

1-1931

The Problem of the Lawyer's Qualifications

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Recommended Citation

Shafroth, Will (1931) "The Problem of the Lawyer's Qualifications," *Indiana Law Journal*: Vol. 6 : Iss. 4 , Article 5.

Available at: <https://www.repository.law.indiana.edu/ilj/vol6/iss4/5>

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THE PROBLEM OF THE LAWYER'S QUALIFICATIONS

Judge Haslet P. Burke, of the Supreme Court of Colorado, recently said in speaking on the "ins and outs" of the legal profession:

"Whoever comes to the practice of the law with no education outside of that required to pass an examination in legal subjects can never hope to be anything but a hewer of wood and a drawer of water. There is no knowledge a man can acquire that will not be of service in this profession. But he must know something of the appearance and disappearance of races, of the rise and fall of nations, of the development and decay of civic and social institutions, since mankind first came out of the mists. Above all, he must have some comprehension of the wonders wrought by words, some inkling of the beauty and power of that noble literature whose source lies back of Home, and whose currents have bathed with glory every civilization that has ever been worthy to live. For myself, I do not care how or where a young man acquires knowledge and character. It may be in school or college or university, in shop or field or mine, or by the lonely lamp of the humblest cottage in this land."

In many states where the rules of admission to the bar permit almost anyone to come up before the bar examiners, it is often said, "It is true that our qualifications for admission are not high, but we have an excellent Board of Bar Examiners who see to it that only those candidates pass who know their law and who are morally qualified." If it were possible to frame examinations which could be passed only by those "who know their law," perhaps this statement would be justified. But it is an undeniable fact that quite often men inadequately prepared who have attended bar examination cram schools or have made an intensive study of test questions given by the same board, are able to pass. It is much surer to require the completion of a certain amount of liberal education and then the passage of a certain amount of work in a standard law school. If, in addition, a man has to pass a thorough bar examination there is much more likelihood of getting better prepared lawyers.

The method of law office training, largely in vogue in the last half of the nineteenth century, is rapidly passing completely

into the discard and will soon be entirely obsolete. There is no place in the modern law office for an apprentice. In fact, in Ohio, the State Bar Association has already recommended that candidates with only law office study shall not be eligible for license, and there are now four states where some law school work is required. Study of law by correspondence with the view to practice is becoming still more rare, and most of the correspondence schools report a constantly decreasing law enrollment. While there are well over ten thousand students today who are studying law by correspondence, only a small portion of these have any idea of practicing, and a very infinitesimal part of that small portion will ever finish their law course. On the average less than seven per cent of the students who enroll in correspondence schools ever complete their course, and the percentage who finish a law course is even smaller. But this does present a question worth considering, for it is obvious that many of these men are not fit for practice.

For example, there is the case of Bob Silvers, convict in the Texas penitentiary at Huntsville. He was sentenced to life imprisonment several years ago for robbery with a gun, to which was added another ten years for another felony. He announced that he was going to take a correspondence course in law and, pinning his faith on the clemency of the female executive of the Lone Star State, he appeared confident that we would soon be out and that he would make a better lawyer than many with whom he had come in contact. He is still in the penitentiary and his chances of a pardon do not seem particularly bright, but he is pursuing his law course with unabated zeal, and although he has no educational qualifications, in many states he would be entitled to come before the examining board. In Texas he is automatically barred by a statute which prevents the licensing of anyone who has been convicted of a felony.

Texas is but one of fifteen states which have no requirements whatsoever of general education. Seven of these have no requirements as to kind, quality or duration of the legal training which candidates are supposed to possess. While this situation is showing improvement slowly but surely under the efforts of Bar Associations and individual lawyers in the various states, there is much still to be done. That it can be done is conclusively proved by the work of the American Medical Association, through the efforts of which more than three-fourths of the states require graduation from an approved medical college

with a four year course requiring for admission at least two years of college work. The standards which the American Bar Association recommend were adopted in 1921, after being reported on favorably by a committee of which Elihu Root was the chairman. They provide for graduation from an approved law school which requires as a prerequisite for admission two years of college, or its equivalent, and which has a law course of three years if the students devote substantially all of their working time to law study, or four years in case of an afternoon or evening school. These requirements were considered as a minimum by the leaders of the bar ten years ago, and that conclusion is much more pronounced today.

