



In celebration of its 75th anniversary, the *Texas Bar Journal* will publish a different article from the archives every month. This article is from the January 1939 issue — one year after the *Texas Bar Journal* began publication.

## Its First Birthday – But the Journal has ‘Just Begun’

*This month as the Texas Bar Journal observes its first anniversary, it has “just begun to serve.” Voted down for seven consecutive years by the committees appointed to consider it, the Journal owes its existence chiefly to the ability and persistent efforts of the man who was President of the Association last year.*

*An example of the success of his undertaking lies in the fact that the committee chairman, who recommended less than six months before the first issue appeared that attempts to establish a state bar journal be discontinued, has been so completely convinced of its value that he goes into office this month as the first editor of the Journal.*

### Revised Constitution

Back in 1931, after considerable discussion at the Galveston convention, the Constitution and By-Laws of the Texas Bar Association were completely revised and amended. Among other changes termed radical at the time was a provision naming the standing committees of the Association, including a state bar journal committee. Prior to this time there had been discussion of a journal, but little or no action had been taken.

George E. Shelley, elected President of the Association at this meeting, appointed a committee of six, with W. W. Searcy of Brenham as chairman, to consider the publication of a journal. This committee did not file a report, and on the following year a new committee was named with F. M. Ryburn of Dallas as chairman. At a meeting in Corpus Christi in July, 1933, Mr. Ryburn reported that the Texas Law Review was found to fulfill the needs of the Association, and a monthly journal was considered unnecessary. Mr. Ryburn was reappointed for two more years, filing a similar report at the Houston convention July 4, 1935.

### Union of Effort

“The union of effort of Texas Bar Association with Texas Law Review is unique and distinctly a product of Texas,” L. Hamilton Lowe of Corpus Christi, then of Austin, reported in 1936. “An even more valuable work may be carried on by continuing this union and especially through the cooperation of the Editors of Texas Law Review with the Officers and Directors of Texas Bar Association by devoting more space in its regular publications for reports of District meetings of Texas Bar Association throughout the year, and in keeping the lawyers of Texas more directly in touch with the work and program of Texas Bar Association.”

In a dissenting opinion, D. A. Simmons of Houston declared:

“I think the committee has misconceived its function which, in my opinion, is not to make a short report every second or third year, but is to publish a bar journal every month. A small section in the back of a law school review published only in December, February, April and June does not fill the bill.”

### Last Opportunity

In 1937 it appeared that an opportunity for a bar journal had reached its last stage. D. A. Frank, then director of the Fifth Supreme Judicial District and chairman of the Board of Directors, was appointed chairman of the state bar journal committee.

“We see no necessity for the expenditure of any funds at the present time in the establishment of a bar journal,” Mr. Frank declared in his report, to which Douglas McGregor of Houston filed the only dissenting opinion. “It is our view that there is at present no demand for a bar journal, and that no special good can be achieved by continuing this Committee as one of the standing committees of the Association.”

### Committee Dissolved

This report was accepted and filed, and the committee was dissolved in spite of the disapproval of the Board of Directors. At the same meeting, held July 1, 1937, in San Antonio, Mr. Simmons, who might well be termed the founder of the *Journal*, was elected President of the Association. Having served on the executive council of the American Bar Association’s section on bar association activities, he had had an opportunity to see the value other states were receiving from their bar journals.

The *Texas Bar Journal*, he believed, should serve as a newsy publication and should not be concerned with the printing of scientific articles. Most of all, he saw the need for a journal among the average lawyers in the smaller communities who had no contact with the association during the year. At the first meeting of the Board of Directors for the new fiscal year, held in Austin, November 13, 1937, Mr. Simmons announced that he would like to take the personal responsibility of publishing a journal for the first few months. He had three full pages of advertising for the January issue, he said, and was sure that the *Journal* could be published for \$100 a month in addition to advertising revenue. The Board told him to go ahead.

