

1875-1899

The Akron Bar Association

By Audrey Cielinski Kessler

They started with a handful of members and some lofty goals and ideals that February day 125 years ago. Much has changed since then, yet much has stayed the same. The automobile has replaced the horse-drawn carriage as a means of transportation. The telephone and e-mail have replaced the telegraph as a means of communication. Computers have replaced the pen and pencil and hot-metal type machines as a way to record and preserve information. Distances have shrunk as technology has expanded.

In some respects though, many of the issues that members of the Akron Bar

Association faced back in 1875 are little or no different than they are today, as the founding members sought to weed out improper judicial conduct and unethical behavior among members of their own ranks, secure a new courthouse to replace an old wooden structure and petition the state for more judgeships.

Plans for establishing a bar association for Akron lawyers were first broached at a meeting in the law office of Green & Marvin on February 12, 1875. Those present resolved to take the steps necessary to create a "permanent" association for Summit County.

The first order of business was to establish a committee to draft a constitution

and bylaws for the association. That task fell to Alvin C. Voris, N. D. Tibbals, William H. Upson, H. B. Foster, John J. Hall and George M. Wright. By February 20, the six men presented a constitution and bylaws – which called for the election of officers – to the fledgling organization's approximately 50 members. Voted into office were Upson for president, Sidney Edgerton for first vice president, M.C. Reed for second vice president, Tibbals for third vice president, Wright for secretary and Hall for treasurer.

The next order of business was ratification of the organization's constitution. That did not happen, however, until 13

(Continued on page 13)



In the early years, the Akron Bar Association included some of the people pictured above (one of three pages from the 1891 Summit County Atlas): Top row - Jacob A. Kohler, Sidney Edgerton, James D. Pardee; Second row - Ernest C. Housel, Charles R. Grant, Newell D. Tibbals, Edwin P. Otis; Center - Horace B. Foster; Third row - George W. Sieber, Andrew J. N. Wilhelm, Frank D. Cassidy, Rial M. Smith; Last row - William T. Sawyer, Samuel G. Rogers, Nathan Morse, John C. Frank.

(Continued from page 10)

months later on the first Saturday in March of 1876. It was then that the Bar Association formally espoused its guiding principles:

... to maintain the honor and dignity of the Profession of Law, to cultivate social intercourse and acquaintance among the members of the Bar and to increase their usefulness in aiding the administration of justice, and in promoting legal reform.

As early as 1900 the Bar Association began to put its principles into action. Concerned about allegations of misconduct by some Akron justices of the peace, the Bar Association decided to investigate, giving that responsibility to an Investigating Committee. The allegations, it turned out, proved to be true. Members of the Parsons and Burch law firm were found to have been "under contract" with some unnamed justices of the peace and were receiving a portion of the fees the judges levied against defendants in their court.

By the 1920s, the Bar Association saw the need to create additional committees in order to fulfill the mandates of its constitution and what one would assume to be an increase in membership beyond the

50 or so charter members. They settled on four standing committees: membership, investigation, judicial and executive.

The Membership Committee was formed to review the qualifications of prospective Bar Association members and make recommendations regarding which applicants should and should not be accepted. The Investigation Committee, the forerunner of which was the panel used to uncover the alleged ethics violations among local attorneys and justices of the peace in the late 1800s, was to continue its original charge of weeding out misconduct and ethical lapses of Bar Association members. The Judicial Committee was responsible for matters related to the courts, including assessing the need for additional courts and judges. The Executive Committee was responsible for overseeing the daily operations of the Bar Association.

If the committees needed money to implement programs or activities, they would have been hard-pressed to get much from the Bar Association itself as the organization's coffers contained a mere \$450. But the committees were undeterred and pushed ahead with initiatives such as working to increase the number of judges in Summit County and creating a new court of appeals. The responsibility for both tasks fell, quite

naturally, to the Judicial Committee.

