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Some Contrasts Between American and Canadian Legal Education

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BETWEEN AMERICAN AND CANADIAN
LEGAL EDUCATION

BAR ADMISSION REQUIREMENTS
STANDARDIZING AGENCIES
STATISTICS AND LIST OF LAW SCHOOLS
THE AMERICAN LAW INSTITUTE

ADVANCE EXTRACT FROM THE TWENTIETH ANNUAL REPORT OF THE
CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING

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SOME CONTRASTS BETWEEN AMERICAN AND CANADIAN LEGAL EDUCATION

SUCCESSIVE Annual Reports of the Foundation, beginning with the Eighth (1913), have included brief discussions of legal education and cognate matters, similar to the following pages. The same material is published annually as a separate pamphlet for distribution to lawyers, law teachers, and students. Three special extended Bulletins of interest to the legal profession have also been issued:

Number Eight: *The Common Law and the Case Method in American University Law Schools*, by Josef Redlich, 1915.

Number Thirteen: *Justice and the Poor*, by Reginald Heber Smith, 1919; Third Edition, 1924.

Number Fifteen: *Training for the Public Profession of the Law*, by Alfred Z. Reed, 1921.

A fourth Bulletin, bearing the title *Present-Day Law Schools*, is now being printed. Confidential proofs will be sent to the law schools before publication.

Copies of all publications of the Foundation may be had without charge upon application to its office, by mail or in person.

BAR ADMISSION REQUIREMENTS

DURING the autumn of 1924 the writer took a trip through Canada, primarily for the purpose of collecting material for the Bulletin now passing through the press. Pending the appearance of this, readers on both sides of the international boundary may be interested in a general comparison between the bar admission systems of Canada and of the United States.

One of the most obvious differences between the two countries appears in the organization of the admitting authority. In Canada, to a much greater extent than in the United States, the organized legal profession participates in the making of rules and in the conduct of examinations. The extent of the control which Canadian Law Societies actually exercise over the admission of lawyers into practice must not, however, be exaggerated. As in the United States, at least the main lines of the requirements are usually laid down by the legislatures; and in Ontario and the prairie provinces the law schools have gone much further than in any American state in securing administrative control of the examinations. In this respect, the real contrast between the two countries is not that Canadian practitioners have somewhat greater influence over the process of admission, but that Canadian judges have much less. The ceremonial "call to the bar" lingers as a traditional survival, but there is not a trace of the all but universal American system of judicial rules affecting ad-

mission to the bar, and examination of applicants by the judges or by boards appointed by them.

It is significant in this connection that for some years there has been a movement, fostered by the American Judicature Society and by the Conference of Bar Association Delegates of the American Bar Association, to establish in the several states of the Union inclusive "self-governing" associations of lawyers, modeled in a general way upon the incorporated Canadian Law Societies. Up to the present time four states — North Dakota, Alabama, Idaho, and New Mexico — have enacted the requisite legislation. The four enactments differ from one another in detail, but in one way or another all preserve the characteristic American principle that the courts should as a matter of policy, if not of law, exercise real control over the admission of lawyers into practice.

A difference of more serious moment is the greater severity of the Canadian requirements. The applicant must pay higher fees; he must usually undergo a more complex system of examinations; above all, he is required to devote more time to his preparation than in the United States. Inspection of the tables printed on succeeding pages will reveal the fact that in only two of our forty-nine American jurisdictions — Kansas and West Virginia — is the minimum interval between leaving the high school and admission to practice (the sum, that is to say, of the preliminary college years and the years devoted to technical law) so long as five years; and in only three more — New York, Illinois, and Colorado — is the corresponding figure four years. Four out of nine Canadian provinces require as many as five years, and four others require no less than six years after leaving the high school. In the Province of New Brunswick and in Newfoundland the requirements are slightly lower, because less is demanded in the way of general education, yet even here these general qualifications, such as they are, must be satisfied before the period of law study begins. There is no Canadian counterpart for the fifteen states where the applicant can secure the requisite amount of general education, so-called, by intensive preparation pursued at the same time that he is studying law. Still less can a Canadian lawyer understand how there can be seventeen American jurisdictions which require no specific amount of general education; or how, among these, there can be seven which do not require even a period of law study.

There is a marked contrast also in the type or location of law study that will be accepted. In the United States, the rules, even when they define the period of study, are often very vague in regard to its character. Sometimes they require merely study under the general supervision of a lawyer, or "under proper direction"; under this system almost any sort of preparation can be offered. The prevailing rule is a trifle more stringent in that it limits the applicant to study either in a law school or in a law office, or partly in one and partly in the other, in such proportions as he may himself decide. The few states that go into greater detail are actuated by conflicting ideals. Some — as, for instance, New Jersey, and for most applicants New York —

insist that the applicant during his period of preparation shall spend at least a certain specified amount of time in a law office, with the privilege of spending his entire period there if he so desire. Others—as, for instance, Illinois—discourage office work by lengthening the period of preparation in the case of students who do not secure their entire preparation in a law school; West Virginia, beginning this autumn, goes so far as to refuse credit for any training secured in a law office.

On the other hand, all the Canadian provinces agree that the ideal preparation would consist of a suitable combination of school and office work. For this reason, in every province the student must include in his preparation a certain amount of office training. But also in every province except Prince Edward Island the successful completion of a three-year law school course is either likewise obligatory, or is encouraged by a provision that in such cases the total period of preparation may be reduced. It is true that east of the prairie provinces, as in the United States, there are not wanting those who doubt whether the modern law office and the law student have much to offer one another. This attitude finds no reflection, however, in the actual bar admission rules. The question that now particularly agitates those responsible for the development of these rules is not whether law school and law office work ought to be combined, but how this can be done most effectively: by having the student divide each working day between school and office; or by interpolating the office work into the long summer vacations of the school; or by postponing the office service until after the law school course is completed.

Other significant differences are the division of the legal profession, in the Province of Quebec, into the two mutually exclusive groups of Notaries and of Advocates (or the “Bar”); the operation of law schools by the legal profession itself in Ontario and British Columbia, and by the legal profession jointly with the provincial university in Manitoba; the far greater readiness of Canadian professional authorities to shorten the required period of law study in the case of college graduates; and the greater extent and more varied forms of coöperation between practitioners and university law faculties in the conduct of examinations. Of less practical importance, though of considerable interest to the student of legal education, are the technical survivals found in some of the printed rules, such as the occasional appearance of the original title of “attorney” (universally preserved in the United States) in place of the modern English “solicitor”; the circumstance that in Prince Edward Island, as in Delaware, “solicitor” is still used in its earlier sense of practitioner in the Court of Chancery; the reference in several provinces to “the degree” of barrister-at-law. In spite of these survivals, one and the same person may everywhere, except in the Province of Quebec, enjoy all the privileges of legal practice; the integrated title of “barrister and solicitor” is in common usage, and corresponds closely to the American “attorney and counselor.”

All these matters are discussed at greater length in the Bulletin *Present-Day Law Schools*.

RECENT CHANGES IN BAR ADMISSION REQUIREMENTS

West Virginia's requirement of two years of college, or their equivalent, followed by three years of law school study, was announced a year ago, but first takes effect in the case of applicants beginning their law studies this autumn. This is the only state that has abolished office study, and is the second state (following Kansas) to require two years of college work prior to the beginning of law study. The two-year college requirement of Illinois, though announced a year earlier, is not yet in force.

The only changes during the past twelve months, in matters falling within the scope of the American Bar Association recommendations, were the following six:

Arizona has abolished the privilege, hitherto enjoyed by graduates of the local law school, of admission to practice without passing the bar examinations. Idaho has instituted for the first time a requirement of a definite period of law study, modeled upon that of Massachusetts. Maine and Connecticut have also followed Massachusetts in lengthening their three-year requirements to four years if the work is done in an evening law school. Minnesota has joined the group which require four years for work done either in an evening school or in an office; this state has also begun to demand a preliminary high school education or its equivalent. New Mexico has lengthened its period of law study from two years to three, and requires the applicant to have secured (though not necessarily before he begins his law studies) the equivalent of a high school education.

