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## CHARACTER REQUIREMENTS FOR ADMISSION TO THE BAR\*

JOHN G. JACKSON†

This report deals with the procedure followed in the several states in making inquiry into the character and fitness of an individual who intends to make the law his profession, and who has not been admitted to practice in any jurisdiction. Fifty-three questionnaires were examined; statutes, rules, and forms were attached to many.

The most important procedural difference among the states is the timing of the examination. In some states character approval is required when commencing to study law; in some when application is made for permission to take the bar examination, and in others after the applicant has passed an examination as to his knowledge of the law. The extent and thoroughness of the examination increases with the population of the locality in which the applicant seeks admission. Where the population is small and the standing and reputation of an applicant is a matter of general knowledge, usually all that is required are certificates or affidavits of good character from two residents selected by the applicant. From that minimum the procedure becomes more and more elaborate.

This report will first review the procedure in states in which the examination of an applicant's character takes place at one or more of the three different times above stated. Where the procedure employed in two or more states is substantially the same, only one is reported. Inclusion has, however, been favored over exclusion if there seemed to be any doubt.

Following this, the report will discuss practices of administration.

### STATES IN WHICH THE EXAMINATION OF AN APPLICANT'S CHARACTER TAKES PLACE AFTER HE HAS PASSED AN EXAMINATION AS TO HIS KNOWLEDGE OF THE LAW

In *Illinois* under the Rules of the Supreme Court an applicant for admission to the bar must be a person "of good moral character and have satisfactorily passed an examination before the Board of Law Examiners." Each year the Supreme Court appoints a Committee on Character and Fitness of three or more members in each of the Appellate Court Districts. The

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\* This article is a report prepared for the Survey of the Legal Profession.

The Survey is securing much of its material by asking competent persons to write reports in connection with various parts and aspects of the whole study.

Reports are released for publication in legal periodicals, law reviews, magazines and other media as soon as they have been approved by the Survey Council's Committee on Publications.

Thus the information contained in Survey reports is given promptly to the bar and to the public. Such publication also affords opportunities for criticisms, corrections, and suggestions.

When this Survey has been completed, the Council plans to issue a final comprehensive report containing its findings, conclusions, and recommendations.

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members of the Board of Law Examiners for their respective districts are ex-officio members of the committee. The applicant is required to file with the committee a verified questionnaire, and affidavits of at least three persons personally acquainted with him and residing in the same county certifying that the applicant is of good moral character and setting forth in detail the facts upon which such statement is based. The applicant must then personally appear before the committee of his district for examination and furnish further proof if required. The committee's decision is certified to the Board of Law Examiners.

It is of interest that the committee is constituted a body of Commissioners of the Supreme Court and provision is made by the rules for the committee conducting investigations, issuing subpoenas and taking testimony under oath.

In *New York* the Judiciary Act and Rules of Civil Practice require each of the four Appellate Divisions of the Supreme Court (the intermediate appellate court) to name each year a committee of not less than three practicing lawyers for each judicial district within its department. There are in all, ten such districts. The committees are required by the Rules of the Court of Appeals to investigate the character and fitness of every applicant for admission to the bar after he has passed the bar examinations. "Unless otherwise ordered by the court," (thus giving a right of review of the committee's decision) no applicant is admitted without a certificate from the committee that it has carefully investigated the character and fitness of the applicant. No such certificate can be issued to an applicant who does not satisfy the committee that he believes in the form of and is loyal to the Government of the United States.

The examination into the character and fitness of the applicant is substantially the same as in Illinois, but the committee reports directly to the court, not to the Board of Law Examiners.

In *Massachusetts* a Board of Bar Examiners appointed by the Supreme Judicial Court, pursuant to statute, examines the character and fitness of applicants for admission to the bar. After he has passed the bar examination, the applicant files a questionnaire and two or more letters of recommendation with the board, and he is also examined orally. Before a recommendation is made to the court, the records of the State Probation Commission are consulted. The applicant has a right of appeal.

