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Report of the Committee on Legal Education and Admission to the Bar

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bound by oath to perform the duties of an attorney. In order to do business here that Clearing House submitted the matter to a North Dakota attorney.

"The latter attorney sent a refusal to start suit, with the notation that the judgment would not be collectible. That notation should have advised any business man that the debtor is not financially responsible, and brings us face to face with the gist of your whole complaint, to-wit: That you now find that the man to whom you made a sale of goods on credit hasn't sufficient property to enable the seller to recover through regular court procedure.

"Doubtless, the debtor should advise you why he does not pay your bill. Probably, he has. Perhaps, he should return the goods sent him. He may have offered to do so. In any event, so far as this Association is concerned, your transaction involves no conduct or misconduct as an attorney. Hence, we decline to assist you, decline because we have no responsibility in the matter. It may get you into the same difficulties you allege to have had in Wisconsin, but we can't help that.

"In closing, may we respectfully suggest that you leave your legal business here for residents of North Dakota who are equipped by training, experience, proper license and an oath of office. Then, when any of those so qualified transgress the rules of ethics of the profession (of which there is no indication in this case) we shall gladly assist you in bringing the delinquent one before the proper committees or other official departments." R. E. WENZEL, Executive Secretary.

REPORT OF THE COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

Your Committee on Legal Education and Admission to the Bar submits the following report with recommendations:

At a meeting of the American Bar Association September 1, 1921, that Association passed a resolution declaring, in substance, that every candidate for admission to the bar should have at least two years study in college before entering upon the study of law. This recommendation of the American Bar Association was subsequently approved by the National Conference of Bar Associations at a special meeting held in Washington, February 23, 24, 1922. The recommendation was approved by the Bar Association of the State of North Dakota at its 1927 meeting and also at the meeting held in Minot September 5 and 6, 1928. At the meeting the following recommendation was approved by the Association:

"That after the year 1931, no persons shall be admitted to the Bar in this State who, in addition to present requirements, as to citizenship and good character, and a three-year term of study in a law office or accredited law school, is not twenty-one years of age, and has not had at least two full years of study in an accredited college, normal school or university, beyond the high school grades, which course of study shall include courses in English Literature; American and English History, Economics and Civil Government."

Your Committee would also call attention to the fact that several states have already passed statutes requiring candidates for admission

to the bar to have a preliminary education of at least two years study in college. These states are: Colorado, Idaho, Illinois, Kansas, Michigan, Minnesota, Montana, New York, Ohio, West Virginia, and Wisconsin, and also Philippine Islands and Porto Rico.

In view of the unqualified indorsement which has been given to this requirement by the Bar Association of this state at two successive meetings, and in view of the further fact the other states of the union are adopting the requirement suggested by the American Bar Association, your committee recommends that the Legislative Committee of the Bar Association of the State of North Dakota be instructed to prepare a bill embodying the substance of the recommendation indorsed at the Minot meeting of this Association, submit the same to the Legislature at its forthcoming session in January, 1931, and urge its passage.

For several years the Bar Association and Board of Bar Examiners of several states have been discussing the question of character tests for candidates for admission to the bar. Many of the suggestions that have been brought forward as a result of these discussions have dealt with the problem in very much the same way as it is now being dealt with. At present in most states—as in North Dakota—the only evidence that is required as to character of the applicant consists of more or less perfunctory affidavits of attorneys and others who claim acquaintance with the candidate and swear that he is of good moral character. The suggestions that have resulted from the agitation of the question are, in effect, merely suggestions for additional or perhaps more definite affidavits. At best they call for merely cumulative evidence. Your committee believes that the usual affidavits of character are practically worthless as evidence and do not in any way indicate whether the candidate will, when admitted to the bar, observe the ethical standards of the profession.

It is the belief of the committee that the only practical suggestion that has resulted from the discussion of this question—the only one, in fact, which will to any degree serve the purpose—is the suggestion of Mr. Alfred Z. Reed, who is in charge of the Research in Legal Education for the Carnegie Foundation. Mr. Reed's suggestion is in effect that the candidate for admission to the bar, if he passes the examination, shall be granted only a temporary license—for a probationary period of not less than five years. At the end of that period a permanent license will be granted him if, on investigation, it appears that he has conformed to the code of ethics established for the profession. If any doubt on that question arises from his conduct during such period—he may be kept on probation for another period of five years or if the facts justify such action dropped from the roll of attorneys.

While the committee refrains from making a definite recommendation at this time, it does believe that the suggestion as to a temporary license should receive careful consideration by the Association, at this meeting.

ROGER W. COOLEY, Chairman,
S. D. ADAMS,
C. J. MURPHY, (Except that I am
not in favor of the probation
plan.)
Committee on Legal Education,
and Admission to the Bar.