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Bar Examinations and Requirements for Admission to the Bar (Book Review)

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lowed the International Covenant of Human Rights can appreciate the penetrating comments made by the author. It is doubted too, that the uninitiated can fully appreciate the implications in the discussions suggesting that the ". . . more extravagant pretensions of sovereignty must be rejected,"¹⁴ and that there should be an end of ". . . weasel-worded escapes from responsibility and of surrender to the premises of traditional disorder."¹⁵ Perhaps the same can be said for the discussion in which the author bemoans the manner in which the United States accepted the compulsory jurisdiction of the International Court of Justice. Surely the form of the acceptance of jurisdiction of the United States does not show the calibre of leadership in peace that it has successfully assumed in war. In relation to this acceptance the author exclaims "[i]f this be leadership, assuredly it is leadership in the wrong direction!"¹⁶

"Peace and Law" cannot be expected to offer a blueprint for the attainment of permanent peace. It does, however, embody the deliberations and suggestions of a mature scholar. Any book written by such an author which undertakes to portray the interrelations of peace and law will doubtlessly influence lawmakers and statesmen, and hence, the law itself. The author is the first to admit that there are "no easy and simple solutions." Lawmakers and statesmen should ponder the author's conclusion: "The more enduring peace is not to be implemented in halting expedients, or bought with dollars, or even enforced with arms. Increasingly it must be waged in execution of a well-planned and an embracing strategy. Increasingly it must be waged with law."¹⁷

EDWARD D. RE.*



BAR EXAMINATIONS AND REQUIREMENTS FOR ADMISSION TO THE BAR. By the American Bar Association, Survey of the Legal Profession. Colorado: Shepard's Citations, 1952. Pp. xvii, 498. \$5.00.

The American Bar Association has published in this volume the reports of the twelve members of the Advisory and Editorial Committee on Bar Examinations and Requirements for Admission to the Bar appointed incident to a survey of the legal profession made by the Association.¹ The vol-

¹⁴ P. 116.

¹⁵ *Ibid.*

¹⁶ P. 138.

¹⁷ P. 147.

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¹ The members of the Committee are Eustace Cullinan, Chairman; Herbert W. Clark, Vice Chairman; Goscoe O. Farley, Secretary; Homer D. Crotty; John T. DeGraff; Professor Sheldon D. Elliott; Professor Marion R. Kirkwood; Marjorie Merritt, Executive Secretary of the National Conference of

ume also contains the report of the Consultant to the Committee, Professor James E. Brenner of Stanford University. The reports are based upon data available on January 1, 1949 resulting from several hundred inquiries submitted to law school deans, law school teachers, bar examiners, lawyers and others, and were released for publication as independent reports prior to the appearance of this volume.

In his Consultant's Report, Professor Brenner summarizes the salient features of the several reports of the members of the Committee and on the basis of these reports, concludes with a list of thirty-two recommendations. Some of the recommendations have a remote relationship to the problem of bar examinations and requirements for admission to the bar. Among the latter, is the recommendation that provision be made for state supported law schools for part time law students.² The most serious recommendation made is that looking to the establishment of a nationally administered bar examination.³ The Consultant's recommendation is based largely on the report of Herbert W. Clark, titled: "Bar Examinations: Should They Be Nationally Administered?"⁴ In this review, I shall deal primarily with this recommendation and Mr. Clark's report.

In his report, Mr. Clark makes a number of criticisms of the existing systems of bar examinations throughout the country. He points to the lack of uniformity in the quality of bar examinations in the differing examining jurisdictions as well as in the standard of grading answers. The defects of the existing system ". . . are so serious that one cannot reasonably look forward to their eradication so long as bar examinations are formulated and the answers read and graded by each of forty-nine examining jurisdictions."⁵ Mr. Clark notes that the medical and accountancy professions have, for some years, administered national examinations and observes: "On principle there seems to be no essential difference between a nationally set and nationally administered bar examination and a nationally set and nationally administered medical examination."⁶ In the view of Mr. Clark, a nationally administered examination would before long achieve substantial economy to the present examining jurisdictions, and would give better results. If necessary, the nationally administered bar examination might supplement the examinations prepared by the national organization by requesting inclusion in the national examination of questions affecting local law. The national organization would prepare the examinations, read and grade the answers, and each local examining board

Bar Examiners; Will Shafroth, Chief of the Division of Procedural Studies and Statistics, Administrative Office of the United States Courts; Professor Harold Shephard; Dean George Neff Stevens; and Professor James E. Brenner, Consultant.

² Recommendation 2. P. 41.

³ Recommendation 26. P. 44. The Consultant frequently refers to this as a "Standard Bar Examination."

⁴ Chapter 10.

⁵ P. 454.

⁶ *Ibid.*

could, if it wished, either add to or subtract from the national grades for the purpose of determining admissibility in a local jurisdiction.⁷

To this major recommendation for the establishment of a national bar examination, this reviewer respectfully takes exception. The analogy made in this matter to the medical and accountancy professions seems far-fetched. Law, we know, has its variants not only in the area of statutory law, but also in the wider field of the common law. If the purpose of bar examinations is to select and license those deemed competent to advise clients as to their rights and obligations in a specific jurisdiction, it would seem that the examinations should, in a large measure, be shaped with a view of the governing law of that jurisdiction. Optional supplementation of a nationally administered bar examination with a sprinkling of some aspects of local law seems, to this reviewer, inadequate.

A nationally administered bar examination may achieve economy and efficiency, but these are not the sum total of the desiderata for determining capacity to practice law.

LOUIS PRASHKER.*



HANDBOOK OF THE LAW OF EVIDENCE. By John Evarts Tracy. New York: Prentice-Hall, Inc., 1952. Pp. v, 382. \$5.35.

A critique is essentially an evaluation of an effort in terms of its objectives. The objectives of this Handbook are, according to its preface, to serve as a text or as collateral reading for law students; to fill "the needs of the young attorney who must have in his library some book on evidence but who cannot yet afford to purchase one of the exhaustive works; . . . to serve the interests of the busy trial attorney, as a refresher before going into court, or for quick investigation of a problem arising in the middle of a trial"; indeed, as the author declares: "In writing this book I have endeavored to place myself in the position of the reader, whoever he may be."¹

This, of course, is no slight undertaking and it is, perhaps, unremarkable that it does not quite succeed. The needs and capacities of the undergraduate law student on the one hand, and the requirements of "the busy trial attorney" on the other, are so divergent as not likely to be served effectively by the same effort. A pedagogical text is a device for developing intellectual powers. Its materials are arranged to accommodate the student's developing comprehension and skill. It should be discursive, repetitive, argumentative and provocative.² A professional manual is primarily a source of information, organized to provide easy access to the information sought. It should be comprehensive, com-

⁷ P. 459.

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¹ TRACY, HANDBOOK OF THE LAW OF EVIDENCE p. v (1952).

² A model, by which all writers of law student texts might well be guided, is MAGUIRE, EVIDENCE, COMMON SENSE AND COMMON LAW (1947).