students had been invited to attend Association meetings, but
there is no record of their attendance.\textsuperscript{137}

With the exception of guest speakers who addressed the Asso-
ciation, including Dean Wigmore of the Northwestern University
School of Law,\textsuperscript{138} and the refresher program for returning veterans
largely attributable to Dean Crane of the University of Pittsburgh
School of Law, the Association has not conducted any substantial
or systematic program for meeting the continuing educational needs
of the lawyer after admission to the Bar.\textsuperscript{139} During recent years

\textsuperscript{134} M. B., No. 2, January 4, 1896.
\textsuperscript{135} Ibid., November 2, 1895.
\textsuperscript{136} Ibid., March 7, 1896.
\textsuperscript{138} M. B., No. 3, March 31, 1926.
\textsuperscript{139} The following quotation should indicate that if the Association has been derelict
in this regard it certainly has not stood alone, for the problem is one that
faces the legal profession throughout the country: "The fundamental theory of
the project is the same today as it was eleven years ago when the Joint
several institutes dealing with novel, current, and otherwise interesting developments, of significant interest to the entire Bar, including the University of Pittsburgh's Annual Survey, have been held under auspices of the Association. On November 11, 1960, it joined the Pennsylvania Bar Association and the American Law Institute in sponsoring an "Institute on Civil Litigation" at the Duquesne University School of Law.

2. Adoption of the American Bar Association's Canons of Professional Ethics: Soon after the standing Committee on Professional Ethics was established in 1934, it reported to the Association through Chairman William H. Eckert, recommending adoption of the American Bar Association's Canons of Ethics, excepting No. 39. The Committee added certain other canons in order to meet the needs of the local bar, and their recommendations were soon thereafter accepted.

3. Enforcement of Professional Standards: A Committee of Censors was established in 1882 to receive and hear all complaints dealing with the professional misconduct of any member of the Bar of Allegheny County, though not a member of the Association. The first Committee consisted of the following: Adam M. Brown; William B. Negley; Malcolm Hay; J. H. Miller; and D. T. Watson. The first disbarment undertaken by the Committee was completed in 1885: a member of the bar was suspended from the practice of law for one year, and the Court threatened to disbar him permanently if he failed to pay an acknowledged $40.00 debt.

Inasmuch as the recommendations of the five man Committee of Censors, when the Association recommended disciplinary action, constituted what was in effect an indictment when the proceeding moved to the courts, the Committee did not gather or present evidence as to any particular disbarment, but rather relied on a special Committee was first established—that continuing legal education is the responsibility of the organised bar; national, state, and local, and that whenever possible the actual conduct of it should be through the bar association in collaboration with law schools and other organizations." (Emphasis added) Continuing Legal Education for Professional Competence and Responsibility, published by the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association (Philadelphia, 1959), p. 66.

141 Ibid., January 7, 1936.
142 Ibid., December 4, 1936 and January 8, 1937.
143 No. 50 y Dec. Term 1885, Court of Common Pleas No. 1; M. B., No. 1, October 2, 1886.
three man committee to prosecute the matter before it and the courts.144

The Committee of Censors performed its duties in an extremely conscientious manner, and most Association meetings held before 1900 considered one of its disbarment recommendations. Much of the work performed by this Committee is handled today by the State Board of Governance.145 It encountered questions of unethical conduct resembling those plaguing the profession today. In 1906, it was directed by the Association to investigate rumors “that certain attorneys at this Bar are guilty of having out runners or assistants.”146 Previously, the Committee had censored a member of the bar for visiting the scene of an accident and soliciting clients.147

The Association successfully opposed legislation whereby no member of the bar could be disbarred except upon a jury verdict, after trial in open court.148

4. Unauthorized Practice of Law: The Association’s efforts in this area have moved in two directions: a) detection of individuals who hold themselves out as attorneys without being licensed; and b) encroachment of non-lawyer groups into areas traditionally reserved to the lawyer.

The Association drafted, sponsored and successfully secured the passage of legislation, signed by the Governor on April 28, 1899, making it unlawful to hold oneself out as a member of the bar.149 Soon after passage of this legislation, the Committee of Censors received a large number of complaints that the Act was being violated.150

A most difficult and perplexing problem facing the legal profession today is that which comes within the ambit of the phrase, “the unauthorized practice of law.” The scope and magnitude of this problem is prodigious, and little substantial headway has been made in solving it.

