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BAR BULLETIN

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BAR ASSOCIATIONS—I don't think that the bar associations have been treated with proper respect by the members of the bar. I think the situation is getting better, but I do not think that the leading members of the bar have appreciated the responsibility that is on them to organize the best opinion of the bar and use that best opinion by means of bar associations.—Mr. Chief Justice Taft before Conference of Bar Association Delegates, San Francisco, August, 1922, (October, 1922, Journal of Am. Jud. Soc.)

A Page From Contemporary Literature.

The following states require by statute or rule of court not less than three years of law study, and the passing of an examination in law:

California	Maryland	Pennsylvania
Colorado	Massachusetts	Philippine Islands
Connecticut	Michigan	Porto Rico
Delaware	Minnesota	Rhode Island
Dist. of Columbia	Nebraska	South Dakota
Hawaii	New Hampshire	Utah
Illinois	New Jersey	Vermont
Iowa	New York	Washington
Kansas	North Dakota	West Virginia
Louisiana	Ohio	Wisconsin
Maine	Oregon	Wyoming

(33 in all)

The following states require by statute or rule of court not less than two years of law study, and the passing of an examination in law:

Alaska	Rhode Island, South
Montana	Carolina (if applicant
Kentucky	has a classical education)
New Mexico	Virginia (if aplicant over
North Carolina	19 and under 21)
Oklahoma	

(9 states in all)

The following states require by statute or rule of court not less than 18 months of law study, and the passing of an examination in law:

Alabama (1 state)

The following states require by statute or rule of court a course of law study, but without specification as to the period of study, and the passing of an examination in law:

Arizona	Mississippi
Arkansas	Missouri
Florida	Nevada
Georgia	Tennessee
Idaho	

(10 states in all)

Virginia (applicant over 21)

The following states require neither a period of law study, nor a course of law study, nor any examination in law:

Indiana (1 state)

Year-book, Indiana Bar Association, 1921, p. 16.

Restatement of the Law.

When James Kent began, just a century ago, the lectures which ripened into his *Commentaries,* he lamented the "multiplicity of law books" as "an evil that has become intolerable". Yet Kent's law library, assuming that it was complete with reference to all American reports and statutes, would at that time have embraced about 180 volumes of American reports and less than one-third that number of American statutes. A law library, correspondingly complete, at the present time would have upon its shelves about 18,500 volumes of reports and about 5,500 volumes of statutes. My mathematical friends tell me that, at the same rate of progression, a law library correspondingly complete one hundred years hence, assuming that we had buildings in which to house it, would reach the stupendous

proportions of 1,850,000 volumes of reports and 550,000 volumes of statutes. There is of course reason to hope that the rate of increase in reports and statutes will not be as rapid in the next century as the last, and that instead of an increase represented by an ascending curve we may proceed at more nearly a level rate at approximately the present increase of about 350 volumes of reports and 250 volumes of statutes per year. If we should succeed in stemming the flood of law books to that extent, another century would see a good working library for an American lawyer containing something like 100,000 volumes of reports and statutes and something more than half that number in fifty years. To this, of course, would be added a suitable number of digests, text-books, and treatises.

Can it be supposed that in the next century or fifty years or even twenty-five years from now, lawyers and judges will be able by individual or indeed by any effective cooperative effort to extract day by day from such a mass of legal literature, the rules and principles which shall guide the conduct of clients and litigants; or if such a laborious process were possible, that the result of it would be a system of law adequate to the needs of a progressive and enlightened people? To hope that such a mass of precedent can be penetrated even with the aid of digests and glossators or that there could be extracted from it any harmonious and workable legal doctrine is to disregard the teachings of experience and to indulge, Micawber-like, in the illusion that something, we know not what, will turn up to remedy the growing difficulties of our situation.

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Second only in importance to the intrusion and the retention of anachronisms in our legal system in their influence on the form and practical availability of our law, is the lack of a realistic understanding and of an accurate definition of many of its most fundamental concepts. The terms right, power, duty, privilege, title, possession, ownership, constantly fall from our lips, but always with varying and elusive significance and application.

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Some indication of the confusion into which the law is falling viewed as a law of precedent, as well as the great need of some scientific and authoritative statement of legal doctrine as an aid to the judicial declaration of law is found in the growing tendency of courts especially in the southern and western states to cite the various legal encyclopedias in their opinions as the basis of judicial decision. It is not unusual to find such a citation given as the sole authority for the legal precept which is seized upon to determine the rights of litigants, obviously because the search of the authorities would be either too laborious or too uncertain in its results to justify the expenditure of judicial labor upon it. Unfortunately this use of mere compilations not only demonstrates but tends to create

our need, for the so-called legal encyclopedias in their substance and arrangement are too often not scientific and the tendency of courts to accept and cite them as authority is one of the contributing causes making a more systematic development of our law a necessity. But all these aids to law improvement in the form of special studies, treatises and encyclopedias, even at their best, are more or less sporadic and unsystematic because they are the result of private enterprise and of individual effort, with each individual conducting his researches independently of other like efforts and too often without the benefit of the criticisms of others conducting like investigations or especially qualified to criticise. One field may be intensively tilled while another, equally important, may be neglected or only studied partially or superficially.—DEAN HARLAN F. STONE, 23 Columbia Law Review, pp. 320-7-32. (Excerpts copied with permission).

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