The propriety of lawyers endorsing judicial candidates was another thorny issue of the times and one in which the Bar Association became actively involved. Some in the legal community believed that such endorsements were inappropriate and could skew the outcome of an election. That sentiment prompted the Bar Association to pass a resolution declaring it unethical for any judicial candidate to solicit endorsements from lawyers. Candidates, could, however, present their names to the Bar Association, which then would review the candidates' credentials and make recommendations about which candidates were most qualified for the position of judge. The recommendations would be determined by a vote of the Bar Association membership on secret ballots.

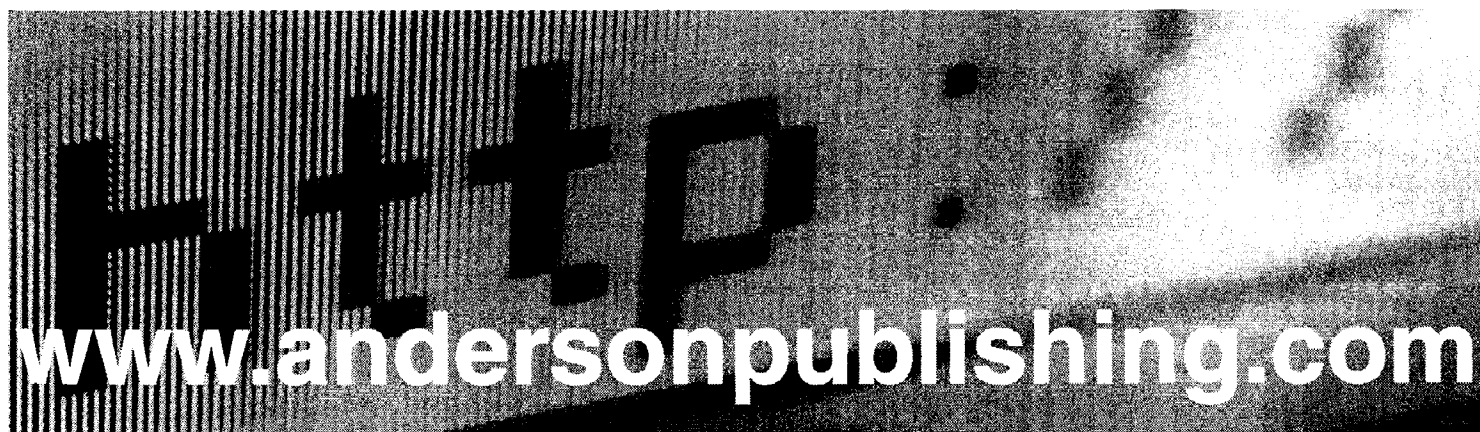
On a perhaps less contentious front, the Bar Association passed a resolution offered by Charles C. Brenner on September 15, 1923, that requested the establishment of a federal court in Akron, just two years before the Bar Association celebrated its 50th anniversary with a gala event that attracted 249 members.

The next decade was marked by widespread gambling and difficult economic times. Judge Claude V.D. Emmons, who

(Continued on page 14)

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125th Anniversary - 13

(Continued from page 13)

reached the state's mandatory retirement age in May 1973, recalled in the Bar Association's *Examiner Magazine* that when he was a municipal judge, gambling was a "problem" and that Akron was "an open town around 1935 and 1936."

The Bar Association, however, apparently weathered the stormy decade, shifting its focus to municipal court both before and during World War II. Municipal court in the early '40s faced the dual problem of overwork and overscheduling. The Bar Association responded with recommendations that included no changes in jurisdiction or the right to appeal and the provision that all appeals be subject to a statute known as the Appellate Procedure Act. The Bar Association further recommended that enough judges be added to the municipal court system to make a total of four judges, one of whom would be elected to serve as presiding judge. Each judge would continue to serve a four-year term and would be barred from running for elective office except for the last year of the four-year term.