A half-dozen jurisdictions have made some progress in other directions. Florida has established a State Board of Law Examiners, the members of which, curiously enough, are appointed by the governor instead of, as in all other states, by the highest court; this Board has taken steps to tighten up the process of admission. Louisiana has dropped the registration provision introduced last year, but has strengthened and made more precise its requirements in several other particulars. The District of Columbia still requires no specific amount of general education; applicants must, however, at least state in their verified application blanks what educational advantages they have enjoyed; in addition, a vague court requirement of three years' law study has been interpreted to call for either actual office attendance or work successfully pursued in a law school. Kansas has strengthened its requirements for office students by directing such students to follow the State University law course and by calling for semi-annual reports from them and their preceptors. Ohio announces that no credit will be given for office work that is pursued concurrently with law school study or that is interpolated into law school vacations. Oklahoma has strengthened the administration of its requirements.

During the same twelve months four changes have occurred in Canada:

In Ontario a temporary rule, permitting deficiencies in general education to be made up after the beginning of the period of law study, has lapsed. Beginning with the autumn of 1925, the full requirement of not quite one year of college work, first demanded in 1922, must be satisfied before the applicant begins his law studies.

Alberta announces a preliminary requirement of two college years.

Since the War there has been a rapid development of legal education in the prairie provinces. In Saskatchewan, the bar admission system, as the result of improvements adopted in December, 1924, has now been perfected to a point beyond which it is not likely to proceed for several years, except possibly by an increase in preliminary college work above the present figure of one college year or its equivalent. All applicants must now be graduates of a Canadian law school or of some other law school approved by the provincial university; subsequent to graduation, they must serve one year in a law office if they are college graduates, and two years if they are not; the single bar admission examination is conducted jointly by the university and the Law Society, and covers only statutes and court procedure.

For admission to the Quebec Bar, the statute for some time has called for a preparatory period of four years, reduced to three years in the case of students who complete the course at one of the three local law schools while serving concurrently an office clerkship. At the instigation of the McGill University Law Faculty, legislation has been adopted which permits a third alternative: three years during which the student devotes all his energies to securing his law school degree, followed by one year devoted entirely to office service.

EDUCATIONAL REQUIREMENTS FOR ADMISSION TO LEGAL PRACTICE
IN EFFECT FOR THOSE BEGINNING TO STUDY LAW IN THE AUTUMN OF 1925

An attempt to summarize the salient educational features in the bar admission rules of the several states first appeared in the Annual Report for 1922. The form that this now takes, in the pages that follow, is the result of a process of gradual development. This year, for the first time, the survey has been extended to include Canada and Newfoundland. Partly for this reason, and partly in response to a suggestion from an American examining board, two other innovations have been made.

Hitherto, in the case of states that prescribe a definite period of law study, the question whether this training must or may be secured in a day law school, or in an evening law school, or in a law office, or elsewhere, has been answered only when (as, for instance, in California) the location of the study affects the length of the period prescribed, or when (as, for instance, in New Jersey) even applicants who secure the major part of their preparation in a law school are required to spend a certain minimum period in an office. A separate column has now been added, in which this information is given for every state and province. Very commonly in the United States applicants are required to secure their legal preparation either entirely in a law school, or partly in a law school and partly in a law office, or entirely in an office. For reasons of brevity this system is here indicated by the expression "Law school or office," which is to be read as equivalent to "All law school, or law school and office, or all office." It will be noted that while in many American states the location of the law study is more laxly defined, in a few states, and universally in Canada, the requirement is more severe. When law school and law office work are combined, the manner in which the student's time must be distributed between the two is then often carefully prescribed. In this

digest, however, in order not to confuse the reader with too much detail, this interesting point is omitted, and only the aggregate length of the period is given.

The other change has been in the last column, where the original caption, "Number of Law Schools Graduates of which are exempted from Educational Tests," has been changed to read "Number of Law Schools whose Graduates are Examined only by their own Faculty." So far as concerns the United States, these two expressions mean the same thing. For applicants in general there is always a professional examination, in the conduct of which the school faculty does not participate; the only distinction is between states in which graduates of certain law schools need not take this examination, and states in which they must; schools whose graduates need not take this examination are commonly said to "possess the diploma privilege." This diploma privilege exists in the Canadian province of New Brunswick. We have, in addition, the Nova Scotia plan, under which graduates of the Dalhousie Law Faculty are, indeed, exempted from the usual professional examinations, but, on the other hand, representatives of the Barristers' Society participate in the examinations given by the school itself; and the Saskatchewan modification, where law school and Law Society coöperate in examining all applicants, and the examination covers only statutes and court procedure. Finally, three provinces have the usual uniform set of comprehensive examinations for all applicants, but these examinations are conducted by the faculty of the local law school. The changed caption — which groups these three instances with New Brunswick, but excludes Nova Scotia and Saskatchewan — is intended to reveal the underlying evil that the Washington Conference on Legal Education had in mind when it phrased its condemnation of the diploma privilege in the following terms:

We agree with the American Bar Association that graduation from a law school should not confer the right of admission to the Bar, and that every candidate should be subjected to examination by public authority other than the authority of the law school of which he is a graduate.

In so brief a digest it is not possible to include every shade of variation. Every effort is made to ensure accuracy of statement within the limits imposed by desirable conciseness. Suggestions will be welcomed as to how the survey may be made more helpful both to prospective law students and to those interested in the administration and improvement of the rules.

<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
ALABAMA			
Mentioned, but no specific requirement	Mentioned, but no specific requirement	Eighteen months	1
ARIZONA			
Mentioned, but no specific requirement	Mentioned, but no specific requirement	Mentioned, but no specific requirement	0
ARKANSAS			
Not mentioned in rules	Not mentioned in rules	Not mentioned in rules	0
CALIFORNIA			
Not mentioned in rules	Law school, or office, or elsewhere under proper direction	Three years in a day law school, or in full-time work in a law office, or in a correspondence school, or in private study; four years in an evening law school	0

BAR ADMISSION REQUIREMENTS

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<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
COLORADO			
Equivalent of one year college, within six months after beginning law study	Law school or office	Three years	0
CONNECTICUT			
Equivalent of high school, prior to beginning law study	Law school or office	Three years ¹	0
DELAWARE			
Equivalent of high school, prior to beginning law study	Under the direction of a member of the Bar, either in law school, or office, or private study	Three years	0
DISTRICT OF COLUMBIA			
Mentioned, but no specific requirement	Law school or office	Three years	0
FLORIDA			
Mentioned, but no specific requirement	Mentioned, but no specific requirement	Mentioned, but no specific requirement	2
GEORGIA			
Not mentioned in rules	Not mentioned in rules	Not mentioned in rules	4
IDAHO			
Equivalent of high school, prior to taking bar examination	Law school, or office, or elsewhere under proper direction	Three years full-time work in a day law school, or in a law office, or in a correspondence school, or in private study; four years in an evening law school	0
ILLINOIS			
Equivalent of one year college, prior to beginning law study ²	Law school or office	Three years if wholly in a law school requiring twelve hours recitations each week; otherwise, four years. Office students must receive at least 120 hours per year of actual legal instruction, and be examined annually by the Board	0
INDIANA			
Not mentioned in rules	Not mentioned in rules	Not mentioned in rules ³	0
IOWA			
Equivalent of high school, prior to taking bar examination	Law school or office	Three years	0
KANSAS			
Equivalent of two years college, prior to beginning law study	Law school or office	Three years, or longer in case of part-time work. Reports as to work of office students must be submitted semi-annually to the Board	0
KENTUCKY			
Mentioned, but no specific requirement	Law school or office	Two years	0

¹ After July 1, 1929, evening courses of less than four years will not be accepted.

² For applicants beginning their law studies after July 1, 1926, equivalent of two years college.

³ There is not even an examination as to educational qualifications.

