


6-1926

Admission to the Bar in Indiana

W. W. Thornton
Indianapolis Bar Association

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>

 Part of the [Legal Profession Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Thornton, W. W. (1926) "Admission to the Bar in Indiana," *Indiana Law Journal*: Vol. 1 : Iss. 6 , Article 3.
Available at: <https://www.repository.law.indiana.edu/ilj/vol1/iss6/3>

This Comment is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.

ADMISSION TO THE BAR IN INDIANA

At the first meeting of the Supreme Court, in open session, after the present constitution of the State of Indiana had gone into force, in open court a motion was made for the admission of a candidate for admission as a lawyer and the objection was at once made that he had not been examined concerning his legal qualifications as a lawyer. From 1805 until then all candidates for admission had had to pass an examination concerning their attainments in the knowledge of the law before admission.

The court at once, sitting on the bench in open session, held a conference, and the Chief Justice announced in open court that under the present constitution, it was no longer necessary to examine an applicant for admission to practice in the courts concerning his legal attainments in the law and legal qualifications as a lawyer and the applicant was at once admitted.

That was the first interpretation of the clause, "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice," by our Supreme Court; and it has maintained that interpretation ever since, except when it went off on a tangent and decided that a woman (before she became a voter) could be admitted to practice in our courts—a freak decision for which no lawyer of sound legal ability has any respect.

That was an interpretation of the plain and unambiguous language of the constitution, which has been acquiesced in for seventy-five years, and which interpretation has been acquiesced in by the bench and bar of this state for three quarters of a century.

The phrase, "good moral character," then had a definite meaning, and it has the same definite meaning now; in it there has been no change; no one can enlarge the meaning and no one can belittle it. Where the language of a statute or a constitution is plain and unambiguous there is no ground for construction; its plain meaning must be accepted. If the rule be not followed, we will have chaos in our laws.

The recent theory put forth that a man who applies for admission to practice when he has no knowledge of the principles and practice of the law is not a "moral" man is pernicious and is born of an ever growing desire to require all applicants to pass an examination touching this legal qualification to practice and if adopted will result in a clear violation of the constitution.

I say all this, notwithstanding I think an examination of applicants concerning their legal attainments is a most desirable thing; but I cannot acquiesce in the effort to place upon its constitutional phrase "good moral character" an interpretation not warranted by any rule of interpretation. This is an instance where the means does not justify the end.

What excuse can we lawyers give the public that we are willing to violate the constitution to reach a desired result? If we set the example before the public, what can we say of the public when it demands a violation of the constitution to reach a result it desires to attain?

W. W. THORNTON

Of the Indianapolis Bar.