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BAR BULLETIN

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OFFICIAL PUBLICATION OF MISSOURI BAR ASSOCIATION

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Jefferson City, Jan. 24.—A rather interesting experiment is being tried by Governor Hyde in the selection of a Republican lawyer to succeed Judge Charles B. Davis, circuit judge of St. Louis, who has been appointed federal judge.

The governor has announced he will appoint as Davis' successor from a list of three lawyers recommended by the St. Louis Bar Association. The Bar Association has announced a referendum among lawyers there to select the three candidates.—News Item.

Governor Hyde is entitled to the gratitude of every member of the Bar for this exhibition of confidence. His action is evidence that Bar Associations have a public duty to perform in aiding in the selection of judicial officers. This has also been recognized by the Kansas City Bar Association in recently providing for an expression on judicial candidates.

LEGAL EDUCATION AND LAW OFFICE

Speaking for myself, I did not have the advantage of either a college education or law school education. It has been my job for the last thirty years, however, to supervise twenty-five or thirty lawyers. I do not like to talk about myself, but merely as a matter of evidence, perhaps, the qualification of the witness might add more weight to what he has to say. It has been my experience uniformly that those students who come into my office as practicing lawyers after admission to the bar go the farthest who have had the best background, and where in several instances we have been sympathetic with the office boy, who has gone to night school, and then to night law school, and becomes a lawyer, I have yet to discover one of those young men, however diligent or ambitious he may have been, who has become adequate to meet a very severe test or higher requirement of our practice. They are honest and industrious, and after all those are basic qualities, which are very necessary to a successful practitioner, yet, when it comes to a more difficult problem, they cannot go the distance, and they fail.

* * * * *

It is urged by the proponents of the less rigorous application and lesser requirements that there ought to be a certain number of lawyers for the poor people. A great deal of time in my office is spent in straightening out complications of poor people, into which they have gotten through the advice of cheap lawyers. A poor man makes a poor investment when he hires a poor lawyer. In Chicago and other large cities we have Legal Aid Societies and, beyond that, all of the reputable law firms are willing to help any poor people who come to the office seeking advice. So that there is nothing in the argument that we have to have a lot of poor lawyers to advise the poor people.

* * * * *

Hon. Silas H. Strawn, at the meeting of the Section on Legal Education of the American Bar Association, at Minneapolis, Minnesota, August, 1923, 5 The American Law School Review 229.

LAW SCHOOLS CLASSIFIED

In 1921, the American Bar Association adopted a resolution to the effect that every candidate for admission to the bar should graduate from a law school complying with certain standards. It directed the Council on Legal Education and Admissions to the Bar to determine what law schools comply with these standards and to publish from time to time the names of those law schools which comply and those which do not. After extended investigations as to the law schools of the country, the Council has prepared a list of schools which, in its opinion and from the evidence which it has been able to obtain, now comply with these standards. It has also prepared a list of certain schools which do not now comply with the standards, but which have announced their intention of complying with them at some time in the near future.

The Council is not now prepared to publish a list of the schools which do not comply as there are some schools concerning which further information is needed before it can determine definitely in which class they belong.

The standards laid down by the American Bar Association for an approved school are as follows:

(a) It shall require as a condition of admission at least two years of study in a college.

(b) It shall require its students to pursue a course of three years duration if they devote substantially all of their working time to their studies, and a longer course, equivalent in the number of working hours, if they devote only part of their working time to their studies.

(c) It shall provide an adequate library available for the use of the students.

(d) It shall have among its teachers a sufficient number giving their entire time to the school to insure actual personal acquaintance and influence with the whole student body.

In determining whether a school complies with these standards, the Council has found it necessary to make certain interpretations and rulings. The most important of these rulings are as follows:

A school does not comply with the standards unless it complies with all of them as to all of its departments or courses. As an example, an institution maintaining both a day school and a night school, one of which complies and the other of which does not, cannot be considered as complying.

A school which admits certain students who do not fully meet the entrance requirements will not be considered as failing to comply with the standard (a) provided the number of such students does not exceed 10 per cent of its enrollment.

The following are the schools which the Council considers as now complying with the standards or which have announced their intention of complying in the immediate future, those of the first class designated as Class A and those of the second class as Class B, with a statement as to Class B of the year when full compliance is expected.

