

ADDRESS OF THE PRESIDENT OF THE ASSO-
CIATION OF AMERICAN LAW SCHOOLS.

BY

HENRY WADE ROGERS,

DEAN OF THE LAW SCHOOL OF YALE UNIVERSITY.

As the Association of American Law Schools was organized in 1900, we are assembled at the sixth annual meeting.

The Constitution requires this body to meet annually at the time and place fixed for the annual meeting of the American Bar Association. That Association finds its convenience served by holding its meetings the last of August. A more inconvenient time than this for university teachers could hardly be selected. Organizations composed of those connected with universities are accustomed almost without exception to hold their meetings in December. Then, too, the Bar Association may sometimes find its own advantages promoted by holding its meetings in a remote section of the country and at a place so distant from the schools represented in this Association as to cause serious inconvenience, because of the place as well as the time of the meeting. The suggestion is made that it may be well for our Association to consider the question of the expediency of so amending the Constitution as to invest the Executive Committee with discretion concerning the time and place of meeting.

Since the last meeting of the Association of American Law Schools, the death has occurred of three distinguished law teachers: Christopher Columbus Langdell, George Tucker Bispham and George L. Reinhard. Mr. Langdell, whose death took place at Cambridge on July 6, 1906, was professor emeritus of the Harvard Law School, and was eighty years of age. He became dean in 1870 and resigned the position in 1895. In 1903 Harvard University established, in his honor,

a Langdell professorship. This was an unprecedented compliment for that university to pay to a living man. And in 1906 Harvard named, while he was still living, its new law building "Langdell Hall." It can be said that there has been no law teacher in America who has attained a fame equal to his. This is due to the revolution which he wrought in the teaching of law. The Langdell system of instruction, adopted in its entirety by some schools and employed in part by many others, has made his name a familiar one to the profession in England and America.

Mr. Bispham had been for many years professor of law at the University of Pennsylvania. He died at Newport on July 28, 1906, at the age of sixty-eight. Since 1861 he had practiced law in Philadelphia, and at one time he was the counsel of the Pennsylvania Railroad. As an author of an admirable treatise on equity, his name was well known to law teachers and law students.

Judge Reinhard was dean of the law school of the University of Indiana. His death occurred at his home in Bloomington on July 13, 1906. He was accustomed to be present at the meetings of this Association and he freely participated in the discussions of this body. Law teaching was with him, as with Dean Langdell, a vocation, while with Mr. Bispham it was an avocation.

The question as to what standard of preliminary education should be required of students applying for admission to the law schools continues to be one of the most important subjects this Association can have before it. That any law schools in the United States should continue to admit students as candidates for a degree without regard to their preliminary education should be and is occasion for humiliation. The American Bar Association has said emphatically that, at least, a high school education should be required. It is impossible to understand how any school which desires to be esteemed can longer admit students without complying with this recommendation.

In the report submitted to the American Bar Association in 1903 by its Committee on Legal Education, that committee disclaimed expressing any opinion on the question whether a college degree should be required of students seeking admission to the schools. It regarded that question as distinctively one of university policy.

In England, Oxford University does not confer the law degree upon one who is not a graduate in arts, either of Oxford University or some university which Oxford is willing to recognize.

In Scotland, no university can confer the degree of LL. B. on anyone who has not already obtained an arts degree.

In Ireland, the LL. B. degree is granted after two years of law study to those who hold an A. B. degree.

In France, to be entered at the *École de droit*, the student is required to produce, *inter alia*, the diploma of *bachelier de lettres*, or, if he has not studied in France, an equivalent qualification.

No American law school has as yet conditioned its law degree absolutely in the attainment of an academic degree. Harvard in 1896-97 made the possession of such a degree necessary for matriculation as a regular student. But persons without such a degree can still be admitted at Harvard as special students, and can obtain the law degree if they attain a sufficiently high stand on the examinations. And the same rule practically exists at Columbia.

Yale University has recently announced that, beginning with the academic year 1909, it will require students to have had the equivalent of at least two full years of work of collegiate grade.

Two years of college work is also to be required, or is already required, by the law schools connected with the state universities of North Carolina, Ohio, West Virginia and Wisconsin, and by that of Trinity College at Durham, North Carolina. Within the immediate future, other schools will, no doubt, take similar action. With foreign universities insisting on the degree

requirements, American universities cannot long remain content with a diploma from a high school as the admission requirement of their professional schools.

The discussion concerning legal education in the South which occurred at the meeting of the Association a year ago has seemed to make it desirable to bring to your attention the facts as to conditions which prevail in the states which lie south of the Potomac.

We will consider first the law schools established in these states, and then the rules by which admission to the Bar is regulated.

