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The National Bar Program

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THE NATIONAL BAR PROGRAM*

(A Digest of Progress)

Many bar associations are continuing to indorse the National Bar Program and to pledge their cooperation. Information concerning bar association approval appears in the following bar periodicals:

Missouri Bar Journal—Oct., 1933, p. 165.

Indiana Law Journal—Nov., 1933, p. 131.

State Bar Journal of California—Oct., 1933, p. 254.

Michigan State Bar Journal—Nov., 1933, p. 50.

Bar Briefs (N.D.)—Nov., 1933, p. 248.

Federation Bulletin—Nov., 1933.

Los Angeles Bar Association Bulletin—Nov., 1933, p. 69.

“National Bar Program of American Bar Association,” by Jefferson P. Chandler, of the Los Angeles Bar, Chairman of the American Bar Association Committee on Coordination: 8 State Bar Jr. of Calif. (Nov., 1933) 257. This article sets out in full the plans and aims of the National Bar Program, its history and background, and the machinery being set up for its successful execution.

I. LEGAL EDUCATION

“The Frontier of the Law—Suggestions for Improvement in Legal Education,” by Orvill C. Snyder, Dean of the Columbus College of Law: 11 The Law Student (Oct., 1933) 1. An analysis of the major objectives of legal education.

“Higher Standards for Admission”—An editorial defense of stricter requirements, from the standpoint of the bar, the student, and the public: 11 The Law Student (Oct., 1933) 3.

* This digest of news concerning the National Bar Program is furnished by Will Shafroth, special assistant to the President of the American Bar Association.

"The Study of Law in Canada," by Lionel Westover, of the Victoria, B. C., Bar: 8 St. Bar Jr. of Calif. (Nov., 1933) 265. A brief historical survey of jurisdiction over admission to the bar, modern methods of preparation for admission, educational requirements, and fees.

The Bar Examiner for November, 1933, contains the following interesting items in connection with legal education:

"Program and Plans of the National Conference of Bar Examiners," by James C. Collins, former chairman of the Conference: Page 3. This article covers rather thoroughly the problem of the repeater, and offers a remedial plan for at least a partial elimination of this evil.

"The Pennsylvania System," by George F. Baer Appel, Secretary of the Pennsylvania State Board of Law Examiners: Page 10. An authoritative exposition of what has been considered by many perhaps the best system of handling admission problems in the country; educational requirements, discussion of which brings out the point that Pennsylvania is not yet ready to demand a college training as an absolute prerequisite for admission; the problem of limiting the number of re-examinees; character examinations and the preceptorial system; the growing tendency on the part of many counties to set a definite limit or quota on the number of applicants admitted within any particular period.

"Greece to Limit Lawyers"—a news item reprinted from the *New York Times*: page 23. The problem of overcrowding may soon be handled by dividing law practice into several classes, only a fixed number being allowed to practice before any one tribunal, though no limit is to be placed on the number of students who will have to wait for vacancies to occur.

The Alabama State Bar Association at its 1933 annual meeting unanimously approved the standards of the American Bar Association and recommended that the Board of Bar Commissioners of Alabama take steps to bring such standards into effect in that state. And the Virginia State Bar Association has also recommended that the State Board of Law Examiners fix a two-year college education as a requirement for admission. (Resolutions appear on page 24 of *The Bar Examiner* for November, 1933.)

II. CRIMINAL LAW AND ITS ENFORCEMENT

"Exterminate the Lawyer Criminal"—Editorial: 19 A. B. A. Jr. (Nov., 1933) 650. Pointing out the distinction between the lawyer criminal and the criminal lawyer, and the cooperative response of bar associations to the call of Attorney General Cummings to remove from the profession "the lawyer who really acts as the accomplice of the criminal elements." The following paragraph is quoted by the editorial from a letter to Attorney General Cummings by President Thomas D. Thacher of the Association of the Bar of the City of New York:

"As a member of the Association of the Bar of the City of New York, you must know that this Association is under a peculiar responsibility not only to the profession but to the public of this city to remove all such practitioners from the ranks of the profession, because it is recognized by statute and by the courts as the proper agency for presenting and prosecuting charges of misconduct before the Appellate Division and through its activities has assumed this responsibility."

The letter is printed in full and commented upon in the New York State Bar Association Bulletin for November, 1933.

"A National War on Crime"—by Homer Cummings, Attorney General of the United States: New York Herald Tribune for October 29, 1933. The sub-head describes the contents as follows: "With Federal and Local Government Officials Cooperating in the Offensive, the Army of the Lawless, From Kidnapers to High Finance Racketeers, Is Being Pushed Back on Many Fronts. Here the Chief of America's Law Enforcement Describes the Progress of the Battle." In addition to the success of Federal and Local cooperation in kidnap cases, the article also describes steps taken to provide adequate housing facilities for apparent incorrigibles, the building up of extensive fingerprint and crime reporting systems, and the need for the elimination of lawyers who actually aid the criminal classes.

