

Bar Associations and the Law School Student Body

By GORDON E. DEAN

Assistant to the Dean of the Law School, Duke University, Durham, N. C.

ONE of the most interesting features in the history of the legal profession is the heightening group consciousness which is developing in the American lawyer. In the past his relationship, at least to his fellow members of the bar, has made him a symbol of individualism. Perhaps the nature of his calling was largely responsible. A lawyer's advocacy, for instance, is always met with the rebuttal of an antagonist. His life is a series of encounters, of quick decisions, of rapidly planned campaigns. He holds, locked within his mind, the secrets of a most intimate clientele. Like most military leaders he plays a lone hand. Of necessity, then, he remains, even today, an individualist, but to a much lesser extent; for the last thirty years have witnessed a gradual process which might be termed the socialization of lawyers. The lawyer has, with his brothers of the profession, created bar associations, which organizations have increased more rapidly in proportion than has the profession or the population.

Many circumstances have caused this growth from individualism to socialization, from non-organization to the complicated machinery of the incorporated bar. The challenge flung by the public to the bar to overhaul the judicial mechanism and to replace its outworn parts with modern instruments has unquestionably been a spur to organized activity. The encroachment by lay and corporate bodies in the fields so long reserved to the lawyer has caused the bar to assert the prerogatives that rightfully belong to it and to fight for a retention of those duties which it feels it alone is qualified to perform. Numerous instances might be cited where lawyers' clubs, and local and state bar associations have organized with this grow-

ing problem as the primary stimulus. The eradication of those within the ranks, such as the shyster, the ambulance chaser, and the attorney who regards the law not as a profession, but rather as a highly competitive business, has also been a powerful spur to the bar to present an organized, if not a unified, front. A realization that the time was ripe to cull out and prevent the admission to the profession of the poorly trained and unequipped has been still another spur, one which has caused the bar to regard with more than remote curiosity the real problems of legal education and admission to the practice.

As the number of bar associations has increased, so has the strength and efficiency of the organizational structure of each association. The creation of many of the old voluntary associations evidenced nothing more than, as one writer says, "An increased appetite for good fellowship and post-prandial felicity." The modern association, on the other hand, with its numerous sections on every conceivable phase of legal and professional activity, is organized for serious business. Although we have nothing in this country comparable to the inns of court in England, which originated essentially as quasi-corporations of lawyers, at least, the leaders of the bar in this country are now thinking and talking in terms of federated bars, self-governing bars, and incorporated bars. The concept of the bar as a unit or a group of units arrayed in the fight for a better administration of justice is becoming less a dream and more a reality.

The more scientific and useful the structure of the bar and the more unified its activities, the more powerful it becomes,—the greater its influence. Not

many years ago it was generally accepted that the best way to kill a pending legislative measure was to bring to the attention of the legislature the fact that the measure was initiated by, or had the approval of, the bar. Today the situation has changed considerably. Recommendations of bar associations are being enacted into law. Other indications of the increasing influence of the bar may be found in the success with which it is combating the unlawful practice of the law, and in the fact that candidates for the bench, receiving the endorsement of the bar, have generally been successful. The contributions of the organized bar to the work of the American Law Institute, to the cause of uniform legislation, and to the success of the Judicial Council Movement have been acclaimed by those of the laity who are informed.

In spite of all the bubbling effervescence which has characterized the members of the bar during the last few years as they have banded together demanding professional autonomy, some have suddenly realized that the young blood in the army of the association is conspicuous by its absence, that many law graduates of today have no conception of what a bar association is or does, and that in the not too distant future re-enforcements will be needed and found lacking. I submit that the fear is somewhat justified. If some of the die-hards of the "good fellowship" type of bar associations were reluctant converts to the movement to unify and strengthen association work in a program of service, the young man or woman who has just successfully navigated the channels of the bar examination is an even poorer recruit.

One advantage of the fast-fading law office education was the opportunity for contact with the members of the bar which it afforded to the prospective practitioner. Today the average student has no such contact. The bar associations have no place in the already over-crowded curriculum and the administration of justice is a pretty vague sort of conception to the average student. Furthermore, the financial drought which beginners in the prac-

tice must suffer, a natural timidity in thrusting oneself into the inner circle of association activity, together with a complete ignorance as to bar association work, purposes, and ideals, often results in an estrangement between the older members of the bar and those who should supply its new blood.

The theory that a man must prove himself at the bar, in some states for a definite period of years, before admission to the association, kept out many whose enthusiasm might have prevented stagnation. Such a system overlooked the possibilities for influence and inspiration which an association of mature men might exert on the newly initiated. In recent years bar association activities have become less fraternal, more business like, less frivolous, more sincere, less cliquish, more representative and democratic. Today the average bar association has work to do and it extends open arms to the younger men of ambition. And yet, queer as it may seem, there is still the same estrangement, the same breach between law school interests and the interests of the practitioner. Of course, great efforts have been made to narrow the breach. This started years ago with the inauguration in the law schools of procedural subjects, moot courts, and law reviews, and is being carried on with such organizations as legal aid clinics, and schemes for legal internship such as those recently inaugurated at Western Reserve University Law School.

