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the dishonest practitioners, if any there are, regardless of age or ability. There is no way of doing this effectively because the unscrupulous lawyers are clever enough to conceal their moral obliquity from upright associates. What can be done, however, is to encourage betrayed clients to make complaints, and to urge laymen who have been defrauded by any lawyer to disclose their respective experiences. It is timely, also, for those able to be heard, to denounce the practice of attempting to undo a deserved and belated disbarment by endorsing a petition for reinstatement. A good start in that direction was made by the Supreme Court of Wisconsin when it rebuked the sixty lawyers of Dane county for filing a petition, ostensibly as friends of the court, in behalf of an accused in a disbarment proceeding.[18] The Supreme Court of South Dakota, when deluged by testimonials, cited that case with approval and pointed out that lawyers who sign petitions in favor of reinstatement, merely because of sympathy for the applicant, are "unmindful of their obligations as attorneys and officers" of the court.[19]

[18]In re Stolen, 193 Wis. 602, 214 N. W. 379 (1927).
[19]In re Egan, 52 S. D. 394, 218 N. W. 1, 15 (1928).

## ANOTHER WAY TO ELEVATE THE BAR

*By* BENTLEY M. MCMULLIN, *of the Denver Bar*

THE apotheosis of formal legal education still continues. Cunningly prepared tracts plead that every state grant admission to the bar only after three years in an approved law school, with a prior college course. Mapped in purest white are those loyal sovereignties meeting these requirements, in shaded tones those which have compromised with their ideals, in solid black the recalcitrants which have utterly failed. The claim is made that compliance will produce a bar better able to dispense law, freer from objectionable characters, of greater social value, and, though unexpressed, the thought may also be present that competition will be lessened. Without stopping to deny the claims of the newspapers and our own clients that we lack learning, ability and conscience,

which we deplore, although it does not crush our spirit, and without controverting, but affirming, that a college education does have value, the insistence upon academic training as the principal, if not the sole, means of improving the standards of the bar appears, to use a harsh expression, childish. This article is an effort to tell why.

The fundamental reason is that there are, after all, limits to what one may be taught at an educational institution. It is not to be expected that this fact would have been perceived, in its fullest extent, by the faculties of our universities. To a college professor, whatsoever the difficulty may be, the remedy is always more college education; jurisprudence, like every other subject, begins and ends for him with a college degree. Many lawyers, at graduation, have shared this feeling. but subsequent experiences have often modified this view. Even in our government, which uses "brains" and "degrees" as synonyms, the absolute sufficiency of dogmatic learning as the ultimate qualification is still an open question. So in the field of legal education as well we may have relied too much upon the academic and too little upon the practical as a means of preliminary training; for while it is true that the rules of law can best be learned by intensive study under scholarly preceptors, and that mental discipline, industry, and thoroughnes will probably be acquired at the same time, the public does not complain of a lack of this kind of knowledge or of these qualities: what the public wants is lawyers who are more practically competent and more dependable. No law school can hope to meet that demand without some help from the outside.

The average college graduate emerges from the halls of learning blinking at the sunlight of daily affairs as a forest dweller coming out upon an open prairie. His contacts with commerce, domestic relations, civil wrongs, crime, have been largely second hand. In those unfamiliar fields, however, he is now to act as a hired adviser to clients whose own experience has already provided them with a broader, if less specific, knowledge than his own, and whose points of view must be, to the younger attorney, a closed volume. If, for example, the problem is one of commercial law, what can the recent graduate actually know, from experience or otherwise, of the

probable effect upon his client of his recommendation or of its desirability from a practical business standpoint? In a criminal case he is at a disadvantage in considering motives and the circumstances inducing or justifying the things done. In the courtroom developing testimony, or estimating a jury's reaction to it is, for a beginner, extremely difficult. The average younger lawyer, in such situations, asks the advice of an older member of the bar, as he should; yet, if he needs guidance himself, why has he been adjudged fit to guide the public? Sometimes, in one's earlier years, the blind lead the blind. This is a matter of such common knowledge that every beginner is necessarily doomed to an apprenticeship in the school of experience of varying duration. Since this is true, then perhaps an apprenticeship should be required before admission to the bar is complete.

