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## THE FOURTH INTERNATIONAL CONFERENCE OF THE LEGAL PROFESSION

By

ROBERT D. ABRAHAMS\*

The Fourth International Conference of the Legal Profession, under the auspices of the International Bar Association, was held in Madrid, Spain from July 16 to 23, 1952.

It may be pointed out here that the association has come a long way since the first conference was held in New York City in October, 1947. At the Madrid Conference, lawyers of thirty-six countries were present. A number of national bar associations which had not been represented at the three prior conferences sent delegates. Newly welcomed bar associations included those of Switzerland, Japan and Portugal. There were thirty-five representatives from the Moslem countries, a strong delegation from the Philippines, and a large number of Latin Americans, in addition to the American, English, and Continental Europe delegates. There were no delegations from Russia, China, or their satellites.

The host bar association was the General Council of the Illustrious College of Barristers of Spain.

The sessions were held in the Palace of Justice, an ornate and somewhat garish building. The sessions were conducted in English, French and Spanish, and papers were presented on many subjects and in many fields of law, such as, "International Judicial Cooperation," "The Relationship Between the Executive and Judicial Powers," "National Monetary Controls Effecting International Trade," and in the fields of Domestic Relations, Copyright, Constitutional Structure of the United Nations, Code of Ethics, Trusts, and many others.

The writer had attended the Third Conference held in London in 1950. The contrast of the organization of the London and Madrid meetings was striking. In London, everything was exceedingly well planned. When a conferee registered, it took him on the average of only four minutes to do so. He then received a complete packet of invitations for all the events of the conference, as well as a set of the previously published papers in the field in which the conferee was especially interested. The business of the conference, as well as the social affairs program, moved with dispatch.

The muddle at the beginning of the Madrid Conference was incomparable. The average time conferees stood in line to register was over two hours. Many of the reservations and requests sent in advance had been mislaid or lost. Documents mailed from abroad, addressed to the conferees, were never delivered. The situa-

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tion became so ludicrous that a famous French professor of law, who happened to be standing in line when the writer attempted to register, exclaimed, "I am at least happy to see at least one country in which the inefficiency is even greater than in my own!"

It was not that the Spanish lawyers were inhospitable. They were very pleasant gentlemen indeed, but as a group they had much to learn in the way of organization.

The papers presented at the conference were of uneven interest. This is because any conferee of the International Bar Association may submit a paper on a particular subject whether or not he is an authority in that field. Some of the papers were by world famous authorities and were exceedingly interesting. A few of those by "would be" authorities showed a lamentable lack of research.

The translation service available in the conference was also uneven. In one session, attended by the writer, a Spanish translator suddenly arose in the middle of an interesting debate, exclaimed "I'm tired!", and walked out.

The topic, "International Judicial Powers," upon which no less than 24 papers were filed, brought an informative discussion, as a result of which the International Bar Association expressed itself in favor of the negotiation of treaties to improve the procedure for taking of evidence and service of documents.

Great interest also was shown in the topic, "The Relationship between the Executive and Judicial Powers." It became clear that all over the free world there is a trend to increase the power of the administration and to limit the powers of the Courts of Justice. The International Bar Association declared that the executive power should remain subject to the Rule of Law and that the legality of its acts should be subject to examination by independent judicial bodies.

There was a storm at the session concerning legal ethics when a member of the Spanish Bar made the suggestion that the Ministry of Justice should appoint a man to supervise the ethics of the Bar.

Fortunately for the honor of the Spanish Bar, many of the Spanish lawyers who were present demonstrated noisily against the speaker.

The session on legal aid, which was particularly informative to the writer because of his own interest in the subject, was somewhat uneven. Some interesting papers were read, and the session was brilliantly presided over by Sir Sidney Littlewood, one of the founders of the English legal aid plan.

By the rules of the conference, each session had a Spanish co-chairman. The co-chairman of the legal aid meeting, Don Juan Antonio de Zulueta, made an address which did not seem to some of us "Legal Aiders" to have much to do with legal aid.

The writer found it necessary to challenge statements by a French attorney with regard to the availability of French legal aid. Subsequent investigation in Paris proved French legal aid is not available to American citizens even though American legal aid is given freely to French citizens by all American legal aid offices.

Most of us were pleased to find there appeared to be a degree of free speech among members of the bar in Spain, exceeding that which had been reported by some visitors.

The social events of the conference, like those in London, were on a magnificent scale.

It is true that some of them failed of the effect for which they may have been designed, as when overenthusiastic guides in sightseeing buses attempted to attribute every good thing which had been done in Spain to the present chief of state, amid some laughter from English and American conferees, who inquired whether it was correct that Franco, not Columbus, had discovered America in 1492.

There also were slip-ups in the program, such as occurred on the visit to the Escorial, the famous monastery containing the tombs of the Spanish Kings.

Several hundred of us were taken out to the Escorial in buses for what was to have been a morning and afternoon program. The morning program worked out, but someone had apparently forgotten that the day was a national holiday and the buildings we had expected to visit in the afternoon were closed. However, the conferees organized an impromptu singing and dancing party which made for an amusing afternoon.

On another occasion we were driven to the ancient and charming town of Segovia. On arrival there we discovered that one of the best bull fights of the year was to be held that afternoon in the town. Unfortunately, no provision had been made for those who wished to do so to remain to see the bullfight. However, with the assistance of a Belgian lawyer, many of us managed to change our arrangements, and for those who enjoy bullfighting, it was a memorable afternoon.

When the final dinner of the conference approached, it became apparent that unless some system were organized, few would be able to register an intention to attend before the dinner was held.

A member of the English delegation gallantly stepped in and brought order out of chaos by serving as registrar for this event.

It might be thought from the above that the writer considers The Fourth Conference a failure. On the contrary, for most of the conferees it was a great success. Most of us learned much about lawyers from other lands and they learned about us. We learned to appreciate the character of the kindly, decent Spanish people and to sympathize with them in the "red tape" under which it is apparent

they must live their lives. Whether this "red tape" is the result of the present Spanish government, or a long heritage of Spanish tradition, it is not for a non-political observer to decide.

We also truly enjoyed the hospitality which was so freely offered to us, although critical of the organization of the conference itself.

If the International Bar Association is to become the great co-ordinated body which it could be, it must undertake to conduct its future conferences on an orderly basis, irrespective of the traditions of the host country. It must also find a means of selecting those who are to present papers, and of limiting those papers to lawyers who have a real contribution to make on the subject.

A system of simultaneous translation also is greatly to be desired, for the repetition is boring when each remark must be translated into two languages beside the original.

At all events, in only a few years of existence, the International Bar Association shows signs of becoming a permanent and important addition to the successful bar organizations of the world. There are growing pains, but there is growth.