BAR ADMISSION REQUIREMENTS

<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
LOUISIANA			
Equivalent of high school, prior to taking bar examination	Law school, or under the supervision of a reputable Louisiana lawyer	Three years	0
MAINE			
Not mentioned in rules	Law school or office	Three years full-time work in a day law school or in a law office; four years in an evening law school	0
MARYLAND			
Equivalent of high school, prior to beginning law study	Law school or office	Three years	0
MASSACHUSETTS			
Equivalent of two years evening high school, prior to taking bar examination	Law school, or office, or elsewhere under proper direction	Three years full-time work in a day law school, or in a law office, or in a correspondence school, or in private study; four years in an evening law school	0
MICHIGAN			
Equivalent of high school, prior to beginning law study, except that law school students may carry a deficiency of 25% up to their third year	Law school or office	Three years in a law school or four years in a law office, with a minimum of 4 daily hours of study, 6 days in the week, during 36 weeks each year	0
MINNESOTA			
Equivalent of high school, prior to beginning law study	Law school or office	Three years if wholly in a day law school; otherwise, four years	0
MISSISSIPPI			
Equivalent of high school, prior to taking bar examination	Mentioned, but no specific requirement	Mentioned, but no specific requirement	1
MISSOURI			
Common school education and fair knowledge of civil government, literature, and history, prior to taking bar examination	Not mentioned in rules	Mentioned, but no specific requirement	0
MONTANA			
Equivalent of two years college, prior to taking bar examination	Not mentioned in rules	Two years (24 months)	1
NEBRASKA			
Equivalent of three years high school, prior to taking bar examination	Law school or office	Three years	2
NEVADA			
Mentioned, but no specific requirement	Mentioned, but no specific requirement	Mentioned, but no specific requirement	0

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<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
NEW HAMPSHIRE Mentioned, but no specific requirement	Law school or office	Three years	0
NEW JERSEY Equivalent of high school, prior to beginning law study	All office, or law school and office	Three years. Full time must be devoted to the office work	0
NEW MEXICO Equivalent of high school, prior to taking bar examination	Law school or office	Three years	0
NEW YORK Equivalent of high school, prior to beginning law study	All office, or law school and office, or (for applicants having at least two years of college training) all law school	Three years for college graduates, four years for others. Full time must be devoted to the office work	0
NORTH CAROLINA Not mentioned in rules	Mentioned, but no specific requirement	Two years	0
NORTH DAKOTA Not mentioned in rules	Day classes of a law school, or office	Three years	0
OHIO High school education, prior to beginning law study	Law school, or under the tutorage of a practising attorney	Three years in a full-time law school; four years in a part-time law school or under an attorney providing at least 200 hours per year of actual legal instruction	0
OKLAHOMA Equivalent of high school, prior to taking bar examination	Mentioned, but no specific requirement	Two years	1
OREGON Evidence satisfactory to the board, prior to taking bar examination	Not mentioned in rules	Three years	0
PENNSYLVANIA Equivalent of high school, including college entrance Latin, ¹ prior to beginning law study	Law school or office	Three years	0
RHODE ISLAND Equivalent of high school, prior to beginning law study	All office, or law school and office	Two years for college graduates, three years for others, or a longer period in the case of schools rated as not of full standing or efficiency. Full time must be devoted to the office work	0
SOUTH CAROLINA Equivalent of high school, prior to taking bar examination	Law school, or office, or under the direction of a member of the South Carolina Bar	Two years	1

¹ College graduates may substitute for the Latin requirements cultural equivalents satisfactory to the Board.

BAR ADMISSION REQUIREMENTS

<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
SOUTH DAKOTA			
Equivalent of high school, prior to taking bar examination	Law school or office	Three years	1
TENNESSEE			
Equivalent of high school, prior to beginning law study	Law school or office	One year	0
TEXAS			
Evidence satisfactory to the Board, prior to taking bar examination	Not mentioned in rules	Two years	14
UTAH			
Mentioned, but no specific requirement	Not mentioned in rules	Three years	1
VERMONT			
Equivalent of high school, prior to beginning law study	All office, or law school and office	Three years	0
VIRGINIA			
Mentioned, but no specific requirement	Local law school for non-residents; local law school or office for minors; no requirement for others	Two years for non-residents or minors; no requirement for others	0
WASHINGTON			
Equivalent of high school, prior to beginning law study	Law school or office	Three years in an approved day law school, or four years in an approved evening law school, but in case no degree has been received, an additional year must be spent in a law office. Four years in a law office with a minimum of 18 weekly hours of study during 30 weeks each year. Such credit is given for study not covered by these rules as will maintain the same standards	0
WEST VIRGINIA			
Equivalent of two years college, prior to beginning law study	Law school certified by the Association of American Law Schools as complying with the 1921 standards of the American Bar Association as regards length of course, library, and faculty	Three years	1
WISCONSIN			
Equivalent of high school, prior to taking bar examination	Mentioned, but no specific requirement	Three years	1
WYOMING			
Mentioned, but no specific requirement	Law school, or office, or correspondence school	Three years	0

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<i>General Education</i>	<i>Location of Law Study</i>	<i>Period of Law Study</i>	<i>No. of Law Schools whose Graduates are Examined only by their own Faculty</i>
ALBERTA			
Equivalent of one year college, prior to beginning law study ¹	All office, or local law school and office	Three years for college graduates; four years for others graduating from the local law school; otherwise, five years	1
BRITISH COLUMBIA			
Equivalent of one year college, prior to beginning law study	Law school and office, or (for applicants not residing in or near Vancouver) all office	Three years for college graduates; otherwise, five years	0
MANITOBA			
Equivalent of two years college, prior to beginning law study	Local law school and office, or (for applicants not residing in or near Winnipeg) all office	Three years for college graduates graduating from the local law school; four years for other college graduates, or for others graduating from the local law school; otherwise, five years	1
NEW BRUNSWICK			
Less than high school, prior to beginning law study	All office, or law school and office	Three years for college graduates, or for others graduating from a law school; otherwise, four years	1
NEWFOUNDLAND			
Less than high school, prior to beginning law study	All office, or law school and office	Three years for college graduates; four years for others qualified to enter college, or graduating from a law school; otherwise, five years	0
NOVA SCOTIA			
Equivalent of two years college, prior to beginning law study	All office, or law school and office	Three years for college graduates, or for others graduating from a law school; otherwise, four years	0
ONTARIO			
Less than one year college, prior to beginning law study	Local law school and office	Three years for college graduates; otherwise, five years	1
PRINCE EDWARD ISLAND			
Equivalent of high school, prior to beginning law study	All office, or law school and office	Four years for college graduates; otherwise, five years	0
QUEBEC NOTARIES			
Equivalent of college degree	All office, or local law school and office	Three years for those graduating from a local law school; four years for those spending two years in a local law school; otherwise, five years	0
QUEBEC BAR			
College degree or examination not beyond capacity of applicants who have spent two years in an English-speaking college	All office, or local law school and office	Three years for those graduating from a local law school and doing concurrent office work; otherwise, four years	0
SASKATCHEWAN			
Equivalent of one year college	Law school and office	Four years for college graduates; otherwise, five years	0

¹ For applicants beginning their law studies after October 1, 1926, two years college.

BAR ADMISSION REQUIREMENTS

SUMMARY FOR THE UNITED STATES

<i>Jurisdictions which prescribe a definite amount of general education and, following this, a definite period of law study</i>	<i>Are graduates of certain law schools examined only by their own faculty?</i>		<i>Total</i>
	<i>No</i>	<i>Yes</i>	
Two years college or equivalent, followed by law study during			
Three years or more ¹	1	0	1
Three years ²	0	1	1
One year college or equivalent, followed by law study during			
Three or four years ³	1	0	1
Three years ⁴	1	0	1
High school or equivalent, followed by law study during			
Three or four or five years ⁵	1	0	1
Three or four years ⁶	4	0	4
Three years ⁷	6	0	6
Two or three years, or more ⁸	1	0	1
One year ⁹	1	0	1
	16	1	17
<i>Jurisdictions which prescribe a definite amount of general education and also, but not necessarily following this, a definite period of law study</i>			
Two years college or equivalent, and law study during			
Two years (twenty-four months) ¹⁰	0	1	1
High school or equivalent, and law study during			
Three years or more, or four years ¹¹	1	0	1
Three years ¹²	3	2	5
Two years ¹³	0	2	2
Lower or vague requirement of general education, and law study during			
Three years or more, or four years ¹⁴	1	0	1
Three years ¹⁵	1	1	2
Two years ¹⁶	0	1	1
	6	7	13
<i>Jurisdictions which prescribe a definite amount of general education, but no definite period of law study</i>			
High school or equivalent ¹⁷	0	1	1
Lower requirement ¹⁸	1	0	1
	1	1	2
<i>Carried forward</i>	23	9	32

¹ Kansas.⁶ Michigan, Minnesota, New York, Ohio.⁸ Rhode Island.¹² Iowa, Louisiana, New Mexico, South Dakota, Wisconsin.¹⁴ Massachusetts.¹⁶ Texas.² West Virginia.⁷ Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Vermont.⁹ Tennessee.¹⁵ Nebraska, Oregon.¹⁷ Mississippi.³ Illinois.⁴ Colorado.¹⁰ Montana.¹¹ Idaho.¹³ Oklahoma, South Carolina.¹⁸ Missouri.⁵ Washington.