#### EXAMINATION WHEN APPLICANT APPLIES TO TAKE BAR EXAMINATION

*Montana* is an illustration of extreme informality. There is neither statute nor court rule governing inquiry into the character and fitness of an applicant for admission to the bar. An applicant furnishes certificates of good character which are referred to the Attorney General, "who presumably makes some inquiry." The Board of Law Examiners who pass on character are well distributed over the state and apt to have some knowledge of the applicant.

A Board of Bar Examiners in *Vermont* passes on both legal knowledge and character. Under their rules a person proposing to study law with the

intention of applying for admission as an attorney "is required to register as a law student with some attorney of the court in this state." He must also file a notice with the clerk of the General Term that he is about to commence the study of law and the attorney with whom he is registered. Having completed the required study, the applicant must file with the clerk of the General Term a petition for admission giving his personal and educational history. His moral character and fitness is then investigated by a member of the board from a county of which the applicant is not a resident, and a written report is then filed with the board. There is no questionnaire. Final approval or disapproval rests with the Supreme Court.

In *Washington* final acceptance or rejection of an applicant rests with the Board of Governors of the State Bar Association. The applicant files a petition for "Admission by Examination" in which he certifies that he has not been charged with any crime or with fraud, and has never been adjudicated an incompetent. Two attorneys of the state must certify to his good character.

*West Virginia* requires an applicant, before making application for permission to take the bar examination, to appear before the Circuit Court of the county in which he has resided for the last preceding year and prove to the satisfaction of that court or a committee of three practicing attorneys appointed by the court that he is a person of good moral character.

*Wisconsin* has no separate character committee. The rules, in compliance with statutes, require an applicant to set forth in his petition for permission to take the bar examinations, his personal history, convictions, if any, of any offense against the laws of the United States or of any state, giving full details, and for each community in which the applicant has resided since he was fifteen years of age, the names of two or more responsible citizens, not related, who have known him well. From these citizens, supporting proof is obtained.

The Board of Law Examiners in *Kentucky* appoints a Committee on Character which approves or disapproves the applicant on the basis of information obtained by questionnaires, supporting affidavits, and, if required, a personal hearing. The applicant has the right to appeal from an adverse decision to the Board of Law Examiners whose decision is final.

In *Iowa* after an applicant applies for permission to take the bar examination and before he takes it, he is required to furnish evidence of good moral character by a certificate to that effect of a judge or court clerk of the district in which he resides, and by a questionnaire. The local bar association or if there be none, the county attorney of the county in which the applicant resides is then required to investigate the standing and character of the applicant and report back to the clerk of the Supreme Court. A favorable report is accepted as final by the Board of Law Examiners but if the result of the investigation is such as to make it necessary, the National Conference of Bar Examiners is requested to make an investigation at the expense of the applicant. If rejected by the board, the applicant may have a final hearing before the Supreme Court.

In *Indiana* under the rules of the Supreme Court a Committee on Character and Fitness is appointed, composed of one lawyer from each county in the state. The term of office is indefinite. The applicant is required to file with the State Board of Law Examiners a verified questionnaire calling for his full history and giving references. The application is then referred to the committee member of the applicant's home county together with several copies of a questionnaire to be sent to and completed by citizens of the community qualified to give information as to the applicant's character and history. The applicant is then personally examined by the resident committee member, who reports to the Board of Law Examiners that the applicant in his opinion is or is not a person of good moral character. On this record, which also includes a certificate from the Dean of the applicant's law school, the State Board of Law Examiners makes the final decision on character.

In *Georgia* proof of good character is required and is furnished to the judge to whom application for admission is made to such extent as he in his discretion requires.