### The First Journal

Single-handed, Mr. Simmons went about the task of getting out the first *Journal*, and on January 1,

1938, the twenty-eight-page Volume I, Number 1, was delivered to the 2,600 members of the Texas Bar Association.

"With the publication of this first number of the *Texas Bar Journal*, our Association has become articulate," he wrote in his initial editorial. "From a small beginning in 1882 the Texas Bar Association has grown to be one of the most active professional associations in this part of the country. The lawyer who fails to attend the annual meeting has difficulty in believing that the officers, directors and committees work steadily throughout the year, and he is prone to assert that the only activity of the Association with which he is familiar consists of mailing him two letters a year, one in the spring notifying him that his annual dues are payable and one in June stating that the annual meeting will be held somewhere the first week in July. The publication of the *Journal* is undertaken in part to eradicate this false impression, but more particularly to render a service to the profession in Texas. Its pages will be utilized for the publication of committee reports, for suggestions from the members, and, with your cooperation, to report local and district bar association activities and any other matter of interest to the bench and bar of this state."

### Proper Bow

The *Journal* made its proper bow in the legal field, having on the front cover a picture of the State Capitol and on Page 7 an article on the Supreme Court of Texas. Two departments which have proved most valuable to the *Journal* appeared in the first issue. One dealt with activities of the local associations, and the other with memorials to deceased members. Expressions from friends and families of persons to whom tribute has been paid in our memorial columns have convinced us that this department is indispensable. Other departments, including the columns for open forum discussion and personal mention, have been added since that time.

Ranging in size from twenty-four pages to the sixty-eight page convention number, the *Journal* has been delivered to members of the Association on the first day of each month since last January. An increased membership, subscriptions from leading law libraries all over the country, and exchanges with other bar journals and law reviews have caused the mailing list of the *Journal* to grow to its present 3,800.

The main objection to a bar journal for this Association was the cost of publishing it. But immediately after the first issue was distributed, Mr. Simmons reported the total cost of its publication to this association was \$14.87. At the last Houston convention, his

report as to the financial condition of the *Journal* showed a profit of approximately \$500 in seven months. Again at the end of the year, the same profit was reported, indicating that the *Journal* is more than holding its own financially, and any fears that it might prove a financial burden to the Association are unfounded.

This publication has met with a most favorable reception from bar associations and other professional journals throughout the country, as evidenced by comments published from time to time throughout the year.

"Permit me to say that I am firmly convinced that this is a most valuable and necessary publication," Mr. Lowe, a former bar journal committee chairman, said of the January issue. "It far surpasses anything I had expected from the first number." Mr. Frank declared that it was one of the finest activities the Texas Bar Association had ever embarked upon.

Perhaps the greatest compliment to be paid to the *Journal* is the fact that the membership has reached an all-time high of approximately 3,500. The lawyers of Texas seem to have taken a new interest in association work, and the *Journal* has become a real voice of the bar.

The executive secretary, William B. Carsow, was made business manager at the January, 1938, meeting of the Board of Directors, and since August the *Journal* has been published from the central office in Austin, where an editorial assistant has been employed. After much discussion, an amendment to the Constitution and By-laws of the Association was adopted at the July meeting in Houston, making the *Journal* the official monthly publication of the Association. It provided that an editor should be elected by the Board for the calendar year, and that he, with the consent of the Board, should appoint five assistant editors. Mr. Frank was elected editor when the directors met in October.

### Reached Great Heights

The *Journal* is with us to stay. In its first year it has reached heights even greater than those visualized by its founder and others who gave it support. But although its future may seem bright to the casual observer, there is a real challenge to the bar of Texas today. If the *Journal* is to grow as we expect it to — to be the journal of a great majority of the lawyers of Texas — it must have the unqualified endorsement and assistance of the bar. With the help of each individual member, the *Texas Bar Journal* of the future may be a publication to which every reader will look forward on the first day of the month for a glimpse into the lives and the work of his fellow lawyers.

The *Journal* has just begun to serve. **TBJ**



**D. A. Simmons**