As lawyers, we often spend more time defending the profession than celebrating it. But as the ABA Section of General Practice—the very core of the profession—lights its 25th candle, it is time to celebrate.

As we reflect on our silver anniversary, we look to our past accomplishments and to the course we chart for the future. On the following pages we assess how we have implemented our plan thus far and how we might readjust our focus to look toward the next 25 years with even more promise.
25 YEARS OF COMMITMENT
to General Practice—
The Ultimate Specialty

Law and Justice start with the Constitution...

It is by mere chance that two such important events—the 200th anniversary of the U.S. Constitution and the 25th anniversary of the General Practice Section—are occurring simultaneously. But both have little to do with luck, and a lot to do with vision, courage, and commitment.

In 1787, 55 determined men set out to draft a document that would protect the rights of individuals and guarantee freedom. While the four-month struggle often seemed futile, by mid-September perseverance paid off. Thirty-nine men signed the national charter, which for centuries has stood for liberty, equality, and justice. Eighteen of the original framers were lawyers. In fact, from the diversity of their constitutional interests—in civil liberties, taxes, commerce, trade, the military, and immigration—one might speculate that they were among the first American general practitioners who served a variety of clients and played a critical role in the birth of our nation.

In the early 1960s another pioneering group of lawyers also faced tough odds. Seeking to form an ABA Section of General Practice amidst an emphasis on specialized sections, in 1962 their commitment came to fruition.

Although chronologically the two missions are far apart, together they weave the fabric of law, justice, and society. And while there are some who today question the relevance of the Constitution or the general practitioner, that fabric has worn well.
Had the world not changed much in the last 200 years, we may not have needed a General Practice Section. But from the start, the Section has provided stability in times of change—striving to achieve a balance between the need to adapt and the commitment to traditional, grassroots practitioners.

The early '60s brought the first signs of the legal profession's unprecedented growth. Laws were growing more complex, the number of law school graduates was multiplying, and the list of partners' names atop a law firm's letterhead was growing longer. The sole practitioner, who comprised 68 percent of the private practitioner population in 1951, was losing its majority—dropping 8 percent by 1960, another 10 percent by 1970, and another 1 percent by 1980. The competition, complexity, and economic constraints facing practitioners threatened their ability to provide quality service to clients. Some lawyers retained their small practices quite easily; others succumbed to the big-firm bandwagon. But virtually no lawyer escaped the need to look for competitive strategies.

The ABA mirrored the outside world. The association was gaining status, the number of specialized sections was growing, and ABA leaders were increasingly coming from big-city firms. The urban general practitioner and the small-firm, small-town generalist felt unrecognized and unrepresented.

Although anxious to reap the rewards—information, inspiration, and interaction with colleagues—of the organized bar, ABA activities often left the generalist feeling more overloaded and tired than educated and inspired. "Going to an Annual Meeting was like a country boy going to the circus for the first time," explains Oscar Fendler, the Section's fifth chairman. "If someone asked you what you saw, you'd probably say, 'Gee, I don't know.' There was so much going on in so many different places, that you didn't know what to concentrate on."

The general practitioner, therefore, who most needed updates and practice tips to serve a diverse group of clients, was least able to get them.

According to the Section's pioneers, what general practitioners needed was one-stop shopping: an ABA section that provided basic practice information and addressed universal problems facing generalists. These lawyers also needed a forum in which they could share experiences and expertise, lobby for state and federal legislation, and be represented within the ABA itself.

There was another side to the story, however. Some ABA leaders felt that their sections already catered to the needs of general practitioners, fearing that a new section would duplicate committees and divisions already in place.

While fear of competition was a challenge these general practitioners knew well, the founders insisted that they were just trying to share in the benefit of the organized bar. "We weren't trying to replace other sections," Fendler says. "The big criminal lawyer would always be best-served by a specialized section."

According to Fendler, a general practitioner from Blytheville, Arkansas, the small-town generalist had very distinct needs. "We didn't have the billion-dollar corporate case, but we had a wealth of corporate law problems. We weren't representing the great antitrust firms, but we still had antitrust matters." He concluded, "They [the ABA] were the macrocosm, and we were the microcosm."