BAR ADMISSION REQUIREMENTS

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	<i>Are graduates of certain law schools examined only by their own faculty?</i>		<i>Total</i>
	<i>No</i>	<i>Yes</i>	
<i>Brought forward</i>	23	9	32
<i>Jurisdictions which prescribe a definite period of law study, but no definite amount of general education</i>			
Three or four years ¹	2	0	2
Three years or more ²	1	0	1
Three years ³	3	1	4
Two years ⁴	2	0	2
Eighteen months ⁵	0	1	1
	8	2	10
<i>Jurisdictions which prescribe neither a definite amount of general education nor a definite period of law study</i>			
Both features mentioned in rules ⁶	3	1	4
Neither feature mentioned in rules ⁷	2	1	3
	5	2	7
<i>Total number of jurisdictions</i>	36	13	49

SUMMARY FOR CANADA AND NEWFOUNDLAND

<i>Jurisdictions which prescribe a definite amount of general education and, following this, a definite period of law study</i>			
<i>College degree or equivalent, followed by law study during</i>			
Three or four or five years ⁸	1	0	1
<i>Two years college or equivalent, followed by law study during</i>			
Three or four years ⁹	2	0	2
Three or four or five years ¹⁰	0	1	1
<i>One year college or equivalent, followed by law study during</i>			
Four or five years ¹¹	1	0	1
Three or five years ¹²	1	1	2
Three or four or five years ¹³	0	1	1
<i>High school or equivalent, followed by law study during</i>			
Four or five years ¹⁴	1	0	1
<i>Less than high school, followed by law study during</i>			
Three or four years ¹⁵	0	1	1
Three or four or five years ¹⁶	1	0	1
<i>Total number of professional societies</i>	7	4	11

¹ California, Maine.

² North Dakota.

³ District of Columbia, New Hampshire, Utah, Wyoming.

⁴ Kentucky, North Carolina.

⁵ Alabama.

⁶ Arizona, Florida, Nevada, Virginia. In Virginia two years law study are prescribed for certain types of applicants.

⁷ Arkansas, Georgia, Indiana.

⁸ Quebec Notaries.

⁹ Quebec Bar, Nova Scotia.

¹⁰ Manitoba.

¹¹ Saskatchewan.

¹² British Columbia, Ontario.

¹³ Alberta.

¹⁴ Prince Edward Island.

¹⁵ New Brunswick.

¹⁶ Newfoundland.

STANDARDIZING AGENCIES

THE American Bar Association, with its "Council on Legal Education and Admissions to the Bar," acts as a standardizing agency for the state admitting authorities, in the sense that it recommends certain standards to their consideration. Standardization in the sense of uniformity probably ought not to be sought, and certainly is not being achieved. We are not securing even that partial uniformity which would spring from a general adoption of these particular standards combined with a healthy variation in other respects. The general failure of the states to follow the recommendations may be due to the fact that no vigorous campaign has been waged in their behalf; or it may be due to the fact that the recommendations themselves are not beyond criticism, at least as a goal that can be presently attained. On the other hand, it cannot be questioned that the interest displayed by the American Bar Association in this subject is resulting in a general improvement in the bar admission systems of the country.

As an agency for exerting moral pressure directly upon law schools, this organization shares the field with the Association of American Law Schools. The two Associations have, however, so far influenced one another that there is now little distinction between them, as to matters covered by both. A comparison in parallel columns between the standards of the two Associations was first published in the Carnegie Foundation Annual Report for 1922, and again in that for 1924. As now revised, it includes changes made by the Law School Association at its annual meeting held in December of that year, and omits matter which became obsolete September 1, 1925.

STANDARDS OF THE AMERICAN BAR ASSOCIATION AS INTERPRETED BY ITS COUNCIL ON LEGAL EDUCATION

CORRESPONDING STANDARDS OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS¹

Amount of Preliminary Education required for Admission to the Law School

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

It shall require of all candidates for its degree at the time of their admission to the school either the completion of two years of college work or such work as would be accepted for admission to the third or junior year in the College of Liberal Arts of the state university or of the principal colleges and universities in the state where the law school is located.

A school which admits certain students who do not fully meet the requirements will not be considered as failing to comply with standard (a)

Students who enter with less than the academic credit required of candidates for the law degree by [the preceding rule] must be twenty-one years

¹ The Association of American Law Schools has additional requirements affecting the operation of the school as a non-commercial enterprise, the ascertainment of scholarship by examination, and the maintenance of a system of student records. Note also that in connection with the duration of the law school course it prescribes, as the American Bar Association does not, the amount of classroom instruction.

provided the number of students does not exceed ten per cent of its enrollment.

of age, and the number of such students admitted each year shall not exceed ten per cent of the average number of students first entering the school during each of the two preceding years.

Students may register as candidates for the law degree, though conditioned in not to exceed three year-hours of college work.

The Law School Course for Full-time Students

(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,

A school whose curriculum and schedule of work are so arranged that in the opinion of the Executive Committee substantially the full working time of its students is required for the work of the school shall be considered a full-time school. A full-time school shall require of its candidates for the first degree in law resident study of law during a period of at least ninety weeks, and the successful completion of at least ten hundred and eighty hours of classroom instruction in law.

Treatment of Part-time Work

and a longer course, equivalent in the number of working hours, if they devote only part of their working time to their studies.

A school whose curriculum and schedule of work are so arranged that in the opinion of the Executive Committee substantially the full working time of its students is not required for the work of the school shall be considered a part-time school. A part-time school must maintain a curriculum which, in the opinion of the Executive Committee, is the equivalent of that of a full-time school. The action of the Executive Committee under this paragraph shall in each instance be reported to the Association at its next annual meeting and shall stand as the action of the Association until set aside by a vote of a majority of all the members of the Association.

Any school now or hereafter a member of the Association, that conducts both full- and part-time curricula, must comply as regards each with the requirements therefor as set forth in the preceding paragraphs.

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

No school shall be or remain eligible to membership if the institution of which it is a part shall through any other agency conduct instruction in law designed to prepare students for admission to the Bar or for Bar examinations, save in conformity with the provisions of the preceding paragraphs.

A part-time course of at least 160 weeks, covering four school years, is the equivalent of a three-year, full-time course. This action is the

Upon establishment of curricula in their part-time schools covering a period of at least 160 weeks distributed over not less than four years,

same as that taken by the Association of American Law Schools on the same problem.

exclusive of holiday and vacation periods, and their compliance in other respects with the requirements [for membership, certain schools] will be eligible for membership.

Library

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

It shall own a law library of not less than five thousand volumes well selected and properly housed and administered for the use of its students.

Faculty

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

Its faculty shall consist of at least three instructors who devote substantially all of their time to the work of the school; and in no case shall the number of such full-time instructors be fewer than one for each one hundred students or major fraction thereof.

These standards differ from those recommended to the state admitting authorities in that they are already realized in many institutions. Indeed, several law schools have advanced far beyond them. There can be no doubt that in the minds of many, at least, of those who subscribe to them they constitute a set of minimum qualifications, which ought to be found in any law school worthy of the name. The following table shows how many law schools are now officially recognized by either (or in most cases by both) the Association of American Law Schools or the Council on Legal Education, as complying with their standards, and how many schools operate without the approval of these organizations.