Alabama has one law school, that of the State University at Tuscaloosa. It has a two years' course, which was established in 1896. Any person of good moral character is allowed to matriculate. But if he is a candidate for a degree he must pass such examinations in English, United States history and general history as shall satisfy the faculty. The faculty are required to give their entire time to the school. The number of students enrolled is 39.

Arkansas also has one school, that of the State University. It is established at Little Rock. Its course of instruction covers a period of two years. Applicants are admitted "who are possessed of a fair English education, such as may be acquired in our public schools." By a recent act of the legislature all graduates of the law department of the State University are admitted to the practice of law in all the courts of the state. The number of students enrolled is 46.

Florida has one, that of the John B. Stetson University at DeLand. The university obtained its charter in 1886, but the law school was not established until 1900. Its course covers a period of two years of thirty-three weeks each, and the number of students enrolled is thirty. Applicants for admission, if candidates for a degree, "must give satisfactory evidence of educational qualifications sufficient to enable them to pursue successfully the study of law." By special act of the legislature any person who is a graduate of the College of Law of the John

B. Stetson University can be admitted to the Bar on motion in open court upon presentation of his diploma. Persons coming from other law schools, although they may have had a three years' course, must pass an examination in open court. The arrangement is not, I am informed, satisfactory to the Bar of the state, and seems to be a piece of special legislation intended to strengthen the hands of the law faculty of this particular university.

Georgia has three, that of the State University at Athens, that of Mercer University at Macon, a Baptist institution, and that of Emory College at Oxford, which is a Methodist institution. The law school of the State University has a two years' course, which was established five years ago. It requires applicants for admission to "pass a satisfactory examination upon the elements of an English education." In speaking of the abandonment of the one year course and the adoption of the two years' course, the authorities of the school say: "The wisdom, if not the necessity, of that action has never been doubtful. The only apprehension was that the prospective students of law would not appreciate the advantages, and that lack of sufficient numbers of students would impede the progress of the department. The result has shown that these apprehensions are groundless." At the time this action of the university was taken the other law schools of this state conferred the bachelor's degree at the end of one year's study, and their course is still a one year course. It is also to be had in mind that, under the laws of this state, a student seeking admission to the Bar is not required to study for any prescribed period. It was under these adverse conditions that the law school of the University of Georgia took its advance step, and the success which attended it ought to encourage the remaining schools of the state to take the same step if they are not yet prepared to adopt the three years' course. It is said against the University of Georgia that it admits to its second year class students who produce the certificate of a lawyer that they have studied law for a year. It is, of course, unsound to

assume that a student studying in an office can make as much progress in a year as can be made by a student studying in a law school. But it must be said that while the University of Georgia will allow such students to enter the second year class, it only extends that privilege to those who pass an examination on the subjects of the first year.

The law school of Mercer University was established in 1875 and reorganized in 1893. While it has a strong faculty, Emory Speer, Judge of the United States District Court, being dean, it confers the degree of LL. B. at the end of one year of law study, and the catalogue makes no mention of any admission requirements.

The number of law students at the University of Georgia is 41, at Mercer University 46, and at Emory College 1.

Kentucky has four, the law school of the University of Kentucky at Lexington, that of Central University at Danville, the law school of the University of Louisville, the Jefferson School of Law, also at Louisville. All of these schools have a two years' course. The law school of the University of Louisville has been in existence for more than sixty years. The Jefferson School of Law was organized in 1905. Its sessions are held in the evening and cover a period of eight months, and it is the largest school in the state. Central University announces that no examinations are required for admission to the law school, and no entrance examinations seem to be required in any of the law schools of this state.

The law school of Central University has 20 students, Louisville University 35, the Jefferson School of Law 63, Kentucky University 25.

Louisiana has one, that of Tulane University at New Orleans. It is one of the oldest law schools in the United States and was established in 1847. The course is one of two years of six months each. But a student who has studied law for a year in an office may be admitted to the second year

class. No examination for admission seems to be required. The number of students enrolled was 82.

The authorities of the Louisiana State University at Baton Rouge have decided during the present year to establish a law school and to open it in September. It announces a two years' course for the degree of LL. B. It will require all students who are candidates for a degree to possess a high school education or its equivalent.

Mississippi has two, that of the University of Mississippi, which is established near Oxford, and another which is connected with Millsaps College. The course at the University of Mississippi covers two years of nine months each, and students are not permitted to take the two courses contemporaneously. Applicants for admission, "if not graduates of some college, will be required to exhibit satisfactory certificates of moral character" the catalogue announces. But nothing is said as to any examination being necessary for admission, and no preliminary examination is required by the law school of Millsaps College. The attendance at the University school is 58 and at Millsaps College 13.

