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A Look at the Unified Bar for Maryland

J. DeWeese Carter

A LOOK AT THE UNIFIED BAR FOR MARYLAND

By J. DeWeese Carter*

Having been privileged to serve as President of the Maryland State Bar Association in the year 1964–65, and as a present member of a special committee[1] of the Association to investigate the advisability of unification of the bar, I have been afforded an insight into the possibilities for service to the profession that a truly representative organization — a unified bar — could accomplish. Believing that such a step is desirable and necessary at this time if the legal profession is to move forward and keep pace with our times and with the accomplishments of other professions in Maryland and the legal profession in other states, I have determined to set forth some of the pros and cons for a unified bar in Maryland and the reasons which have caused me to conclude that such a professional organization is presently advisable.

During colonial times and the early days of our Republic, the bar of this country was steeped in all the tradition and high public stature of the English barrister. Its members, who occupied a unique position of power and respect, were looked to for leadership and guidance on most questions of public interest. As a profession, the bar, a group representing the intelligence, character, and ability of the times, furnished a majority of the leadership in the formation and early development of our nation. The Maryland bar was in the forefront of that public position.

However, by the middle of the nineteenth century the legal profession had become embued with the philosophy of the new government that men should be free from restraint. This general attitude reflected itself in the relaxation of bar standards for admission and discipline within the profession, a factor which correspondingly lowered the respect and esteem of the public for its members. To combat this tendency in Maryland, the Maryland State Bar Association was founded in 1896 at the call of a committee of the bar in Allegheny County, with the purposes as set forth in article II of Maryland Bar Association Constitution, namely:

> [T]o advance the science of Jurisprudence, to promote reform in the Law, to facilitate the administration of justice, to uphold the standard of integrity, honor and courtesy in the legal profession, to encourage legal education, and to cultivate a spirit of cordiality and brotherhood among the members of the Bar.[2]

Chief Judge James McSherry of the Court of Appeals of Maryland and the first President of the Association said of the legal profession in Maryland in his presidential address:

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1. This committee is chaired by Vincent L. Gingerich, Esq., of the Montgomery County bar and Joseph S. Kaufman, Esq., of the Baltimore City bar.

2. 1 Transactions of the Maryland State Bar Association 13 (1897) [hereinafter cited as Transactions]. In 1965 the Maryland State Bar Association was incorporated and this purpose clause now appears in the third article of the Articles of Incorporation.

> I confess I feel a deep humiliation in admitting before an audience of intelligent and honorable Maryland lawyers that there is need of drastic measures to protect the Bar of our State from the contamination of incompetent and unworthy practitioners. But the fact that something must be done is conceded. . . . No Bar in the country has ever stood higher than the Maryland Bar. . . . What Maryland has done in the past she is capable of doing again.[3]

During the seventy years since 1896, the Association has grown from an initial membership of 185 to about 2800 today;[4] from 5 original committees carrying on its activities to 31 committees;[5] from a small budget to an annual budget of $71,000.[6] However, our profession and way of life have likewise changed drastically during this period. In evaluating the adequacy of the present Maryland State Bar Association, the question is not whether it has come a long way but rather whether it has come far enough to meet fully the needs of the profession in 1966 and whether its present performance as a professional organization measures up to its capability. The problem is well stated by Chief Judge Charles S. Desmond of the New York Court of Appeals:

> "Lawyers" wrote Samuel Johnson two centuries ago, "know life practically." The ineffable Sam from experience knew a lot about lawyers but if he meant that lawyers as a group are practical about their own interest, I must respectfully dissent. Like the proverbial shoemaker whose own children went unshod, the lawyer lets his professional house fall into disorder while he settles the problems of others. The separate trees of his daily job block his view of the ancient and noble, stately forest which is his profession. All this is a preface to a brief inquiry into the reasons why the lawyers of our northeastern part of the United States . . . reject or ignore the obvious benefits, individual and group, that would be theirs if they followed the lead of their brethren in twenty-seven of the United States, plus the Commonwealth of Puerto Rico (and England and Canada, too) into modern, all-lawyer, all-inclusive, lawyer-governed integrated state bars. The only real reasons I know of are the same ones that block other professional betterments: inertia, apathy, lack of accurate information and good old-fashioned aversion to any change at all.[7]