The flurry of Bar Association activity during the war years occurred on other fronts as well, with the Bar Association turning its attention at one point to the

application process for notaries public. A Bar Association committee looking into that process adopted the practice of reviewing all applications for notary public commissions for evidence that the person requesting the commission has sufficient knowledge about the work to be performed and the responsibilities the commission confers, a practice that continues today. Adoption of the review process is said to have made a dent in the unauthorized practice of law and strengthened county residents' confidence in the qualifications and abilities of notaries public.

Given the level of demand for legal assistance during the war years, the Bar Association anticipated the need for legal assistance to those who could not afford to pay for legal counsel. The Bar Association, however, rejected the idea of a formal legal aid society, deeming it unnecessary at the time. It opted instead for a legal aid and reference bureau which, in the year before the service turned 50, handled 5,700 referrals throughout the greater Summit County area. Fifteen percent of the referrals resulted in the attorney being retained. The bureau was charged with providing referrals to area lawyers for persons involved in relatively minor matters, enabling them to retain legal counsel at a

nominal charge.

Another facet of the bureau's responsibility was the provision of legal services to persons who were unable to afford even a nominal fee. Interest in both referrals and free legal aid was high with, for example, a combined total of more than 400 such cases being handled in 1949, just one year before the Bar Association's 75th anniversary.

The need to provide legal services to indigents who have been accused of breaking the law was expanded on June 12, 1972, after the U.S. Supreme Court ruled that such services must be provided not only to persons involved in felony cases but also to persons accused of misdemeanor offenses that could lead to a jail sentence. Before the court ruled in *Argersinger v. Hamlin*, indigent misdemeanants were assigned a court-appointed lawyer to represent them. Because of the large number of misdemeanor cases that were said to arise each year, the court's ruling was seen as having the potential to be extremely expensive, prompting the Bar Association to study the matter with an eye toward obtaining federal funding to help implement the federal ruling.

Shortly thereafter, steps were taken to comply with the court's ruling. By

(Continued on page 16)

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(Continued from page 14)

October 1, 1972, attorney Paul F. Buzzi began an 11-month appointment as the misdemeanor legal defender for Akron and Summit County, with funding provided by a federal grant to the Summit County Criminal Justice Commission and in-kind services provided by the Bar Association.

Further refinement of the indigent-services program occurred in 1973 with the Bar Association's plans to implement by July 1 a public defender program that would rely not on volunteer lawyers but on a group of five full-time attorneys, two full-time investigators and two legal interns. Funding was provided by \$160,000 of a \$214,000 federal grant. The remaining \$54,000 was earmarked for a new bail-bond project. That program allowed for the use of signature bonds for offenders deemed at low risk of fleeing and not appearing for trial if let out of jail without having to post a monetary bond. Private bondsmen opposed the plan, and some public officials were concerned that persons released on a signature bond would flee rather than return for trial. It was agreed, however, that the current system was unfair and that something different needed to be tried. The alternatives were that offenders would remain in jail because they cannot afford to post bond

and that by remaining incarcerated would perpetuate overcrowding in the Summit County jail.

Other activities during the war years centered on somewhat more mundane matters, including member luncheons with guest speakers whose topics typically covered nuts and bolts issues related to the practice of law.

The Bar Association's focus during the decade of the 1940s, however, went beyond strictly legal matters and the practice of law. Attention also was given to the Bar Association members' health and welfare with the introduction of group hospitalization and health and accident insurance and the establishment of a Welfare Fund with proceeds from notary fees paid in probate court. By the end of the decade, the fund totaled more than \$1,400.

To help members manage the financial side of a law practice, a minimum fee schedule was created and revised a number of times to keep the fees in line with economic conditions in the community. Akron attorneys also could count on the Bar Association to provide a list of secretaries and their qualifications when clerical help was needed either on a permanent or temporary basis.