North Carolina has four. The schools are those connected with the State University at Chapel Hill, with Trinity College at Durham, with Wake Forest College at Raleigh, and with Shaw University, which is also at Raleigh. They all have a three years' course. Shaw University is an institution established for colored men, and very few of this race apply for admission to the Bar of the state. The requirements governing the admission of students to the law schools are higher in this state than in any other state in the South. In this respect an example has indeed been set to the whole country. The law school of the University of North Carolina has, for twenty-five years, declined to confer the degree of bachelor of laws upon anyone who has not had at least two years of a college (academic) course. It thus leads all the law schools of the United States in first establishing a high requirement in the matter of preliminary education. The

law school of Trinity College, which is a member of this Association and was established with an endowment in 1904, followed the example of the State University in also requiring its students to have completed the first two years of a college course. As Trinity followed the State University in this respect, let us hope that the latter may follow the example of the former and enter this Association. We should all be glad to welcome a school which a quarter of a century ago took such an advanced position in the matter of entrance requirements that not half a dozen schools in the entire country have even yet been able to do likewise.

The law school of the University of North Carolina has 104 students, that of Trinity College 16, of Wake Forest University 85, and of Shaw University 8.

South Carolina has two schools, both being established at Columbia, and each having a two years' course. The law school of South Carolina College exists for the white race and has 30 students. The law school of Allen University was established for the colored race. For the last few years it has had no students, but the President reports that there is a faculty which is ready to teach and that "they will probably have a student or two next term." This law school has graduated about forty men, but there seems to be no great demand for colored lawyers in South Carolina. The catalogue, however, states that the majority of those graduated "are meeting with a great degree of success in life." No admission requirements are prescribed, the catalogue simply announcing that "a knowledge of the Latin language is a great help in the study of law, and a course in liberal studies is recommended."

Tennessee has six schools. The schools of the University of Tennessee at Knoxville, of the University of the South at Sewanee, of Vanderbilt University at Nashville, and of Grant University at Chattanooga, have a two years' course. Walden University law school in 1905 established a three years' course, and is the only school in the state which has such a course. It is a school for colored men and its cata-

logue states that it "is the only leading law school in the whole South for the education of colored attorneys." The school was organized in 1877 as the law department of Central Tennessee College and in 1900 the name was changed to Walden University. It is established at Nashville. Applicants for admission must give evidence of good moral character and that they have attended some reputable high school, academy, normal or college preparatory school for at least two years.

The law school of Cumberland University at Lebanon has a course of one year for the degree of LL. B. This is one of oldest schools in the country, having been established in 1847. It has no entrance requirements and publicly advertises the fact in the newspapers. The result is that it enrolls more students than any other school in the state. The catalogue for 1906 does not show that a single student was enrolled who possessed an academic degree. The total enrollment was 118, and of this number 27 are credited with "taking a partial course." The law school of the University of Tennessee enrolled 62, Grant University 60, Vanderbilt University 46, the University of the South 18, and Walden University 4.

The law school of the University of Tennessee requires all applicants to have had a high school education. That of the University of the South states "that the requirements for admission to the university apply to law students; yet, for entry to the junior class students of mature age and earnest purpose may not be held to rigid examination." Vanderbilt University announces that applicants are "not required to undergo a special examination, but must satisfy the faculty of their fitness to undertake the work." Grant University says that applicants "will be expected to furnish satisfactory evidence of at least a fair education in the common branches." It adds that students who have no diplomas from a college, academy or high school, but "who are able to pass an examination testing ability to read law books intelligently and comprehend law lectures will be admitted."

The law school connected with the University of Tennessee has been a member of this Association until the present year, when its membership is forfeited under the constitutional provision which now makes a three years' course essential to membership in this body. It is a source of regret that the University of Tennessee has not seen it possible as yet to place its law school upon the three years' basis. The dean of that school, who is so well known to all of us, is anxious for a three years' course, as is the dean of the law school of Vanderbilt University. They have the best wishes of this Association for the speedy realization of their ambition. We hope that it will not be long before the representatives of each of these schools will be sitting in the councils of this Association.

Texas has two schools. The law school of the University of Texas is a member of this Association and is the largest school in the South, having 247 students enrolled. It has a three years' course, adopted three years ago. Candidates for admission must have had a high school education. The change from a two years' to a three years' basis did not, after the first year, decrease attendance. A law school was established in 1893 in connection with Fort Worth University. Its catalogue fails to show that any students were in attendance during the past year. It also fails to show the length of the course and the nature of the examination of applicants for admission.

