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LEGAL EDUCATION

BY HON. CARRINGTON T. MARSHALL*

The people of this generation have experienced a period of mixed evolution and revolution. For several years we have been engaged in settling social, industrial and political problems, without at any time reaching a point in any of them which might be deemed a finality. One of the difficulties which has been encountered is the lack of leadership, or perhaps a distrust of leadership which in times past has been accepted with implicit faith.

From the very inception of our Government the men of the law have occupied a prominent place in all public councils. It was the lawyers of the Revolutionary period who took the leading part in framing the Declaration of Independence and the American Constitution, and from that day to the present time have not only upheld the best traditions of constructive judicial and forensic statesmanship, but have provided a large majority of the officers in highest station in the executive and legislative branches of our Government.

It must be admitted that the lawyers of this generation have in some measure lost that distinctive leadership which characterized the profession in the past, and it cannot be denied that both the legal profession and the public have suffered by reason thereof.

An inquiry into the causes of that loss and the means of restoration should be the task of the bench and bar, to be pursued by discussion before all its organizations, local, state and national.

Without attempting to enumerate all the contributing causes, it will be the purpose of this address to show that the lawyers of this generation have failed as a class to appreciate the requirements of training and knowledge necessary to discharge the

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*Address before the Cleveland Bar Association on November 20, 1923, at which were present the students of the four law schools of that city.

*Chief Justice of the Supreme Court of Ohio.
obligations of leadership which is their heritage through many generations.

In entering upon a discussion of Legal Education there is no thought of stating anything new or original or of establishing ideals of a higher or different type from those firmly fixed in the minds of all thoughtful persons, but rather, to create in the minds of the unthinking a higher conception of the mission of the bench and bar, and the need of a broader preparation for the task which confronts them. There is no subject which has been more frequently or more thoroughly discussed in public conventions of the bench and bar, and this fact is itself some evidence of the belief that continued agitation is both necessary and proper. Frequent discussion of facts which are trite and obvious is justified when designed to emphasize the responsibilities of the legal profession, and to bring to the student of the law the conviction that thorough preparation is absolutely necessary to a successful career at the bar. A profound lawyer must have the qualities of the statesman and the politician, the sage and the philosopher, the teacher and the writer, the soldier and the diplomat. All professions, all branches of industry must have their rights measured and determined by law, and their wrongs redressed and offenses punished by and through the men of the law. To the lawyer is confided the secrets of humankind in all their relations with each other and to society, safe in the assurance that betrayal brings professional ruin to the betrayer.

It is not intended to make comparisons between different systems of teaching or to discuss comparative merits of different types of schools, whether connected with universities or operating independently, whether full-time day schools, or conducting evening classes for the benefit of those unable to devote their entire time to their studies. It is desired to discuss ideals and standards of education, and not the means or the system whereby those ideals and standards can be attained.

In educational circles there is a controversy as to the true function of education in modern society.

The larger of the two groups insists that colleges should become vocational institutions, rather than cultural, and that efficiency in action should be put above the power to think, and capacity to do some particular thing, above superior knowledge. The other and smaller group stresses culture and the trained mind; that true education is the power to think thoroughly and
deeply, to appreciate and enjoy great thoughts; that character is the product of the university, and that usefulness can be learned in the school of experience. Much might be said on either side of this much mooted question as applied to other professions, but all authorities must agree that a middle course must be pursued in training men for the bench and bar.

The science of the law would be poor indeed without the profound learning of Blackstone, Story, Greenleaf, Parsons, Cooley and Kent, and on the other hand the practical side has been greatly enriched by the recorded observations of men of transcendent character like Patrick Henry, Luther Martin, Daniel Webster, Rufus Choate and James C. Carter.

It is generally believed that a higher standard of general and legal learning and an improved curriculum would lead to conditions whereby the bench and bar would come to occupy in the minds of the American people a higher position and command greater respect than they now hold or have held at any time in the past.

The question of standards must finally be solved either by legislation or a code of rules to be declared by the court, but the public is so far interested in its solution that both the legislature and the court should be properly responsive to public and professional sentiment, and changes should come slowly and with care. This subject has been a live topic for discussion for more than fifty years at nearly all conventions of the bench and bar, and the sentiment cannot yet be said to be crystallized into any well settled determination.