In 1914, Herbert Harley, secretary of the American Judicature Society, visited Canada in search of an effective means to bring about judicial reform in the United States. While there he had his first glimpse of a unified bar in action in the form of the law Society of Upper Canada. This and similar organizations in other Canadian provinces had their origin in the English Inns of Court, and like these

3. 2 TRANSACTIONS 64–65 (1897).
4. 1 TRANSACTIONS 25–29 (1897) and 70 TRANSACTIONS 98, 149 (1965).
5. 70 TRANSACTIONS 474, 487 (1965).
6. *Id.* at 3, 99 (1965).
7. Desmond, *Integration of the New York Bar?*, 13 SYRACUSE L. REV. 201 (1961).

Inns were composed of barristers who were compelled to belong and pay dues in order to practice. He was impressed with what he saw and the support which this organization had given to badly needed judicial reform in that country. He also saw possibilities for benefits to the lawyers themselves. In an address before the Lancaster County Bar Association at Lincoln, Nebraska, in December, 1914, he urged the lawyers of that state to unify to help themselves in their professional activities, to improve the administration of justice and to better serve the public. Thus was initiated the unified bar movement in this country. A few years later, the model bar act was published by the Society and approved by the Conference of Bar Association Delegates of the American Bar Association.[8] In 1921, after seven years of promotion, North Dakota became the first state to adopt a unified bar. Since that time, 26 other states and two possessions have done likewise.[9]

The unified bar in this country is a quasi-governmental agency acting as an arm of the judicial branch of the state government. All members of the bar must join and pay dues[10] as a condition of their privilege to practice law in the state. It may be established by either legislative act, or rule of court, or a combination of both.[11] In California, the State Bar was first established by statute in 1927 and in 1960 the voters approved a constitutional amendment making it a constitutional body, the first to be established on that basis.[12]

No two unified bars are precisely alike, although their general structures are similar. Their organizational structure resembles that of the American Bar Association. All have a president who holds office for one year. Presidents and other officers are elected, and many associations have a "work-up" system so that one attains the presidency only after one or more years of experience in other high office in the association. There are typically three levels of authority: the membership as a whole, which usually, but not necessarily, meets annually; a house of delegates or other representative policy-making body, which meets semi-annually; and a small executive committee or board of governors which meets quarterly or monthly and which is responsible for the organization's affairs between the larger meetings. Activities are carried on in the same fashion as a voluntary association, through committees and sections, the latter being semi-autonomous groups interested in a particular legal subject, such as taxation, criminal law, etc., electing their own officers and carrying on their own programs, subject

8. AMERICAN JUDICATURE SOCIETY, CITATIONS AND BIBLIOGRAPHY ON THE INTEGRATED BAR IN THE UNITED STATES (1961).

9. These states are Alabama, Alaska, Arizona, California, Florida, Georgia, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Puerto Rico and the Virgin Islands. See *supra* note 8. Additional states considering the merits of bar integration include Indiana, Kansas, New York and the District of Columbia. See address by Glenn R. Winters, Executive Director of the American Judicature Society, Midyear meeting of Bar Association of the State of Kansas, October 26, 1962.

10. "Ordinarily a lower fee is set for lawyers not in active practice." Desmond, *supra* note 7, at 202.

11. See 38 NOTRE DAME LAW. 115 nn.3-5 (1962), for a list of the state statutes, the court rules and the combination of both.

12. CAL. CONST. art. 6, § 1b (1960).

to approval of the policy-making body.[13] In June, 1961, the Supreme Court of the United States in *Lathrop v. Donohue,*[14] ruled that the unified State Bar of Wisconsin did not violate the first amendment guarantees of freedom of association.

That a unified bar speaks with a single forceful voice is one of its primary advantages. When the best interests of the public or profession require that the bar speak to the legislature, the courts or the general public, it is quite obvious that with authority to speak for the legal profession as a whole, that voice will carry more weight and respect than a voice representing only a fragment of the profession.[15] Candor compels us to acknowledge that this is the age of pressure groups of all descriptions.