"The Criminal Tide"—by Walter N. Thayer, Jr., M. D., New York State Commissioner of Correction: New York State Bar Association Bulletin for November, 1933, p. 421. Discusses the developments in penology through the use of the science of medicine, psychiatry, sociology, and education; the ineffectiveness

of severe punishment as a deterrent of crime, since every criminal is aware that 82 per cent. of all crimes committed in New York never even reach the sentencing stage; the need for a public enemy law "that would empower the court to sentence for from three to six months any individual with a known criminal record."

"Medical Testimony and Insanity"—by Clifford A. Wright, M. D., of Los Angeles: Second and concluding installment Los Angeles Bar Association Bulletin for October, 1933, p. 37. An analysis of judicial definitions of insanity, in the light of scientific fact; the cost of crime; a plan for the handling of sentencing, parole, and probation of qualified scientific experts.

"The Gunman and his Gun"—Andrew A. Bruce and Shurl Rosmarin: 24 Jr. Cr. L. and Crim. (Oct., 1933) 521. Legal and social implications of personal search without warrant, upon suspicion of gun-toting, or appearance of night prowling; a discussion of many decisions giving rise to the query: "Should not society be allowed some measure of self-protection?"

"Introducing the Offender to Institutional Routine"—James L. McCartney, Director, Classification Clinic, Elmira Reformatory, Elmira, N. Y.: 24 Jr. Cr. L. and Crim. (Oct., 1933) 584. Physical equipment of the Elmira Reformatory, the initial social history of the offender, psychiatric examinations, daily military drills, improvement charts, final classification for handling and treatment within the institution. "The examination of one thousand admissions to the Reformatory during the past year has shown that the intellectual level of these men is about the same as for the population as a whole."

"Bibliography on Training of Police"—by Dorothy Campbell, Bureau of Public Administration, University of California: 24 Jr. Cr. Law and Crim. (Oct., 1933) 591. Classified under such heads as Bibliographies, Books and Reports, Conference Proceedings and Periodical Articles.

"Uniform Crime Reports" for the United States and its possessions—Issued by the United States Department of Justice:

Quarterly Bulletin, October, 1933. Giving such information as daily averages for certain classified offenses, sex, age, and race distribution of persons arrested, etc.

III. UNAUTHORIZED PRACTICE OF THE LAW.

The Virginia State Bar Association has proposed the following bill for passage by the Legislature:

"Be it enacted by the General Assembly of Virginia:

"No person, firm or corporation shall advertise in any newspaper, any offer, direct or indirect, to draw any will, or have any will drawn, or to serve as personal representative or trustee under any will.

"Any violation of this act shall constitute a misdemeanor, and be punished by a fine not exceeding \$500.00."

A similar resolution, setting out in greater detail the grievances nursed by the bar against unauthorized practices, has been adopted by the Payne County Bar Association in Oklahoma and is printed in the Oklahoma State Bar Journal for October, 1933, p. 126.

The troubles encountered in endeavoring to meet the evils of unlawful practice through legislative processes is depicted in an article entitled, "The Bar Bill Relative to 'The Unauthorized Practice of Law' as Vetoed by the Governor, as Amended in Accordance With His Suggestions and Then Rejected by the House of Representatives": 18 Mass. L. Q. (Aug. 1933) 22.

"The Unauthorized Practice of the Law"—by Ralph T. Catterall, of the Richmond, Virginia, Bar: 19 A. B. A. Jr. 652 (Nov., 1933). An analysis of many cases, in an attempt to arrive at a coherent conception of the trend in judicial outlook upon unauthorized practices. Subheads: "Giving Legal Advice and Drawing Simple Contracts," "Corporate Charters," "Filing Claims in Bankruptcy," "Collecting Debts," "Wills and Deeds of Trust," "Title Insurance and Kindred Topics," "The Rights of a Person to Act for Himself," "Remedies."

The State Bar Journal of California (October, 1933, p. 251) reports that at the 1933 meeting of the California State Bar a resolution was proposed that

"No attorney who, in the past two years, has received a retainer or fee from any bank having a trust department or from any title or trust company shall serve upon the Board of Governors of The State Bar of California."

"This resolution was defeated, the committee pointing out that the Legislature has fixed the qualifications of the members of the Board of Governors and such a resolution would be a useless act."

Another recommendation, that only attorneys should be permitted to practice before the Industrial Accident Commission, made at the same meeting of the California State Bar, was bitterly debated and finally referred for further study: (Id. p. 240.)

"Unlawful Practice Act is Upheld in Hennepin County"—Item in Minnesota Bench and Bar for October, 1933. Upon complaint against an individual charged with practicing without a license, the court concluded that "the plaintiffs were entitled to an injunction restraining defendant or his agents from: (a) Furnishing opinion as to the right to maintain an action against others. (b) Drawing contracts, releases and affidavits for others. (c) Furnishing legal services or advice to others. (d) Soliciting, settling or adjusting personal injury claims, or otherwise engaging in the practice of law * * *"

The Los Angeles Bar Association Bulletin (November, 1933, p. 51) goes into even greater detail in enumerating the acts which are the basis of the State Bar's pending proceedings against the Security-First National Bank of Los Angeles:

"After setting out in minute detail the acts of defendant which are alleged to constitute practice of law, the complaint charges that 'the practice of law by defendant, as herein alleged, has injured the property rights of plaintiff, the active members of the State Bar of California, and the People of the State of California'; that such injury is not susceptible of admeasurement in money; that successive actions for damages would result in a multiplicity of suits, that 'the practice of law by defendant, as alleged, is contrary to public policy and good morals,' and that 'plaintiff has no plain, speedy and/or adequate remedy

in the premises, in the ordinary course of law.' The prayer is for a permanent injunction, forever restraining defendant from practicing law."