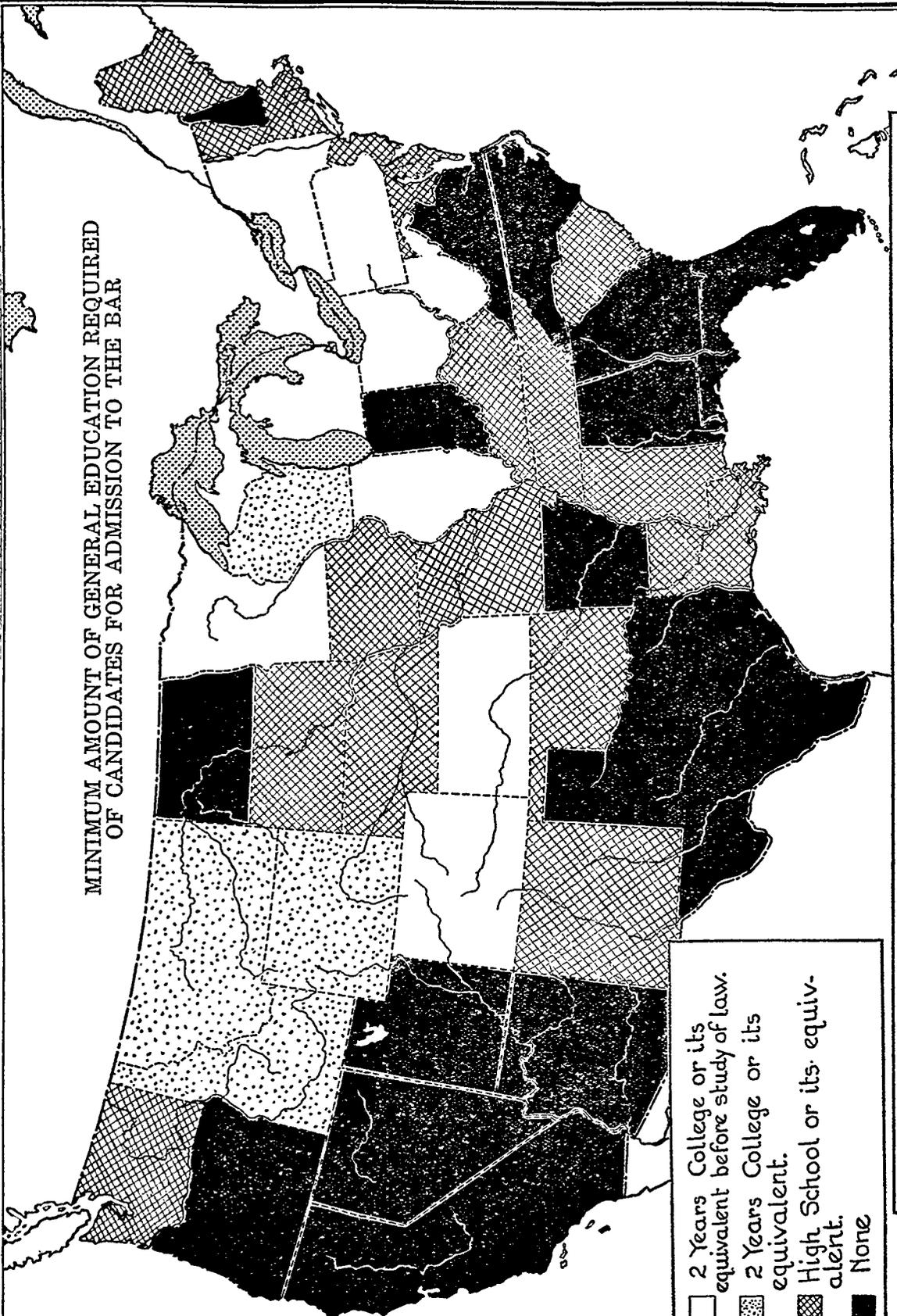
The problem is urgent. Mr. Philip J. Wickser, Secretary of the New York Board of Law Examiners, estimates that in 1940 we will have some 240,000 lawyers in this country as against the present legal population of between 150,000 and 160,000. This means an increased strain on the moral and ethical standards of the members of the profession and requires an increasingly searching surveillance of the qualifications of candidates, both moral and legal. Bar associations and legislatures must bear their share of the responsibility, which they can only do by making every effort to see that applicants for the bar who knock at the gates in their states have those qualifications which will most certainly insure an adequate moral and ethical background for the practice of law, as well as a knowledge of its intricacies.

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MINIMUM AMOUNT OF GENERAL EDUCATION REQUIRED
OF CANDIDATES FOR ADMISSION TO THE BAR



-  2 Years College or its equivalent before study of law.
-  2 Years College or its equivalent.
-  High School or its equivalent.
-  None