A second advantage urged by proponents of a unified bar is the official status it attains by virtue of supervision from the highest court of the state. As an organized arm of the judicial branch of the state government, it, therefore, develops a relationship with and imposes its influence upon other branches and agencies of the state and national government to an extent which an ordinary, voluntary association can never achieve. In support of this benefit, U.S. District Judge Walter E. Craig of Phoenix, Arizona, wrote:

> It seems to me that the administration of justice in the United States and in the several states is a matter of dual responsibility with the courts on the one hand and the legal profession on the other. A unified bar has a greater formality in its structure and as a unit can contribute to a greater extent to the fulfillment of that responsibility in the administration of justice.[16]

A third advantage claimed by the proponents is the achievement of a more effective disciplinary program. To accomplish this purpose, a unified bar could furnish an official record of all lawyers in the state. Furthermore, it could bring into the fold those who may have a tendency to stray. The full psychological impact that would be felt by these members through the realization that their conduct was under close scrutiny by their fellow lawyers in the organization should have a beneficial and elevating effect on them and on the profession. In addition, while such an organization would not actually disbar lawyers, the customary procedure has been to establish a well-staffed grievance committee which is representative of the association and controlled by its members — as it should be. As the official arm of the judiciary,

13. *Supra* note 8 and Letters From Members of Numerous Unified Bars to Judge J. DeWeese Carter, 1965 (on file with the Executive Director of the Maryland State Bar Association).

14. 367 U.S. 820 (1961).

15. In a letter from H. H. Perry, Jr. to Judge J. DeWeese Carter, July 20, 1965, he stated that:

> [W]hile the organization [the Georgia Unified Bar] is yet too young [unification became effective January 1, 1964] to have a great many accomplishments, I believe that due to the State Bar the voice of the Bar is already much stronger in public affairs and that it has also contributed to the improvement of the image of the profession in the minds of the general public.

16. Letter From District Court Judge Walter E. Craig, President of the American Bar Association 1963–1964, to Judge J. DeWeese Carter, June 18, 1965, on file with the Executive Director of the Maryland State Bar Association.

the committee would have full authority to conduct investigations, issue subpoenas and otherwise act as an effective agency in disciplining members of the profession. Findings and recommendations of such a grievance committee are usually submitted to the highest court of the state for appropriate disciplinary action. Also, to an equally effective extent, the unified bar is able to police, detect and prevent the unauthorized practice of law by those who are not members of the bar.[17]

A fourth advantage derives from increased finances and membership. To expand the scope and intensity of the activities of the Maryland State Bar Association and thereby broaden the service to its members and to the public requires primarily an increase in manpower and funds. An increase in finances can be accomplished to some extent by an increase in the amount of the annual dues from those who are already members, but the number of members and the need to attract new members impose limitations on securing funds by this means. The opponents to a unified bar argue that both objectives of adequate finances and broad membership may be accomplished by persuading non-members of the bar to voluntarily join the Maryland State Bar Association in substantial numbers. An intensive membership drive through local committees in Baltimore City and several of the metropolitan counties by the 1964–65 administration of the Association increased its membership approximately 25% from 2000 to 2500.[18] Although the Association has continued to grow to its most recently reported size of 2787 members,[19] it appears unlikely that further substantial increase can be expected in the immediate future on a voluntary basis.

Under a unified bar, the mere fact that all attorneys will receive all publications and communications of the Association, probably including a monthly journal, should stimulate the interest of those who have not previously been active participants in bar organization. Furthermore, the economic burden of maintaining the official bar organization will be equitably shared by all members of the profession rather than only by those who voluntarily elect to belong. The theory underlying the equitable distribution of the financial burden similarly applies to services in promoting the activities.[20] In return, "it has been proved in other states where unified bars exist that such an organization has resulted in *increased income* to the bar through expanded and effective public relations programs, through public services and through the promulgation of information advising of the value of legal services in given situations. . . ."[21]

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17. See Fellers, *Integration of the Bar . . . Aloha!*, 47 J. AM. JUD. SOC'Y 256 (1964); Report of the Unified Bar Committee of the Tennessee Bar Association, *The Unification of the Bar*, 31 TENN. L. REV. 34, 38–39 (1963).