Note also two important recent decisions on unauthorized practice by corporations:

(1) *Unger v. Landlord's Management Corporation* (Sept. 15, 1933) 168 Atl. 229 (N. J.).

(2) *The People ex rel. Thomas J. Courtney, Relator, v. The Association of Real Estate Taxpayers of Illinois, Respondent*: (June, 1933) In the Supreme Court of Illinois, Docket No. 21697—Agenda 2.

IV. JUDICIAL SELECTION

"Debate on Judicial Selection"—19 A. B. A. Jr. (Nov., 1933) 670. This is a summary report of the four-cornered discussion of the best method of selecting judges, the debate being participated in by Julius Henry Cohen of New York, Paul Lamb of Cleveland, Joseph O'Connell of Boston, and E. Smyth Gambrell of Atlanta, Georgia, speaking respectively on Executive Appointments, Bar Association Primaries, Direct Election of Judges, and Miscellaneous Methods of Judicial Selection. The scene was the 1933 meeting of the Conference of Bar Association Delegates.

It may be interesting to know that the Board of Governors of California has adopted a resolution providing for the preparation by the research department of the State Bar of a handbook on judicial selection to be used in the development of that phase of the National Bar Program.

"Judicial Selection Bill"—Los Angeles Bar Association Bulletin for October, 1933, p. 42. In the nature of a news item concerning the California State Bar's appointment of a "Committee on Public Education Regarding Assembly Constitutional Amendment No. 98" to carry on a campaign between now and the next general election. The amendment to be voted on provides that the voters of Los Angeles County may adopt the Commonwealth Plan of selecting judges. For detail of plan see March, 1933, number of State Bar Journal of California.

"The Function of the Bar in Judicial Elections"—by A. V. Cannon of the Cleveland Bar: *Commercial Law Journal* for November, 1933, p. 624. An address delivered before the Ohio State Bar Association, July 8, 1932, appealing to the bar to salvage its own high position by effective participation in the creation of a fearless, able judiciary.

"Judicial Selection"—by D. A. Simmons, President of the First District Bar Association of Texas: 18 *Mass. L. Q.* (Aug., 1933) 89. Provides an extensive historical background for a study of the various methods of selection of judges.

V. TOPICS OF GENERAL INTEREST

"Progress of Bar Integration Movement"—*Journal of the American Judicature Society*, October, 1933, p. 69.

"Integration of the Bar Through Judicial Order"—address by President Robert Gunther before the Ohio Bar Association: 18 *Mass. L. Q.* (Aug., 1933) 51.

"Debate on the Bar Act"—The "Yes" and "No" of the proposed Act for Missouri: *Missouri Bar Journal* for October, 1933, p. 167.

"Some Legal Aspects of the National Industrial Recovery Act"—47 *Harv. L. Rev.* (Nov. 1933) 85-125.

"The Soviet Legal System"—by Albert H. Robbins, Barrister of the Middle Temple: 19 *A. B. A. Jr.* (Nev., 1933), 657.

"Statement Concerning the Work of the American Law Institute"—by William Draper Lewis, Director: *Id.* p. 640.

"Legal Aid Clinics—Their Purpose and Their Value to the Bar."—by James S. Bradway, Secretary, National Association of Legal Aid Organizations: *State Bar Journal of California* for November, 1933, p. 261.

The October, 1933, number of the State Bar Journal of California (page 250) reports the adoption of a resolution calling for a committee to study the effect of the N. I. R. A. upon existing legal institutions, and to determine how the State Bar can best serve the government in its present economic emergency.

“Supreme Court Proclaims its Power Over Bar”—A report of the significant case of *In the Matter of Proceedings Against Paul Richards for Disbarment*, decided October 16, 1933: Missouri Bar Journal for October, 1933, p. 157.

The Illinois Bar Journal for October, 1933, (pp. 33 and 34) reports several interesting innovations by way of association activity. The first is a course of lectures by members of the Committee on the Civil Practice Act, to help clarify the Act. Another is the preparation of field books for each committee, containing the history of the committee's work for a number of years past with suggestions of activities which can be carried on.

“The History of Jury Service for Women”—Manuel S. Sachs: Bulletin of the New Haven Co. Bar Association for October, 1933, page 21.

“Importance of State Annotations of the Restatement of the Law by the American Law Institute”—by R. A. Burch, Justice of the Supreme Court of Kansas and Member of the Council of the American Law Institute: Journal of the Bar Association of the State of Kansas for November, 1933, page 134.