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Report of Committee on Education

Paul V. McNutt

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Bloomington

REPORT OF COMMITTEE ON EDUCATION

PAUL V. McNUTT, *Chairman*

Your Committee on Legal Education begs leave to submit the following report:

The following matters were referred to this Committee by the Board of Managers:

1. How to secure observation of uniform admission rules.
2. Is a constitutional amendment necessary to protect the profession against the admission of incompetents?
3. The report of the Committee on American Citizenship of the American Bar Association on the study of the Constitution of the United States and of constitutional law in the schools.

The Committee on Legal Education for 1925-26 prepared a set of uniform admission rules. After approval by the Board of Managers, these rules were printed by the Association and distributed to the judges of the various circuit and superior courts with the request that they be made a part of the rules of the court. Copies were sent to all local bar associations with the request that the associations assist in procuring the adoption of the rules. These rules were adopted in comparatively few counties, in some of which the rules were changed to meet local ideas or were not observed after adoption.

In performance of the Association's self-imposed duty, your Committee prepared a set of uniform examination questions, which were sent to all authorized persons who requested them. The secretary of one local bar association stated that the questions submitted were too difficult and requested the committee to prepare a new set of questions immediately. Considerations of fairness to applicants in other counties and recognition of the desirability of uniformity prevented compliance with this request.

Your Committee believes that the rules are the best means of protecting the profession until a constitutional amendment is adopted; that they are, at best, a temporary expedient; that they have had a wholesome effect in the counties in which they have been adopted and enforced; and that adoption in all counties is desirable. It is recommended that the Association make a vigorous effort to procure the adoption and enforcement of the uniform admission rules in all counties, that the president of the Association be requested to write an official letter to all judges of circuit and superior courts, urging the adoption of the rules, and that the Committee on Legal Education be authorized to form a special sub-committee, consisting of one

member of the Association from each county, to procure and report on the adoption and enforcement of the rules.

The last general assembly proposed, agreed to and referred to the next general assembly the following amendment to the Constitution of the State of Indiana: "That the Constitution of the State of Indiana be amended by striking out all of Section 21 of Article VII."

Your committee believes that a constitutional amendment is necessary to protect the profession against the admission of incompetents. Although the proposed amendment is not in the form approved by the Association in 1926, it will accomplish the purpose. It is recommended that the Association approve and sponsor the foregoing amendment and urge the next general assembly to approve and submit it.

The report of the Committee on American Citizenship of the American Bar Association recommends fixing in the curricula of the schools of the country the teaching of the Constitution and making it an essential. Indiana has complied with this recommendation in full measure. The Acts of 1925, pages 284 and 443, contain the following provisions:

(1) "The teaching of the Constitution of the State of Indiana and of the United States shall be included in the regular curriculum of the public schools of this state, and shall be taught as a regular branch of instruction. In the elementary schools, the teaching of the Constitution shall be conducted as a part of the instruction in American history, and in the high schools as a part of the instruction in civics, or otherwise, as may be prescribed by rules and regulations which shall be prescribed by the State Board of Education."

(2) "The teaching of the Constitution of the State of Indiana and of the United States of America, shall be included in the regular curriculum of the public, private and parochial schools of the state, beginning with the sixth grade of the public, private and parochial schools, and continuing through each grade to and including the twelfth grade."

The school authorities have made an earnest effort to comply with the spirit of these requirements. Courses of study have been outlined by the Department of Public Instruction and are now being revised by committees, which have been instructed to give particular attention to the teaching of the Constitution. Teachers are required to take special courses dealing with the subject matter and methods of instruction before they obtain a certificate to teach. Courses are offered in the sixth and seventh grades and in the junior and senior high schools. Strict compliance with the requirements that the Constitution be taught in all grades from the sixth to the twelfth inclusive is impracticable because of other requirements. The present practice of teaching the Constitution in all phases of elementary and secondary education is in keeping with the recommendations of the American Bar Association and with the spirit of the statutory requirements.

The historical background and origins of the Constitution, the philosophy of individual and social rights which it embodies, the relationship which it establishes between the nation and the several states and the contribution which it has made to the science of government are subject covered in detail by courses offered by the history and political science departments of our colleges and universities. Some of the political science departments are offering introductory courses in constitutional law.

The Committee on American Citizenship also recommends that our law schools either require a strict preliminary examination on the Constitution or prescribe a thorough and exacting course of study. The Association of American Law Schools has given much time and thought to the matter of prelaw requirements and has come to the very definite conclusion that it is unwise to prescribe the details of the pre-legal curriculum, although courses in history and political science are suggested. For this reason, your Committee makes no recommendation as to a required pre-legal curriculum. However, your Committee heartily concurs in the recommendation that the law schools offer a comprehensive course in constitutional law. The two approved schools in this state, Indiana University School of Law and Notre Dame University College of Law, offer such courses. It is recommended that the Association urge all other law schools in the state to include such courses in their curricula.

(Signed) PAUL V McNUTT, *Chairman*,
JOSEPH G. IBACH,
JOHN S. McFADDIN,
WILL H. THOMPSON,
CONRAD WOLF,
ABRAM SIMMONS,
ED ADAMS.

On motion the report was adopted.

PRESIDENT VAN OSDOL. The Committee on Criminal Procedure has a report which will be read by the Chairman, Judge James A. Collins.