The special committee began its uphill battle to form a section in 1961, chaired by John D. Randall, Cedar Rapids, Iowa. His interest dated back to his term as ABA president, when he discovered that general practitioners were not being adequately recognized. That thought was supported one year later by John C. Satterfield, Yazoo City, Mississippi, then president-elect. Satterfield appointed a committee, which included: V.P. Crowe of Oklahoma City; Forrest Cooper of Indianola, Mississippi; C.B. Dutton of Indianapolis, Indiana; Clarence Kolwycz of Chattanooga, Tennessee; Robert Merrill of San Francisco; Ashley Sellers of Washington, D.C.; and Lowell Snor, Jr., and Jerome Weiss of Chicago.

As Randall saw it, the goal was not only to provide service and practice help to general practitioners, but also to recognize the solo or small-firm practitioner—the foundation of the profession—as a valuable contributor to the bar. What ultimately carried the day, according to C.B. Dutton, was the reality that small-firm practitioners "needed a home within the ABA"—still a key feature of the section today.

As past Section Chairman A.B. Conant concluded:

For 14 years, the Section has been my natural home in the organized bar. In no other section is there such devotion to the profession as a whole and such dedication to both the improvement and protection of the individual practicing attorney. In no other section, are the truly important issues facing us so painstakingly identified and so vigorously debated. Our successes in the House are legend, not only because of our consistently high-quality representatives, but, more important, because of our consistent ability to define and espouse the interests of the grassroots practitioner.

Thus the Section endures not only as the segment of the ABA and organized bar that manages change, but one that works to effect change as well.
Prepaid Legal Services
1969: The Section leads a successful fight to word DR2-103(D) of the Code of Professional Responsibility so as to prohibit a lawyer from cooperating with a “closed panel,” except to the extent that prevailing constitutional law requires. The Section’s study of prepaid legal services stems back to 1967, and the controversy between closed and open panels is resolved in 1974.
1977: The Section helps to establish Internal Revenue Code § 120, making prepaid legal services tax-deductible for employers. In subsequent years, the Section works to extend the tax exemption—due to expire again in 1987.
1979: Through a joint venture with the American Prepaid Institute (API), the section seeks to improve legal services by helping interested parties—lawyers, bar associations, banks, et al.—to set up prepaid legal services with private bar involvement.

Advertising
1975: The Section examines the ethical rules on advertising in an effort to improve them. In 1976 the ABA Standing Committee on Ethics and Professional Responsibility proposes sweeping changes—removal of restrictions. The Section takes a moderate position, and the House of Delegates rejects the proposal to remove restrictions.

Legal Clinics
1975: The Section proposes that the legal clinic is a practical alternative to lawyers providing service to middle-income clients, either free or at a reduced fee, and agrees to serve as a conduit between different clinics.

Specialization, Recertification
1969: The Section supports the position of the ABA Special Committee on Specialization against national certification, concluding that certification alone will not make legal services more available.
1974: As some states adopt certification programs and some lawyers advocate certification plans for all levels of the legal system, the Section (and the ABA Specialization Committee) urges adoption of the Florida plan. The Council approves in principle the ABA Special Committee’s report, and expresses concern about the effects of certification on general practitioners, the profession, and the accessibility of legal services.
1975: The Council adopts a resolution recognizing the need for lawyers to participate in CLE after licensing. Several committees begin working to draft a proposed plan for recertification.

Fair Debt Collection Act
1986: Despite the Section’s op-
position to the elimination of the Fair Debt Collection Practices Act (FDCPA), attorneys who regularly engage in consumer debt collection become governed by these debt collection laws. The Section argues aggressively, if unsuccessfully, that consumers were already adequately protected by state disciplinary procedures, and that the legislation could gravely affect the attorney-client relationship.

Legal Fees Equity Act
1984-86: Hearings for the Legal Fees Equity Act (S.1580) began in 1984, threatening to restrict the use of fee-shifting statutes to award attorneys' fees to prevailing parties against the government. Through the Section's diligent efforts and the help of civil rights groups, the bill is stalled. The fight to defeat the bill continues.

