

Junior Bar!

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cretion and handling social problems by keeping social units intact is a step toward the progressive era of a more convincing and intelligent jurisprudence. Such corrective efforts tend to establish a greater respect for the profession as an integral element of social service rather than an erratic body of antiquated dogmatists clothed in the robes of impeccable infallibility.

WILBUR A. SCHMIDT.

JUNIOR BAR!

At a recent meeting of a large and influential bar in an eastern state, a plan was devised by some of its members providing for the formation of a Senior and Junior Bar. The essential thought back of this movement is to require a period of probation after passing the bar examinations and before admission to full privileges, necessitated, it has been frequently suggested, by the inability of committees dealing with the character of candidates to devise any reliable method of ascertaining the character of prospective practitioners unless by actual observation of their conduct during a period of practice.

The absolute necessity of acquiring such information seems too obvious to require reason for support in so contending. However the subject is ably discussed in "Notes on Legal Education," published by the Section on Legal Education and Admission to the Bar of the American Bar Association. The report points out, "that while lay criticism of the ethics of lawyers may not be so severe as in the time of Peter the Great of Russia," who is supposed to have said on seeing the white-wigged barristers of England, "We have only two lawyers in Russia, and when I get back I am going to kill one of them," it is still very strong, unjustified as some of it may be. "A single knave," it says, "can do more damage to his clients and to the profession than a dozen dolts," nevertheless, character examinations have been neglected because of the practical impossibility of its determination. The practice in many states of requiring character affidavits from lawyers is denounced in this article as wholly inadequate to cope with the situation, since unscrupulous candidates might easily obtain them from equally unscrupulous practitioners, nor can committees, organized for this purpose, derive any better results merely by a system of inquiry, for no other reason than that individual investigation is practically impossible. This problem has been dealt with in the past and not without some success by raising the requirements for admission to the bar to include two years of college education in all approved schools, on the theory that a good college education develops in the prospective

lawyer, sound realization of the fundamental obligations imposed upon the members of the bar.

The idea, under discussion, is by no means a new one to the members of the bar of Wisconsin. At the annual meeting of the Wisconsin State Bar Association in 1927, the present Chief Justice of the Wisconsin Supreme Court, Marvin B. Rosenberry, in an address entitled, "Some Observations on the Present Status of the Legal Profession," made the following suggestion: "That candidates for admission to the bar otherwise qualified, who have passed the ordinary character examinations, be admitted provisionally for a period of five years, during which time they are to have the full privileges of a member to practice law. At the end of the five year period, candidates are to produce before the Court admitting them to practice, in such form as the Court may require, evidence of compliance with the ethical standards and professional traditions of the bar, which if found satisfactory will entitle them to unconditional membership in the bar; if found insufficient, after candidate has had an opportunity to be heard, the court may refuse admission to the bar and candidates' rights as a practicing lawyer shall thereupon cease." Two years later at the annual Marquette Law School banquet, attended by the Chief Justice, Mr. Ernest C. Fiedler, the Supreme Court Referee reiterated this thought, and further elaborated upon it making reference to an editorial which appeared in this *LAW REVIEW* upon the same subject, by John McDill Fox, now Dean of Law at Catholic University, Washington, D. C. So decided a stand as this by such representative figures can at least be taken as an indication of the trend of thought among leaders of the profession, if not a positive sign of the expediency of reform. A further substantiation of this statement appears in the Annual Review of Legal Education of the Carnegie Foundation for the year of 1929, three solutions for the problems under discussion, namely of determining the character of applicants for admission to the bar, were offered:

1. A graded Bar.
2. Periodic Renewal of Bar License.
3. A Junior or Interlocutory Bar.

Finally, we have the article before mentioned in the Notes on Legal Education, entitled, "Plan for a Junior Bar," which provides for a four year probationary period after passing bar examinations similar to the present bar examinations required by the most progressive states, of all candidates, during which time a member of the Senior Bar acts as a Preceptor or Sponsor and at the expiration of which time the candidate takes a final research examination and again comes before a character committee and is admitted or denied admission to the Senior Bar.

Considering the interest manifested in this subject during the past few years and the disrepute brought upon the profession due to bigotry, misinformation and to misconduct of some of its own members, a step of the sort mentioned seems imminent. The subject is worthy of mention in these columns because it so very closely affects the student of law and because it ought to be given serious consideration by every member of the bar. If it is true, and it undoubtedly is, that there is no prima facie right of admission to the bar, it is, therefore, incumbent upon the candidate to show that he has a good moral character and it is incumbent upon members of the bar to ascertain a good method of determining whether the proof as shown conforms to recognized standards of the profession. If no other method is adequate, the one outlined herein ought to be adopted.

EUGENE H. CHRISTMAN.