During the depression, the Association first showed serious

144 Ibid., October 3, 1885; Ibid., March 5, 1887.
145 One interesting development arising out of the activity of the Committee of Censors was the pressure that developed within the Association to unify the several courts of Common Pleas. Until this was realized, it was necessary for the Association to prosecute a disbarment before each of the several courts. M. B., No. 2, June 4, 1898.
146 M. B., No. 3, November 11, 1906.
149 M. B., No. 2, June 2, 1899.
150 Ibid., January 5, 1900; October 5, 1900 and June 7, 1901.
and sustained concern with the unauthorized practice of law. A special five man committee was appointed to study the practice of law by trust companies.\textsuperscript{151} A year later, in 1932, a group of younger lawyers agitated for a general and overall study of the problem, and the Association appointed a special committee, consisting of the following, to take on this herculean task: William S. Doty; Thomas N. Griggs; W. B. Paul; Jacob Shulgold; and Thomas P. Trimble, Jr.\textsuperscript{152}

The Committee reported to the Association at its next regular meeting and brought up for discussion the activities of local motor clubs that provided legal service to their members in matters involving summary convictions and claims for damages arising out of automobile accidents. The Association authorized the Committee to contact the motor clubs requesting that they strictly limit their legal services to advising members facing summary convictions.\textsuperscript{153} The motor clubs generally acquiesced in the Committee's requests.\textsuperscript{154}

The Committee made a long, complete and detailed report in 1933 after a year of intensive study. In a pervasive manner the report evaluated the place, role and function of the Association within the community, and went on to recommend the adoption of a large number of constructive measures. To begin with, the Association was urged to authorize the establishment of a permanent committee dealing with the unauthorized practice of law. With foresight that was to bear fruit within another decade, the Committee recommended the need for a broad based and continuous public relations program so as to enhance the position of the Association as well as the profession, and above all, to make the public aware of the many legal services that are available to them. The need for a separate criminal court was recognized, and once again, another Association report recommended the abolition of the minor judiciary. The Committee moved into uncharted waters that have yet to be mastered when it recommended the appointment of a special committee to confer with the Pennsylvania Institute of Certified Public Accountants in order to determine the extent to which they had invaded areas previously reserved to the legal profession.\textsuperscript{155} The report was quickly accepted by the Association.\textsuperscript{156}

\textsuperscript{151} M. B., A.C.B.A., 1929-1951, March 6, 1931.
\textsuperscript{152} Ibid., June 6, 1932.
\textsuperscript{153} Ibid., October 7, 1932.
\textsuperscript{154} Ibid., March 3, 1933.
\textsuperscript{155} This report was printed and publicly distributed by the Association in a bound volume. Report of the Special Committee on Unauthorized Practice of Law (1933).
\textsuperscript{156} M. B., A.C.B.A., 1929-1951, December 8, 1933.
In 1936, the Committee reported that at No. 3550 April Term 1936, the Court had enjoined the minor judiciary of Allegheny County from performing legal services, and that copies of the decree would be forwarded to every individual that it would affect.\textsuperscript{157}

The report rendered by the Committee evidenced the beginning of a new attitude on the part of the Association. It marked the break with a past, tradition bound and at times rooted in a stereotyped approach to problems. One senses that soon after acceptance of the report, the Association became more receptive to activities and projects outside areas that it traditionally occupied. The last decade perhaps most clearly reflects the new Association with indications that it is to become a more meaningful force in the community.

\textit{The Last Decade}

To date, the Association has passed through two rather different periods. The first, extending from the date of its founding to the termination of World War I, might aptly be called the period when the Association literally struggled for survival. It was a period when the need for and usefulness of organized bar associations was seriously questioned and doubted in many quarters. Also during this time, organized bar associations were not always representative of the profession, and at times apathy on the part of the membership was widespread. As said before, the Association was totally inactive during twelve of the first fourteen years of its existence. The rapid increase in the number of lawyers in the County beginning with the twentieth century generated a need for unified action in order to serve the needs of the individual lawyer by successfully pursuing group objectives and interests.

Once an organizational pattern was established, and continuity realized, efforts could be devoted to formulating and implementing policies and programs simultaneously beneficial to the community and the profession. This was the beginning of the second period. At this time, these undertakings were sporadic and disjointed; purposes were not articulated, and those that were sought seldom provided the framework for any significant undertaking. In many ways, the Association in the post World War I era up until the beginning of the present decade, was uncertain of how aggressively and with what degree of success it could function outside areas traditionally occupied by any bar association.

