REPORT OF THE COMMITTEE ON ADMISSION TO THE BAR, MADE TO THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

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New York:
Evening Post Steam Presses, 208 Broadway, cor. Fulton.
1876.

At a meeting of the ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, held on the 9th day of November, 1875, Mr. LEWIS L. DELAFIELD offered the following resolution:

Resolved, That a Committee of Five be appointed by the Chair to examine and report upon the laws regulating Admission to the Bar, and especially upon the working of those statutes under which the graduates of certain law schools are admitted without public examination.

Mr. DELAFIELD addressed the Association upon the subject, and the resolution was adopted.

The Chair appointed as such committee.

Messrs. LEWIS L. DELAFIELD, EDGAR S. VAN WINKLE,
ALBON P. MAN, CHARLES M. DA COSTA,
MONTGOMERY H. THROOP.

At a meeting of the Association of the Bar, held on the 28th day of December, 1875, Mr. DELAFIELD, as Chairman of the Committee on Admissions to the Bar, made their report as follows:

REPORT.

To the Association of the Bar of the City of New York:

The undersigned, to whom the subject of Admissions to the Bar was referred by the Association, respectfully report:

That the Honorable Theodore W. Dwight, Professor of the Columbia College Law School, applied for permission to appear before us for the purpose of expressing his views upon the subjects referred to our consideration.

We gladly availed ourselves of the opportunity of learning the views of so experienced a professor, and invited the faculties of the Law Schools of Albany, Hamilton College and the New York University, to be represented at the meeting.

In response to this invitation we had the gratification of hearing Professors Dwight and Chase of the Columbia College School, and Professor Jaques of the University. The Professors of the Albany and Hamilton College Schools acknowledged the receipt of our invitations, and regretted their inability to attend.

Your Committee are satisfied that no adequate conception of the subject, its defects or the remedy for them, can be had without adverting to the laws regulating Admission to the Bar in the past as well as the present, and the effect which these laws have had upon the character and learning of the profession.

LAWS.

The Constitution of 1777 provided that "all attorneys, solicitors and counsellors at law hereafter to be appointed, be appointed by the Court, and licensed by the first Judge of the

Court in which they shall respectively plead or practice: and be regulated by the rules and orders of the said Courts."

Article 27.

Under this article the court had, and exercised full discretion and power over the whole subject.

1 Johns. R., 528.
1 R. L., 1813, p. 416, § 4.

The Constitution of 1821 does not allude to the subject.

The Revised Statutes recognized attorneys as judicial officers, and provided for their admission and discipline.

1 R. S., 306, § 1, & 330, § 27 (4th ed.).
2 R. S., 474, § 51 to § 61.

The rules of court then in force forbade the examination of any person who had not served a regular clerkship of seven years in the office of a practising attorney. Four years spent in classical studies after the age of fourteen were permitted instead of an equal time of clerkship (Graham's Practice, 11). After three years' practice, the attorney, on passing the prescribed examination, was admitted as a counsellor (Idem., p. 35).

In those days six years was the shortest time in which a student could become a counsellor, and generally ten years were required.

The Constitution of 1846 declared "that any male citizen of the age of twenty-one years, of good moral character, and who possesses the requisite qualifications of learning and ability shall be entitled to admission to practice in all the courts of this State.

Art. 6, § 8.

Up to this time attorneys were admitted to practice in each court separately.

By the Judiciary Act the power of admission, removal and suspension in all courts of the State were confided to the General Term of the Supreme Court.

Laws 1847, chap. 280, § 75.

Under these constitutional and statutory provisions the Supreme Court, by rule ascertained the qualifications, and regulated the admission of all applicants to the Bar until the year 1855.

In that year the first striking innovation was made.

The Legislature authorized the General or Special Term of the Supreme Court to appoint a committee of not less than three counsellors at law to examine the law students of Hamilton College in public; and enacted that on their certificate of learning and moral character the Court might make an order admitting the students. This act did not require any fixed period of study.

Laws 1855, chap. 310.

In 1859 the Faculty of the Law Department of the University of Albany were constituted a committee "upon whose examination and recommendation, as evidenced by their diploma, any graduate of the law department shall be admitted."

"No diploma shall be sufficient for such admission which is given for any period of attendance upon said law school for a less time than three terms of twelve weeks each."

Laws 1859, ch. 267.

In 1860 the Faculty of Law of the University of the city of New York was constituted a committee with the same powers as those conferred by the Act of 1859.

"But no diploma shall be sufficient for such admission which shall be given for a period of attendance upon said law department less than three terms of twelve weeks each, or than two terms of twelve weeks each, with one year's study of the law elsewhere."

Laws of 1860, chap. 187.

This act was held unconstitutional by the Supreme Court at General Term.

Matter of the graduates.
31 Barb. R., 353.
10 Abb. Pr. R., 349.
19 How. Pr. R., 97.

This decision was reversed and the act held constitutional by the Court of Appeals.

Matter of the Graduates.
11 Abb. Pr. R., 336.

In 1860 the professors in the law school of Columbia College and the law committee of the trustees were constituted a committee upon whose examination and recommendation "as evidenced by the diploma of the college," any graduate of said law school shall be admitted.

"No diploma shall be sufficient for such admission which is given for any period of attendance upon said law school for a less term than eighteen months."

Laws 1860, chap. 202.

This act was held unconstitutional by the Supreme Court at General Term.

Matter of the Graduates.
10 Abb. Pr. R., 358.
19 How. Pr. R., 136.

This decision was reversed by the Court of Appeals.

Matter of Henry W. Cooper.
22 N. Y. R., 67.
20 How. Pr. R., 1.

Matter of Graduates.
11 Abb. Pr. R., 301.

When application was made to the Supreme Court to admit the appellants in these cases it did so under protest.

It manifested a strong disinclination to admit these students without examination.