The recent revision of the rules made by the Supreme Court are not believed to be in advance of public opinion, and are certainly far short of the views of the majority of the American Bar Association and the Ohio State Bar Association, and the majority of the law schools.

The question of ideals and standards has no relation to the question of numbers of admissions. A feeling has been expressed in some quarters that the more stringent rules were formulated for the purpose of limiting admissions and to guard the profession against overcrowding. Nothing could be farther from the truth. It is purely and solely an effort to raise the quality and efficiency and to guard the public against incompetency and inferior service. Indeed, it is quite certain that the profession is not over crowded in this state. The census for 1920 disclosed
6,485 lawyers in Ohio, being one lawyer to 888 of population, while in the whole United States there is one lawyer to 900 of population.

Twenty-six states of the Union have a higher ratio of lawyers than Ohio, the ratio in New York being one lawyer to 562 of population, that state having a total of 18,129 lawyers. During the past three years sixty lawyers have entered Ohio after admission in other states, and while accurate records are not available as to the exodus to other states, it is estimated that the number is approximately equal to the admissions.

As another test of overcrowding, let us compare the increase of the legal profession with the increase of other professions during a ten year period. Between 1910 and 1920 the legal profession had increased approximately twenty-six per cent while during the same period teachers, clergymen and physicians had increased twenty-two per cent. Surely this difference is not large enough to have any significance.

If income be a proper test, it may be admitted that some lawyers do not have living incomes, but it is equally true of other professions and occupations, and it cannot be gainsaid that any lawyer of ability and integrity, and who is properly educated and prepared will not lack for business.

It is both interesting and instructive to compare the conditions and qualifications for admission to practice medicine with those for admission to practice law in the state of Ohio. Although the legislative requirements do not so provide, the medical schools require two years of college study as a preliminary to entrance in a medical school, and, after matriculation, medical schools require four years of lectures of nine months each, and the state medical board will not admit any applicant to the examination who has not met the requirements of such schools and received a diploma therefrom.

While no particular period of study is stipulated by statute or by the rules of the state medical board, yet by reason of the requirement that the applicant must have a diploma from a first-class medical school and that such schools require four years of preparation, such requirement becomes more than the equivalent of a rule requiring a definite four years period of study.

It is also worthy of remark that the state medical board keeps in close touch with the curriculum of all medical schools and with the class and character of instruction given to students. The
comparison between such rules and regulations and those which pertain to law students is altogether unfavorable to the rules pertaining to the admission to the bar. Only three years study is required for admission to the bar and this is a matter of computation of time, to be ascertained by looking to the date of registration rather than a determination of the actual time and energy devoted to legal studies.

Prior to June 7, 1923, the preliminary requirement as to general learning was the equivalent of a four-year high school course. The equivalent was so difficult to ascertain that the rule was thereby rendered without practical value. It is hoped that the requirement of the equivalent of credits in other institutions of learning will give better practical results.

The close supervision of medical schools and rigid enforcement of rules and regulations pertaining to admission to the practice of medicine have been accepted by the public, and their wisdom is no longer questioned. It is significant that less than five per cent of all applicants fail to pass the medical examinations.

The law has been defined as a system for the just regulation of men's conduct in their relations with each other, with the community and with the state.

While the law is a separate and independent science and must be taught and studied as such, yet the practice of the law requires the application of the principles of that science to all other sciences which enter into the relations of men with each other. That application can be more effectively made by a mind trained in the principles of logic and accustomed to making inquiry into the relations of cause and effect. It is no less important that the legal practitioner have a more or less intimate knowledge of each of the sciences to which the law is to be applied.

Legal controversies always grow out of the dealings of men with each other in relation to the sciences, which fact not only makes the practice of the law an interesting occupation, but at the same time makes it essentially a learned one.