\textsuperscript{157} \textit{Ibid.}, January 3, 1936.
The last decade has seen the beginning of a new period that is setting the framework for bar associations of the next generation. Two tentative conclusions can be drawn: 1. shortly, Association membership will be coextensive with membership in the bar; and 2. programs and policies meant to serve the needs of the community for better and more readily available legal services are receiving more time and attention. As a result, the status and rewards accorded to and realized by individual members of the profession should be improved. The ultimate benefactor will be the community at large.

The Association has become more actively interested in the individual needs of its members. Though as early as 1886 concern was shown for the financial needs of the individual lawyer and his family, recent years have seen aggressive efforts expended to build up a fund to assist needy lawyers. The fund is financed through money received by active solicitation and voluntary contributions. Fortunately, there have been few demands placed on the fund, which exceeds $18,000 today. In addition, medical insurance plans are available for any interested member.

The Association has left its own halls and entered those of Congress in order to assist the lawyer in preparing for his retirement. Pending legislation allowing a tax credit for pension plan payments was indorsed and actively lobbied for on several occasions.

As evidence of its institutional maturity and in recognition of its responsibilities to the profession, strong sentiment has developed recently for the employment of a full-time administrator by the Association. As early as 1941, the need for an executive secretary was recognized, and actively endorsed by leading members of the Association. The matter was brought into issue in 1956 when incoming President Ira R. Hill requested that it be given serious consideration. More recently, Thomas W. Pomeroy, Jr., then President, strongly emphasized the need for a full-time administrator, indicating that efforts had recently been unsuccessfully expended to employ such talent. If the Association hopes to continue its present growth pattern, or even to continue effective dis-

158 M. B., No. 1, February 2, 1886.
160 Ibid., March 7, 1952.
161 Ibid., May 2, 1941.
162 Ibid., December 26, 1956.
163 Ibid., December 18, 1959.
charge of past activities, it is inevitable that professional full-time skilled administrative talent be retained with status and compensation commensurate with the office. The Association underwent a significant structural reorganization in 1960 by providing for a senior vice president, who would apparently fill the position traditionally assigned to the vice president who stands ready, if necessary, to succeed the president, and in addition four administrative vice presidents. This latter group will function as administrative assistants to the president, thereby removing many of the minor though extremely important routine administrative duties from his, at times, over-burdened shoulders.\footnote{163A}

Pressure has developed in recent years to alter the structure of the Association along functional lines. Charles W. Herald proposed that its organizational pattern be altered so as to provide for separate units representing areas of legal specialization.\footnote{164} Recognizing the developments of new areas of the law, it was also proposed, unsuccessfully, that permanent committees on insurance and military affairs be established.\footnote{165}

The administration and overall effectiveness of the judiciary has been of immediate and predominant concern. Many facets of this problem have been explored and acted on. As usual, the quality of talent secured for the bench, and more particularly, the means of selection, has been singularly important. The Missouri Plan for selecting judges\footnote{166} has been aggressively advocated largely by the Committee on the Pennsylvania Plan for JudgeTenure, headed by Attorney Ella Graubart, who has personally expended prodigious efforts in this area,\footnote{167} and arranged for the introduction of enabling legislation in the General Assembly.\footnote{168}

The Association has shown concern for the need to have adequate counsel represent defendants in various judicial proceedings. In 1957, the Association adopted a resolution recognizing the duty of a lawyer to represent the unpopular defendant, the so-called holder of unpopular beliefs, with particular reference to Smith Act violators.\footnote{169} After singling out Attorneys Joseph I. Lewis, Zeno Fritz

\footnote{163A Vol. 77, No. 153, *The Pittsburgh Press*, November 22, 1960, p. 8.}
\footnote{164 *Ibid.*, January 28, 1955.}
\footnote{165 *Ibid.*, October 14, 1955.}
\footnote{166 For reference to a fuller development of the details of the Plan, see footnote No. 91.}
\footnote{167 M. B., A.C.B.A., May 28, 1954; October 29, 1954; December 17, 1954.}
\footnote{168 *Ibid.*, December 15, 1955.}
\footnote{169 *Ibid.*, May 17, 1957; for a reproduction of the resolution, and a statement of}
and Pearce O'Connor for their efforts, the resolution pledged the support of the Association to any lawyer attacked or criticized for undertaking such a defense. Recently, new progress has been made in this area. The Association, at the instigation of the Criminal Court Committee, initiated the "Volunteer Defender" (Project) under the direction of David F. Tuthill, Esquire, and Paul R. Jenkins, Esquire. The purpose behind this new effort is clear: the volunteer defenders will be responsible for representing and defending unfortunate and needy criminal defendants before and during their trials, and where necessary rendering incidental forms of legal assistance evolving out of the main criminal charges.169A