LAW SCHOOLS CLASSIFIED ACCORDING TO MEMBERSHIP IN THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND APPROVAL BY THE COUNCIL ON LEGAL EDUCATION
IN THE AUTUMN OF 1925

	<i>Members of A. A. L. S. approved by Council</i>	<i>Members of A. A. L. S. not approved by Council</i>	<i>Non-members of A. A. L. S. approved by Council</i>	<i>Non-members of A. A. L. S. not approved by Council</i>	<i>Total</i>
Full-time schools requiring after the high school					
More than five academic years	11	0	0	1	12
Five academic years	43	2	0	8	53
Three or four academic years	0	0	0	10	10
Part-time schools requiring three or more academic years	0	0	0	67	67
Mixed full-time and part-time schools	5	0	1	11	17
Schools having a law course of less than three academic years	0	0	0	8	8
Total ¹	59	2	1	105	167

¹ In continental United States. The total membership of the A. A. L. S., at this date, included one school each in the Philippine Islands and in Canada.

The Canadian Bar Association was not organized until 1914, and has not been supplemented by an independent association of law schools. Upon the initiative of schoolmen, the Association adopted resolutions with respect to legal education in 1919, 1920, and 1923. The resolutions that have had the greatest influence were one adopted in 1919, advocating at least one year of preliminary college work (the recommendation was increased to two years in 1923); and one adopted in 1920 establishing a standard curriculum. On the other hand, long discussion in regard to the period of law study and its distribution between office and school culminated in 1919 in a resolution that has been properly ignored in the subsequent development of Canadian admission systems.

LAW SCHOOLS

As long ago as 1908 the Association of American Law Schools expressed its "earnest hope" that ultimately all of its members would require at least two years of preliminary college work. Ten years later the American Bar Association registered its "conviction that this should be the minimum requirement recognized by law schools of the first class." Between 1908 and 1921 the number of full-time law schools meeting this standard increased from seven to thirty-one. In the summer of 1921 the American Bar Association recommended that admission to the bar be restricted to graduates of law schools requiring as a condition of admission at least two years of study in a college; and at the close of the same year the Association of American Law Schools voted that after September 1, 1925, all of its members must comply with this requirement. Sixteen of its members postponed compliance until this date; their action, together with that of some six or eight other schools influenced by the same movement, accounts for the fact that this autumn the number of full-time law schools requiring at least two years of college for admission is no less than sixty-five. Including part-time and mixed schools, eighty-one out of a total of one hundred and sixty-seven law schools now comply, at least nominally, with this standard; though, as has been repeatedly stated in these Reports, it is not clear that in all cases the equivalent of genuine college work is demanded.

Stanford and Cornell, in accordance with announcements made last year, require this autumn a college degree in the case of applicants from another university. Stanford will eventually join the group that require a college degree from all applicants; Cornell after this autumn, and Michigan eventually, will require a college degree subject to the operation of the combined course; the University of Southern California, after this autumn, will require three years of college. A few schools have begun to require a single college year, or have lengthened an evening law course from three years to four. New full-time law schools have been opened by old William and Mary College and by the Southern Methodist University of Dallas, Texas, with entrance re-

quirements respectively of three and of two college years, and there is a net increase of five in the number of part-time or mixed law schools that are listed.¹

This year, for the first time, the routine tables and lists published in these Reports include the ten Canadian law schools. Having regard only to those features of the schools which are there briefly covered, the principal differences between the two countries are these:

Except in the Province of Quebec, the Law Society requirements as to general education are so definite and so high that the schools conform strictly. Schoolmen who are interested in improving the system of legal education frequently exert themselves to secure an increase that will be applicable to all students preparing for admission to practice; they do not, as so often in the United States, demand, for admission into their own school, qualifications substantially higher than those laid down by the bar admission authorities.

Evening law schools are not found in the Dominion. Furthermore, in those schools which are here classified as part-time because their sessions are held during other than the best working hours of the day, the reason for this classroom schedule is usually because under the bar admission rules the student is required to serve a concurrent clerkship in a law office. Canadian law schools of this description resemble, accordingly, our own large-city schools of about a generation ago. Ultimately, following the collapse of the concurrent office clerkship as a useful educational vehicle, these American schools had to choose between the policy of demanding the entire time of their students and that of continuing to offer part-time work, not now in order to facilitate office training, but for the benefit of self-supporting students. It is apparent that in Canada this same problem will soon have to be faced. Even today some of the students in Canadian part-time schools are not actually in the law offices where they are supposed to be; they take advantage of the classroom schedule and of the slight requirements in the way of outside preparation to secure employment in more lucrative situations.

For both the United States and Canada the tables immediately following show, over a period of years, the number of schools, actual and relative, within each of the six broad groups into which they may be conveniently divided, from the point of view of the time required to complete the course; and likewise the attendance in each of these groups. After this will be found a list of schools in operation during the year 1925-26, with symbols attached showing the variations in this respect in greater detail. Finally, a concluding Summary shows the manner in which these symbols are combined to produce the groups as constituted for this year.

¹ Southwestern University, branch at Long Beach, California (opened 1924); St. Joseph Y. M. C. A., Missouri (started 1913; degree conferred since 1916); Minneapolis College of Law, Minnesota; Missouri School of Accountancy and Law, St. Louis; St. John's College, Brooklyn, New York; Akron Law School, Ohio (started as a school not announcing a law degree, 1921); University of Tulsa, Oklahoma (started as Tulsa Law School not conferring a degree, 1923). Deduct St. John's University, Toledo, Ohio, which for the last three years has offered law work only to enable old students to complete their course.

LAW SCHOOLS

UNITED STATES LAW SCHOOLS GROUPED ACCORDING TO THE AMOUNT OF TIME REQUIRED
AFTER THE HIGH SCHOOL TO COMPLETE THE COURSE

	1889-90	1899-1900	1909-10	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26
Full-time schools requiring										
More than five academic years	0	2	5	10	11	11	11	11	11	12
Five academic years	0	0	3	18	20	21	27	33	35	53
Three or four academic years	6	24	35	34	33	35	30	26	27	10
Part-time schools requiring three or more academic years	1	19	32	57	63	62	61	62	65	67
Mixed full-time and part-time schools	0	2	9	8	8	12	16	16	15	17
Schools having a law course of less than three academic years	54	55	40	19	15	9	8	7	9	8
Total	61	102	124	146	150	150	153	155	162	167

Percentage of Total Number of Law Schools

Full-time schools requiring										
More than five academic years	0.0	2.0	4.0	6.8	7.3	7.3	7.2	7.1	6.8	7.2
Five academic years	0.0	0.0	2.4	12.3	13.3	14.0	17.6	21.3	21.6	31.7
Three or four academic years	9.8	23.5	28.2	23.3	22.0	23.3	19.6	16.8	16.7	6.0
Part-time schools requiring three or more academic years	1.6	18.6	25.8	39.0	42.0	41.3	39.9	40.0	40.1	40.1
Mixed full-time and part-time schools	0.0	2.0	7.3	5.4	5.3	8.0	10.4	10.3	9.3	10.2
Schools having a law course of less than three academic years	88.5	53.9	32.3	13.0	10.0	6.0	5.2	4.5	5.6	4.8
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

UNITED STATES LAW SCHOOL ATTENDANCE CLASSIFIED BY TYPE OF SCHOOL

	1889-90	1899-1900	1909-10	1919-20	1920-21	1921-22	1922-23	1923-24	1924 (Nov.)
Full-time schools requiring									
More than five academic years	0	761	1,671	3,407	3,733	4,201	4,394	4,531	4,520
Five academic years	0	0	751	2,307	2,635	3,349	4,260	5,227	5,424
Three or four academic years	1,192	3,992	5,946	4,585 ¹	4,823 ¹	5,008 ¹	4,644 ²	4,214	4,523
Part-time schools requiring three or more academic years	108	2,251	4,787	9,163 ²	10,902 ²	11,648 ²	12,715	13,907	14,322
Mixed full-time and part-time schools	0	704	1,963	3,087	3,567	7,082	9,504	11,250	11,162
Schools having a law course of less than three academic years	3,186	4,676	4,310	1,525	1,399	711	719	811	851
Total	4,486	12,384	19,428	24,074	27,059	31,999	36,236	39,940	40,802

Percentage of Total Law School Attendance

Full-time schools requiring									
More than five academic years	0.0	6.1	8.6	14.2	13.8	13.1	12.1	11.3	11.1
Five academic years	0.0	0.0	3.9	9.6	9.7	10.5	11.8	13.1	13.3
Three or four academic years	26.6	32.2	30.6	19.0	17.8	15.7	12.8	10.6	11.1
Part-time schools requiring three or four academic years	2.4	18.2	24.7	38.1	40.3	36.4	35.1	34.8	35.1
Mixed full-time and part-time schools	0.0	5.7	10.1	12.8	13.2	22.1	26.2	28.2	27.4
Schools having a law course of less than three academic years	71.0	37.8	22.2	6.3	5.2	2.2	2.0	2.0	2.1
	100%	100%	100%	100%	100%	100%	100%	100%	100%

¹ No figures from two schools.