18. 70 TRANSACTIONS 149 (1965).

19. Transcript of Proceedings of the Seventy-first Annual Meeting of the Maryland State Bar Association, July 7–9, 1966, p. 10.

20. In a letter from Ban R. Miller, a member of the Board of Governors of the American Bar Association, to Judge J. DeWeese Carter, June 18, 1965, he stated that the Louisiana unified bar has been able "consistently and continually to effect improvements in the administration of justice and in service to the members beyond anything which would have been or was possible were we not unified."

21. Report, *supra* note 17, at 39.

Finally, a unified bar is a significant step toward elevation of the public image of our profession and restoration of our rightful place as civic leaders and molders of community thought and action. Evidence of this benefit is implicit in the endorsement of such outstanding figures of the bar as the late Chief Judge John J. Parker of the Fourth Circuit Court of Appeals and the late Dean Roscoe Pound of the Harvard Law School. Judge Parker wrote that "in the last several years I have been all over the United States a number of times; and wherever integration has been tried the members of the Bar whose opinion is worth anything have unhesitatingly acclaimed it a success."[22] Dean Pound in 1945 stated that:

> To have our practicing lawyers united in an Association for the purposes for which voluntary bar associations now exist is a great gain for the profession and for the law. Originally a profession was a body of men living together and professing a common calling as a learned art in the spirit of a public service. We need to keep as much of this idea of the profession alive as we can, and an integrated bar seems to be the most likely way to achieve it in this country today. I earnestly hope that Maryland may adopt the integrated bar.[23]

There is opposition to the plan, as evidenced by the fact that a substantial minority of the states do not have a unified bar. That compulsory membership and the payment of annual dues amount to coercion and regimentation is probably the objection most frequently voiced. In answer to this contention it may be said that a lawyer is necessarily a member of the bar and an officer of the court; otherwise, he would not be authorized to practice. The unification of the bar, therefore, does not compel him to join something of which he is not already a member. On the contrary, unification merely supplies an unorganized group, who are already members of the bar, with a constitution, by-laws, officers and committees without which any group of people are helpless to express themselves or take action. In regard to the compulsory payment of dues, the United States Supreme Court in *Lathrop v. Donohue*,[24] speaking through Justice Brennan, said:

> Both in purport and in practice the bulk of State Bar activities serve the function, or at least so Wisconsin might reasonably believe, of elevating the educational and ethical standards of the Bar to the end of improving the quality of the legal service to the people of the State without any reference to the political process. It cannot be denied that this is a legitimate end of state policy. We think the Supreme Court of Wisconsin, in order to further the State's legitimate interests in raising the quality of professional services, may constitutionally require that the costs of improving the profession in this fashion should be shared by the subjects and beneficiaries of the regulatory program, the lawyers. . . .[25]

22. 50 TRANSACTIONS 171 (1945) (Address of Frederick W. C. Webb, President 1945).
23. *Id.* at 162 (1945).
24. 367 U.S. 820 (1961).
25. 367 U.S. at 843.

The dues are no more than is required of many persons as an annual license fee in their trade or profession for promoting and benefiting the interests of their group.

In a related vein opponents argue that since the highest court of the state exercises supervisory control over the organization, official influence might be brought to bear on the actions of the organization. For example, the court may seek to limit the activities of a unified bar and thereby reduce its effectiveness. Recently, in the case *In Re The Florida Bar*,[26] Justice O'Connell in a concurring opinion considering the power of the Court to raise the maximum limit for annual dues stated:

> [A]lthough every person who would practice law in this State is required to be a member of The Florida Bar, this Court has no authority to require that dues in any amount be paid. While as a practical matter the duties imposed upon the Bar by this Court, and others accepted and performed voluntarily by the lawyers of Florida through the Board of Governors, require the collection and expenditure of dues this Court does not determine the amount of the dues, only the maximum that may be charged. The Integration Rule requires that the dues to be paid be set by vote of the membership of the Bar at its annual meeting.[27]