Docket congestion, a matter of obvious and immediate concern to all, has been attacked on two fronts: emphasis has been placed on encouraging informal settlements of claims; development of a system of compulsory arbitration has been persistently encouraged. In 1957, both incoming president J. Vincent Burke, Jr., and his predecessor, Ira R. Hill, emphasized the desirability of terminating litigation by compromise; the latter went on to suggest adoption of a schedule of damages similar to that utilized in Workmen's Compensation claims.170 The County Court in 1959 laid the groundwork for a system of compulsory arbitration. In 1960, a system of arbitration for minor civil litigation was adopted and implemented throughout Allegheny County largely through the patient and persistent efforts of the Association. Hillard Kreimer, Esquire, Arbitration Program Chairman, recently reported that shortly after the arbitration tribunals were established, nine hundred and eighty attorneys volunteered to serve as arbitrators without compensation. Under Order of Court, dated August 23, 1960, detailed "Rules for Arbitration" were promulgated by the County Court.171

One of the popular and widely acclaimed recommendations of

171 Ibid., December 3, 1958. For details concerning the implementation of the arbitration system, see Allegheny Lawyer, No. 12, September, 1960, p. 1. How long the lawyer-arbitrator will be willing to serve without compensation is a matter for some concern. Recently, President Judge Benjamin Lencher of the Allegheny County Court was prepared to ask County Commissioners for $100,000 with which to pay arbitrators. In order to preserve continuity, the lawyer-arbitrators have agreed to continue their splendid cooperation without any pecuniary compensation. Vol. 77, No. 139, The Pittsburgh Press, November 8, 1960.
the Association was adopted in 1959 when a resolution was passed calling for the passage of Senate Bill 556, which had been introduced in the General Assembly of Pennsylvania. The proposed legislation sought to end the alleged "Balkanization" of the legal profession by permitting a lawyer, admitted to practice before the Pennsylvania Supreme Court, to practice anywhere in the State. Under present practices, a lawyer can only practice in one of the judicial districts, which is usually coextensive with a county.\textsuperscript{172}

One of the more recent proposals dealing with the judiciary was submitted by Judge Henry Ellenbogen, of the Court of Common Pleas, and entitled: "Proposed; A Program for the Reorganization of the Courts of Allegheny County." In sweeping terms, the plan proposed the unification of all courts in the County with separate specialized divisions; abolition of the Allegheny County Court and appointment of a chief administrator for the court system. In order to expedite trials, it was recommended that additional judgeships be created, and that increased use be made of pre-trial conferences and conciliation, thereby keeping and settling more controversies outside the courtroom.\textsuperscript{173}

A bold public relations program, meant to inform and educate the public of the need for and availability of legal services, and the place of law in our everyday life, was undertaken during this period. Under the leadership of Thomas V. Douglas, Esquire, the program utilized television, radio, and the newspapers.\textsuperscript{174}

The Lawyer's Referral Service was successfully integrated into the public relations program which in turn emphasized the need to fully and wisely use all available legal services. The extent to which these programs complemented each other is evidenced by the vastly expanded use being made of the Referral Service.\textsuperscript{175}

Conclusion

Much could be written and said about the past activities, programs and policies of the Association. The past provides a basis for possible criticism and genuine well deserved praise. The present offers an opportunity for reflection. The Association is becoming a

\textsuperscript{172}\textit{Ibid.}, May 26, 1959.

\textsuperscript{173}\textit{Ibid.}, February 17, 1959. The proposal was referred to a committee of lawyers for their consideration and recommendation. M. B., A.C.B.A., May 17, 1959.

\textsuperscript{174}\textit{Ibid.}, October 14, 1955; December 15, 1955; May 10, 1956; December 3, 1958.

\textsuperscript{175}For an indication of the apparent success of the Referral Service, see the various detailed reports submitted by Louis Artuso, chairman of the program, and referenced in M. B., A.C.B.A., May 28, 1953; December 4, 1953; December 15, 1955; December 7, 1956.
large organization, made up of many members with varying interests and backgrounds. One thing is obvious—it is becoming an important institution in Allegheny County. Simultaneously, and less obviously—it is becoming the conscience and spokesman for the profession.