² No figures from one school.

RESIDENTIAL LAW SCHOOLS IN OPERATION, 1925-26

The following list of law schools appears in form similar to that employed in successive Annual Reports, beginning with that published in 1920. The conventional symbols attached to each school measure roughly the extent of its *prima facie* compliance with the three standards, affecting the amount of time devoted by students to their work, that have been formulated by the American Bar Association. That is to say, the roman numerals show the minimum number of college years that are required for admission to regular standing as candidate for a degree, without regard to the important complications produced by the admission of special students, etc., or of regular students with entrance conditions. An asterisk means that a college degree is required for admission; in the case of the two French-speaking Canadian schools, this symbol is included in parentheses to indicate that an examination may be substituted. The letter M (morning) denotes that classroom sessions preempt the best working hours of the day, and that therefore students are, or may be, required to devote to their studies all of their time not needed for necessary recreation; while the letters A (afternoon, including early morning) and E (evening) denote that classroom sessions are held at other hours, more generally convenient for self-supporting students, or (in Canada) for those who serve a concurrent office clerkship. The arabic numerals show the duration of the law school course, in academic years or their equivalent. When separate divisions are conducted at different hours of the day, the requirements for each are stated in full, separated by commas. In all cases the symbols denote the requirements in force for those who entered the regular first-year class at the beginning of the autumn term of 1925. Announcements of subsequent changes, or courses continued for the benefit of students already enrolled, are not included.

In parentheses, schools members of the Association of American Law Schools at the beginning of this academic year are marked (s); schools fully approved by the Council on Legal Education of the American Bar Association at the same date are marked (c).

In the United States the list is restricted to schools that confer first degrees in law, because of the practical impossibility of drawing any other objective line between a "law school" and a fleeting "law class" conducted by one or more attorneys.

UNITED STATES

ALABAMA

Birmingham	Y. M. C. A., Birmingham School of Technology, Birmingham School of Law	E4
Tuscaloosa	University of Alabama, School of Law	IM3

ARIZONA

Tucson	University of Arizona, College of Law	IM3
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ARKANSAS

Fayetteville	University of Arkansas, Department of Law	IIM3
Little Rock	Arkansas Law School	E2

LAW SCHOOLS

CALIFORNIA

Bakersfield	Lincoln College of Law	E4
Berkeley	University of California, School of Jurisprudence	IIM3 (sc)
Long Beach	Southwestern University, School of Law, Long Beach Branch	E4
Los Angeles	Loyola College, The St. Vincent School of Law	E4
	University of Southern California, The School of Law	IIM3, IIE5 (sc)
	Southwestern University, School of Law	M3, E4
	University of the West, Los Angeles College of Law	E4
Oakland	Saint Mary's College, School of Law	IIE4
Palo Alto	Stanford University, The Law School	IIM4 or IIM3 ¹ (sc)
Sacramento	Sacramento College of Law	E4
San Francisco	University of California, Hastings College of the Law	IIM3 (sc)
	St. Ignatius College, The College of Law	E4
	San Francisco Law School	E4
	Y. M. C. A., Golden Gate College, School of Law	E4½
Santa Clara	University of Santa Clara, Institute of Law	IIE4

COLORADO

Boulder	University of Colorado, School of Law	IIM3 (sc)
Denver	University of Denver, School of Law	IIM3
	Westminster Law School	IE3

CONNECTICUT

New Haven	Yale University, School of Law	IIM3 or IIM4 (sc)
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DISTRICT OF COLUMBIA

Washington	The Catholic University of America, The School of Law	IIM3 (sc)
	The Frelinghuysen University, The John M. Langston School of Law (<i>colored</i>)	IIEA3
	Georgetown University, School of Law	IIM3, IIA4 (c)
	George Washington University, Law School	IIM3, IIA4 (sc)
	Howard University, School of Law (<i>colored</i>)	IIEA3
	Knights of Columbus Evening School, The Law School	AE3
	National University Law School	AE3 ²
	Washington College of Law	A3
	Y. M. C. A. College of the District of Columbia, School of Law	E3

FLORIDA

DeLand	John B. Stetson University, The College of Law	IM3
Gainesville	University of Florida, College of Law	IIM3 (sc)

GEORGIA

Athens	University of Georgia, Law Department (The Lumpkin Law School)	IIM3
Atlanta	Atlanta Law School	E2
	Emory University, The School of Law (Lamar School of Law)	IIM3 (sc)
Macon	Mercer University, The Law School	IIM3 (sc)

¹ College work beyond the second year may be taken concurrently with law work.

² The entrance requirements are two college years, or (in the case of self-supporting applicants twenty-one years of age) occupational experience deemed equivalent.

LAW SCHOOLS

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IDAHO

Moscow	The University of Idaho, The College of Law (The Idaho Law School)	IIM3 (sc)
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ILLINOIS

Bloomington	Illinois Wesleyan University, College of Law	IA3
Chicago	Chicago-Kent College of Law	IA3, IE3
	Chicago Law School	IE3
	De Paul University, College of Law (Illinois College of Law)	IIM3, IIE4 (sc)
	The John Marshall Law School	IE3
	Loyola University, School of Law	IIM3, IIE4 (sc)
	Mayo College of Law	IA3, IE3
	Northwestern University, School of Law (Union College of Law)	*IIM3 or IIM4 (sc)
	The University of Chicago, The Law School	IIM3 (sc)
Springfield	Lincoln College of Law	M3, E3
Urbana	University of Illinois, College of Law	IIM3 or IIM4 (sc)

INDIANA

Angola	Tri-State College, Law School	A2
Bloomington	Indiana University, School of Law	IIM3 (sc)
Danville	Central Normal College, Law Course	A3
Indianapolis	Benjamin Harrison Law School	E2
	University of Indianapolis, Indiana Law School	M3
Notre Dame	The University of Notre Dame, The College of Law	IIM3 (sc)
Valparaiso	Valparaiso University, The Law School	M3

IOWA

Des Moines	Drake University, The Law School	IIM3 (sc)
Iowa City	The State University of Iowa, College of Law	IIM3 (sc)

KANSAS

Lawrence	The University of Kansas, The School of Law	IIM3 (sc)
Topeka	Washburn College, School of Law	IIM3 (sc)

KENTUCKY

Lexington	University of Kentucky, College of Law	IIM3 (sc)
Louisville	Jefferson School of Law	E2
	Simmons University, Department of Law (The Central Law School) (<i>colored</i>)	A3
	University of Louisville, School of Law	IA3

LOUISIANA

Baton Rouge	Louisiana State University, The Law School	IIM3 (s)
New Orleans	Loyola University, Schools of Law	IM3, IE4
	Tulane University of Louisiana, College of Law	IIM3 (sc)

MARYLAND

Baltimore	The University of Maryland, The School of Law	M3, E4
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LAW SCHOOLS

MASSACHUSETTS

Boston	Boston University, The School of Law	IIM3 (sc)
	Northeastern University, School of Law, Boston Y. M. C. A.	E4
	Portia Law School	A4, E4
	Suffolk Law School	A4, E4
Cambridge Springfield	Harvard University, The Law School	* IIM3 (sc)
	Northeastern University, School of Law, Springfield Y. M. C. A. Division	E4
Worcester	Northeastern University, School of Law, Worcester Y. M. C. A. Division	E4

MICHIGAN

Ann Arbor	University of Michigan, Law School	IIM3 (sc)
Detroit	University of Detroit, Law School	IIM3, IIA4
	Y. M. C. A., Detroit College of Law	A3, E3