A third objection, especially prevalent in states where there are large, well-established, voluntary local bar associations, which complement the existing voluntary state association, in cities such as New York, Chicago and Philadelphia, is the jealousy of members of local bars toward the increased stature of a unified state organization and their reluctance to agree to any plan which might subordinate them to such an organization. These thoughts and reactions might well be entertained by some members of the Baltimore City Bar Association, which has almost as many members as our state association, if the plan for a unified bar is seriously urged in Maryland. But experience does not justify this fear. For example, in California where the bar has been unified since 1927, in Michigan since 1935, and in Missouri since 1944, the local voluntary bars of Los Angeles, Detroit and St. Louis, respectively, have remained outstanding and flourishing organizations. A wise state bar association will certainly encourage and promote interest and activity in state bar affairs by all local associations, for even a unified state bar cannot extend effective leadership to the local level without the organized cooperation of the local associations. The fear that a unified bar would usurp the prerogatives of the local associations generally, and particularly in the selection of judges, has also been unrealized.

Another objection is that many of the non-members of the voluntary association are disinterested or undesirable and will remain so after being brought into a unified bar. In addition, apprehensions that this group through sheer force of numbers may be able to control and assume the leadership of the unified organization have been expressed.

26. 184 So. 2d 649 (Fla. 1966).
27. *Id.* at 651.

First, in regard to the objection of enlisting disinterested members, it has been found that "in state after state, integration has been followed by a tremendous increase in annual meeting attendance, and it has remained on a permanently higher level, symbolizing greater participation at all levels."[28]

Second, it seems reasonable to believe that if some members of our profession are not presently characterized as adequately competent they may well be assisted in becoming more interested and valuable members of the profession by association with other lawyers incident to their membership in the unified bar.

> The day will soon come when it will be everywhere conceded that any lawyer worthy of being permitted to offer his services to the public is worthy of being associated with his professional brethren in their professional organization, and any person who is not worthy of being so associated is not worthy of being permitted to practice law. . . . If he is not good enough for the other lawyers, then he is not good enough for his clients, either.[29]

Third, concerning the leadership of a unified bar, experience has shown that in any professional organization leadership is borne by those who are actuated by a high sense of duty and responsibility. Whether such individuals are to be found from the ranks of former members or non-members of the voluntary bar is a matter of no consequence to the future welfare of such an organization because the calibre, ability and interest necessary for bar leadership must exist in either case. Furthermore, the probability is that more effective leadership can be expected to emerge from a larger group with its greater numbers available for selection.

These contentions by the opponents of a unified bar are best rebutted by the failure of such conditions to materialize anywhere in the forty-five years of experience in the operation of unified bar organizations in this country. In *Petition of Florida State Bar Ass'n* the court stated that the "avowed opponents [of the integrated bar] have invariably become its ardent supporters and the strength of its enlarged membership and budget have enabled it to undertake many projects for the improved standing and strength of the bar that it could not undertake with a minority membership."[30]

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28. Winters, *Integration of the Bar — You Can't Lose,* 39 J. AM. JUD. SOC'Y 141, 144 (1956).

29. *Ibid.*

30. 40 So. 2d 902, 908 (Fla. Sup. Ct. 1949). In a letter from Chief Justice of the Supreme Court of Florida, E. Harris Drew to Judge J. DeWeese Carter, June 21, 1965, Chief Justice Drew, who served as president of the voluntary bar of that state prior to its unification, stated that:

> I have had a fine opportunity of observing the functioning of The Bar [under both systems]. . . . I would summarize my views by the assertion that it [the unified bar] has been an unqualified success and I am quite sure that there are few in this State who would return to the voluntary association.

Also see Desmond, *supra* note 7, at 202, which stated that:

> California experience destroys all the objections to bar integration. There is no "centralization" of control in any alien group, the bar is governed by elected representatives of the lawyer-members, and the local bar associations instead of withering after and because of integration, have grown in size and importance.