In our complex and demanding society, it is increasingly difficult for the at times insignificant individual practitioner to establish standards of professional conduct and performance that would serve to give him guidance in the daily pursuit of his profession. He must look to the Association, which to the extent that it fails to provide assistance, or caters to the interests of a special group, will dissipate a priceless opportunity—increasing the quality and quantity of legal services available to the public as a whole.

**APPENDIX A**

<table>
<thead>
<tr>
<th>Date Elected</th>
<th>President</th>
<th>Opposed</th>
<th>Vice President</th>
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<tr>
<td>March 4, 1910</td>
<td>Frank C. Osburn</td>
<td>No</td>
<td>William S. Miller</td>
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* The Association was inactive during this period.

** Charles C. Dickey refused to accept the renomination for the presidency. Thomas Patterson refused the nomination for the presidency and accepted a renomination for the vice-presidency.
<table>
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<tr>
<th>Date</th>
<th>Candidate</th>
<th>Yes Votes</th>
<th>No Votes</th>
<th>Position</th>
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<tr>
<td>March 3, 1911</td>
<td>William S. Miller</td>
<td>No</td>
<td>James Carpenter</td>
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<td>March 1912</td>
<td>William S. Miller</td>
<td>No</td>
<td>James Carpenter</td>
<td>No</td>
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<td>March 7, 1913</td>
<td>James Carpenter</td>
<td>No</td>
<td>Addison M. Imbrie</td>
<td>No</td>
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<tr>
<td>March 6, 1914</td>
<td>Addison M. Imbrie</td>
<td>Yes</td>
<td>Alexander Gilfillan</td>
<td>No</td>
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<td>March 5, 1915</td>
<td>Addison M. Imbrie</td>
<td>No</td>
<td>Alexander Gilfillan</td>
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<td>March 3, 1916</td>
<td>William S. Thomas</td>
<td>No</td>
<td>George E. Alter</td>
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<td>March 2, 1917</td>
<td>William S. Thomas</td>
<td>No</td>
<td>George E. Alter</td>
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<td>March 1, 1918</td>
<td>George E. Alter</td>
<td>No</td>
<td>R. A. Balph</td>
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<td>March 7, 1919</td>
<td>George E. Alter</td>
<td>No</td>
<td>R. A. Balph</td>
<td>No</td>
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<td>March 4, 1920</td>
<td>Rowland A. Balph</td>
<td>No</td>
<td>George E. Shaw</td>
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<tr>
<td>March 4, 1921</td>
<td>Rowland A. Balph</td>
<td>No</td>
<td>William S. Dalzell</td>
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<td>March 2, 1922</td>
<td>William S. Dalzell</td>
<td>No</td>
<td>Edwin S. Smith</td>
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<td>April 4, 1923</td>
<td>Edwin S. Smith</td>
<td>No</td>
<td>Alexander Gilfillan</td>
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<td>May 2, 1924</td>
<td>Edwin S. Smith</td>
<td>No</td>
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<td>May 1, 1925</td>
<td>Alexander Gilfillan</td>
<td>No</td>
<td>Joseph Stadtfeld</td>
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<td>May 7, 1926</td>
<td>Alexander Gilfillan</td>
<td>No</td>
<td>Joseph Stadtfeld</td>
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<td>May 6, 1927</td>
<td>Joseph Stadtfeld</td>
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<td>May 4, 1928</td>
<td>Joseph Stadtfeld</td>
<td>No</td>
<td>William S. Smith</td>
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<td>May 3, 1929</td>
<td>William W. Smith</td>
<td>No</td>
<td>Arthur M. Scully</td>
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<td>May 2, 1930</td>
<td>Arthur M. Scully</td>
<td>Yes</td>
<td>John G. Frazer</td>
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<td>May 1, 1931</td>
<td>Arthur M. Scully</td>
<td>No</td>
<td>John G. Frazer</td>
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<tr>
<td>June 6, 1932</td>
<td>John G. Frazer</td>
<td>No</td>
<td>W. W. Stoner</td>
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<td>May 5, 1933</td>
<td>John G. Frazer</td>
<td>No</td>
<td>W. W. Stoner</td>
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<td>May 4, 1934</td>