In *Colorado* the Supreme Court appoints a character committee of five members known as "The Bar Committee," to hold office for five years. Its duty is to pass on the moral and ethical qualifications of applicants for admission to the bar. This is done by oral examination and three supporting affidavits, one from a law school instructor, one from a lawyer known to a member of the Bar Committee, and one from a person chosen by the applicant. Names of applicants are posted in the office of the Secretary of the Colorado Bar Association and furnished to the press if requested.

In *Arizona* the applicant must file with the Secretary of the Committee of the State Bar on Examinations and Admissions proof of good character and a certificate of a physician that he is "mentally and physically able to engage in the active and continuous practice of law." Otherwise, there are no special features.

In *Tennessee* proof of good moral character is presented to the Board of Law Examiners by a certificate of the County Court, three affidavits, and a report from the Bar Association of the applicant's residence. A personal appearance is required only if some special reason appears. A rejected applicant may appeal to the Supreme Court.

#### STATES IN WHICH CHARACTER APPROVAL IS REQUIRED WHEN COMMENCING TO STUDY LAW

In *Pennsylvania* the Supreme Court appoints a State Board of Law Examiners, and the Common Pleas (*Nisi Prius*) Courts appoint local county boards. Prior to the applicant's admission to law school, he must first register with a member of the bar of five years active practice in the county where the applicant intends to practice. This preceptor must be approved by the county board and is required to have known the applicant for at least six months or made inquiry of responsible persons who have personally known the applicant for that period. Not more than three students may be registered under any one preceptor. In the case of partnerships or associations, the num-

ber of students is fixed by a formula and "Each preceptor shall require students registered with him . . . to keep in touch with him from time to time by correspondence or otherwise, and shall help them to understand the ethics, duties, responsibilities, and temptations of the profession. He shall endeavor to develop in each student a high standard of character and upon completion of the student's law course, shall certify to the board what he knows of his fitness and general qualifications (other than scholastic) to become a creditable member of the bar."

Having obtained a preceptor who will vouch for him to the state board, the applicant applies for registration as a law student. To effect this there must be filed with the state board questionnaires completed by the applicant, by his preceptor, by at least two members of the local board and by three reputable citizens well acquainted with, but not related to him. At least two of these citizens shall not be members of the bar. It is the practice for two members of the county board to interview the applicant personally and to call before them for examination his citizen sponsors and his preceptor. On the record thus made up the county board approves or disapproves the applicant's registration as a law student and certifies the record and its recommendation to the state board. If the county board finds on the record that the fitness or general qualifications of the applicant (other than scholastic) in its opinion "does not meet the standard required for registration as a law student," the state board may hold hearings and make such further investigation as it may consider in order. If the state board approves the finding of the county board, the applicant can appeal from that decision to the Supreme Court of the state.

The Supreme Court has held that it is not "compelled to allow an appeal from the action taken by the state board. The decision of a county board in the matter of the registration of a law student is conclusive in the absence of fraud or mistake. This court has never compelled a county board to register a law student. . . ."<sup>1</sup>

The county board is not required to, but usually does, report in confidence its reasons for rejecting an applicant. The reasons are not disclosed to the applicant.

When the applicant's fitness and general qualifications are approved, and he has met scholastic requirements, the state board issues a certificate of registration as a law student.

Having finished his law studies and before the bar examination, there must be filed with the state board proof of the publication of an advertisement of the applicant's intention to take the bar examination, and completed questionnaires by the applicant, by his preceptor, by two members of the county board where he registered as a law student or where he intends to practice, and by three reputable citizens (two of whom are not lawyers) from each community where the applicant has resided during the preceding three years. The procedure followed in approving or disapproving an application for ad-

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1. *In re* application of \_\_\_\_\_, 333 Pa. 593, 594 (1939).

mission to the bar examinations is substantially the same as in the case of applications for permission to register as a law student.

Finally, before admission to practice, the applicant must serve a six months' clerkship in the office of his preceptor of which at least four months must be served as a continuous period beginning after the date when he took his final bar examination. There are certain substitutes for this, such as serving for six months as a law clerk to a judge of a court of record, or with the law department of a state or the federal government, or of a private corporation. The purpose of the clerkship is to give the applicant a practical idea of the problems of court and office and, at the same time, a conception of the proper standards of professional conduct which daily contact with a reputable older lawyer should confer.