Virginia has three schools, that of the University of Virginia at Charlottesville, of the Washington and Lee University at Lexington, and the College of Law at Richmond. The law school of the University of Virginia was opened in 1826, the year after that of Yale University. The school connected with that of Washington and Lee University was founded in 1849. The Richmond College of Law was established in 1876 and existed until 1882, when it was discontinued. It was re-established in 1890. All three of these schools now have a two years' course. The University of Virginia has had such a course for

a number of years. But the two year rule goes into effect at the Washington and Lee University with the academic year 1906-07. And the Richmond College of Law has also just established the two years' course. Students who enter the law school of the University of Virginia must have had a high school education. The law school of Washington and Lee University announces that "no entrance examinations are required for admission into the law school, but it is expected that all students applying for entrance shall have had at least the advantages of a good English education." The Richmond College of Law states that "each applicant for admission must give evidence of fair general education."

The law school of Washington and Lee University asserts in its catalogue that inasmuch as each class is given "about" fifteen hours of lectures each week the amount of work prescribed "nearly or quite equals that required in those institutions which allow three years to their courses." But there are a number of three year schools, of which Yale is one, which prescribe fifteen hours of work for each of the three years. It will not do to attach too great importance to the fact that one school prescribes ten hours of work, as at Harvard, or fifteen hours, as at Yale, if only the course be a three years' course with due opportunity for reflection and assimilation. Three years of ten hours of prescribed work in each year is certainly far more valuable to the student than two years of fifteen hours of prescribed work. That fact should never be lost sight of either by instructor or student. The catalogue of the Richmond College of Law makes a strange misstatement: it announces that there is no law school in the South, except two colored schools, which is eligible for membership in the Association of American Law Schools, as there is none having a three years' course. The law school of the University of Virginia has 200 students enrolled, and is the second in size in the South. Washington and Lee has 75 and the law school at Richmond 34.

West Virginia has but one law school, that of the State

University at Morgantown. This school has a two years' course. Its admission requirements are the same as those prescribed for admission to the College of Arts and Sciences. It confers the degree of LL. B. only upon those who have had two years of a college course. To all others it grants simply a diploma. Its last catalogue shows that forty-three students were candidates for a degree and twenty-four for a diploma. Not only does the diploma or degree of the school admit to the Bar of the state, but the faculty is constituted a state commission to examine all applicants for admission to the Bar. No other state entrusts to the faculty of a law school the right to pass upon all applicants. The objection to such a provision is that a faculty might be inclined to favor its own students, and admit them to the Bar with too little of preparation, while at the same time it excluded others whose knowledge of the law might, at least, equal that possessed by some of those to whom the license is granted. This Association and the American Bar Association has several times gone on record as opposed to candidates being admitted to the Bar on a law school diploma. The practice is a vicious one, and tends to low standards in the schools. The West Virginia idea goes a step farther and gives a law faculty not only the power to admit its own students, but, in addition the right to exclude those who are not. No law faculty should possess any such authority. It seems to be indefensible from any point of view.

To summarize results, there are in the states south of the Potomac thirty law schools which had during the past year a total attendance of about 1542 students. These states, according to the census of 1900, had a population of 22,081,639. The population of the whole country was 76,303,387. If we assume that the number of law schools in the United States was approximately 125, and that the total of students in law schools was about 15,000, it will be seen that these states have less than a proportionate share of the law schools of the country, and that the number of students in the schools is proportionately much less in these states than in the states of the North.

Indeed, the small number of students in the law schools of the South as compared with the number in the schools of the rest of the country is a fact of no little significance.

That there should be in these states only five law schools having a three years' course of study for the bachelor's degree, and that two of the five should be schools for the colored race, are facts which also are not without significance.

That a number of the schools have recently abandoned a one year course and come to the two years' basis is a subject for congratulation. That there are even two or three schools left which persist in maintaining a one year course for the degree is a surprising, and I may add with truth, humiliating fact.

Another striking fact in connection with the law schools of the South is that in so few of them is attention paid to the preliminary education of students seeking admission to the schools.

If we examine the rules which govern the admission of students to the Bar in the states of the South, we shall find some explanation of the fact that there are so few students in Southern law schools.

No definite period of law study is prescribed in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas or Virginia.

Two years are prescribed in North Carolina, South Carolina and West Virginia.

The prevalent theory in the South is that justice requires that an applicant for admission should be allowed to show at any time that he is qualified to pass the examination, and that as a bright man can prepare himself in less time than a dull one, he should not be shut out by any fixed rule as to time. This theory has long been rejected in the Northern States. It has been repudiated by the American Bar Association, which has gone on record in favor of a three years' requirement. The Southern rule fails to recognize the fact that while a student may in a comparatively short

time "cram" for an examination, the knowledge which he thus acquires is of very little value to him and is lost almost as soon as it is acquired. The interests of the commonwealth are not subserved, but very seriously injured, by the admission of incompetent attorneys to the Bar. Cases are mismanaged, the interests of clients sacrificed, the expenses of litigation enormously increased and the courts burdened as a result of this short-sighted and mistaken policy. The judgment of the profession in this country and abroad is that three years is none too long a time to enable the student to prepare himself properly for admission to the Bar. If less time is devoted to the work of preparation, it becomes a process of "cramming" to pass an examination and no adequate time is afforded for proper digestion and assimilation of legal principles. Rules must be made for the average man and not to accommodate an occasional genius. If the three year rule now and then operates to the prejudice of a genius, it is better that it should be so than that a rule should be established for his accommodation which works evil to all others and to the commonwealth. Law professors in the South should take the lead in their respective states in creating a sound opinion within the profession on this important subject. So long as students can come to the Bar by "cramming" for an examination in a three months' study of the law the difficulty of bringing the law schools to a three years' basis in any state which tolerates such conditions is very manifest.

