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Will Shafroth

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RAISING STANDARDS OF ADMISSION

*By WILL SHAFROTH, of the Colorado Bar
Director of the National Bar Program*

IN THE Annual Review of Legal Education, which is shortly to be published by the Section of Legal Education and Admissions to the Bar of the American Bar Association, a comprehensive summary is given of the progress which has been made during the past year and a half in raising the standards of admission to the bar in the United States.

During that period of time, five states have adopted a requirement of two years of college education or its equivalent, and a minimum of three years of law study, making a total of twenty-nine jurisdictions, including more than two-thirds of the lawyers of the country, which now have the two-year college rule effective either presently or prospectively.

This is a noteworthy achievement when it is considered that in 1921 only one state (Kansas) had such a rule.

The latest addition to these ranks is Indiana, where for years the bar has been struggling for higher standards in the face of a constitutional provision granting the right of admission to the bar to all voters twenty-one years of age and of good moral character. The first step toward the present accomplishment in that state was the passage by the legislature in 1931 of an act giving the Supreme Court exclusive jurisdiction on the subject of admission to the bar. After the bill was passed, the court promulgated rules setting up a State Board of Bar Examiners and requiring every original applicant to pass its examinations. Later, the constitutional provision was repealed and the Indiana State Bar Association put up a strong plea to the court to fix high preliminary qualifications for admission to the bar.

On March 28th of this year the court acted, and its new rules now require, except in the case of law office students, graduation from a school which by July 1, 1937, shall have met standards similar to those of the American Bar Association. This successful struggle in the face of what appeared to

be at first almost insuperable difficulties should carry great encouragement to the states which are still in the lower classifications as regards qualifications for bar admission. It is an outstanding example of what active bar associations can accomplish.

In commenting editorially on the new rules, the Chicago Tribune says:

"The law has slipped to a low estate in recent decades, and much of its loss of public esteem can be traced to the twin causes of too many lawyers and inadequate legal education. A higher standard of education and stricter requirements for admission to practice, toward which Indiana has just contributed its bit, will do much to make the practice of law more a profession and less a business."

Whether we agree or not with this paper's estimate of the present state of the profession, we can join with it in rejoicing that one of the causes for public complaint about the bar has been removed in the state of Indiana.

While substantial progress is being made in improving admission standards, we should not delude ourselves into thinking the goal is in sight. More than half of the 42,000 law students now in school are still being educated in unapproved schools, and there remain twenty states demanding no more general education than high school graduation. In two of these, Arkansas and Georgia, the requirements are so primitive as to permit the taking of bar examinations by candidates without any qualifications whatsoever either of general education or of legal training.

In a number of states the problem of the commercial law school which exploits its students for the personal gain of its proprietors is still a serious question which has not been adequately met. In California only five of twenty law schools are on the American Bar Association's approved list. In Tennessee the approved schools number two out of ten, and in Texas there are only three out of thirteen.

In all but five states the fiction that an adequate legal education may be secured by office study is still prevalent, and in most jurisdictions where law school study is required attendance at any resident law school of whatever kind is sufficient.

An important development of the past year and a half, which is mentioned in the Annual Review, is the character

investigation service rendered by the National Conference of Bar Examiners in reporting on the past records of migrant attorneys seeking admission to the bar on motion. This service, which was started two years ago, has continued to develop and now there are a dozen states which will not pass on the applications of foreign attorneys for admission to their bar until they have had a report concerning them from the National Conference of Bar Examiners. The investigation is conducted largely by correspondence, but in many instances personal investigators are used and the services of national credit reporting agencies, bonding companies and legal directories are employed.

Over one hundred of these investigations have been completed by the national organization, and in a number of cases information has been revealed which has caused the rejection of the applicant or the withdrawal of his application. In one instance, for example, an attorney who had been under investigation by a bar association for ambulance chasing and as to whom the charges had been dismissed for insufficient evidence, was investigated by the conference when he sought admission to the bar of another state, and after an interview with the board of examiners where he was applying, he withdrew his application. More emphasis must be placed generally on the character qualifications for admission to the bar and this step which is being taken to find the facts in reference to lawyers who have practiced long enough to make a record is a step in the right direction.

One of the great difficulties which has stood in the way of advocates of higher standards is the theory that opportunity must be left open to the individual who wants to become a lawyer. The real test of any qualifications is whether they are for the benefit of the public, and as the chief aim of the legal profession is to render service to the public, so must the requirements for a lawyer's license be judged on the basis of whether they will result in benefit to the public by providing it with better qualified practitioners. The responsibility of bringing this about must rest on the bar, and, as is shown by the results in Indiana, the task is not an impossible one.