To-day the lawyer's practice involves an action for damages for personal injuries and the inquiry leads into the realm of the human anatomy; to-morrow it becomes a problem in psychology; the next day we are retained by an inventor, and we make an intensive study of patent law and also delve into the intricacies of mechanics. Our constantly shifting and changing employment
requires us to have a greater or less knowledge of the fundamentals of economics, engineering, agriculture, geology, merchandising, mining, chemistry, government, and all the avenues of human thought, research and knowledge.

The concrete research must be made after the controversy is submitted to the lawyer, but the abstract knowledge, the basic knowledge necessary to a proper comprehension and understanding of the subject, belongs to the period of preparation for admission to the bar.

The importance of general knowledge in the successful practice of law is so fully recognized that many prominent educators entertain the belief that the examinations for admission to the bar should cover certain cultural subjects such as history, economics, government and logic, as well as legal subjects.

It is not questioned by any thoughtful person that a good education is essential to the successful practitioner. The only controversy is as to whether he should acquire it before beginning to practice and at his own expense or whether he shall acquire it after his admission at the expense of his early clients.

The average citizen in need of the services of legal counsel, whether a simple mechanical service or highly complex litigation, does not question the ability or capacity of those who have been awarded a certificate to practice. He accepts the credentials signed by those in authority, and the certificate therefore has great value, and an injustice is done to the public if such a certificate is bestowed upon unworthy persons. The advantage of such a certificate is only a temporary one, because the true worth of those who are really well equipped will not fail to assert itself or be denied just recognition, and on the other hand, the incapacity of the ill prepared will soon become apparent, and be relegated to the ranks of mediocrity or oblivion. In the meantime the litigant who has suffered damage by reason of the incompetency of one who was unworthily clothed with authority loses confidence in the law and the courts, and justice is to that extent discredited.

All practicing lawyers would readily agree that a system of preparation for the bar would have the wrong start which would be confined to a study of the separate rules of law which constitute the chief content of the legal system; that there must be a study of those fundamental principles which underlie the great
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mass of rules and which must be employed in reducing it to a system.

It is, of course, absolutely essential to learn those legal rules and principles in a general way, and it is highly important that the student should cultivate the habit of studying their social origin and purpose and their relation with each other as parts of the legal system.

The American Constitution is a very simple, plainly written document whose language is quite free from ambiguity and not at all difficult to understand, and though whole volumes have been written to expound it, the language of those volumes is more obscure and complex than the constitution itself. The hundreds of federal cases involving constitutional interpretation have arisen not out of obscurity or ambiguity of meaning, but to determine the proper application of its provisions to the facts of controversies. Almost every one of its provisions has a historical setting which must be studied in order that the brief and sententious language can be comprehended in all its fullness and applied in the manner intended by its authors. The same is true of the principles of the English common law, and it is necessary to have a knowledge of the historical facts which induced their establishment in order to appreciate their value as rules of conduct. In like manner it is recognized as a proper aid to the interpretation of a statute to consider the occasion of its enactment, the existing evils, and the intended remedy, and construction should advance its object by suppressing the mischief and securing the benefits intended.

Huxley has defined education as knowing something of everything and everything of something. If this is good definition of general education in the abstract, it must be conceded that it is peculiarly pertinent to legal education. Education does not consist alone in learning scientific facts, or in memorizing principles, however important it may be to have a ready store of them available for emergent use. It consists rather in the power to think, to analyze, to observe and to discriminate between that which is worth while and that which is trifling: the mental discipline, which develops the power of concentration. If we ask the teacher in a conservatory of music, he will answer that his aim is not to produce great composers, but to cause the pupils to have a better appreciation of music. The professor in English seeks to inspire his classes with a better appreciation of good literature. A
noted college president recently declared that the highest purpose of a college education is to teach a fuller appreciation of life. The analogy of a legal education is obvious. Its highest purpose should be to give to members of the bench and bar a higher appreciation of ethics, and standards of service. Legal education is narrow and one-sided which stresses the knowledge of legal principles but neglects to teach their relation to moral principles. Any course of preparation for the bar is essentially incomplete unless it includes in its plan, character building, the strengthening of the moral fiber and placing the neophytes of the law beyond the reach of the ever-present temptations of the practitioner. It should give the student the conviction that the paramount purpose of the lawyer is that of service in the uplift of humanity, in contributing to a higher and better civilization, in causing men to desire to do right, rather than compelling them to do so, and that earning fees and winning cases are incidental and subordinate to that higher purpose. It is the duty of the lawyer to help solve moral problems in which the whole human race is interested quite as much as to uphold the cause of private justice.