Delivery of Legal Services
1970: The Section begins exploratory discussions for a pilot project, through the Office of Economic Opportunity (OEO) Legal Department, using Judicare as a supplement to the OEO neighborhood approach.
1971: The Section recommends to the House policies and procedures for the formation of a Public Corporation for Legal Services, and urges expansion of OEO programs through use of independent attorneys.
1980: In the wake of the Legal Service Corporation’s (LSC) budget cuts of the mid-’70s, the Section proposes that the private bar be more involved in the delivery of legal services to the poor. The Section introduces a resolution to the ABA House of Delegates mandating that a portion of LSC funding be allocated to these private lawyer delivery systems. While initially opposed by the ABA, and greatly debated even within the Section itself, the resolution is adopted. The Section's extensive efforts—including developing demonstration models, and providing suggestions for the LSC study, mandated by Congress—eventually lead to LSC acceptance of the concept.

1983: The Section opposes mandatory pro bono, citing the hardship it would create for lawyers, and noting that it is a contradiction in terms.
1984: The Section leads the movement to increase compensation to indigent defense attorneys appointed by the court in criminal cases. In H.R. 4307, compensation was raised from $1,000 to $2,000 in felony cases, and from $400 to $800 in misdemeanor cases.

National Conferences
1969: At the ABA Midyear Meeting, the Section hosts its first National Conference concentrating on problems affecting lawyers, such as group legal services, use of nonlawyers, and certification of legal specialists.
1980: The Section is a primary sponsor of the ABA National Conference on the Role of the Lawyer in the ’80s, which focuses on the role of the general practitioner in the delivery of legal services and the future of the small-firm lawyer.
1982: The Section establishes a coalition of ABA entities to examine the problems of general practitioners and identify possible solutions. In 1983 the ABA Board of Governors authorizes establishment of a Task Force on the General Practitioner and the Organized Bar to study the plight of the general practitioner. The task force conducts focus groups in preparation for the next National Conference.
1984: The first National Conference on the General Practitioner and the Organized Bar is held in St. Louis. Leaders from 31 states develop 15 recommendations, which are submitted to the Board of Governors at the Annual Meeting in Chicago.
1986: The second National Conference on the General Practitioner is held in St. Louis, in conjunction with the Section’s first general membership Spring Meeting. Special emphasis is on professionalism, professional competence, and delivery of legal services.

State and Local Bar Network
1966: Creation of the Committee on Cooperation with State and Local Bar Associations.
1969: Creation of the Committee on State General Practice Organization.
1980: Formation of the Conference of State Bar General Practice Leaders (Constatbar) to provide a national forum for general practitioners to share views and ideas on programs and publications for the general practitioner and on the issues and problems facing the profession. First formal meeting of the conference was held in conjunction with the 1981 ABA Annual meeting in New Orleans.
1986: The first issue of Constatbar News is produced and mailed to state and local general practice leaders, aimed at opening channels of communication between state and local bar groups and the ABA.
1986: The Virginia and Missouri state bars form general practice sections, pushing the national total to 24. Only nine such groups existed in 1980 when the Committee on State and Local Bars was launched.

Professionalism
1980: In the Kutak debates—one of the section’s most successful battles—Section leaders strike a delicate balance between their responsibility as officers of the court and their dedication to clients. The Section fights to maintain accountability to clients and to protect their proper expectations of confidentiality, and leads the way to elimination of the proposed Model Rule of Professional Conduct that would have required lawyers to report certain client conduct. The Section’s proposed amendments to the Model Rules are adopted by the House.
1986: The Section represents general practitioners before the ABA Special Coordinating Committee on Professionalism of the...
Commission’s Report, striving to ensure protection of the public against the unauthorized practice of law and to recognize the positive aspects of service by lawyers.

**Court Process and Procedures**

1974: The Section’s Court Modernization Committee conducts a survey of state and federal appellate courts to determine delays in appellate procedures—including delays in both bringing a jury case to trial and in receiving a decision on appeal—and to develop methods for streamlining procedures.