Again, no examination on literary subjects, but only on legal ones, is demanded of applicants for admission to the Bar in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia. The Supreme Court of Texas, however, lays down the following rule: "Since some general education is necessary to a practice of law, it shall be the duty of the Board of Examiners to reject any applicant who, in their opinion, may show himself so deficient as not to be capable of performing the duties of an attorney."

In West Virginia all applicants must have had at least a high school education.

It is impossible to understand why in the states named the profession tolerates the condition which prevails, and under which men come to the Bar without any adequate preliminary education. It certainly is not in the interest of the profession, or in that of the commonwealth, that men without education should be admitted to the Bar. That it is not in the interest of the men themselves is also certain, but if it were otherwise it would be impossible to justify the sacrifice of the dignity and welfare of the profession and of the state's weal in order that a few individuals, unfit and undeserving, may find an easy access to the ranks of a great and honorable profession.

The fact that men can come to the Bar of these states without being subjected to any test as to their preliminary education explains why in so many of the Southern law schools, even in those connected with reputable universities, no entrance requirements are prescribed. That the law schools are not justified in conferring their degrees without regard to the preliminary education of the recipients by the failure of the state to subject to such a test those who seek admission to the Bar is clearly evident. But the absence of such a test on the part of the state embarrasses the schools in establishing a high school education as a condition of admission to their classes in accordance with the recommendation of the American Bar Association. When a Southern school, in the absence of any state test, establishes a high preliminary requirement, as has been done by the two schools in North Carolina, the action, I am sure, commands our enthusiastic appreciation. Let us hope that our brethren, the law teachers of the South, will also take the lead in their respective communities in demanding that a suitable state test be prescribed as to the preliminary education of all applicants for admission to the Bar. May we not hope that whether or not they at once succeed in securing this reform in the state law they will steadily advance

the standard of their own schools, and conform to the recommendations of the American Bar Association.

A federal judge living in the South gives the following explanation of the reason why the law schools in his state cannot adopt a three years' course, and as he is also the dean of a law school, his opinion has additional significance from that fact:

"The principal reason why, in my opinion, the law schools of ——— cannot come to the three years' basis now requisite in so many Northern schools is that, while we have widely diffused prosperity, we have comparatively few men who are pecuniarily able to give their sons collegiate training and a professional training of more than one year. It is usually true also that the sons of the wealthy who have the means of adopting a longer novitiate prefer the more renowned schools, such as Yale, Harvard, Columbia and the like."

If the distinguished jurist is correct in assuming that there are few men in the South who have the means to give their sons more than five years of educational training after the completion of a high school course, he nevertheless falls into a decided error when he assumes that a proper division of this time is to assign four years of it to the college course and one to the professional school. A much wiser distribution of it would be to give two years to the college course and three years to the professional school.

I venture to think also that the law schools of the South should not plan their work to accommodate the few spoken of by the judge whose words have been quoted, unless they are prepared to insist on a college degree as a condition for graduation in law. So long as these schools do not even demand a high school education as a condition for admission, why should they refuse the vast majority of their students the benefit of three years of sound professional training and put them off in many cases with but one year of such training in order to meet the convenience of the comparatively small number of college-trained students who enter their classes?

The real explanation of existing conditions is not the poverty of the South, but the indifference with which this subject

has been regarded by the profession in that section of the country. At the close of the war the South was certainly in a pitiable condition of poverty; the people had lost their slaves, their lands had depreciated in value, and their wealth had been destroyed. But forty years have passed since the war ended and there is a New South. That section has wonderfully prospered. Its industries have become diversified, and every department of life has improved. The whole South has been covered with a network of railroads. Its lands have been brought to a higher state of cultivation than ever before was known. Its crops have been more diversified. Everywhere are telephones and electric lights. It has made great progress, too, in education and in the building up of a system of common schools. But the progress in professional education has not kept pace with the progress made in other directions. Here and there have been men like Ward Hunt, of Louisiana, Dean Lile, of Virginia, and Dean Ingersoll, of Tennessee, who have lifted up their voices and appealed for higher standards. But their appeal has been in the main unheeded, and their voice has been as of one crying in the wilderness.