It is not intended to condemn large fees or a lucrative practice, because it may be safely assumed that the most efficient service commands the highest remuneration. On the other hand, it is inevitable that the lawyer who is reputed to measure his success solely by the rule of income will not be selected for employment in service requiring the highest trust and confidence.

Recognizing the importance of careful inquiry into moral qualifications, the Supreme Court has recently established a rule that whenever attorneys coming to Ohio from other states make application for admission to the bar in Ohio such applications shall be referred to the bar associations of the respective counties where such attorneys expect to locate. While the legal profession at large and the public in general is interested in the moral qualifications of all applicants, it must be conceded that the local bar and the local courts in each instance are more especially interested, and the labor of such investigations has therefore been imposed upon the local bar associations, a burden which they have cheerfully assumed and in which they have rendered valuable aid. The same aid has been invoked just prior to each of the semi-annual examinations, with only a fair measure of assistance. At the examination of June, 1923, applicants appeared from fifty-three counties and the local bar associations were
addressed and furnished a list of applicants from their respective counties, but only thirty-nine bar associations reported, some of them with very complete reports, others with very indifferent reports showing little or no investigation. Fourteen counties made no reports whatever. It should be stated in justice, that the best reports and the fullest investigations came from the largest counties where information was most difficult to obtain.

Law schools are of comparatively modern origin, but they have already largely supplanted the method of learning law in the office of a preceptor. It is well known that for many years past a preceptor is such only in name and that any practitioner who has the ability to tutor a student has neither the time nor the inclination to conscientiously attempt to guide him through the mazes of the changes and uncertainties of legal knowledge. A hundred years ago *Kent's Commentaries* had not yet been written, and by reason of the simplicity of human life, trade and industry, the equipment of the beginner was quite sufficient if he possessed a thorough knowledge of *Blackstone's Commentaries* and of the standard text-books on pleading and evidence. The average library consisted of only a few volumes and any complete library of all law books then in existence would have contained only a few hundred volumes, while to-day, the library of the New York Bar Association alone contains more than 130,000 volumes and is increasing at the rate of more than 3,000 volumes per annum. The courts throughout the United States are and have been for many years publishing an average of more than 25,000 opinions per annum containing an average of 275,000 pages of printed matter, a volume which no lawyer could understandably read within three years, and bulk of the unwritten law has grown so great and its increase so voluminous as to be beyond the mind of man to digest, or grasp, or even understand.

The law office acquisition of knowledge is rather by the process of absorption than by the process of study and analysis. It encourages the student to lean upon his preceptor and discourages independence of research. Many generations ago, the student in a law office was a clerk who copied documents and became familiar with the adjective law and at the same time learned much of the substantive law. The student in a busy modern law office has no such facilities or opportunities, and, by reason of the confidential nature of the business transacted in a law office.
knows little or nothing of the legal principles which are discussed and applied therein.

The results of the recent Ohio bar examination throw some light upon this feature of the discussion. Out of 494 students, approximately forty per cent were successful. Of the day school students ninety-eight were successful and eighty-one failed, approximately fifty-five per cent being successful. Of the night school students eighty-three were successful and 166 failed, exactly thirty-three per cent being successful. Of the law office students eight were successful and forty-three failed, approximately fifteen per cent being successful. The remaining fifteen were not definitely classified but had combined two or more of the three types of preparation, and ten of those were successful and five failed.

A single examination is not a fair test of this matter, but it is believed that the results of five successive examinations should be accepted as a fair indication of the trend. In the last five examinations, a total of 501 day law school students were examined and seventy-seven per cent were successful. Of the total of 674 night school students fifty-three per cent were successful, and of a total of 218 law office students approximately fifty per cent were successful.