Assuming that the proponents of the plan are correct and that unification has been successful where adopted, we should then ask ourselves the questions: (1) is there a need for a unified bar in Maryland in 1966; and (2) would a substantial majority of the whole bar of this state likely approve such a plan at this time?

In answering the first inquiry we may well compare the size and status of our profession in Maryland with those of our sister professions. Within the recent past, the average income of members of the legal profession far exceeded that of any other. Today, the average income of the legal profession is third, having been surpassed by both the medical and dental professions.[31]

In view of this decline, it is appropriate to compare our professional organization with these professions which have moved ahead of us in personal income. The medical organization in Maryland has been a public body corporate since an act of the legislature[32] made it such in 1799 under the name of the "Medical and Chirurgical Faculty of the State of Maryland." It is authorized to issue and revoke licenses of physicians and has done so since its creation. Local regional medical associations throughout the state constitute an integral part of its structure. From a possible 3,850 practitioners in Maryland eligible to join this voluntary state organization, 3,500 are presently dues-paying members or approximately 91%.[33]

Noteworthy also is the fact that the national medical association has a membership in Maryland of about 2,600, or about 1,000 less than the state organization.[34] The dental profession has a statewide voluntary organization known as the "Maryland State Dental Association," having a membership of 1,183 or approximately 77% of the practicing dentists in Maryland.[35] However, the cost of membership in either of these organizations is significantly different from that in our association. In order to belong to their state organizations, physicians are required to pay dues to their local association.[36] Dentists, upon joining their state association, which requires membership in a local organization, automatically become dues-paying members of the American Dental Association.[37] Notwithstanding the greater expense for a physician or a dentist to belong to his state organization, the medical profession has approximately 40% more and the dental profession 25% more of their groups as members of their state organizations than the Maryland legal profession, which only has approximately 50% membership.

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31. Letter From the Washington Office of the American Bar Association to Judge J. DeWeese Carter, June, 1965. Median income in 1959 was $14,561 for physicians and $10,587 for lawyers. 88 MONTHLY LABOR REVIEW 250 (1965). For earlier data, see MACHLUP, THE PRODUCTION AND DISTRIBUTION OF KNOWLEDGE 80 (1960).

32. Act of Incorporation, ch. CV, by the General Assembly of Maryland, January 20, 1799.

33. Letter From John Sargeant to Judge J. DeWeese Carter, May 15, 1965.

34. Conversation With John Sargeant, Executive Secretary of the Medical and Chirurgical Faculty of the State of Maryland.

35. These figures for 1965 were obtained from the office of the Executive Director of the Maryland State Dental Association.

36. *Supra* note 34.

37. See the By-Laws of the Maryland State Dental Association ch. II, § 3A.

While these comparative figures are significant, the relative lagging pace of the legal profession in professional organization at the state level is best revealed by the membership of 1,000 more Maryland lawyers in the American Bar Association than in the Maryland State Bar Association in 1965.[38] A superiority of national over state membership of more than 50% was and still is by far the greatest variation between state and national membership in the country. In fact in early 1965, there were only three other jurisdictions where the interest of lawyers in the national association exceeded that in their own voluntary state organization; and in each of these instances, the difference was very slight.[39] In all other states which have a voluntary bar association, the membership in the state association exceeds that in the American Bar Association, usually by a substantial margin. A suggested explanation for the differential in Maryland is that many of the lawyers who are members of the Maryland Bar practice in the District of Columbia. However, the same condition would seem to be equally prevalent in adjoining Virginia, but no such difference exists in that state.

