

January 1930

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Recommended Citation

Bar Admission—Graduation from State University as Sole Requirement, 15 ST. LOUIS L. REV. 286 (1930).

Available at: http://openscholarship.wustl.edu/law_lawreview/vol15/iss3/7

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Recent Legislation

BAR ADMISSION—GRADUATION FROM STATE UNIVERSITY AS SOLE REQUIREMENT.—A recent statute in Arkansas, providing that graduates of the state university law school be admitted to practice without taking the bar examination, renews discussion of the question whether a law school diploma should admit to the bar. Ark. Laws 1929, 53. At present twelve states have answered it in the affirmative. The statutes in these states vary in the extent to which the diploma privilege is granted. In Alabama, Mississippi, South Dakota, Utah, West Virginia, Wisconsin, and, by the statute at hand, Arkansas, only the graduates of the state university law school are admitted to the bar without examination, on presentation of their diplomas. The scope of the statutes in the other states (Florida, Georgia, Nebraska, South Carolina, and Texas) varies from an extension of the privilege to one other school in the state in addition to the state university, as in Nebraska, to granting it, as in Texas, to certain specified schools irrespective of location and to all other institutions found to be fully accredited on investigation by the committee of bar examiners.

It may be said in favor of these statutes that a certificate of graduation from a reputable law school is perhaps much better evidence of the possession of the requisite knowledge on the part of an applicant for admission to the bar than the successful standing of the usual examinations, given by a committee or board of examiners. The faculty of such a school have the advantage of a continuous acquaintance with the student during the entire course of study. Their decision may safely be regarded as one made by those best qualified by reason of their experience, their interest, and their opportunities, to give a correct judgment on the question involved. For a general discussion, see notes in 1 AM. L. SCH. REV. 196, and in 3 AM. L. SCH. REV. 522.

But, in the final analysis, these statutes appear to be inadvisable. Such is the opinion of the American Bar Association, as stated in the following resolution passed in 1921: "The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subjected to an examination by public authority to determine his fitness." 46 A. B. A. REP. 688, 47. They are the cause of jealousy and bitter feeling. An example is the long and harsh controversy between Wisconsin University and Marquette University which the granting of the diploma privilege to the state university occasioned. The privilege removes the check on the work of favored law schools which the bar examination provides, and withdraws the opportunity which the examination offers to each of the bodies primarily concerned, the faculty of the law school and the state board of bar examiners, to form an opinion as to the character of the work done by the other. Lastly, these statutes are inadvisable because they eliminate the only direct contact between the members of the bar, through their committee, and those who are applying for admission to the legal profession.

P. S. A., '31.