1975: The Section’s Trial Advocacy Committee begins working with other ABA sections and the American Bar Foundation to survey judges’ assessment of the quality of trial advocacy in the courts and to determine remedial measures. The Section helps compile the survey lists, draft questions, and follow up on responses.

**Sole Practitioners, Small Firms**

1968: With the ABA Standing Committee on Economics of Law Practice, the Section develops a one-day symposium on law-office management for small firms to be presented to lawyers through county bar associations. The first presentation of the model program is at the South Dakota State Bar Association in June 1969.


1972: The Section formed its Sole Practitioners and Small Firms Committee (formerly called the Committee on Assistance to Sole Practitioners and Small Firms), whose charter is to provide “Ideas for Profit,” checklists, seminars, and other practice information for lawyers in small firms and solo practices in both rural and urban settings. The Section registers its commitment to address the unique problems and circumstances of the grassroots practitioner.

1983: The Section sponsors its first Sole Practitioners and Small Firms luncheon with speakers on “how to get and keep clients.”

1984: The Committee sponsors its first “Sole Practitioner’s Day” at a major ABA meeting, which goes on to become an annual event. Standing-room-only turnouts become commonplace.


**Military Lawyers**

1973: The Section creates a Military Law Committee, which becomes the ABA’s “home for the military”—regularly providing publications and programs for these constituents. Military lawyers respond favorably, posting record attendance at committee programs and luncheons.

**Minorities and Women**

1970: A special committee is formed to help black lawyers in urban neighborhoods.

1978: The first female council member is elected. Female general practitioners continue to be ac-
tive on the Section Council and in committee work, and the Section strives to promote women to top leadership positions.

1985: The Section is one of the first to respond to then-president-elect Bill Falsgraf's request to involve more minority members in Section governance by creating a Minority Lawyers Committee and appointing minority lawyers to chair and vice-chair positions. This begins the Section's dedicated plan to increase the number of minority lawyers in the Section, the organized bar, and the profession.

1986: The Section of General Practice elects a minority group representative as chair-elect. Increased minority representation as committee chairmen, division directors, and section leaders is a priority.

1987: The Section, along with other ABA entities, proposes to co-sponsor the Task Force on Minorities in the Legal Profession, recommending amendment of ABA goals and creation of a Commission on Opportunities for Minorities in the Profession. Included in the recommendations is a request for an ABA Task Force on the Role of Women in the Profession. Funding for the task force is under consideration.

Marketing
1984: By sponsoring a series of marketing programs, the Section steps to the forefront of the profession in recognizing the value of marketing to small-firm practitioners.

1986: The Section reinforces its commitment to effective marketing by forming a Committee on Marketing aimed at developing model marketing techniques, videotapes, and live programs for small firms and solo practices.

1987: A videotape on marketing is produced and available for sale to state and local bar associations and individual attorneys.

Programs
1966: The Section sponsors its first CLE program at an ABA Annual Meeting. It is the first of a long and successful series of seminars tailored to the needs of the generalist.

1967: The first national institute is presented in Dallas. It is a two-day program on taxation and various general practice subjects, featuring a presentation by Justice Tom Clark. Other national institutes follow.

1974: Videotapes of educational programs begin at the Honolulu Annual Meeting and continue as a popular means of disseminating program materials.

1983: The first Town Hall Meeting is held in San Antonio, Texas, in conjunction with the Spring Council Meeting. Local attorneys flock to hear educational programs and exchange ideas on the role of the organized bar.

1985: The Section broadcasts a program on negotiation at 36 teleconference sites through the American Law Network Teleconference. The huge success indicates a viable new way to bring helpful information to the constituents.

Publications and Resources
1964: The Section's first publishing effort, Law Notes, is launched in October, as a joint venture with the Young Lawyers Division (formerly the Junior Bar Conference). In 1980, the two groups separate: The General Practice Section continues to publish Law Notes, and the Young Lawyers Division begins publishing different articles in its magazine.

1966: Docket Call debuts as a two-page, typewritten newsletter, and evolves into eight-pages, typeset, one year later. By September 1971, it reaches 32 pages, with increased emphasis on practical articles.