Throughout the South generally admission to the Bar signifies little. The examinations are as a rule notoriously and discredibly lax. In a report made to the Tennessee Bar Association in 1899, by its Committee on Legal Education, the condition existing in that state was described as follows:

“A license to practice law, procured in Tennessee, imports nothing either as to the character of the holder or his professional acquirements. The examinations for admission to the Bar, as conducted in this state, are notoriously loose. It is generally accepted that almost any person can, in one way or another, get a license to practice law in the State of Tennessee.”

At a meeting of the Virginia Bar Association in 1901 the dean of the law school of the University of Virginia stated that in Virginia any young man could in three months qualify himself to stand the examination for admission to the Bar of that state. No one called in question the truth of his state-

ment. The Committee on Legal Education had reported in favor of changing the rules so as to require an applicant to study law for two years and also to authorize the Court of Appeals (which conducts the examination of all applicants) to reject any candidate if it should discover from his papers that his general education was so deficient as to make him obviously unfit to enter the profession. In explanation of this last provision, it was stated that the court paid no attention to an applicant's general education or the lack of it as it did not feel authorized under the existing rules to do otherwise. The report, which I am confident we will unanimously agree was very conservative, provoked a prolonged discussion and an opposition which was so general and pronounced that the Association found it desirable to adjourn without taking further action than to postpone its further consideration until the next year. Nothing has ever been heard of it since. Its advocates were so discouraged that they have never yet ventured to bring the matter again to the attention of the Association. The Chairman of the committee making the report was Dean Lile, of the University of Virginia, who said at the time that he desired to go very much further than the recommendations, but that he abstained, as he did not wish to "shock" the Association. I venture the opinion that what the Association most needed was a "shock," and that even this very mild one, which it certainly received, did good, although no tangible result has yet come from it.

At a meeting of the Bar Association of Georgia, in 1902, Chancellor Hill of the State University, referred to the fact that a young man in that state had recently passed the Bar examination after thirty days' study. And he stated that numerous instances were known of applicants passing the Georgia examinations "after studying during six months or less."

A discussion in the Bar Association of Texas, in 1900, sheds considerable light on conditions in that state. One of the professors of the law school of the State University

declared that persons were being constantly admitted to the Bar of Texas who were without qualifications. "Many of these young men," he said, "secured license by knowing what questions would be asked and through the kindness of some friend on the board of examiners who would say, 'Oh, he is a common sense fellow; he will make a lawyer some day.'" And the President of the Association, in 1894, in his address declared that in his experience of nineteen years he could only call to mind one applicant who had been rejected. In 1903, the Committee on Legal Education reported in favor of requiring all applicants to be examined on literary subjects, but the Association after a lengthy discussion rejected the recommendation. One member, who could not conceal his contempt for the suggestion that applicants should pass an examination in elementary Latin, announced that the dead languages were dead and had been dead for a long time. That he had never derived any benefit from them, and that he would not know them if he met them in the street. All of which may have been true without impairing the wisdom and value of the committee's recommendation. But in his mind it settled the matter conclusively and at once against the report. Another participant in the discussion was one who could see no reason for expecting a lawyer to know anything about history, as he himself was unable to tell, as he said, "without severe deliberation," whether James the First followed the First Charles or the Second. He frankly confessed that he did not believe it made an iota of difference whether James died before Charles was born or was born after Charles died. Still another, again recurring to the Latin recommendation, effectually disposed of it by saying: Judge Beckley, of the Supreme Court of Georgia, "don't know any more about Latin than a pig, and yet he is acknowledged to be, perhaps, the greatest living judge in the South today." Having disposed of the Latin recommendation in the manner indicated, he next gave attention to the recommendation as to mathematics. Declaring his conviction that a knowledge of

mathematics had no bearing whatever on one's qualifications to practice law, he demonstrated the truth of his assertion by saying: "I bet there are not two lawyers present who can define that word 'quadratics.' I know I can't. 'Talk about requiring that examination, I bet there are not five lawyers present who can define what it means, or care what it means.'" But a member of the legal profession surely ought to be a man possessed of some general culture, and no one should come to the study of the law with faculties not trained by previous study.

In South Carolina, prior to 1879, a person was not required to pass any examination if only he had studied law for two years in a lawyer's office, or had been graduated from some reputable law school. But in that year an act was passed requiring an examination in all cases. In a report made to the Bar Association of that state by the Committee on Legal Education, in 1904, attention was called to the fact that no preliminary examination on literary subjects is required. The committee considered the absence of such a test as a defect in the law, but made no recommendation for its amendment. It did, however, venture to say that it felt "satisfied that, if the time be not now ripe, in the near future this requirement of preliminary education, before the student enters upon his law course, will be insisted upon, and such requirement enacted into law." If in a state which has produced a Calhoun, a Petigru and a Legaré the time is not yet ripe for insisting that men who come to its Bar shall have a reasonable education, the fact is indeed deplorable.