The breach between the law school and the practical problems involved in the administration of justice has also been narrowed by a constant broadening of law school activities. A list of these should include: the American Institute of Criminal Law and Criminology, the American Judicature Society, the Crime Surveys of Harvard Law School, the Statistical Studies at Yale, the American Law Institute, the Johns Hopkins Institute, the Recent Crime Detection Laboratory and Air Law Institute at Northwestern, the participation by Yale and Harvard in the Hoover Law Enforcement Survey, the joint research projects between the West Virginia Law School and

the West Virginia Bar Association, and the Legal Research Institute at the Michigan Law School. Space does not permit the enumeration of all such activities.

The schemes which relate the law student even more closely to the bar association, and to its problems are found in such efforts as those of Dean William Green Hale who at the Oregon Law School and later at Washington University Law School in St. Louis established a course designed to acquaint students with the problems involved in the administration of justice. A similar project has been carried on at the University of North Carolina under Dean Charles T. McCormick, in which the entire faculty has cooperated with the students in producing reports on the history and achievements of the American Bar Association, the growth of the self-governing bar, and related subjects. A course in the Profession of the Bar has been developed at Northwestern Law School which will cover, among other things, bar associations, admissions to the bar, and matters of discipline.

In some cities, notably Los Angeles, the Junior Bar movement has taken hold. Such organization of the younger members of the bar is proving successful. The Los Angeles organization is alive. It is a fine type of training ground for bar association participation—a sort of reserve officers' training corps for the regular army.

But the most fertile field for recruits for bar association work has been, until just recently, entirely overlooked. I refer to the association generally known as the law school student body. In structure and purpose it is usually nothing more than a hang-over from the academic school, where political prominence was too often associated with good looks and athletic superiority. In spite of the fact that law students soon lose the liberal arts complex, treble their hours of study, gradually break away from the extra-curricular distractions of academic school, and become serious of purpose, the hang-over of the student body organization with

its petty politics, social calendar, and purposeless program seems to persist.

Three years ago at the University of Southern California, and six months ago at the Law School of Duke University, the student body governments were completely scrapped and in their stead were created, at the suggestion of Dean Justin Miller, student bar associations, patterned after local and state bar associations. The step, of course, was part of an inevitable and logical development. It is surprising that more law schools have not substituted this active type of professional organization for the ancient hang-over of the liberal arts school and thus in effect made the law school student body an important unit of the profession.

The decided advantage which the bar association form of student government has over a course in the Administration of Justice or the Profession of the Bar lies in the fact that under the association constitutions of the two schools previously mentioned it is provided that every registered student be a member of the Association. The advantages derived from participation in such work are shared by all and not merely the few who choose to elect such training. The members of the faculty are honorary members.

In both schools the association collects an annual fee, in one this includes a subscription to the Law Review of the institution, and in this school provision has been made whereby the fee is collected by the treasurer's office at the time of registration.

The constitution of the Southern California Bar Association provides for the following officers: the president and senior vice-president (who must be members of the senior class), the junior vice-president and secretary (who may be chosen from either the first or second year class), and two representatives (one the class president) from each class, who with the first four officers compose the board of governors.

Provision is made for semi-annual meetings, called meetings being held on an average of once each month, at which the

reports of the various sections are received.

Sections similar to those of the city, county, state, or national association are provided for, such as those on Conduct, Admissions to the Bar, Civil Procedure, Criminal Law and Procedure, Courts and Judicial Officers, Regulatory Commissions, Publicity, and Association Meetings.

The following sections have proven to be a great help in a law school association: a Section on Law Review, which in co-operation with the editorial board of the publication, smooths out various administrative problems connected with the publication of a legal periodical, the Section on the Library, and the Section on Buildings and Grounds. Their names suggest the spheres of their activity. Salutory provisions have been enacted to handle the problems of honor and discipline, the board of governors being the final board of review with power to expel from the association, and transmit recommendations to the dean.

In one school arrangements have been made whereby the sections of the Law School Association may attend the section meetings of the local, city, and county bar associations, and participate in their discussions.

The student association through its appropriate sections is enabled to keep up with legislative changes and judicial reforms. Research projects are conducted by the sections on such subjects as Legal Aid Clinics, Uniform Legislation, Bar Association Organization and Growth, and so forth, and reported on to the entire association.

The sections on Legal Education and

Admissions to the Bar in their explorations in the field have given to the association members some insight into the problems involved in raising and keeping raised standards of education, attainment, and character. Heretofore, the average law student had no appreciation of such work. The bar association form of law student organization presents unlimited possibilities. Whatever the most skeptical may predict, it is a certainty that such associations will train their members in the technique, structure, and procedure of bar association activity. This alone justifies the student association, especially in view of the increasing power and possibilities of the organized bar. Note the language of the recent report of the Committee on Bar Reorganization of the American Bar Association, addressed to the Conference of Bar Association Delegates: "In the past two decades more than six hundred new bar associations have come into existence, reaching a present total of 1,216. During the same time the American Bar Association has increased its membership six-fold, and the membership of most state associations has doubled. Bar associations have progressed from organizations pre-occupied with annual dinners and funeral gatherings to organizations that are shaping legislation, purging their own ranks, prescribing rules of practice, publishing their own journals, and performing many other services for the profession and community."

The law student of today should in ten or twenty years be the leader of this progressive movement. The law school bar association can do much to train him for such leadership.