Relations between area lawyers and the community was another concern of the

Bar Association. This resulted in initiatives such as a monthly program on local radio station WAKR on topics such as "Do You Need a Will?," "Should the Congressional Un-American Activities Committee Be Abolished?" and "Our Fair Employment Practice Law and the Proper Means of Enforcing Civil Rights." The radio program was supplemented with the establishment of a Speakers Bureau consisting of Bar Association members who would make presentations to community groups when requested and appear at high schools throughout Summit County on Constitution Day (September 17), a Bar Association-sponsored event that reflects the association's mission and the fundamental purpose of lawyers - supporters and defenders of the Constitution.

Near the end of the decade, the Bar Association's admissions committee was especially active, handling an "increased number" of applicants while also reviewing their credentials even more thoroughly than in past years. The reviews were done for each person who either applied to a law school or sought permission to take the bar exam. Typically more than 100 interviews were conducted each year, and the selected applicants' names were published in the local newspaper.

(Continued on page 19)

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Association
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(Continued from page 16)

By the decade of the 1950s, some members of the Bar Association figured prominently in the state bar association, including two members – Robert Guinther and Chester Wise – who served as president of the state organization. Member Paul Weick held the office of first vice president of the state bar in 1950, the year of the Bar Association's 75th anniversary.

It was also during the latter half of the decade that the Bar Association acquired an executive secretary, Marian Brock, in charge of operations beginning in June of 1948. The effect of these two events was an increase in Bar Association activities and services for Bar Association members. For example, some aspects of the Bar Association's committee work, while often neglected in the past, were now being completed. Social events also saw an upswing with the staging of an array of events that included dinner dances, golf tournaments and clam bakes. More recently, the executive secretary began preparing a monthly publication that included not only news about Bar Association events but also a summary of unreported decisions of the Ninth Court of Appeals. This newsletter eventually would evolve into *Examiner Magazine*.

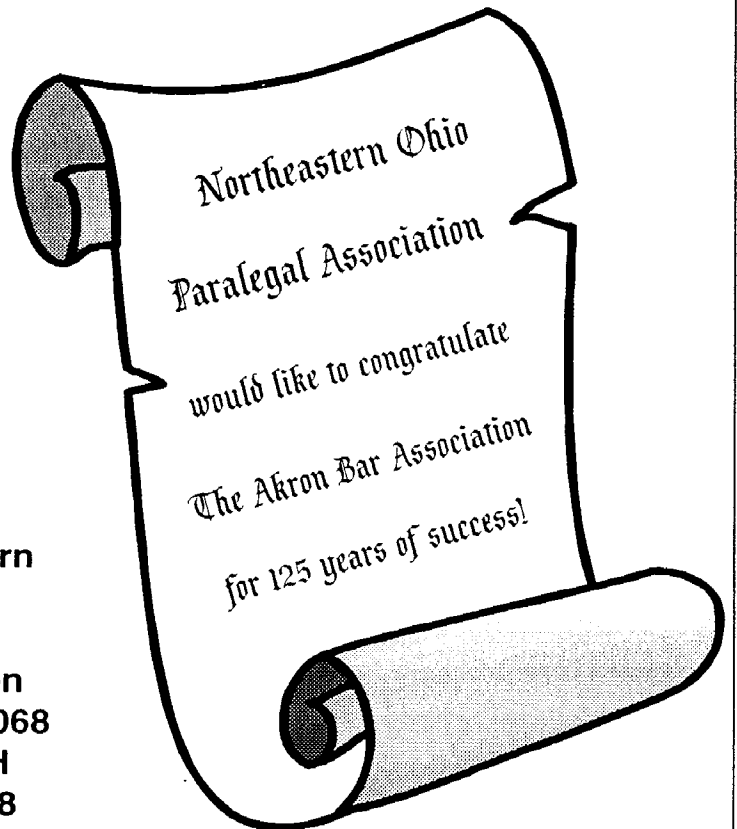
The Bar Association's next half century focused on many of the same issues – Bar Association committees, member benefits, judicial ethics, crowded court dockets – but also some new ones, including civil rights, race relations, civil disorder and the role and impact of technology on the practice of law in Summit County.