In *Maryland* pursuant to the provisions of the Annotated Code, the Court of Appeals has adopted rules governing the registration of law students and admission to the bar. Residents of the state desiring to begin the study of law in Maryland for the purpose of admission to the bar, must file with the Secretary of the State Board of Law Examiners, at least three years prior to the time the student expects to take the bar examination, an application for registration as a law student. A similar application is required of persons pursuing a course of study in a law school located outside the State of Maryland.

The rules adopted by the Court of Appeals provide for a character committee for Baltimore and for each of the counties of the state, to be appointed by the Court of Appeals. The applicant for registration as a law student is required to file a questionnaire giving his personal history and also a certificate signed by two reputable taxpayers of the state, resident in the same county or city as the applicant, certifying his good moral character. These documents are reviewed by the appropriate character committee, which is required through one or more of its members to interview the applicant personally, check up on his questionnaire and character references, and make such further investigation as may be deemed desirable.

Following such an investigation the character committee transmits to the State Board of Law Examiners a report of its investigation and recommendation as to the character and fitness of the applicant. If admission is disapproved, the applicant is notified and given an opportunity to appear before the Board of Law Examiners where he is fully informed of the matters reported by the committee to the board, and is given an opportunity to make his answer. If the board does not change the decision, the applicant is then given the opportunity to withdraw his application or appeal to the Court of Appeals. If the board overrules the decision of the character committee, that committee likewise has the right to a review of its decision by the Court of Appeals.

The committee is required to have all registrants under observation and subject to their further report up to the day set for admission.

Having completed his law study, the student files with the State Board of Law Examiners an application for admission to the bar. This must be accompanied by a certificate from an instructor of his law school certifying

that he is a graduate, has pursued the required course of study, and that he is not a person of bad or dissolute habits but of good moral character. A similar certificate is required from a member of the bar in whose office the petitioner has studied, if that is the way in which he has prepared for the bar examinations.

The Annotated Code provides that any fraudulent act or representation by any applicant in connection with his application, registration, or examination shall be sufficient cause for the revocation of the order admitting him to practice.

*North Carolina* requires the registration of law students who intend to apply for admission to practice in that state. The emphasis in the application form is on education, but the applicant is also required to give four responsible character references (two must be members of the state bar), to state whether he has ever applied anywhere for registration as a law student or for permission to take a bar examination, and if so, to give particulars, and to state whether he has ever been disciplined as a lawyer or in any way involved in any criminal proceedings.

In *Texas* every person intending to apply for admission to the bar and proposing to study law, unless he is a non-resident student in a law school approved by the American Bar Association, must file with the state board a declaration of his intention to study law and a certificate of a local bar association committee or, if there be none, a committee appointed by the district judge of his county, to the effect that they have examined him and have investigated his history and reputation, and found him of such good moral character as to be a suitable candidate for admission to the bar. Before taking the bar examinations he must furnish the Board of Law Examiners proof of his good moral character and honorable deportment. This proof must include a statement by the local committee that they have recently re-examined the applicant and investigated his conduct. If the board considers it necessary it may make its own independent investigation before approving a candidate.

In complying with the foregoing requirements, local bar association committees in general first require letters of recommendation from attorneys, appearance by the applicant, and an oral examination. Such other steps are then taken as may suggest themselves in view of the information obtained. The state board, on the basis of the record before it or of independent information possessed by it, may make further investigation or require a hearing before taking final action.

