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by Charles L. Ruffin

Unified Bar the Result of Patience, Persistence, Hard Work

Third in a series of historical accounts in observance of the 50th anniversary of the State Bar of Georgia.

Fifty years ago this month—on Dec. 6, 1963, to be exact—the justices of the Supreme Court of Georgia signed an order establishing the

State Bar of Georgia. To begin this landmark year of historic observance and celebration, I invited our new Supreme Court Chief Justice Hugh Thompson to speak during my swearing-in ceremony at the Annual Meeting in June and tell us about the Bar's

formation, the Supreme Court's role in its creation and what it all has meant to the legal profession, the justice system and the people of Georgia.

"The process required patience, persistence, hard work, and in the end, an aligning of the stars—with the right people in the right positions at the right time."

As Justice Thompson reminded us, the unification of the Bar did not occur overnight. It required action by not just one body but five—namely the Board of Governors of the Georgia Bar Association, the state House of Representatives, the state Senate, and the executive and judicial branches of state government. This was clearly not going to occur in one fell swoop, and it did not.

In the 1920s, the Georgia lawyers who first broached the subject of a unified bar had no idea it would take some 40 years for it to become a reality. The process required patience, persistence, hard work, and in the end, an aligning of the stars—with the right people in the right positions at the right time.

This effort was born from a growing belief among lawyers that to enhance the law profession, we needed uniform standards and disciplinary procedures. Back then, if a lawyer needed to be disciplined, it was up to the local judge. The voluntary bar association had been in existence since 1883, but since membership was not required of all lawyers, it lacked power.

The Georgia Bar Association embraced the unification concept in principle at its 1926 Annual Meeting and charged its Committee on Incorporation of the Bar (appointed the previous year) with drafting suitable legislation for presentation at its next meeting. After a series of deferrals in consideration, the bill was referred back to the Committee, where it remained until 1933, when President Marion Smith of Atlanta revived the issue.¹

The legislation known as the "Georgia Bar Bill" was first introduced in the General Assembly in 1935. It passed the House of Representatives easily (by a vote of 141-11). But a lengthy debate ensued in the Senate, resulting in its defeat there. A subsequent effort in 1937 also fell short, and the proposal went back to the Bar Association's Incorporation Committee for further study. Then, as the country found itself gripped by the wars being waged abroad, interest was understandably diverted for the next decade.²

In 1949, future U.S. Attorney General Griffin B. Bell of Savannah, who was president of the Georgia Bar Association's Younger Lawyer Section (YLS) appointed a YLS Committee to Study Integration of the Bar, under the leadership of Thomas O. Marshall Jr. of Americus, a future chief justice of the Supreme Court of Georgia.³

In 1953, a report from the Committee on Jurisprudence, Law Reform and Procedure, chaired by John J. Flynt Jr. of Griffin, a future member of Congress, recommended that the resources, energy and influence of the Georgia Bar Association and its members be directed toward the passage of legislation. At the Annual Meeting a year later, they reported in part:

Of primary importance to this Committee is the matter of discipline of the members of the bar of Georgia. A properly constructed building is very dependent on a good foundation, and the starting point for discipline of members of the bar is to carefully screen applicants for admission to law schools. The present method of administering discipline and, if necessary, disbarment, is so cumbersome as to be almost useless. Integration of the bar should probably provide a better method of discipline but integration of the Bar is a matter of education of the bar for integration, and this is a long, slow process and there is a sharp difference of opinion as to whether or not the Georgia Bar should be integrated.⁴

In his 1959 annual address, Georgia Bar Association President Bob Heard pointed out there would be four major benefits to having a unified bar:

- Higher educational standards for the practice of law;
- Higher standards of ethics and disciplinary power controlled by lawyers themselves;

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- Increased influence and prestige because lawyers could now speak through one voice, the “organized bar”; and
- Higher economic standards for lawyers that could match the level of doctors and dentists.⁵

One could hardly argue with any of those objectives—unless, I suppose, you happened to be a doctor or a dentist. Unfortunately that year, the so-called “Bar Bill” again stumbled in the General Assembly despite an overwhelming pledge of support from lawmakers. On the morning of the vote, opponents were able to incite enough fear that the bill had to be withdrawn.⁶

