

July 2021

## Attorneys' Admittance to Practice in California

James D. Fisher

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

James D. Fisher, Attorneys' Admittance to Practice in California, 14 Dicta 95 (1936-1937).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

## ATTORNEYS ADMITTANCE TO PRACTICE IN CALIFORNIA

By JAMES D. FISHER, *of the Colorado and California Bars*

PRIOR to the good old law, State Bar Act, and year of 1931, it was a downright simple matter for an attorney from another state to be admitted to the practice of law in California. Being a lawyer in good standing and having practiced the preceding three years, all he had to do was to have some attorney in this state approvingly propose him and, hocus-pocus, he became native.

Previously, and shall we again say simply, he had of course uprooted himself from the security, if any, of his practice, if any, at his domicile and journeyed here to the land of milk and honey, to become another pebble on the vast legal profession sands of this fair state.

California advertises the fact that she is well supplied with manpower in all lines of human endeavor. That she has had, in particular, a surplusage in the legal profession is common knowledge the country over. Despite exceedingly searching examinations, she has not had a need for all of those of her own inhabitants who were passing them and entering practice. Naturally, therefore, the continuous influx of many, bow-yourself-in, out-of-state attorneys, became a matter of annoyance, if not of irritation. All in all, the ultimate outlook seemed to be: an attorney for every citizen.

An amendment to the State Bar Act, which seeks *inter alia*, to raise the pre-legal requirement to two years of college work, will be presented to the next legislature. However, we are here concerned with the admittance of out-of-the-state attorneys.

Since said law of 1931, which made admission of out-of-state attorneys a strictly statutory proceeding under rules of the Committee of Bar Examiners, the relative number of said attorneys admitted annually, to those previously admitted each year on motion, has been about one to seven or to eight. The following brief delineation will enlighten as to the decline in the influx and give anyone contemplating removal here a sketchy idea of the procedure.

An attorney applicant must now personally register here his intention of applying for admittance at least three months before filing his application. In order to so register he must be a bona fide resident of this state.

He must have, in a local attorney, a sponsor who fills out and signs a Sponsor's Certificate. To it must be attached a Sponsor's Letter to the effect that the would-be applicant has truly become a resident and why, and details his personal knowledge of him and his qualifications for admittance. The registration fee of \$100.00 must accompany the application to register, no part of which is refunded regardless of his fate at any juncture in the proceeding. It covers, inter alia, the expense of checking up, on the applicant; his answers in a questionnaire form; and on other documents hereafter mentioned.

The required form, which he must fill out and file in duplicate, is a voluminous questionnaire form, executed under oath, which picks him up at the moment of birth and requires him to tell of just about his every movement from then until now.

So far as he and the committee are concerned, he is then all through for a while—except that he must obtain and file, within the time for the filing of his application, the following documents:

Certificate of the Supreme Court of the state of his late departure of admission to practice and of good standing, signed by a justice of said court. The writer filed one signed by A. H. While, clerk, which was rejected.

Letters from every community in each state in which he has practiced, showing the writer's knowledge of the length of time of applicant's practice, his standing at the bar and in the community, and other matters bearing on his fitness to practice law in California. Such letters are to be presented from:

Two attorneys in good standing; two clients; two judges, who should state the extent of his practice before them, etc.; the bar association.

Letter from an officer of his bank or banks regarding the satisfactoriness of his relations with the bank.

Printed instruction forms to send to the writers of said letters are furnished.

After investigation of the applicant is completed, he is notified to appear, at a time stated, before the committee for a personal examination. It is an individual examination under oath, before the members of the committee, who have all of the data concerning the applicant before them, and two stenographers to take down the questions and answers. And then he is all through—until he receives a letter from the committee advising that it has passed a resolution permitting or denying him the right to take the next examination. If he is so permitted he is directed to file his application for admittance. Having filed it he is all through—until the examination.

The Committee of Bar Examiners and the State Bar Secretaries are courteous and helpful whenever possible. Nevertheless, by this time the applicant is impressed with the seriousness of it all and develops a case of frightitis about the examination.

The written examinations are fairly difficult, but not too difficult, e.g.—the writer passed. However, there is an abundance of what may be termed "California law" and it is wise to prepare diligently.

Papers of out-of-the-state attorneys are first marked and after several weeks such applicants are advised of their fate. They are also advised they may take the oath before the Supreme Court either at San Francisco or Sacramento on certain dates, or await the next sitting of that court in Los Angeles.

If by this time applicant has any money left he makes the trip "up north." He is eager to be—all through—with the business of being admitted.

Is the legal field here discouragingly overcrowded? Certainly it is, but this article is not intended to be a bromidical warning of that fact or of the difficulty of admittance. Sometimes change means progress. The attorneys who come here and are admitted are Americans on a new frontier. They fight like challengers. Some of them soon do exceedingly well and many have surpassed the mob in a rut. Unquestionably, here is a state endowed by the Almighty with virtually every requisite for fine human endeavor and existence and, after all, is not an excess of lawyers, an out of balance, common to all states?