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Report of the Committee on Legal Education and Admissions

Dicta Editorial Board

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REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS

The standing committee of the Colorado Bar Association on Legal Education and Admissions has made the factual survey and study of admissions in Colorado which appears in this issue of Dicta. It has done so because it believed that too much data rested only in the memory of certain court and bar officials and that there was too much mystery about procedure and too much guesswork by applicants and the bar generally concerning the entire subject.

The work of the Committee has been limited to the problems of admissions. No consideration was given to the problems of legal education. This is a field which a subsequent committee may well investigate.

The Committee in making the report has not been motivated with a desire to find fault. It has attempted to report facts and to make recommendations in such a spirit that its work may contribute to a better bar, and be of service to law students, the law schools, and particularly to the legal profession, judges and lawyers together, who have the grave duty of admitting qualified persons to the practice of law.

RECOMMENDATIONS

The Committee, therefore, makes the following recommendations:

1. That the Board of Governors of the Colorado Bar Association create a special liaison committee to work with the members of the Supreme Court of Colorado and with its committees to effectuate the subsequent recommendations, and that the following recommendations be adopted as a resolution of the Colorado Bar Association and the implementation of its principles be requested of the requisite authorities.

These recommendations of the Committee are divided into five main headings as follows:

(A) *Recommendations Relating to Colorado Bar Examinations.*

- (1) All bar examination questions and the answers to all bar examination questions be carefully worked out and submitted for approval to (1) the entire Board of Bar Examiners and (2) to an expert in the particular field in a law faculty outside the state of Colorado.

- (2) If a question is to be answered according to the local law it should be so stated.

- (3) Each complete bar examination should contain at least one question designed to test the skill of the applicant in drafting a short will, trust agreement, legislative bill, letter, or some instrument involving performance at a future time.

(4) All applicants should be informed of the order in which the different divisions will be given so that no question of undue advantage may arise.

(5) No questions should be permitted by applicants during the course of an examination unless the questions and answers are made available to all.

(6) An extra supply of the examination questions should be printed and made available immediately after each bar examination to anyone wishing to buy them. A price of 50c per copy is suggested.

(7) Some plan should be worked out which would enable the Board of Bar Examiners, and the Supreme Court, to make public the results of each examination within a period of not more than one month after the examination is completed.

(8) Each complete bar examination should contain at least one question based on ethical considerations.

(9) A student should not be permitted to take the bar examination in advance of graduation from law school unless (1) he shows to the satisfaction of the Supreme Court that any delay in taking the examinations will result in great hardship and (2) that he will complete his work in law school not later than the end of the next ensuing term, and (3) that he intends to work to the best of his ability during the balance of his time in law school. He should in no case be admitted until his requisite law studies are completed and certified to the Supreme Court.

(10) That all questions given be original questions, and that questions obtained from law quizzes or other bar examinations be studiously avoided.

(11) That the examination be limited to universally fundamental fields of law, with the idea of testing basic knowledge rather than specialized knowledge.

(12) That repeaters strictly and without exception be limited to three attempts in taking the bar examinations.

(13) That no "diploma privilege" be extended on the basis of war service at any time.

(B) Recommendations Relating to the Powers and Functions of the Law Committee.

(1) That only experts be hired to draft and grade questions and that such persons receive adequate compensation.

(2) That a definite and recognized system be employed to handle "borderline cases" and that no deviation be made from the system.

(3) That the Law Committee be granted yearly an adequate fund to be administered solely by it.

(C) Recommendations Relating to the Character Examination.

(1) That all law students be required to register with the Committee at the time of entering any Colorado Law School, and

that the faculty of the law schools strictly control admission to the school.

(2) Each applicant for admission by examination should be required to register with the Committee at least 90 days prior to the examination.

(3) Candidates' names for admission by examination should be published at least 60 days prior to the examination in Dicta, and in at least one newspaper having general state-wide circulation.

(4) Each applicant should bear the endorsement of the local bar association of the area where he lives.

(5) Each student candidate should be thoroughly investigated by the Committee.

(6) Each attorney applicant should be investigated by the National Conference of Bar Examiners and no attorney should be admitted without full clearance from the Conference.

(7) Fees of applicants, particularly attorney-applicants, should be raised to cover the cost of adequate investigation and the examination.

(8) The present character questionnaire should be thoroughly revised, expanded and finger printing should be required of all applicants.

(9) Adequate personal interviews with applicants should be provided.

(D) Recommendations Relating to the Power and Functions of the Bar Committee.

(1) That the Committee be granted full powers of subpoena, the right to administer oaths and to take testimony and the right to employ investigators and assistants.

(2) That the Bar Committee be granted yearly an adequate fund to be administered solely by it.

(E) Recommendations for Future Program.

(1) That the Principle of a National or Regional bar examination supplemented by a Colorado examination in local law and on character be adopted and the proper authorities take steps to encourage the creation of a national or regional examination, and to urge its adoption by other state agencies and authorities.

(2) That a thorough and adequate study be made of the problems of: (a) admissions from the standpoint of the economic waste involved in attempting to educate students who are not qualified for the practice of law, (b) overcrowding of the profession, (c) proper placement and disbursement of lawyers, (d) practical supervision of admittees by older lawyers, and (e) close correlation of the courts, bar associations, and educators on all problems of education, admission, and grievances.

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