MINNESOTA

Minneapolis	Minnesota College of Law	E4
	Minneapolis College of Law	E4
	Northwestern College of Law	E4
	University of Minnesota, The Law School	IIM3 (sc)
St. Paul	The Y. M. C. A. Law School of Minneapolis	E4
	St. Paul College of Law	E3
	College of St. Thomas, School of Law	IIA3

MISSISSIPPI

Oxford	University of Mississippi, School of Law	IIM3 (s)
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MISSOURI

Columbia	The University of Missouri, School of Law	IIM3 (sc)
Kansas City	Kansas City School of Law	A4, E4
St. Joseph	Y. M. C. A., St. Joseph Law School	E4
St. Louis	Benton College of Law	E4
	City College of Law and Finance, School of Professional Law	E4
	Missouri School of Accountancy and Law, Law Course	E5
	St. Louis University, School of Law	IIM3, IIE4 (sc)
	Washington University, The School of Law	IIM3 (sc)

MONTANA

Missoula	University of Montana, School of Law	IIM3 (sc)
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NEBRASKA

Lincoln	The University of Nebraska, College of Law	IIM3 (sc)
Omaha	The Creighton University, College of Law	IIM3 (sc)
	University of Omaha, School of Law	E4

NEW JERSEY

Newark	New Jersey Law School	M3, A3, E3
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NEW YORK

Albany	Union University, Department of Law (Albany Law School)	M3
Buffalo	University of Buffalo, School of Law	IM3
Ithaca	Cornell University, The College of Law	IIM3 (sc)

LAW SCHOOLS

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New York City	St. Lawrence University, The Brooklyn Law School	IM3, IA3, IE3
	Columbia University, School of Law	IIM3 (sc)
	Fordham University, School of Law	IM3, IA3, IE3
	New York Law School	A3, E3
	New York University, School of Law	IM3, IA3, IE3
	St. John's College, School of Law	A3, E3
Syracuse	Syracuse University, College of Law	IIM3 (sc)

NORTH CAROLINA

Chapel Hill	The University of North Carolina, The School of Law	IIM3 (sc)
Durham	Duke University, School of Law	IIM3
Wake Forest	Wake Forest College, School of Law	IIM3
Wilmington	Wilmington Law School	E3

NORTH DAKOTA

Grand Forks	The University of North Dakota, School of Law	IIM3 (sc)
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OHIO

Ada	Ohio Northern University, The Warren G. Harding College of Law	M3
Akron	The Akron Law School	E4
Cincinnati	St. Xavier College, College of Law	IIE4
	University of Cincinnati, College of Law (Cincinnati Law School)	IIM3 (sc)
	Y. M. C. A., Night Law School	E4
Cleveland	Baldwin-Wallace College, The Cleveland Law School ¹	A4, E4
	Western Reserve University, The Franklin Thomas Backus Law School	IIM3 (sc)
	The John Marshall School of Law	M4, A4, E4
	Spencerian School, Lake Erie School of Law	E4
Columbus	The Ohio State University, College of Law	IIM3 (sc)
	Y. M. C. A., Columbus College of Law	E4
Dayton	University of Dayton, College of Law	AE4
Youngstown	Y. M. C. A., The Youngstown Institute of Technology, Youngstown School of Law	IIE4

OKLAHOMA

Norman	University of Oklahoma, The School of Law	IIM3 (sc)
Tulsa	The University of Tulsa, School of Law	E3

OREGON

Eugene	The University of Oregon, School of Law	IIM3 (sc)
Portland	Northwestern College of Law	E4
Salem	Willamette University, College of Law	IA3

PENNSYLVANIA

Carlisle	Dickinson College, The Dickinson School of Law	M3
Philadelphia	Temple University, School of Law	A4, E4
	University of Pennsylvania, The Law School	* IIM3 (sc)

¹ It is announced that the connection between these two institutions will terminate at the close of the current academic year.

LAW SCHOOLS

Pittsburgh	Duquesne University, School of Law University of Pittsburgh, School of Law	IE3 * IIIA3 ¹ (sc)
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RHODE ISLAND

Providence	Northeastern University, School of Law, Providence Y. M. C. A. Division	E4
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SOUTH CAROLINA

Columbia	University of South Carolina, School of Law	IIM3 (sc)
Greenville	Furman University, Law Department	IM3

SOUTH DAKOTA

Vermillion	University of South Dakota, School of Law	IIM3 (sc)
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TENNESSEE

Chattanooga	Chattanooga College of Law	E3
	Knoxville College of Law, Chattanooga Branch	E2
Knoxville	The University of Tennessee, College of Law	IIM3 (sc)
	John Randolph Neal College of Law	A2, E2
Lebanon	Cumberland University, Law School	M1
Memphis	University of Memphis, Law School	E3
Nashville	Vanderbilt University, The School of Law	IIM3 (sc)

TEXAS

Austin	University of Texas, School of Law	IIM3 (sc)
Dallas	The Jefferson School of Law	E3
	Southern Methodist University, The School of Law	IIM3
Houston	Y. M. C. A., The South Texas School of Law	E4
Waco	Baylor University, The School of Law	IIM3

UTAH

Salt Lake City	University of Utah, The School of Law	IIM3
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VIRGINIA

Charlottesville	The University of Virginia, Department of Law	IIM3 (sc)
Lexington	Washington and Lee University, School of Law	IIM3 (sc)
Richmond	University of Richmond, The T. C. Williams School of Law	IIM3, IIE4
	Virginia Union University, Law Department (<i>colored</i>)	E4
Williamsburg	The College of William and Mary in Virginia, The School of Jurisprudence	IIM3

WASHINGTON

Seattle	University of Washington, School of Law	IIM3 (sc)
Spokane	Gonzaga University, School of Law	IIE4

WEST VIRGINIA

Morgantown	West Virginia University, The College of Law	IIM3 (sc)
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¹ Classified as full-time, because class sessions are held prior to 4.40 p.m.

LAW SCHOOLS

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WISCONSIN

Madison	The University of Wisconsin, Law School	IIM3 + ¹ (sc)
Milwaukee	Marquette University, Law School	IIM3 (sc)

WYOMING

Laramie	University of Wyoming, The Law School	IIM3 (sc)
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CANADA

ALBERTA

Edmonton	University of Alberta, Faculty of Law	IM3
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BRITISH COLUMBIA

Vancouver	Law Society of British Columbia, Vancouver Law School	IA3
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MANITOBA

Winnipeg	University of Manitoba and Law Society of Manitoba, The Manitoba Law School	IIM3
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NEW BRUNSWICK

St. John	University of New Brunswick, Faculty of Law	A3
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NOVA SCOTIA

Halifax	Dalhousie University, Faculty of Law	IIM3
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ONTARIO

Toronto	Law Society of Upper Canada, The Osgoode Hall Law School	IA3
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QUEBEC

Montreal	McGill University, Faculty of Law	IIM3 (s)
	Université de Montréal, Faculté de Droit	(* A3)
Quebec	Université Laval, Faculté de Droit	(* A3)

SASKATCHEWAN

Saskatoon	University of Saskatchewan, College of Law	IM3
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¹ Ten additional weeks of law school or six months of office study are also required.

SUMMARY FOR THE UNITED STATES

FULL-TIME SCHOOLS REQUIRING		PART-TIME SCHOOLS REQUIRING THREE OR MORE ACADEMIC YEARS	
<i>More than five academic years</i>			
* IIM3	2	IIA3	1
* IIM3 or IIM4	1	IA3	3
* IIIA3 ¹	1	A4, E4	4
IIM3 or IIM4	1	A3, E4	1
IIM3	5	IA3, IE3	2
IIM4 or IIM3	1	A3	3
IIM3+	1 12 (7%)	A3, E3	3
<i>Five academic years</i>		IIAE3	2
IIM3 or IIM4	1	AE4	1
IIM3	52 53 (32%)	AE3	2
<i>Three or four academic years</i>		IIE4	5
IM3	5	E4 ₂	1
M3	5 10 (6%)	E4	27
		E5	1
		IE3	4
		E3	7 67 (40%)
MIXED FULL-TIME AND PART-TIME SCHOOLS		SCHOOLS HAVING A COURSE OF LESS THAN THREE ACADEMIC YEARS	
IIM3, IIE5	1	<i>Full-time schools</i>	
IIM3, IIA4	3	M1	1
IIM3, IIE4	4	<i>Part-time schools</i>	
IM3, IE4	1	A2	1
M3, E4	2	A2, E2	1
M4, A4, E4	1	E2	5 8 (5%)
IM3, IA3, IE3	3	<i>Total number of schools</i>	
M3, A3, E3	1	167 (100%)	
M3, E3	1 17 (10%)		

SUMMARY FOR CANADA

FULL-TIME SCHOOLS REQUIRING		PART-TIME SCHOOLS REQUIRING THREE OR MORE ACADEMIC YEARS	
<i>Five academic years</i>			
IIM3	3 (30%)	(*) A3	2
<i>Four academic years</i>		IA3	2
IM3	2 (20%)	A3	1 5 (50%)
		<i>Total number of schools</i>	10 (100%)

I, II, III, denote the minimum number of academic years that must have been spent in a college in order to secure admission to regular standing as candidate for a degree; *, that a college degree must have been obtained.