John B. Sanborn, Secretary

CLASS "A"

- California, University of, School of Jurisprudence, Berkeley, Cal.
 Chicago, The University of, The Law School, Chicago, Illinois.
 (Note—This school now admits students who are over twenty-one years of age as candidates for the degree of LL. B. with less than two years of college work, but the proportion of such students is not in excess of the proportion of special students of some schools in class A. From the fall of 1924, all students will be required to have at least two years of college work.)
 Columbia University, School of Law, New York, N. Y.
 Cornell University, The College of Law, Ithaca, N. Y.
 Colorado, University of, School of Law, Boulder, Colo.
 Cincinnati, University of, College of Law, Cincinnati, Ohio.
 Drake University, The College of Law, Des Moines, Ia.
 Emory University, The Lamar School of Law, Atlanta, Ga.
 Harvard University, The Law School, Cambridge, Mass.
 Hastings College Law. (University of California) San Francisco, Cal.
 Illinois, University of, College of Law, Urbana, Ill.
 Indiana University, School of Law, Bloomington, Ind.
 Iowa, The State University of, College of Law, Iowa City, Iowa.
 Kansas, The University of, School of Law, Lawrence, Kansas.
 Michigan, University of, The Law School, Ann Arbor, Mich.
 Minnesota, University of, The Law School, Minneapolis, Minn.
 Missouri, The University of, School of Law, Columbia, Missouri.
 Montana, University of, The School of Law, Missoula, Montana.
 Nebraska, The University of, College of Law, Lincoln, Neb.
 North Dakota, The University of, The School of Law, Grand Forks, N. D.
 Northwestern University, The Law School, Chicago, Ill.
 Oklahoma, University of, The School of Law, Norman, Oklahoma.
 Ohio State University, The College of Law, Columbus, Ohio.
 Oregon, The University of, The School of Law, Eugene, Oregon.
 Pennsylvania, University of, The Law School, Philadelphia, Pa.
 Pittsburg, University of, School of Law, Pittsburg, Pa.
 South Dakota, University of, School of Law, Vermillion, S. D.
 Stanford University, The Law School, Palo Alto, Cal.
 Syracuse University, College of Law, Syracuse, N. Y.
 Texas, The University of, The School of Law, Austin, Texas.
 Trinity College, School of Law, Durham, N. Carolina.
 Virginia, The University of, Department of Law, Charlottesville, Va.
 Washburn College, The School of Law, Topeka, Kansas.
 Washington University, The School of Law, St. Louis, Missouri.
 Washington & Lee University, School of Law, Lexington, Virginia.
 Western Reserve University, The Franklin Thomas Backus Law School, Cleveland, Ohio.
 Wisconsin, The University of, Law School, Madison, Wisconsin.
 Wyoming, University of, The Law School, Laramie, Wyo.
 Yale University, School of Law, New Haven, Conn.

CLASS "B"

Alabama, University of, School of Law, Tuscaloosa, Ala. (1926)	Georgia, University of, Law Department, Athens, Ga. (1925)
Baylor University, Department of Law, Waco, Texas. (1925)	Idaho, The University of, The College of Law, Moscow, Idaho. (1925)
Boston University, The School of Law, Boston, Mass. (1925)	Tennessee, The University of, College of Law, Knoxville, Tenn. (1925)
Catholic, The University of America, The School of Law, Washington, D. C.	Tulane, University of Louisiana, College of Law, New Orleans, La. (1926)
Florida, University of, College of Law, Gainesville, Fla. (1924)	Vanderbilt University, The Law School, Nashville, Tennessee.
	West Virginia University, The College of Law, Morgantown, W. Va. (1924)

IX Am. Bar Assoc. Journal, p. 728, 762.

The President of the Missouri Bar Association has appointed a Special Committee on Increase of Membership as follows: Senator X. P. Wilfley, Chairman, St. Louis; Ray Lucas, Benton; E. A. Barbour, Springfield; J. D. Harris, Carthage; Judge Ewing Cockrell, Warrensburg; James H. Hull, Platte City; Lee Montgomery, Sedalia; Ralph Lozier, Carrollton; Senator W. M. Bowker, Nevada; Judge Charles Mayer, St. Joseph; Pierre Porter, Kansas City; Charles E. Rendlen, Hannibal; J. L. Bess, West Plains; Sam M. Phillips, Poplar Bluff; Platt Hubbell, Trenton; John P. Swaim, Mountain View.

THE SUPREME COURT IN UNITED STATES HISTORY

"Did you ever hear of a man named William Howard Taft?" the Federal Examiner inquired.

"If so, who is he?"

"Justice of the Peace," ----- answered.

Then Judge Reeves, (Federal District Judge) interpolated the question:

"What constitutes the Supreme Court?"

"Eight Judges and a Chief Justice."

"Who is that Justice?"

"Taft."

"Is that what you meant when you said, 'Justice of the Peace'?"

----- nodded his head affirmatively.

(News Item: The Kansas City Star, September 24, 1923).