Civil rights and race relations were on the Bar Association's mind, as they were for many other groups and individuals during the 1960s, when it chose National Urban League executive director Whitney M. Young, Jr., to speak at the Bar Association's monthly luncheon on November 10, 1967. In addition to Bar Association members, Young's appearance drew several Akron notables such as Ninth District Court of Appeals Judge Oscar Hunsicker, municipal court Judge Joseph Roulhac, Community Action Council executive director William Fowler, University of Akron president Norman Auburn and persons from the corporate world and politics to hear what Young had to say on the "economics of civil rights." At the luncheon meeting, Young spoke about and dispelled what he described as the stereotypes that businesspersons have about blacks. He also expressed his displeasure with the racial distribution in Akron – one in which, Young said, 80 percent of the city's blacks are concentrated in two or three census tracts on the South and West sides of town

(Continued on page 20)



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(Continued from page 19)

— and its membership among the handful of U.S. cities that lack a school-integration plan. But he saw hope for the area as well in the recent election of a black candidate, Carl Stokes, as mayor of Cleveland.

On a less positive note, the Bar Association found itself embroiled in a controversy over alleged discrimination against blacks in February of 1972. Trouble arose when W. Howard Fort, a "widely known" Akron lawyer and a University of Akron trustee, was denied membership in the Akron City Club when he applied in the fall of the previous year. Only two of the organization's 12 board members voted against Fort's admission but, according to the organization's rules, that was sufficient to deny an applicant's request to join the 1,000-member organization of business persons and professionals. Following the negative vote, three members — including two from the board — resigned from the organization.

The Bar Association became entangled in the uproar because it held its meetings at the City Club. In support of Fort's application and amid accusations of racial discrimination against the City Club, a group of black Akron lawyers known as the Akron Barristers Club wrote to the Bar Association's executive committee, urging it to stop meeting at the City Club

until the club changed its ways and described the club as an organization undeserving of patronage from individuals and organizations who are "fair-minded and dedicated to the precepts of justice and equality."

The Bar Association took the charges seriously and investigated the City Club's admission policies; however, the outcome was not what the barristers group had wanted, with the Bar Association deciding to continue meeting at the City Club. Based on its investigation, the Bar Association said in a written report that it was not convinced that Fort's race was the only reason for the denial of membership in the club. It did acknowledge that Fort's reputation and credentials were sterling and on par with any member of the Bar Association and that other persons, including prominent persons in the community, have been denied membership as well.

The report added that the City Club was in the process of revising its procedures for membership applications to ensure that no future applicants are denied membership on the basis of race or color, though it did say that it found insufficient evidence to indicate that the club had a policy of racial discrimination. If any of the club's future actions should indicate the existence of such a policy, Bar

Association president Abraham P. Feldman said in a newspaper article in May of 1972, the Bar Association would be "deeply concerned."

For their part, the group of black lawyers who raised the discrimination issue said they would take a "wait-and-see" approach on whether the club made meaningful changes to its policies.

On the issue of civil unrest, the Bar Association fared better with minorities. When a week-long disturbance broke out on Akron's Wooster Avenue on the night of July 17, 1968, the Bar Association was ready with a plan to meet the legal counsel needs of persons involved in the disturbance. The plan involved more than 100 volunteer lawyers who acted as "neutral observers" during the disturbance and as defense attorneys for indigents arrested as a result of the confrontation. The plan also had guidelines for defending arrested indigents, bail-bonding procedures and observer teams to act as intermediaries between arrested persons and the arresting officers.

