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Progress Under Uniform Admission Rules

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COMMENTS

PROGRESS UNDER UNIFORM ADMISSION RULES

There has been a significant advance in Indiana in the matter of requiring adequate training for men who purported to practice law.

The members of the Indiana State Bar Association believe in the standard of the American Bar Association, that admission to the bar is not a mere license to carry on a trade, but it is an entrance into a profession with honorable traditions of service, which every lawyer is bound to maintain. They understand that the legal profession is a public profession and that it exists not for the benefit of the lawyer, but for the benefit of the public.

Attention is called to recent cases showing the activity of the profession for higher standards. One of these cases is that of *State ex rel, Harrington vs. Fortune, Judge* decided on March 9, 1926, and the other is the matter of the application of William Axton in the Circuit Court of Vanderburg county.

In the first case the Indiana Supreme Court dismissed the request of Joseph Harrington of Jeffersonville for a writ of mandate to compel the Circuit Judge of Clark County to permit Harrington to have the rights and privileges of a practicing attorney in said court, holding that the said Judge had the right to seek an inquiry of the moral character of the applicant for admission to practice in his court instead of admitting him without the inquiry. Attorneys of the Clark Circuit Court who are members of the State Bar Association were assisted by members of the Board of Managers of the State Bar Association in upholding the stand taken by the Circuit Judge of Clark County.

In the Axton case the jury found in substance that a person who insists upon being admitted to the bar and who is not fitted by training to practice law, is not of good moral character. The jury in the latter case answered an interrogatory that Axton was not of good moral character under facts showing that he was not fitted by training to practice law.

There are doubtless other cases, but these two cases are the only two which have been reported.

Public esteem of the legal profession has risen in recent months since there has been such activity on the part of state and local associations. Heretofore Indiana has been generally looked upon as having the lowest educational requirements for admission to the bar of all the states of the union, but notwithstanding this the bar should feel encouraged. The newspapers of the state have given an enthusiastic approval and commendation, both in news items and editorials to the recent activity of the state and local bar Associations.

Among other statements one newspaper said: "So it is proposed that those applying for admission to the bar shall pass rigid examinations on legal fundamentals and that their names shall be posted for thirty days before they are admitted to practice. It is certainly time that something were done to clean up the legal profession. * * * * *The Bar Association having in mind the 'good moral character' of the constitution makes the point that those who sought admission to the bar on the ground that they are qualified, when as a matter of fact they are not, are not of good moral character. If this view should prevail there would be a considerable depletion in the ranks of lawyers. * * * * * How much harm has been suffered by litigants from the incompetents no one can guess, but it must be serious. The law is a skilled profession—it used to be a learned profession; that it has suffered from deterioration the lawyers themselves freely admit. Real learned and skilled professions ought to be practiced only by those fully qualified to practice them. An ignorant lawyer may do as much harm as an ignorant plumber. * * * * * We wish the association well in its very commendable effort to better conditions."

The committee on legal education of the Indiana State Bar Association adopted the uniform admission rules on October 14, 1925 and later in the same day they were adopted by the Board of Managers of the Association. Since this time many of the local bar associations have adopted the rules and many more are contemplating their adoption. There seems to be a feeling that the Bar Association is accomplishing the desired results and there seems to be a tendency to press forward along the present lines and not to wait for a constitutional amendment.

A former Attorney General of the United States recently stated: "It is amazing how difficult it is to get legislatures to improve the required standards for admission to the bar. An ignorant bar is perhaps the most expensive luxury a community can indulge in, except possibly an ignorant medical profession."

An indication of the feeling upon the part of some members of the bar is found in the following quotation from a letter recently received: "I personally deprecate the thought of the lawyers of Indiana asking for more legislation of any kind when we have been trying to teach the people of the state for twenty years that we already have entirely too much. It is my belief that the lawyers of Indiana can control the subject of admission to the bar without one line of legislation further than what we already have and without doing anything about the constitution. It might take us a little while to do it but it can be done and if it can, it ought to be done without going to the legislature about it. These are matters, however, for the wiser members of the bar to think out and decide upon. I am one of those who believe that whatever a person or group can do for himself

or itself, it ought to do without asking help from the state or anybody.”

The history of the “Lawyers Amendment” is stated in the case of *In Re Boswell* (1912) 179 Ind. 292, at pages 297 and 298, as follows: “The proposed amendment now before us, known as the “Lawyers Amendment” has been before the legislature for many years and has been three times submitted to the people for definite action. It has always received the approval of the General Assembly as required by article 16 of the Constitution and each time that it has been submitted to the electors of the state a majority of those voting on the question of amendment has been cast in favor of the ratification of it; but it has never received a majority of the qualified electors of the state as measured by the number of those voting at the elections at which it was submitted.”

In the light of the progress which has been made under the uniform admission rules it is a debatable question whether the association should make another attempt to amend the constitution at this particular time.

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