Charles Warren, winner of the largest Pulitzer Prize award of 1923, would have dubbed the above colloquy too good—too appropriate—to his recent three-volume masterpiece to be true. For this unconscious humor of the prospective citizen might well have been used as a preface to his scholarly study.

"Is that what you meant when you said, *Justice of the Peace?*"

That is the gist of Charles Warren's image of the Supreme Court in the United States History. Through the fog and smcke of political wrangling; through the most violent partisan contentions; through crises pyramided upon crises, he develops how this Justice-Peace, the Supreme Court, has stilled the troubled waters; all to the conclusion of De-Tocqueville's foreign born perspicacity of 1835:

"The Supreme Court is placed at the head of all known tribunals, * * * * the peace, the prosperity and the very existence of the Union are placed in the hands of the Judges."

Yet more significant, the style adopted by Charles Warren would have permitted the informal freedom of such a preface. For the whole of this work on the Supreme Court in United States History is shot through with the personal touch, the intimate relation, the decidedly human appeal.

Further as to style, the very first six words of the preface photographs the whole: "*This book is not a law book.*" It is not. It is a

"best reader" for the business man, the banker, the school teacher, the farmer. Charles Warren evidently keenly appreciated the first possible comment of nine out of ten readers on scanning the book's title: "Oh! a law book; probably deep;—but too dry for me." He meets this challenge immediately. By coincidence the same six words preface the introduction to Warren's earlier work on the *History of the American Bar*, (1911). But they are much more true of the 1923 work than of the earlier study.

The reading is easy. A speaking acquaintance is shown with that old literary maxim:

Easy writing, hard reading.

Hard writing, easy reading.

Scrupulous care is evident in his selection of source materials to set the stage for the public reception of the landmark decisions of the *Dartmouth College case*, *McCulloch vs. Maryland*, the *Slaughter-house cases*, and *Gibbons vs. Ogden*. Yet this care is decidedly not the lawyer's care of minute analysis of logic of argument, with subtle refinements of syllogistic distinctions, but rather of portraying their effect, their bearing on our history. The systole and diastole of our national heartbeat pulsate throughout the chapters. Nothing of dry, legal dust here! Bulletins, magazines, newspaper editorials are appealed to. Contemporaries wax belligerent, and the effect of their attacks is given parallel significance with the voices of the Court's supporters. The author frankly confides to the reader that he has "deliberately decided to run the risk" so involved.

It is this personal touch of history that makes this work unique. Historical imagination creates an almost Macaulayesque style. The anonymous writer of the series, "Behind the Historian's Back" will find a wealth of material here. For example, he might note that not a few times seven to eight, and even nine days, were given over to the argument of those far-reaching decisions: that in 1830, when Webster in his *Reply to Hayne*, thundered out that greatest peroration in all American, and possibly all World history; picturing himself lying on his deathbed looking "at the glorious ensign of the Republic," he was just in the midst of a nine-day argument before the Supreme Court. Compare that with the four-hour limitation of oral argument prescribed by Rule 22 of the present day.

Finally the careful reader will note the distinct scope of this work. It is not a history of the United States Supreme Court. Further, it is not a United States History. Rather it is the effect, the impression, the resultant force of the court on our history. Therein lies its originality.

May a word of adverse criticism be ventured in conclusion? The three volumes profess to cover the entire period from 1789 to 1918. This is well carried out to within thirty years of this late date. Then in but

two short chapters, covering less than a seventh of the third volume, are compressed all the succeeding thirty years of Chief Justices Fuller and White. Chief Justice Taft's recent momentous decisions, involving the right of peaceable picketing and the labor union cases are omitted. The cap sheet is stretched too thin. The author apologizes for this and at the same time compliments the reader by saying this period "is so recent and so clearly within the view of living men as to render such detailed treatment unnecessary." But not so. We are reminded too forcibly of the former exasperating weakness of ending all studies in United States History in our colleges and high schools with the Civil War, on the theory that the eager student ought to know everything since that time first-hand—a somewhat violent presumption.

But this is only the criticism of an Oliver Twist desire for "more." The timeliness and appropriateness of the work lies in the recent attacks made on the Supreme Court's powers. The anchor sheet, Justice-Peace, meets the strain. It is in this connection that we would have liked to see the excellence of the work carried even to the printing of the book in 1923.

Kansas City, Missouri.

Frank Wilkinson

The President of the Missouri Bar Association has appointed a Special Committee on Revision and Amendment of the Constitution and By-laws of the Missouri Bar Association as follows: Boyle G. Clark, Chairman, Columbia; Richard A. Jones, St. Louis; Harry C. Blanton, Sikeston; Phil M. Donnelly, Lebanon; Judge C. L. Henson, Mt. Vernon; John M. Dawson, Kahoka; Everett Reeves, Carruthersville; Elton H. Marshall, Chillicothe; R. H. Ross, Creighton.