The foregoing figures are not designed to make comparisons between the methods and merits of full time day schools and part time night schools but they do clearly indicate that night schools require a longer period of study than day schools, and confirm the wisdom of the recent rule requiring a four year night school period of study. It is believed that the additional year will serve to place the two classes of schools on an equality. It should be stated that one night school had previously voluntarily established the four-year course and that others were advocating that plan.

If it is necessary to say anything about teaching by quiz methods, it must be stated that such methods are superficial and serve no purpose except to prepare those students for the bar examination who fail to appreciate the necessity for a broad foundation and a comprehensive superstructure as the only sure preparation for a successful career at the bar.

Though we have not yet arrived at the place where students are required to pursue their legal studies in law schools, the results of examinations prove the desirability of doing so, and that much of the time devoted to study in any other manner is
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wasted. Legal subjects are naturally dull and uninteresting to
the beginner, and the association of students gives life and adds
interest to the subject, and affords the advantage of discussion,
and cultivates the power of expression.

Discussion brings out the conflicting angles of debatable legal
principles, develops the reasons for sound conclusions, and im-
presses the truth indelibly upon the mind of the student. As one
great educator has expressed it: "It is the attrition of mind
against mind by an exercise of intellectual gymnastics."

Some further figures pertaining to bar examinations in Ohio
will be of interest. From June, 1896, to the present time 10,117
persons were examined and 7,860 were successful. This is an
average of admissions of 290 per year and an average percentage
of 77.7 per cent of successful applicants. The last five
examinations tell a different story. The average for the past
two and one-half years has been 380 admissions *per annum* and
an average of 62.3 per cent of successful applicants.

The larger percentage of failures in the recent examinations
must be attributed to one or more of three reasons: (1) The
examinations may be more difficult (which may be seriously
doubted); (2) The applicants may have an imperfect conception
of the requirements of legal knowledge necessary to a successful
career; or (3) There may be wide difference of opinion between
the law schools and the examining committee as to the things
to be taught and learned. The real reason should be sought and
remedied. There should be certain fixed standards readily ascer-
tained by students and to which they should be required to rigidly
conform, both as to the preliminary general learning and the
subjects of the law to be covered, and the thoroughness with
which they are to be mastered. The requirement of a period of
registration is nothing more nor less than a farce. It is self-
evident that many students will acquire as much knowledge in
two years as others in three or four, and it is well known that
many students give only a small fraction of their time to legal
studies while others devote their entire time, energy and attention
thereto. In addition to being a farce, it has also become a source
of fraud by reason of gross impositions and false representations
as to the time and manner of pursuing studies on the part of the
student, and as to the tutorage of practicing attorneys.

Aside from the lessons taught by the recent examination it is
self-evident that the overwhelming advantage is in favor of a law
school education. It is equally self-evident that there can be no
requirement of graduation from a law school as a condition to
the examination without setting standards for the law schools
and without a careful supervision of such schools. There should
be no discrimination between day and night schools, neither
should any favors be shown to students of either class of schools.
Those students who do not devote all their working time to their
studies should pursue a longer course and have the equivalent in
the number of recitation hours. Every school should be provided
with an adequate library available for the use of the students.
There should be a sufficient number of teachers giving their entire
time to the school "to insure actual personal acquaintance and
influence with the whole student body."

The elementary principles of law employed in each state do not
greatly differ from those employed in every other state, and
yet there is the greatest divergence among the states as to manner
and method of ascertaining whether an applicant for admission
is sufficiently learned to be awarded a certificate. There is not
in any state any governmental regulation of law schools or re-
quirement that any particular subjects shall be taught or that any
prescribed method shall be employed in teaching.

In nearly all law schools, a large part of the teaching force is
composed of busy lawyers and judges who make a real sacrifice
of their own interests to those of the profession. Such teaching
has the advantage of being practical, but is necessarily lacking
in thorough and systematic attention to elementary law. Such
teachers have no time or taste for the formation of improved
methods of legal instruction.