1967: The book program begins with a monograph series on practice and substantive law subjects. Book development continues slowly, but picks up steam in 1985, when a New Publications Development Committee is formed.

1984: Client Update, the first client newsletter ever to be published by the ABA, is produced by the Section and made available by subscription to all ABA members. A favorable response indicates that this product fills a need among small-firm lawyers.

1986: Hotlines are formed to offer help to fellow general practitioners in specific substantive law areas. The first listing appears in the Summer issue of The Complete Lawyer, with a more complete, pullout listing in the Winter 1987 issue. Section committees become very active in publishing newsletters for their committee members.

Student and Young Lawyers
1970: The Law Student and Young Lawyers divisions are invited to appoint delegates to attend Council meetings. In 1972, these liaisons are granted the right to vote, and ABA members who join the Section before the end of their first full-year of admission to the bar obtain a reduction in Section dues for the first year. In 1973 the Council passes a proposal to increase law student participation, acknowledging that law students are "the lifeblood of the profession."

1973: The Subcommittee on Law Students and Legal Services for Indigents makes a comprehensive examination of the problems in law schools. Questionnaires are mailed to all U.S. law schools, and the final report is based on more than 1,000 responses.

1976: A Legal Education Committee is created. Its first project is to develop a pilot clinical course in general practice.

1982: The Section's committees on Basic Skills and Legal Education undertake to improve skills of new lawyers. The former seeks to develop an extra-scholastic, comprehensive program; the latter strives to develop skills curricula for law schools.

1986: The Section assists the Vermont Law School in developing a general practice curriculum. The New Lawyer Mentor Subcommittee is formed to provide new lawyers with a network of experienced general practitioners who can lend expertise and practice advice. A study begins on the possible use of existing lawyer referral networks.

1987: The first meeting of the Committee on Law School Centers
25 YEARS OF VISION

Supreme Court of the United States
Washington, D.C. 20549

CHAMBERS OF
THE CHIEF JUSTICE

Section of General Practice
American Bar Association
750 North Lake Shore Drive
Chicago, Illinois 60611

I warmly congratulate the Section of General Practice for its first quarter century of service to the legal profession.

We have witnessed in those 25 years an unprecedented growth of the profession in numbers, in specialization and in complexity. Through it all, the private general practitioner has remained the backbone of the profession, the person to whom most Americans turn for legal advice and representation. The Section's work in assisting the generalist in staying informed, well-managed and competitive in a rapidly changing profession is an important service, and I wish the Section well in the years ahead.

Sincerely,
[Signature]

Karen Danziger, former editor of The Compleat Lawyer, is a writer in New York City.

for the Study of the General Practice of Law is held, and a survey of law school curricula is begun.

Whoever said "the only thing constant is change" must have been inspired by the legal profession. But another constant is the Section of General Practice, which in its own transitional role—as manager, initiator, and predictor of change—works to keep those changes positive. And the challenges never halt. While decades-old firms are splitting and merging, East Coast starting salaries are on the rise again. The flurry of new questions follows: How can small or even midsize general practice firms compete with national firms that boast branch offices and several hundred lawyers? How can firms unable to pay top dollar compete for top-notch talent? This, on the backdrop of old queries that still linger: Where does the small-town general practitioner fit into the picture? How can the one-to five-person law firm survive?

But the Section of General Practice isn't daunted by these developments. In fact, we see them as further evidence that our constituents are the critical core of this nation's legal community.

As we see it, conglomerate law firms, in which expertise is spread among many, mean that clients will more than ever hunger for personal service provided by the sole practitioner who wears many hats. Furthermore, if starting salaries rise and preclude firms from accepting the small case, more of these matters will fall into the hands of the general practitioner.

We recognize that the demand for knowledge and competitive strategies presented by these constant changes, requires time, diligence, and deliberation on the part of our members. Thus, we see an even greater need for the work and energy of our Section.

We will not resist change or stop the search for new ways to help lawyers provide better and more efficient traditional legal service. And we're optimistic that each year our vision gets better. Having completed one quarter-century lap, we hope that general practitioners across the nation will be with us for the second round.

36

The Compleat Lawyer