Practical preliminary experience is just as important as a preventive of professional wrongdoing. Breaches of professional ethics are sometimes caused by the difficulty of the lawyer's decisions, which are always difficult, or he would not have been employed to make them. We refuse to hire children for heavy labor, but we do put young and comparatively inexperienced lawyers to solving the most difficult moral questions in the community. It might be better, both for the lawyer and the public, to first give him some preliminary experience, so that his tendencies might be observed, if necessary, and so that his ability to meet these difficult questions might be tested and developed by practice.

Besides all this, not all lawyers are professionally ambitious; some are lawyers by relative. A parent, uncle or aunt who saved a competence by hard work and thrift, decides that the youngster shall never toil as they did, but shall study law. Many of the products of such schemes are sufficiently gifted to succeed; others fail. Probationary training would, however, save more of them for better work in other fields.

Such a plan would not deprive recent graduates of their rightful means of livelihood; they ought to earn as much as apprentices as most lawyers now earn while building up what is, in its earlier stages, laughingly referred to as a practice. A young lawyer's first years are spent in becoming known, and he can become known just as well serving as a probation-

ary or junior member of the bar as in any other way. It might also be added that the theory that anyone who has passed a bar examination is entitled to a living is one which has not yet been worked out as a practical matter.

The question then remains as to how long such a period of probation should continue. Certainly, although in most states one may now be admitted to the bar at twenty-one, the apprenticeship should continue far beyond that point in life, for at twenty-one mental maturity has not even set in. The conception that one becomes a man at twenty-one arose among people who judged maturity by ability to swing a sword or broad-axe. A Roman did not attain majority until twenty-five, and among the ancient Jews, who above all ancient peoples placed importance upon the things of the mind, full age was reached at thirty, as being the age at which mental maturity was attained. If we should fix the age for admission to the bar at that age of maturity, we might remedy most of the ills of which complaint is now made.

Were this article proceeding along orthodox lines, reference to the superiority of the British and Canadian systems, and to numerous scientific and legal works would now be in order. The author is, however, fortunately unfamiliar with the English judicial system, and finds citation of authority as impossible to him as it would be tedious to his readers. The argument must rest upon those broad, fundamental principles among which one advocate is as good as another as long as his lungs hold out.

The program proposed, simply stated, is this: Let prospective lawyers continue as heretofore to take their formal examinations while fresh from law school, and issue to all who pass a certificate which will entitle them, if in the meantime they lead a blameless life and maintain some contact with the law, to enter upon its practice at the age of thirty years. Let them then seethe quietly on the back of the stove until that age is reached. They can serve as apprentices or assistants in law offices, or, if this proves unsatisfactory, can employ their talents elsewhere. When the required age has been reached it will be found that a good many of the original aspirants have turned to other lines and have been so successful that they regard the law with a cold and fishy stare; that

the manual labors of other aspirants have unfitted them for confining work, and that they know it; that other aspirants are already in jail; and that some of the remainder really want to be lawyers. The remaining few would be experienced enough, by that time, to know what their work means and involves; their opinions would carry weight with a judge even when not supported by a taxicab full of law books; their clients would instinctively know them to be worthy of confidence; their advice and counsel would be of value to their communities. The practice would be improved, the numbers at the bar would be reduced, an era of good fellowship would be ushered in, and we would be one step nearer the millennium.

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## GOVERNMENT ANNUITIES

*By* OMAR E. GARWOOD, *of the Denver Bar*

THE Federal Annuities Act, by Congressman David J. Lewis of Maryland, was introduced in the 73rd Congress, and will come up for action at the ensuing session. The act is not intended as a substitute for old age pensions, but is supplementary thereto. It is designed to provide annuities similar to life insurance annuities for men who feel an increasing necessity and desire to obtain security against the future by depositing regular monthly sums with the government so that upon the expiration of a given number of years, or in case of death, a fixed annual income will be paid to the annuitant or his beneficiary. It enables persons who now have earning capacity to set aside monthly sums which will pay them annual income after earning capacities have ceased or suffered diminution.

The bill puts control of the government's annuity system in the hands of the treasury department, and the postal system will administer the plan, along lines similar to the present postal savings.

The government's annuity system will not be in competition with insurance companies, because the act restricts government annuities to smaller amounts. Life insurance annuities have always been regarded as available only to people of