What the pupil desires above all things else is to get such
training as will prepare him for the bar examination, and the aver-
age pupil gives little thought to what is required to prepare him
for the ordeal of the practice. That this is true is proven by two
well known facts. First, pupils are constantly seeking a waiver
of the rules as to requirements of learning and periods of study.
And, second, a very large proportion of the applicants enter quiz
classes whose sole purpose and function is to cram for the bar
examination. Such students have no desire to study any topic
which is not specifically covered by the examination. The schools
have a laudable ambition to see a large percentage of their pupils
successful in the examination, and consciously or unconsciously,
the instruction is influenced thereby.
The bar examining committee is always composed of men of learning and integrity, men of exceptional ability and high standing in the profession, and yet their work is not entirely free from just criticism. Their practice has been, for the most part, to propound hypothetical questions, and it is inevitable that the majority of them cover points decided in recent cases. The facts are unusually complex and the principles decided are rarely elementary. Doubtful elements must have been involved, otherwise the controversy would not have run the gauntlet of all the courts. Many questions pertain to practice and procedure and to statutory provisions, all of which are peculiar to the state and concerning which no instruction is given in schools outside of the state. Such subjects can, of course, best be learned by the student who obtains his instruction in a law office, and thus, without intending it, a premium is placed upon that method of preparation.

The advantages of instruction in a well organized school over those of the modern law office are so obvious as not to justify prolonged discussion of them. It is sometimes urged that many students are the creatures of adverse circumstances and unable to pursue a college course, but it may be answered that the profession suffers by the poorly prepared student, and the student himself, except in rare instances, is so handicapped as to be relegated to the rear ranks of his calling.

The character of the average lawyer of to-day is essentially different from the character of the average lawyer of fifty years ago. It would be strange if it were not so. The world is essentially different. The human race has made prodigious progress in that period. Civilization has made greater advancement in that period than in any previous period of two hundred years. Fifty years ago there was not a telephone in existence, while there are fourteen million in use to-day in the United States alone. Thirty years ago the automobile was an unrealized dream, but to-day more than thirteen million are in use in the United States, and we have more than eighty-five per cent of those owned in the world. It may be remarked in passing that automobile business has become an important factor in the commercial and social life of the present period and that litigation resulting therefrom has greatly increased judicial burdens. Within the same period moving pictures and talking machines have become a reality and have taken a prominent place in the entertainment and education of American life. Less than twenty years ago wireless com-
munication was invented and has now been so far improved that sound waves have been transmitted 65,000 miles. The world’s greatest music, oratory, religious teaching, and the current news of important events are daily being broadcast to the people of the United States.

It was a far cry from Darius Green to Wilbur Wright, but the whole world knows that within thirty years aviation has not only been accomplished but perfected to the point where it was one of the principal factors in the World War, and promises to become a factor in commercial transportation. Already non-stop flights have been negotiated across the American Continent and across the Atlantic Ocean. The Roentgen ray was discovered less than thirty years ago and to-day is recognized as one of the most important aids to surgery and medicine. Medical science has, during the same period, made a multitude of important discoveries in overcoming infant mortality, curing diseases heretofore believed incurable and increasing longevity, improving sanitation and hygiene and incidentally discovering many new diseases with high-sounding names as avenues for departure from life. This last might be vastly extended by referring to numerous discoveries in mechanics, chemistry, astronomy, and other sciences, which have not only added enormously to the sum of human knowledge, but have greatly increased the conveniences, the luxuries and the pleasures of life.

Fifty years ago, public utility service was confined to rail transportation and the telegraph, while to-day every avenue of human endeavor and enterprise has become dependent upon public utility service, and it is so varied that half the population of our cities would perish within sixty days if all such service should suddenly cease.

The case of Munn v. Illinois, 94 U. S., 115 was decided by the Supreme Court of the United States in 1874, and the era of governmental regulation was ushered in. This is the parent case wherein the court declared the public character of utility service and affirmed the right of governmental agencies to regulate not only the service but the compensation to be charged therefor. That ringing judicial pronouncement became the basis of the development of a complex system of constitutional and statutory law, thoroughly regulating every feature of utility rates and service, and incidentally furnishing employment to large numbers of attorneys. Public education has made tremendous strides. A
larger proportion of American people are getting a college education to-day than received a high school instruction fifty years ago. Seven times as many persons are receiving high school instruction as fifty years ago, six times as many as thirty years ago, and two and one-half times as many as twenty years ago. Fourteen times as many persons are completing a high school course as fifty years ago.