This situation indicates, clearly and convincingly, that the Maryland State Bar Association is failing to make the state organization as professionally attractive as achieved in other states. In addition, the facts make it apparent that a large majority of the lawyers in Maryland have believed they were afforded more professional benefit from membership in the American Bar Association than in the Maryland State Bar Association, in spite of greater local contacts and sociability which could reasonably be expected from membership in the state organization. Analyzing the present situation in Maryland, together with the substantial increase anticipated in both our civilian and professional populations in this state in this decade, a unified bar appears to be clearly needed at this time.[40]

In response to the second inquiry no one of course can predict with assurance whether a substantial majority of the whole bar would approve the proposal at this time. However, several factors point in the direction of approval. At the annual meeting of the Maryland State Bar Association in July, 1966, the Association, through the report of a special committee on bar unification, went on record as favoring a unified bar.[41] In addition, prior to this action, several local bar associations in large metropolitan counties or their executive committees

38. The American Bar Association membership of Maryland lawyers as of June 30, 1964, was 2,914 while membership in the Maryland State Bar Association as of January, 1965, was 2,025. See REPORTS OF AMERICAN BAR ASSOCIATION 1964, at pp. 510–14; Letter From Martindale-Hubbell, Inc., to Mr. Paul Schlitz, April 23, 1965.

39. *Supra* note 31.

40. In respect to anticipated state growth, the United States census figures show that during the period 1950 to 1960, Maryland was ninth in the country in percentage increase in population and tenth in numerical increase. The rise in population during this period was 750,000 persons with a present projected yearly increase of about 75,000. State of Maryland Newsletter — Department of Planning, vol. XVI, no. 7, July 1963. According to Mr. Paul Schlitz, Executive Director of the Maryland State Bar Association, the projected yearly increase of lawyers is estimated at about 250 per year. This means that we must also take into account in our future planning that both our civilian and professional populations are expected to continue to increase substantially. All of these factors collectively would appear to add up to an affirmative answer as to the need for unification of the bar in Maryland in 1966.

41. *Supra* note 19, at 125.

approved the principle of a unified bar.[42] Furthermore, at the 1965 mid-winter meeting, the Maryland State Bar Association unanimously approved a plan for a Clients' Security Fund.[43] Pursuant to this Association approval, the Maryland legislature at its 1965 session authorized the Court of Appeals to establish such a fund,[44] and accordingly, the court passed an order establishing the fund on March 28, 1966.[45] The fund will be financed by the imposition of an annual mandatory assessment on all members of the bar for reimbursement of losses caused by defalcations of Maryland lawyers. The basic purpose of the plan is to uphold the integrity and improve the public image of the profession, on the theory that we are a unit in the eyes of the public and the professional misconduct of one is reflected upon the reputation and public stature of all. The required payment of dues and basic professional purposes of an integrated bar are similar in their underlying philosophy to the provisions incorporated in the Clients' Security Fund; and therefore, the motives which prompted approval of this project should support an integrated bar. In addition, the success of unified bars in the twenty-seven states where they have been adopted in the last forty-four years should be persuasive enough evidence to convince even the most skeptical that such an organization does work and is truly in the best interest of all the members of the legal profession.

The process for achievement of bar unification is demonstrated in the history of the states where it has been achieved: first, the education of lawyers in the anticipated consequences; second, the endorsement by the Maryland State Bar Association which has already been accomplished; third, a concentrated campaign to sell the plan to non-members of the association. This writer firmly believes the proposition of a unified bar has sufficient proven merit that the best interests of the Maryland legal profession clearly justify and demand its adoption at this time. In the words of Chief Judge McSherry, "let us bring the *whole* Maryland Bar back to the exalted standard of former days, and let us elevate it to the equally high position which its acknowledged leaders at this time occupy and then the proudest and most distinguished encomium which can be spoken of each of its members will be to say of him 'he is a *Maryland* lawyer'."[46]

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42. *Id.* at 137. These local bar organizations are Prince George's County Bar Ass'n, Montgomery County Bar Ass'n, Baltimore County Bar Ass'n, Worcester County Bar Ass'n, the Baltimore City Junior Bar Ass'n, the Charles County Bar Ass'n and the Caroline County Bar Ass'n.

43. 70 TRANSACTIONS 15 (1965).

44. MD. CODE ANN. art. 10, § 43 (Cum. Supp. 1965).

45. The Daily Record, August 6, 1966, p. 6, cols. 4–7.

46. 2 TRANSACTIONS 64–65 (1897).