In 1947 *New Jersey* adopted a new Constitution. Article 6, section 11, provides that the Supreme Court shall have jurisdiction over the admissions to the practice of law and the discipline of persons admitted. The rules formulated by that court governing the admissions are summarized as follows:

(a) The Supreme Court appoints a Board of Bar Examiners which, subject to approval of that court, prescribes rules, forms, and procedures relating to admission and disbarment. These are obtainable from the clerk of the Supreme Court.<sup>2</sup> The board is empowered to prepare and conduct examina-

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2. A new booklet is currently being prepared.



tions for attorneys and counsellors and supervise programs for training during clerkship.

(b) A prospective applicant for admission to the bar must first obtain and file a Law Student's Qualifying Certificate and also a Certificate of Commencement of Clerkship signed by the applicant's preceptor. The Qualifying Certificate is obtained from the State Board of Education if the applicant has complied with the educational requirements which are specifically enumerated in the Supreme Court Rules. The Certificate of Commencement of Clerkship is a statement from the attorney acting as preceptor for the candidate that the candidate's clerkship (9 months) has commenced. Not more than one applicant may be registered with any one counsellor at one time.

(c) Upon filing the Qualifying Certificate and the Certificate of Commencement of Clerkship, the candidate receives a letter from the clerk of the Supreme Court giving him instructions. Enclosed is a Preliminary Statement form to be filled out by the applicant, and a list of the various standing committees on character and fitness of each county of the state. The candidate files (within ten days) his Preliminary Statement with one of the committee members of the county of the candidate's residence. The county committee (appointed by the Supreme Court), is required, under the rules, to investigate the character and fitness of the candidate at this time. In some counties the applicant is interviewed several times during his clerkship. The extent of the investigation apparently is dependent upon the practice in each county.

The sworn Preliminary Statement, sets forth the applicant's residence, citizenship, educational background, whether or not he has been a party plaintiff or defendant or a witness, in any legal proceeding, denial of admission to other bars, prior examination for admission, prior occupation, service record, etc., and a statement as to loyalty to the Government.

(d) After service of clerkship, the applicant files with the clerk of the Supreme Court a written notice of intention to take the bar examination; the clerk then sends a list of the persons so filing to each county clerk for posting and a list for each county is published twice in a local newspaper.

At the time the Notice of Intention is received, the clerk also forwards to the applicant a letter of instructions and encloses a Final Statement to be sworn to by the candidate and to be filed with the Chairman of the Committee on Character and Fitness for the county of residence. The Final Statement gives further information relative to residence and clerkship, and also brings certain facts set forth in the Preliminary Statement down to date. The preceptor is required to vouch for the candidate's character and fitness and also must state his opinion as to the truth of the statements made by the candidate. The letter of instructions advises the candidate that the Committee on Character and Fitness will again interview him. In some counties it is the practice to interview the candidate prior to examination. In other counties the interview takes place only after the candidate successfully passes his bar examination.

(e) Upon filing the Final Statement, the candidate also files with the

Supreme Court clerk a formal Application for Admission to the attorneys' examination, certifying certain facts required by the court rules and attaching: (1) Letters of recommendation relative to moral character. The rules require detail as to length of acquaintance with the candidate, opportunities for judging good moral character, and that such knowledge has continued to the date of the letter. Normally several letters from persons not related to the applicant are required. (2) A certificate of residence, age, and clerkship signed by the preceptor. The rules require regular daily attendance in the professional business in the preceptor's office for at least six hours a day (Saturdays excepted) for the nine months of clerkship. The preceptor must also certify the fact that during such clerkship the candidate has not been engaged in any business or employment "incompatible" with full, fair, and bona fide service. (3) A law school certificate showing attendance and completion of courses required for a bachelor's degree from a law school approved by the American Bar Association.

No candidate is licensed until the County Committee on Character and Fitness, having such candidate under observation, files in the office of the clerk of the Supreme Court a certificate that the applicant is of good moral character and fit for the practice of law and has satisfactorily served his clerkship as required by the rules of the court. Law school attendance does not count towards a clerkship; any candidate failing an examination must again serve a clerkship (4 months). A candidate is limited to five examinations for admission to the bar as an attorney.