While the plan served the city well, the effort also caught the attention of the Akron NAACP, which responded by presenting the Bar Association with the civil rights organization's "Individual Achievement Award" in the area of civil

(Continued on page 22)

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(Continued from page 20)
involvement in race relations. Akron NAACP president Edwin L. Parmis praised the Bar Association for acting "quickly and forthrightly" to ensure that all persons involved in the Wooster Avenue incident who wanted legal representation were able to get it. And there were many who did. Of the 550 persons arrested, 110 were deemed indigent and were defended by volunteer attorneys. Overall, the volunteers logged more than 400 hours on the streets, at police headquarters, at the county jail and in juvenile court.

As tempers cooled and volatile incidents of civil disorder waned with the passing of the '60s and '70s, a somewhat more sanguine time emerged, allowing the Bar Association to shift some of its attention to other matters, including the role of technology in the practice of law.

Before the onslaught of computers and the Internet and other electronic means for transmission of information, the typewriter, telephone and what is popularly known as snail mail were the tools of choice.

The dawning of the so-called Information Age turned the world of communication on its head, making commonplace the use of e-mail, video conferencing, pagers, hand-held information-management devices and the posting of information on a Bar Association web site

launched in the middle of the last decade of the century. From the web site, the Bar Association's more than 1,400 members can access an array of information - everything from descriptions of the committees and practice-specialty sections to legal news releases, continuing legal education, member benefits and services, and upcoming events. Also provided is information of potential interest to the average citizen in search of legal information or services, including the Lawyer Referral and Information Service, its Speakers Bureau and the procedure for becoming a notary public in Summit County.

The impact of technology on the Bar Association and the practice of law remains uppermost in the minds of the Bar Association's leadership. In July of 1998, for example, the Bar Association's vice president at the time, Frederick Lombardi, cited as a goal for 1999 the positioning of the Bar Association at "the forefront of technology" among bar associations nationwide and in terms of communication between the Bar Association and its members. He saw electronic and interactive online communication as a means of serving the members of the Bar Association more quickly and with less effort on the part of the association's staff.

But the effect of technology reaches far beyond the confines of the Akron and other bar associations, including the state bar of Ohio. At a planning retreat for the

Akron and state bar associations in the fall of 1998, technology advances were seen as having multiple effects on the practice of law, including a demand from clients for a faster turnaround on projects, the standardization of legal documents and document assembly and the reliance of national companies on national, or so-called Internet, law firms that can cross not only regional but also state boundaries.

The changes wrought by technology were seen by Terrence Steele, a local attorney who attended the retreat, as "rapidly changing" the way law is practiced today and in the future. Steele predicted in a September 1998 *Examiner Magazine* article that as technology becomes more pervasive, it will redefine the nature of the service lawyers provide to their clients who themselves are becoming more technologically sophisticated. The lawyer-client relationship will be altered rapidly.

Lombardi echoed these sentiments in another *Examiner* article five months later as Bar Association president, noting the abundance and ready availability of technology in libraries and law-related sites on the Internet and the electronic delivery of legal documents and services. The net effect, Lombardi cautioned, is the creation of a chasm between lawyers and lawyers and their clients, nearly eliminating in-person contact and communication, much to the detriment of meaningful relationships.

Others, such as author Fred Schultz, view the rapid expansion of technology and its effect on the practice of law in a more optimistic and dynamic light. In an *Examiner* article in July 1999, Schultz described the use of hardware and software - for everything from word processing, accounting and contact management to databases, legal research and web sites - in the management of a legal practice as "essential to success" in an increasingly competitive profession, affecting not only an attorney's competitive position in the field of law and the quality and affordability of services provided but also something as basic as the dollars-and-cents bottom line.

As the Bar Association celebrates its 125th anniversary, the Akron Bar Association once again can expect to see many more changes in the scope and nature of the legal profession and the social and economic milieu in which decisions of mundane and momentous import must be decided.

Sources: *Akron Beacon Journal*; *Examiner Magazine*; *Akron Bar Association 75th Anniversary Program*; Web site of the Akron Bar Association; *Cleveland Plain Dealer*; *Order in the Court*, Stephen Paschen.

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