RESPONSIBILITY OF LAW SCHOOLS

It follows from this that a great responsibility rests upon the law school in the incubation of lawyers. It is no slight responsibility, to be lightly borne. It is a grave and solemn responsibility. It is your duty to see that only capable, prepared and worthy young men and women are received as students and are graduated as lawyers. While the preparation of the lawyer for the exercise of the functions of judge and law-maker and political leader is, perhaps, of the greatest importance to society, yet the importance of preparation to the public in need of his professional services in counsel and in the trial of cases is not to be overlooked. No man, be he rich or poor, can afford an incompetent or dishonorable lawyer. Today, I regret to say, our bar, both in respect to qualification and character, is subject to grave criticism. This is necessarily reflected to some extent in the judiciary, for the lawyer is the inchoate judge. The ancient system, where a man was called to the bar, was an ideal one. Until recently, any man with a sufficiently retentive memory to pass a perfunctory examination could be admitted to the bar. His powers of analysis and reasoning, his knowledge of history and the development of the great underlying principles and doctrines of the law were not investigated. More than all that, his character was not seriously and carefully scrutinized. If his purpose to become a lawyer were in order the more easily to prey upon the public, if his conception of his license to practice were a license to loot, it was not discovered and fore-guarded.

Some may say that it is not every one who can afford the high-priced services of the educated, trained and efficient lawyer, and that there is therefore need for those of a lesser standard of skill. That is a popular fallacy. An experience and observation of thirty years convinces me that the most high-priced lawyer is not, as a general rule, the best qualified one. Enormous fees are, as a rule, the result of a predatory partnership between the lawyer and bankers and brokers in the re-organization of great commercial, financial and transportation enterprises, brought not so much by legal ability as by a vulture-like capacity to smell the carcass before putrefaction becomes obvious to the ordinary senses. If every lawyer were required to be a graduate of a recognized and accredited law school, and if every matriculant of these schools were required to possess a sufficiently high measure of preparatory education and a character known to appreciate the moral and ethical responsibility of his high calling, the title of lawyer would become the insignia of all that is fine and honorable in the man and the citizen, instead of being, as at times, the jest of the jester and the butt of the unthinking and the clown. Lon O. Hocker, at dedication of Grace Valle' January Hall, Washington University.

COMMITTEES OF THE MISSOURI BAR ASSOCIATION

COMMITTEE ON AMENDMENTS, JUDICIARY AND PROCEDURE: Chairman, Daniel G. Taylor, St. Louis; Romulus E. Culver, St. Joseph; Charles W. German, Kansas City; J. R. Baker, Fulton; L. Cunningham, Bolivar.

COMMITTEE ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR: Chairman, Fred L. Williams, St. Louis; F. W. Lehmann, St. Louis; J. P. McBaine, Columbia; Richard L. Goode, St. Louis; W. A. Brookshire, Farmington.

COMMITTEE ON BAR ASSOCIATIONS: Chairman, Kenneth C. Sears, Columbia; Leslie A. Welch, Kansas City; John S. Boyer, St. Joseph; John P. McCammon, Springfield; Frank A. Thompson, St. Louis.

COMMITTEE ON LEGAL PUBLICATIONS: Chairman, Murat Boyle, Kansas City; M. R. Lively, Webb City; Walter D. Coles, St. Louis; Carl L. Ristine, Lexington, Roy D. Williams, Boonville.

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SPECIAL COMMITTEE ON PUBLICITY

The President hereby appoints: Forrest C. Donnell, Chairman, St. Louis; E. M. Grossman, St. Louis; Frank M. McDavid, Springfield; George A. Mahan, Hannibal; L. Newton Wylder, Kansas City; R. B. Caldwell, Kansas City; Roy W. Rucker, Sedalia; John E. Dolman, St. Joseph; Redrick O'Bryan, Moberly; Charles Liles, Dexter; R. B. Oliver, Jr., Cape Girardeau; Edw. Higbee, Kirksville; Mercer Arnold, Joplin; to constitute a special committee on publicity, whose duties it shall be, in cooperation with the Committee on Legal Education and Admission to the Bar, to arrange for and carry on the campaign of publicity in support of the report of the Committee on Legal Education and Admission to the Bar made at the annual meeting December 15, 1923, with the purpose of arousing public sentiment in favor of raising the educational standards for admission to the Bar, as recommended in said report. To that end, said Committee, in cooperation with the Committee on Legal Education, is authorized to arrange public meetings at such points in the State, at such times as it shall deem best, and to provide advertisement, literature and speakers for such meetings.