Forty years ago, seventeen per cent of all persons over ten years of age were wholly illiterate, while the census of 1920 showed that there is less than six per cent of illiteracy.

It is estimated that more than a billion dollars is expended yearly in the United States for public educational purposes, and it is believed that by such public expenditures a high school education of four years has been brought within the reach of every ambitious boy or girl. If the amount of a billion dollars a year seems excessive and extravagant, that thought is dispelled by the statement of the federal commissioner of education that twenty-two billions are expended annually in the United States for luxuries.

It is further estimated that in Ohio alone approximately eighty millions are yearly expended for public educational purposes, and if that amount seems excessive, it may be answered that twice that sum is contributed annually by citizens of Ohio to federal revenues to be expended in payment of past wars and in preparing for future wars.

Our governmental and political growth has fully kept pace with our civil progress. In 1891 for the first time, the yearly cost of our federal government in all its branches exceeded a half billion dollars, and that sum seemed so large at that time as to shock the electorate, and governmental extravagance became an important issue in the presidential campaign of 1892. The expenditures have never been decreased, but on the contrary had become more than a billion per annum before our participation in the World War. The stupendous expense of that conflict forms no basis for comparative discussion, but now, more than five years after the Armistice, the cost of the federal Government is more than three billions per annum, and will never be less than to-day.

If we include in the discussion all branches and subdivisions of government, national, state, county, township, city and village, there are more than two million persons on the public payrolls, and the total cost of government per year is nearly eight and one-half billions. The cost of our own state government, not includ-
ing its subdivisions, has increased from less than ten millions in 1907 to more than fifty-one millions in 1922.

Fifty years ago, eighty-five per cent of our entire population lived upon farms, or at least outside of cities and villages, while to-day, only forty-eight per cent of our population is rural. It was at first believed that automatic tools and labor-saving devices would so largely do away with human labor as to reduce urban life and drive people from the cities to the farms, but it has, in fact, developed that the automatic machine which was designed as the servant of mankind has become the master. It has caused greater congestion in cities than ever before. It has beckoned the boys and girls from the farm by the lure of higher wages, taught them to live riotously, hindered and stunted their development, and vastly increased the mass of human wreckage, and the need of social salvage.

We have rather tediously and at length touched the high places of the progress of civilization and the development of mankind during the past half century. No one has cause to doubt that the next half century will witness a development vastly more phenomenal. Instead of exhausting scientific knowledge, we find that we are only broadening our horizon, brightening our vision, and gathering inspiration and ambition for greater conquests.

Our forefathers of 100 or 200 years ago kept their faces steadily turned westward to take possession of new lands, and a new land was scarcely occupied until the same inward urging to a further forward movement was felt. It was not the vision of the splendid Western empire which later arose, nor yet the love of adventure, which inspired the western progression, but rather the spirit of achievement and discovery, the call to the unknown.

No discovery is a terminus; it is only a station on the onward road from the known to the unknown. For man there is no intellectual or social stopping place. He is only contented when he is discontented; he can only rest when he is moving. Souls with burdens and ambitions are ever on the march. From the mount of vision we occupy to-day, we can see work to be done in the valleys below, and also that there are higher mountains yet to climb.

In these enlargements of the area of human life, there must be a relative enlargement of the sphere of legal science and legal service. New doctrines and philosophies, new inventions, new utilities, new modes and manners of living all call for new legal
principles, or at least a new application of principles old and well-established to new subjects and conditions. This call can only be met by lawyers and jurists and law writers whose foundations have been broadly and firmly placed and whose professional lives have been consecrated to the highest ideals of ethics and service.

However modern architects may differ from medieval builders in outline of superstructure and scheme of ornamentation, they are all agreed that there must be a firm and sure foundation.

The crowning parable of the teachings of the Master in The Sermon on The Mount is that which showed that the wise man is he who builds his house upon a rock, a lesson which everybody approves in the abstract, but which comparatively few men have the patience and courage to concretely apply to their own life structures.

