

## The Junior Bar

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## EDITORIAL COMMENT

### *The Junior Bar*

In Volume 10, page 55, of the Marquette Law Review (The December, 1925, issue) the present writer under the heading of "Suggestions" wrote: "Qualifications for License to Practice Law." This is a day of high standards. Many qualifications have been suggested with reference to raising the standards of members of the Bar. Lawyers being officers of the Court, it is assumed by some that such matters are vested solely in the sound discretion of the Court itself. Others claim that the Legislature has power to define the qualifications of those entitled to practice law. In most all instances a license to practice law, based upon the recommendation of the Board of Bar Examiners, is issued by the Supreme Court.

In many large cities local bars have grievance committees and much is heard of the "shyster lawyer." The various qualifications suggested are ostensibly for the purpose of raising the standards of the Bar, not only intellectually, but morally. It is suggested that because of the inactivity of grievance committees and because of the apathy of local bar associations, and even at times of the courts themselves, the desired result might be accomplished by licensing lawyers in the same manner as school teachers are licensed. That is, on passing the bar examination and sustaining the usual preliminary qualifications, a temporary license to practice be issued for, let us say, two years, at which time it would be necessary for the attorney to make regular application for another license, let us say for three years. At the end of such three year period, the attorney could then make application for a permanent license. The suggestion is, that under a method such as this there would be four times when the attorney would be an applicant for a license, and the burden would then be on him to make a showing of his fitness, rather than as now when the burden is on the Bar Association or similar body to make proof of any unfitness."

The suggestion then was thought to be timely. There have been many developments since then. Marquette Law School then was vitally interested in the general problem and still is. It is thought to be of interest to watch since then what development has been made along these lines.

At the annual meeting of the Wisconsin State Bar Association held at Green Bay, Wisconsin, in the June of 1927, Marvin B. Rosenberry, then Associate and now Chief Justice of the Wisconsin Supreme Court

presided. In the course of his address as President, a most thoughtful and scholarly address entitled "Some Observations on the Present Status of the Legal Profession," he said in part (reported on page 28 of Volume 17 of the Bar Association report):

"In this connection I wish to leave with you the following suggestion: that candidates for admission to the bar otherwise qualified who have passed the ordinary character examination be admitted provisionally for a period of five years during which time they are to have the full privileges of a member of the bar 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 by the court, will entitle them to unconditional membership in the bar; if found insufficient, after the candidate has had an opportunity to be heard, the court may then refuse admission to the bar and the candidate's rights as a practicing lawyer shall thereupon cease." The Chief Justice then develops this argument at some length.

Thereafter the memorable "Bar Inquisition," the so-called "Ambulance Chasing Inquiry," was initiated in Milwaukee which focused the attention of the public generally and the legal profession in particular upon certain practices which had almost become sanctioned by usage. Other bar bodies followed the lead and tremendous steps were taken in the clarification or restatement of the power of the court generally to exercise supervisory control over the bar. However, the problem is rather one of prevention, it was urged in 1925, and still is so urged.

The next significant step is in the Annual Review of Legal Education of the Carnegie Foundation for the year 1929 subtitled "The Missing Element in Legal Education—Practical Training and Ethical Standards," published in 1930. The problem is stated on page 27 of the report and three solutions are offered: 1. A Graded Bar; 2. Periodic Renewal of Bar License; 3. A Junior or Interlocutory Bar. In discussing the Periodic Renewal of Bar License, Mr. Reed states (on page 29 of the Report), "An official of a strong midwestern state bar association has pointed out that not only is it 'impossible to determine the moral character of an applicant for admission to the bar when he is a young man who has really established no reputation,' but that it is a mistake to permit an older man who has ceased to practice law to retain his professional privileges. He may attempt to resume his practice after he has forgotten the little he ever knew. The concrete remedy proposed to meet the latter evil is that licenses to practice law should be granted for terms of, let us say, five years, re-

newable upon proper evidence that the applicant is actually practicing law. Various suggestions have also been made as to how this reform might be combined with the procedure of requiring proof of character to be presented certainly for the first and possibly for every renewal.

It is again submitted as it was in 1925 that this is possibly the most important practical problem before the bar today, not only how to clean its house, but how to attempt sincerely to *keep* it clean.

Marquette Law School, as are all law schools, is keenly interested in the ethical qualifications of the bar. The problem is a practical one and needs to be enforced by the bar itself. As pioneers in making the suggestion, we look forward with considerable interest to the reaction of the Bar to this or any similar plan to keep the profession learned and noble.

JOHN McDILL FOX.