It is a rather remarkable fact that some of the most strenuous opposition in the South to any advance of standards, even when demanded by the Bar, has come from the law schools themselves. Thus, in North Carolina, when the Committee on Legal Education reported in favor of requiring all candidates for admission to the Bar to study law for two years the dean of one of the law schools opposed it very vigorously before the State Bar Association. He asserted that those

who had already been admitted into the temple were endeavoring to close up the entrance and make it "a little wicker gate through which the young men of North Carolina pass before they come out into the forum." After a discussion, which continued for two days, the Association adopted the recommendation, and the Supreme Court later made the change as requested.

In Georgia, the State Bar Association has taken action twice within the last six years in favor of changing the law of the state so as to take away the right of admission on the diploma of a law school, except in the case of schools having a two years' course. A bill to that effect was introduced into the legislature in 1904, and was defeated because of the opposition of a one year school which claimed that the time was not ripe for such a change.

The officials of law schools who oppose an advance in the standards governing admission to the Bar prejudice the interests of their own schools. Experience has shown that an effect of increased admission requirements is to diminish the number of students studying in offices and to increase proportionately the number who resort to the schools. The reason why there are comparatively few students in Southern law schools is that admission to the Bar in the Southern states is so easy a matter that the young men entering the profession think it unnecessary to avail themselves of the opportunities which the schools afford. When the Bar examinations are made severe, and candidates are required to study for a period of two or three years, the Southern law schools will not want for students and the necessary income for the payment of salaries will be forthcoming.

Before concluding this address, I desire to call attention to the matter of the law degrees. The old Litchfield Law School, the first to be established in the United States and which was founded in 1784, never conferred degrees. Neither did the Northampton School, which was opened in 1823. These schools were not incorporated, and consequently had no

power to give degrees. The degree of bachelor of laws was conferred for the first time, in the United States, in 1820, when Harvard University bestowed it upon six graduates. The Yale Law School, which dates from 1824, and next to Harvard, is the oldest of the existing law schools in this country, did not confer the degree until 1843. The law school of the University of Virginia, which came next, being established in 1826, began conferring law degrees in 1840. The original policy of that university was adverse to the entire degree system, and it was not until 1848 that it consented to confer the bachelor of arts degree.

The degree conferred by most law schools in this country is that of LL. B., although some few schools confer the degree of B. L.

In Scotland, a distinction is made between these degrees. The LL. B. degree was in that country originally created by the university commissioners, appointed under the Universities Act of 1858. The ordinance of the commissioners establishing the degree was passed in 1863, and the degree was first conferred in 1864. The B. L. degree was instituted in 1874. In that country the LL. B. degree is essentially an academic and scientific distinction. It implies a considerable amount of general culture, because no one is eligible as a candidate for the degree unless he holds the degree of master of arts (or its equivalent) of a recognized university. It entails a course of study and examinations in a wide range of legal subjects, which includes several subjects not ordinarily required for professional purposes, such as jurisprudence, international law and constitutional history. In contrast with the LL. B. degree, the B. L. degree is regarded as a distinctly professional degree and one standing on a lower level. It was designed for those students who have not much time for general education or for the study of the scientific branches of the law. The intention regarding that degree is to restrict it to those whose aim in attending law classes is distinctly practical. Candidates for this degree need not be

graduates in arts, but have only to satisfy some very moderate requirements as to general knowledge and to pass an examination in legal subjects, which is almost exclusively restricted to subjects of a purely practical and professional nature.

In England, the law degree given at Oxford is that of B. C. L., while at Cambridge it is LL. B. Before the Reformation degrees were given at Oxford and Cambridge *in jure civili, canonico* or *utroque*. When the universities discontinued the teaching of canon law the law degrees were *in jure civili* only. The abbreviations LL. B. and LL. D. (*legum baccalaureus, legum doctor*) are said to have come into use in England sometime in the seventeenth century and they ultimately prevailed at Cambridge, but not at Oxford. But even at Cambridge the full official style was *in jure civile* down to 1858. But in his Cambridge legal studies (p. 61) Mr. Clark cites the statutes of Edward VI, 1549, in which it was provided that the *studiosus legum* is to read the *Institutiones* privately for a year, then to attend the lectures of the *publicus juris prælector* for five years and to keep certain exercises before becoming *baccalaureus juris*. The *legum baccalaureus* is to attend a further course of three years and after more exercises to be chosen *doctor legum*. The *doctor legum* is, after his doctorate, to apply himself to the *leges Angliæ*.