M (morning) denotes that the classroom sessions preëempt the best working hours of the day; A, that they are held during the afternoon or at other daytime hours convenient for self-supporting students; E, that they are held during the evening.

1, 2, 3, 4, 5, denote the minimum number of academic years residence that are required (or their equivalent in "terms" or "quarters") to complete the law course.

¹ Class sessions are held prior to 4.40 p.m.

THE AMERICAN LAW INSTITUTE

THE American Law Institute, organized in the spring of 1923 primarily for the purpose of making a comprehensive restatement of substantive law,¹ assumed, at its last meeting, the additional responsibility of preparing a model code of criminal procedure, for submission to the state legislatures. This undertaking is of the greater interest because of the subsequent organization, outside the legal profession, of an ambitiously conceived National Crime Commission, having for its object the decreasing of crimes of violence. Doubtless some effort will be made to secure coöperation between the two organizations. Should this not be attained, there is little doubt that the lawyers will be criticised by the laymen as betraying characteristic inability to deal vigorously even with an evil of acknowledged magnitude. Such an outcome would not be undesirable. The fact that the legal profession, through one of its representative organs, does not specifically endorse a proposed measure of reform, need not check discussion of the merits of the proposal by the public at large. On the other hand, if any suggested changes in our traditional methods of administering justice win the endorsement of so conservative a body as the American Law Institute, a strong presumption as to their wisdom will have been established.

The preparation of this model code is financed out of an independent endowment, and is an enterprise of an entirely different character from that which engages the main energies of the Institute. It involves not merely details that must be left to technicians, but also broader questions of social policy, in which the public at large may or may not regard lawyers as trustworthy guides. On the other hand, the restatement of substantive law is a purely technical task, the responsibility for which rests squarely upon the legal profession. Our system of forty-nine mutually independent courts of last resort has produced a morass of conflicting precedents from which judges and lawyers are now trying to extricate themselves. The function of the public can only be to welcome and to support a plan to accomplish this end that has been intelligently conceived and is now being conscientiously executed.

One of the wise decisions that was made, after some hesitation, at the organization meeting of the Institute, was that the membership at large should not exhaust its powers in the selection of a relatively small and stable Council. Although the restatements are to be prepared, in the first instance, by legal experts who work under the supervision of the Council, the entire Institute is to be given an opportunity to express its judgment as to their value. In spite of the paramount advantages of this policy as a means for stimulating and maintaining general interest in the work, there are obvious drawbacks in a scheme of organization that makes it possible for large bodies to discuss small details. The third annual meeting of the Institute, held in Washington May 1 and 2, 1925, was therefore of special interest, in that for the first time drafts of portions of three restatements were submitted to the members for

¹ 18 *Annual Report, Carnegie Foundation*, 1923, 62 (Pamphlet reprint, p. 22).

criticism. It should be a source of great encouragement that this meeting was largely attended, and that the criticism was abundant but not captious nor intemperate. Most of the queries were answered to the satisfaction of their proponents. There was, moreover, a healthy residuum of suggestions which the scholars responsible for the respective restatements took under advisement. If they are as successful in preserving open minds as the rank and file of the membership were modest in presenting their views, the policy of general discussion will do more than stimulate and maintain interest in the work of the Institute. It will make the restatements approach even more nearly than in their present form to that degree of superlative excellence that all would like to see attained. It is of course recognized that there is a point beyond which any individual scholar is incapable of considering a multiplicity of suggestions without growing stale, and that in order to complete an undertaking of this magnitude he must ultimately close his mind somewhere this side of theoretic perfection.

To one layman, whose happy ignorance of the technical law administered by the courts has never deterred him from writing around and about law and the legal profession, two points of general interest emerged from the detailed discussion.

First, that while it is perfectly well understood that the object of the restatements is not to suggest new law where considerations of social expediency are in any way involved, but simply to declare the preferable rule among conflicting precedents that already exist, it is not entirely clear whether the Institute should regard itself as debarred from filling in purely casual or accidental gaps in the network of legal relations. Its work will not be authoritative if it endorses a novel, or even a highly debatable, principle of social control. Where, however, a principle is already definitely established as applicable to one set of facts or relationships, and every consideration of logic or analogy suggests that it be extended to another set, should the Institute decline to extend it simply because this precise point has not arisen in any decided case? To judge by the tenor of the discussion, no authoritative and generally accepted decision seems yet to have been made in regard to this question.

The other point involves the arrangement of the separate propositions or rules of law after they have been ascertained. Much thought is being given to other important considerations of form — to classification, in the sense of a blocking out of the law into a few main divisions, each of sufficient inner coherence to constitute separate units in the final scheme — and to the extremely vexatious subject of precise and uniform terminology. A quite different problem is the proper sequence or ordering of the subject matter within each of its main divisions. In no one of the three partial drafts submitted to the last meeting does the interior organization of the material justify itself on its face as unquestionably the best that could be made from the point of view either of logical analysis or of convenience of reference.

These two points represent really only different aspects of one and the same difficulty, inherent in the very nature of the project. This fundamental difficulty is that

the common law, which is now being restated, has not itself developed symmetrically on the lines of any schematic arrangement, but has budded and sprouted like an organism. A forest of judicial decisions, for the very reason that it is a forest, cannot be converted into a legal web of satisfactorily systematic design. A restatement that shall be perfect as regards either completeness or logical sequence is impossible, even as an ideal; only experiment can decide which of two or more concededly imperfect presentations of the law is on the whole preferable. These observations are accordingly made, not for the purpose of questioning the value of the undertaking or the care with which it is being prosecuted, but as a warning against extravagant expectations and demands. If the individual propositions are accurately stated, the work will be successful. It will be a matter of relatively little moment if some system-mad critic finds that its arrangement is bad. Indeed, it would probably be well that legal scholars should confine their energies, so far as possible, to that portion of the task for which alone their training specially qualifies them. The more saturated they are in the traditions of the common law, the less importance are they likely to attach to its presentation in systematic form. To the extent that some degree of system is desirable, any literary tinker can subsequently provide this quality better than they can.

In conclusion, a word as to the interest that the work of the American Law Institute may have for Canadian practitioners and scholars. As a model for them to follow it has no significance. Our American Bar Association has been paralleled by their Canadian Bar Association, and our Conference of Commissioners on Uniform State Laws by their Conference of Commissioners on Uniformity of Legislation in Canada. But for the purpose of promoting uniformity of judicial decisions, they stand in need of no such cumbersome palliative as the American Law Institute is undertaking to provide. Their system of general judicial appeal from the provincial courts to the Supreme Court of Canada accomplishes for them all that the Institute can ever hope to accomplish for us, and accomplishes it a great deal more simply and directly.

On the other hand, the actual output of the Institute may have almost as much value to Canadian judges and practitioners as to our own in that it will make our law accessible to them. Theoretically, of course, American decisions can be appropriately cited in Canadian courts in the same manner that theirs have persuasive authority in our own. Actually, the multiplicity of our decisions discourages Canadians from paying much attention to them. Only a single one of the ten law schools makes any serious effort to carry on its shelves the Reports of the United States Supreme Court and of a few important states. Publication, in convenient form, of what may appropriately be characterized as "standard" American law, will tend to add to our list of exportable commodities.

ALFRED Z. REED.

October 15, 1925.