But among leaders of the profession, support for unification did not wane. When the officers of the 1962-63 Georgia Bar Association were sworn in, they were faced with the decision whether to accept defeat or to mobilize another effort to unify. President H. Holcombe Perry of Albany, who would eventually become widely regarded as “the Father of the State Bar of Georgia,” was clearly on the side of trying again, writing, “. . . accomplishments of any lasting significance are not generally brought about by one leap. Success in achieving some desirable goal is usually an accumulation of planning and work that has gone before. Thus, the previous efforts, though unsuccessful, would of necessity be considerable benefit in the new attempt to sell the idea. There would have been a foundation in place upon which a new effort could build.”⁷

The first group to be dealt with was the Board of Governors of the voluntary bar association. The whole project could have been derailed unless a majority of Board members was convinced of its merits. And this was not easy, as an estimated one-third of Georgia’s lawyers at the time were opposed to unification. But following a series of luncheons around the state to win Board members’ support for the plan, in November

1962, the Board voted unanimously for its approval.⁸

The next hurdle was the General Assembly. Legislation was carefully drafted and introduced in the Senate, where it easily passed. But it was soon evident that there was real opposition in the House.⁹

It was fortuitous at the time that Arthur Bolton, who would go on to serve as Georgia’s Attorney General, was the floor leader for the new governor, Carl Sanders. It was also fortunate that George Busbee, who later served as governor, was an assistant floor leader. Both men were avid supporters of the legislation.¹⁰ The 40-day session progressed, and finally on the fateful day of March 4, 1963, the bill passed by a margin of 127 to 53.¹¹


It also didn’t hurt that Gov. Sanders supported the legislation. Despite the measure’s controversy, the governor never wavered in his support for it. On March 11, 1963, he signed the bill into law.¹²

The proposal then faced its final hurdle, that being the Supreme Court of Georgia. The decision was no slam dunk. The court provided ample opportunity for opponents of unification to state their case, and the justices carefully considered all points of view and possible ramifications before signing their order on Dec. 6.¹³

With the court’s order and the enactment of the legislation, it did not take long for the benefits of a unified Bar to become readily apparent. As Chief Justice Thompson concluded at the Annual Meeting, not only has the unification of the State Bar of Georgia strengthened the legal profession’s ability to protect the public through the regulation of discipline and the institution of mandatory continuing legal education, fee arbitration and many other progressive efforts, but it also has given the lawyers and judges of this state a unified voice in furthering the interests of the profession and the court system.

In a 2011 interview for the *Georgia Bar Journal*, Gov. Sanders said, “I

think that has been a tremendous benefit to those who practice law, as well as the companies and individuals who use the services of lawyers here in Georgia. We wouldn’t have a very good situation if we didn’t have an organized Bar, one that could not enforce the rules and regulations. It’s made a heck of a difference, and it’s a wonderful history when you consider from where we started and where the State Bar is today. I am glad I have seen the Bar grow and become more effective. Those of us who are in the field of law ought to be proud we’ve got an organization we can support and one that can discipline anyone who doesn’t abide by the regulations. I’m proud of what I did then, and I’m proud of what the State Bar has become.”¹⁴

A half-century later, the 45,000-plus members of the modern State Bar of Georgia are all grateful for the patience, persistence and hard work of our predecessors. 

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Endnotes

1. Jennifer M. Davis, *A Walk Down Memory Lane* (State Bar of Georgia Annual Meeting Special Program, 1996), 13-14.
2. Davis, 14-15.
3. Davis, 17.
4. Davis, 18, citing *Report of Proceedings of the Georgia Bar Association* (1954).
5. *Report of Proceedings of the Georgia Bar Association* (1959).
6. Davis, 22.
7. H. Holcombe Perry, “The Organization of the Bar,” *Georgia State Bar Journal* 20:3 (February 1984), 116-117.
8. Perry, 118.
9. Perry, 119.
10. Perry, 119.
11. Perry, 120.
12. Perry, 119-120.
13. Perry, 120.
14. Cliff Brashier, “A Tough Decision, But the Right Decision,” *Georgia Bar Journal* 16:7 (June 2011), 9.