Only a few years ago the whole country was scandalized by the sale of degrees by a man called Farr, who operated under a charter procured under the laws of Tennessee for a National College of Law. This notorious individual granted degrees for twenty-five dollars to those who were willing to pay for them. His operations were not confined to Tennessee, but he flooded the country with letters proposing to confer the honorary degree of doctor of laws for "the incidental fee of ten dollars." The parties addressed were requested to forward the fee and answer certain ridiculous questions of which the following are illustrations:

"Are you married or single?"

"Do you believe in the coeducation of the sexes?"

“Do you take daily exercise?”

“What is your political belief in national affairs?”

After he had been engaged in this business for several years and been exposed in the newspapers, the Tennessee Bar Association denounced him as “an ignorant tyro, charlatan and fakir,” and pronounced his college of law as “an arrant fraud and humbug.”

At length proceedings were commenced upon the relation of the Bar Association of the state, and the charter of “The National College of Law” was forfeited. Thereupon, for a time, he continued his nefarious work under the name of “The Nashville College of Law” and “The Nashville College,” for he had three charters from the state. His operations were finally brought to an end by indictment and conviction in the United States Circuit Court for the Middle District of Tennessee. He was indicted for making a fraudulent use of the mails and, upon conviction, was sentenced to four months in jail and to pay a fine of five hundred dollars and costs. The sentence was suspended until the further order of the court, upon the condition that the man pay into court twenty-five dollars and file an affidavit showing his inability to pay the fine and setting forth the fact that he would never at any time again engage in any such educational scheme. This he promptly did, and he has ever since been in retirement.

In 1897 an exposure was made of the operations of “The National University of Chicago.” This institution existed only on paper, and for a money consideration it scattered its degrees not only over the United States, but extended the scandalous traffic to England, Germany and India. Its conduct was denounced in the British Parliament, and the board of administration of Oxford University called public attention to its misdemeanors. The papers of Germany discussed the matter under the head of “American Diploma Swindlers.”

American degrees have been brought into such disrepute in Germany that when Andrew D. White was ambassador of the

United States at Berlin they were made a feature of a comedy which he witnessed at the Royal Theater in that city.

The difficulty is that in the United States there is no supervision over the degree-conferring power. General laws exist in almost all our states which permit even the most irresponsible persons to incorporate and confer degrees. An extreme instance of the extent to which the abuse has been carried is shown by a statement made upon reliable authority that in "the good old reconstruction days" of Louisiana a few men organized themselves into a board of trustees of a university in that state, and met and elected officers. At this the first and only meeting the board ever held the secretary moved that the degree of LL. D. be conferred upon the president. This was carried, and then the vice president moved that the same degree be conferred upon the secretary. This was likewise done, and before the meeting adjourned the degree had been conferred upon each member of the board. An adjournment followed and the trustees never reassembled.

Legislation is necessary, not merely as a protection against palpable fraud, but as against institutions with a real faculty and curriculum of study, but with such low standards of admission and graduation that their degrees do not represent those attainments in learning which justify the honors conferred. In Europe state supervision is provided, but in this country there is little or no check on the abuse of the degree-conferring power.

A degree has a legal sanction and authority. According to the courts the power to confer it is derived from the legislature. (5 Wendell 211-217; 3 Wharton 445; 62 Vermont 373.) Degrees "confer honor, influence and respectability to a certain extent." A degree in law, or medicine, or dentistry, or pharmacy is, in some states, "a valuable property right of great pecuniary value." To confer degrees upon the illiterate and unworthy is to destroy their value and bring reproach upon the whole degree system. The abuse of this degree-conferring power has been likened by the courts to the witty French

minister who threatened to create so many dukes that it would be no honor to be one, and a burning disgrace not to be one.

It is full time for this Association of American Law Schools and for the American Bar Association also, to go on record on this important subject and initiate a movement to secure, so far as may be possible in all the states, a uniform law for the protection of the law degrees. The right to confer the LL. B. degree should be prohibited to schools which do not require a high school education for admission and a three years' course of law study for graduation. Other schools should have authority to grant simply the degree of B. L., or perhaps the right should be restricted to the two year schools. The right to confer the degree of L. M. should be restricted to those schools which have the right to confer the degree of LL. B., and which require an additional year's work done in residence. The degree of LL. D. should be made by law a purely honorary degree to be conferred simply *causa honoris*. The degree of J. D. should only be conferred by schools having the right to grant the degree of LL. B., and should be bestowed only upon those who have obtained a degree in arts or science. Recommendations to this effect will go to the Bar Association on Thursday, from the Committee on Legal Education. It is to be hoped that that Association and this Association will co-operate in the accomplishment of this great reform.

It is impossible longer to view with complacency the conferring of the LL. B. degree for one year, or even two years of law study. Now that there are sixty-four law schools in this country which grant it only to those who have studied for three years, it is not less disturbing to find schools conferring the master's degree in law at the end of a second or third year.