We have but recently emerged from a great World War—a conflict which was the climax of a great epoch in America. It was a period of enormous material advancement, a period of mechanical and business upbuilding of the country, a period of invention and general utilitarian progress. It was to be expected, and it has in fact happened, that the great forces behind this progress have carried us into abnormal conditions. Enormous wealth has been accumulated by certain classes of our citizens, and the masses have imagined that they have enjoyed a period of prosperity, but it remains to be seen whether their last estate will not be worse than the first. Social progress has not kept step with material progress. Business and industry has become selfish and short-sighted. Insufficient thought has been given to national and international problems and to our responsibility in solving them.

Law enforcement has become lax in many of our metropolitan centers. The wave of crime which came as an aftermath of the World War has not yet subsided. Our citizens refuse to obey and our executive officers refuse to enforce laws which do not coincide with their notions of proper legislation. Law enforcement is frequently made an issue in municipal and even in state elections, frequently resulting disastrously to the advocates of good government. Many men, otherwise good citizens, advocate doctrines of so-called personal liberty which in their last analysis are nothing short of unbridled license.

The situation is tense and requires remedy. The time is ripe for the establishment of a program of social justice and good
will in our own land, and a program of co-operation in establishing international good will and understanding.

Our position of wealth and culture and influence among the nations is such that no world program is likely to be successfully carried out unless we assume the rôle of leadership. The world's house must be set in order, and our own nation must set the example of saneness and stability. Our own government is so organized and constituted that the judicial branch is always regarded as the bulwark of stability and the barrier against radicalism. Any program for greater social justice must involve the study of economic and social facts of the civilization of to-day, so that scientific knowledge may replace the prepossessions, superstitions, traditions and many of the so-called principles that have grown up in the race for industrial and commercial supremacy, and this study must be supplemented and enforced by political and governmental co-operation in which the judicial branch should lead the way.

Modern science, with its amazing technique and its unlimited possibilities, has become a great force which is molding our entire civilization. It has produced a revolution in human life no less profound for being peaceful and gradual in its forward sweep. In all that pertains to the physical and economic side of life and in much that affects its social fabric, modern science is generating new power, creating and supplying new demands, and increasing the energy and efficiency of humankind. Surely it is incumbent upon all the learned professions and all educated men to understand, appreciate and hold in even balance all these great forces in the modern world. There can be enduring progress only if those in authority have a real desire to give justice and others a willingness to receive it.

The law is the most learned of all the professions and it follows from what has already been shown that the successful practice of the law requires a wider range of knowledge, a keener perception of the relations between men and events and scientific facts, and more highly developed reasoning powers, and yet it is found that the entry requirements to the legal profession are upon a lower level than any of the other learned professions. If the world has become profoundly scientific and erudite, then the lawyer as the adjuster of the increasingly complex relations of men and physical forces cannot properly fulfill his mission unless he also becomes more and more scientific and erudite.
The training of the lawyer should be such as to create in his mind a higher conception than that of a mere money-making business. It should raise lofty standards of ethics and service.

In this age of marvelous growth in scientific research, of educational advancement, of higher learning, of transcendent civilization, of brilliant inventive genius, of literary achievement, and of world wide intercourse, there should be no change of leadership, and no discredit or distrust of leadership which has been found safe and efficient in times past. The lawyers of the Revolutionary period laid down the principles of representative government in terms so plain as to be almost axiomatic, and the lawyers of each succeeding generation from that period to the present time have been the leaders of thought in all matters touching the public welfare. If that leadership has not been maintained, it is because the bench and bar has not kept step with the march of progress and the forward sweep of civilization. Standards of education and preparation which prevailed at a time when a college course was hardly equal to the high school course of the present time are no longer adequate.

The lawyer is not a producer, but on the contrary is himself the product of the spirit of the period in which he lives. He has nothing to sell except service. The quality and character of that service will be responsive to the demand. If there is a market for high-minded, ethical, honorable service, lawyers will be forthcoming to supply that market. If a portion of the business and professional world so conduct their affairs as to create a demand for the trickster and the pettifogger, it is quite certain that a portion of the legal profession will adjust themselves to that condition, and that condition will obtain, in spite of the most lofty ethical doctrines which may be taught by schools and bar associations.