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Will Shafroth

American Bar Association

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THE PART OF THE BAR ASSOCIATION IN FIXING STANDARDS OF ADMISSION

Theodore Roosevelt once said, "Every man owes some of his time to the upbuilding of the profession to which he belongs."

That many lawyers have this view of their obligation to the legal profession is shown by the fact that there are some 1,200 separate and distinct bar associations in this country which function only through the sacrifice of time and labor which is made by their lawyer members.

If the question is asked, "What have these associations accomplished?" the answer may not be readily at hand. However, a close study would undoubtedly reveal that they have had a very considerable effect on legislation.

This is perhaps easier to demonstrate in reference to the rules of admission to the bar than in other matters, because that is a field which is particularly appropriate to the lawyer and one in which his advice may be considered that of an expert. In many states at the present time, active work is under way to increase the standards for admission to the bar. The overcrowded condition of the legal profession is receiving attention although it is not universally admitted. Nevertheless it is beginning to be realized that whether the law is overcrowded at the present time or not, it soon will be if the number of those admitted continue to increase as fast as it has for the last ten years, or even remains stationary. The leaders in the profession realize that the remedy is not arbitrarily to cut down the numbers who are admitted, but it is to make the standards sufficiently high to insure legal competence, so far as that is possible, in the new licensees and to improve on the methods of character committees so as to weed out the candidates who are ethically unfit for the rigors of an increasingly intense competition.

Bar Associations have taken a constantly more important part in raising the requirements for admission. Active committees have framed bills and supported them vigorously in order to secure their passage by legislatures. Bar Association representatives have appeared before Supreme Courts and induced those bodies to improve on their rules for admission where this power lies in them.

Ever since its founding in 1878 the American Bar Association has had a Committee or Section on Legal Education which has always been largely concerned with the requirements for becoming a lawyer. Gradually, with the growth of facilities for general education and the increase in the number and quality of the law schools, it has raised its standards until in 1921 the Section under the chairmanship of Elihu Root secured the approval of the National Association to the recommendation of two years of prelegal college training (or its equivalent as it was later interpreted) and the successful completion of three years of law study at an approved full time school or four years at an approved part time school. The adoption of these recommendations has been largely due to the work of state and local Bar Associations and it is in their approval by those associations that hope for continued advances lies. In addition to the fifteen states¹ where substantially all candidates for admission are now required to have two years of college work or its equivalent in addition to their law training, eighteen State Bar Associations² have gone on record as being in favor of this requirement, the last two—Arizona and Florida—having approved it only this year.

Objections to closing the portals of the bar to any honest son of the soil have gradually been yielding to considerations of the public good. James Grafton Rogers, now Assistant Secretary of State, and formerly dean of the law school of the University of Colorado, recently expressed a point of view which has been constantly gaining ground when he said:³

“The lawyer is needing steadily broader and deeper education and he is going to get it. If American university facilities were not as wide flung and easy of access as they have come to be, I should regret this. I am eager to leave the gates of the profession open to the ambitious boy, not for his sake but for the sake of the public. We cannot sacrifice the administration of justice, however, to grant this opportunity. The two today are entirely consistent.”

¹ Colorado, Connecticut, Idaho, Illinois, Kansas, Michigan, Minnesota, Montana, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin and Wyoming.

² Arizona, California, Delaware, Florida, Georgia, Iowa, Louisiana, Missouri, Nebraska, Nevada, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Virginia and Washington.

³ In an article in the New York State Bar Association Bulletin for January, 1931.

Recent progress which is due in considerable degree to Bar Association activity has been recorded in New Jersey, where the requirement of two years of prelegal college education has just been adopted by the Supreme Court, and in Indiana where the legislature has recently passed a bill which has been signed by the governor giving the Supreme Court power to fix qualifications for admission, including, presumably, the right to appoint a state board of bar examiners. A bill providing for two years of college education for aspiring candidates for the bar is now pending in the Nebraska legislature and also in the North Carolina legislature. The Nebraska bill includes a provision for graduation from law school. In California a bill is pending giving the board of governors power to fix requirements subject to a maximum of preliminary education of a four-year high school course and graduation from law school or four years outside study. In Arizona, Iowa and Tennessee bills are pending giving the power to fix qualifications to the board of governors of the State Bar or to the Supreme Court. The Bar Organization Act recently passed in Utah does the same thing. In Rhode Island the matter of increasing the standards is now before the Supreme Court and the State Bar Association has recommended practically the American Bar Association standards.

And so it is evident that everywhere there is activity along this line and that results are being secured through the work of Associations and of Boards of Bar Examiners, whose members perform the same work of public service that the active and conscientious leaders in the Bar Association are called on to perform. Accurate information is at last being published to show exactly how many candidates are applying for the bar yearly, how many are being admitted and how many rejected. Also, in many states the preliminary education and legal training of these candidates has been tabulated. The increase of lawyers in the last four years as shown by Martindale's Legal Directory is of considerable interest. This publication lists 3,041 lawyers in Indiana in 1926 and 3,646 in 1930. While these figures are not complete and must be regarded as quite conservative, they are probably fairly accurate in showing the increase in numbers over the last four years. Whether or not it is true as has been said that statistics are the fourth and most immoral form of lies and whether or not these statistics have any special significance, at any rate they should be known and every effort should be made to have them as accurate as possible. The 1920

census listed 3,307 lawyers in Indiana, which at that time had a population of 2,930,390. This is equivalent to one lawyer for every 886 people as compared with one to every 862 in the country at large. At that time Indiana was the twenty-second state in the Union in the number of lawyers per capita.

If we are to act intelligently we must know the facts. Bar Associations can help to get these facts and they can make them known to the profession when they are secured. In most cases where a legislative enactment is passed or any rule of court promulgated raising the standards for admission to the bar, it can be marked as an achievement of a bar association if traced back to its source, and often it may be counted as a milestone which denotes further progress of the legal profession toward unification and toward making its voice heard as a definite organized group.

WILL SHAFROTH.*

* Advisor to the Council of American Bar Association on Legal Education and Admission to the Bar.