<td>W. W. Stoner</td>
<td>No</td>
<td>Andrew W. Forsyth</td>
<td>No</td>
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<td>May 3, 1935</td>
<td>W. W. Stoner</td>
<td>No</td>
<td>Andrew W. Forsyth</td>
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<td>May 1, 1936</td>
<td>Andrew W. Forsyth</td>
<td>No</td>
<td>Harold Obernauer</td>
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<td>May 7, 1937</td>
<td>Andrew W. Forsyth</td>
<td>No</td>
<td>Harold Obernauer</td>
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<td>May 6, 1938</td>
<td>Harold Obernauer</td>
<td>No</td>
<td>W. B. McFall</td>
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<td>May 5, 1939</td>
<td>Harold Obernauer</td>
<td>No</td>
<td>John G. Buchanan</td>
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<td>May 3, 1940</td>
<td>John G. Buchanan</td>
<td>No</td>
<td>James Milholland</td>
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<td>May 2, 1941</td>
<td>James Milholland</td>
<td>No</td>
<td>Chas. F. C. Arensberg</td>
<td>Yes</td>
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<tr>
<td>May 1, 1942</td>
<td>Chas. F. C. Arensberg</td>
<td>No</td>
<td>James H. Gray</td>
<td>Yes</td>
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<tr>
<td>May 7, 1943</td>
<td>James H. Gray</td>
<td>No</td>
<td>Albert C. Hersch</td>
<td>No</td>
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<tr>
<td>May 5, 1944</td>
<td>Albert C. Hersch</td>
<td>No</td>
<td>William H. Eckert</td>
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<td>May 4, 1945</td>
<td>William H. Eckert</td>
<td>No</td>
<td>T. F. Ryan, Sr.</td>
<td>Yes</td>
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<td>May 3, 1946</td>
<td>T. F. Ryan, Sr.</td>
<td>No</td>
<td>G. Dixon Shrum</td>
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<td>May 2, 1947</td>
<td>G. Dixon Shrum</td>
<td>No</td>
<td>W. Denning Stewart</td>
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<tr>
<td>May 7, 1948</td>
<td>W. Denning Stewart</td>
<td>No</td>
<td>Robt. Van der Voort</td>
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<tr>
<td>May 6, 1949</td>
<td>Robt. Van der Voort</td>
<td>Yes</td>
<td>J. Garfield Houston</td>
<td>Yes</td>
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<td>May 5, 1950</td>
<td>J. Garfield Houston</td>
<td>No</td>
<td>Elder W. Marshall</td>
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<td>May 4, 1951</td>
<td>Elder W. Marshall</td>
<td>Yes</td>
<td>Thomas N. Griggs</td>
<td>Yes</td>
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<td>May 2, 1952</td>
<td>Thomas N. Griggs</td>
<td>No</td>
<td>Louis Caplan</td>
<td>No</td>
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<tr>
<td>May 5, 1953</td>
<td>Thomas N. Griggs</td>
<td>No</td>
<td>Louis Caplan</td>
<td>No</td>
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<td>December 4, 1953</td>
<td>Louis Caplan</td>
<td>No</td>
<td>Harbaugh Miller</td>
<td>Yes</td>
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<td>December 17, 1954</td>
<td>Harbaugh Miller</td>
<td>No</td>
<td>Joseph A. Beck</td>
<td>Yes</td>
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<tr>
<td>December 15, 1955</td>
<td>Joseph A. Beck</td>
<td>No</td>
<td>Ira R. Hill</td>
<td>No</td>
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<tr>
<td>December 7, 1956</td>
<td>Ira R. Hill</td>
<td>No</td>
<td>J. Vincent Burke, Jr.</td>
<td>Yes</td>
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<tr>
<td>December 11, 1957</td>
<td>J. Vincent Burke, Jr.</td>
<td>No</td>
<td>T. W. Pomeroy, Jr.</td>
<td>No</td>
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<tr>
<td>December 3, 1958</td>
<td>T. W. Pomeroy, Jr.</td>
<td>No</td>
<td>John A. Robb</td>
<td>Yes</td>
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<td>October 29, 1959</td>
<td>John A. Robb</td>
<td>Yes</td>
<td>David Glick</td>
<td>Yes</td>
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<tr>
<td>December 7, 1960</td>
<td>David Glick</td>
<td>No</td>
<td>Wm. A. Challener, Jr.</td>
<td>No</td>
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</table>

*** Three candidates ran for Vice-President and received the following number of votes: T. L. Jones, 115; S. W. Pringle, 112; and E. B. Strassburger, 120. Inasmuch as no candidate had received a majority of the votes cast, the President under the by-laws exercised his right to name the vice-president and appointed the Honorable Robert Van der Voort.