In *Ohio* the applicant's character is first examined when he commences the study of law. A second examination is made at the time he files an application for permission to take the bar examinations.

When the law student files his application for registration with the clerk of the Supreme Court the application and a completed questionnaire are referred by the clerk to a committee appointed by the president of the local bar association in the county where the applicant resides. That committee is required to investigate the character, reputation, and moral qualifications of the candidate. The Supreme Court then determines from the committee report and supporting documents whether or not the candidate shall be accepted for registration. When the applicant asks, as he must, permission to take the bar examination, the local committee again examines his character and reports to the clerk of the Supreme Court not less than two weeks prior to the date of the examination recommending that the application be accepted or rejected. The court then decides. The petition for registration as a law student calls for statements concerning: discipline while in school or college; loyalty; employments; participation in legal proceedings, civil or criminal, in any capacity with full details; membership in organizations; religious affiliation and three character references.

Completed questionnaires, two from lawyers, one from a layman, are required, giving facts and opinions of the applicant's reputation, reliability, industry, initiative, sense of honor, force of character, and the general standing of himself and his family.

In *Delaware* a board of seven examiners is appointed by the Supreme Court, "selected from any of the counties of the state, each of said counties being represented." The term of office is seven years, and the term of one member expires each year. A person intending to become a lawyer must register with the board as a student giving full information concerning himself, a list of character references, and the name of a preceptor. At the same time the preceptor must certify to the board the character and general qualifications of the applicant, based on a personal investigation. On the record thus made, the applicant is registered as a law student if the board of examiners certifies "that he is a person of good character and reputation, that he possesses such qualities, aptitudes, and disposition as to fit him for the study and practice of the law, and that he has sufficient general education to qualify him to commence the study of the law." Having completed his studies, the student then applies for admission to practice. His preceptor is required to certify to the bar that the applicant is a person of integrity and good character. There is no further examination of the applicant unless some specific matter has come to the attention of the board requiring investigation.

In *Connecticut* character and fitness are passed on by County Committees on Recommendation. These committees, not less than three nor more than seven in number, are appointed by the judges of the Superior Court to hold office for three years. Every person intending to apply for admission to the bar is required to register with the clerk of the Superior Court in the county in which he intends to apply for admission by November 1 following the commencement of his study of law. The clerk of the court then refers the registration to the County Committee on Recommendations. Prior to February 1 in each year he also notifies the members of the bar in the county, of the names and addresses of students who have registered during the preceding calendar year. In some counties the committee begins a character investigation at the time of registration. Usually, however, this takes place when an application to take the bar examination is filed. At that time the applicant must file a verified questionnaire, supporting character affidavits from attorneys, and appear for examination before the committee. The character committee presents a report recommending approval or disapproval to a meeting of the bar of the county which makes the final decision.

In *California* an applicant for admission to the bar must register not later than three months after he begins the study of law by filing with the state bar a statement under oath giving his age, residence, addresses, citizenship, occupation, general and legal education, and moral character. He also furnishes his fingerprints. The Board of Governors of the State Bar appoints a Committee of Bar Examiners. The term of office is four years. The committee's duty is to examine all applicants for admission and to certify to the Supreme Court for admission those who meet the requirements, one of which is good moral character. There is a routine examination of the applicant when he registers as a law student. He is required to apply for permission to take the bar examination at least three months in advance. The application form is a detailed questionnaire to be completed and answered under

oath. A confidential questionnaire is then sent to the applicant's references, his employer and former employers. His finger prints are sent to the FBI, a certificate of character is obtained from his law school dean. If nothing of a derogatory nature is developed, the investigation ends. If derogatory or questionable matters are developed, a complete investigation is made and the applicant, and if necessary, witnesses, are required to appear before the committee for questioning. The applicant may have an adverse decision as to his moral character reviewed by the Supreme Court.

In *Alabama* the rules of the state bar provide for a Committee on Character and Fitness composed of the president and two lawyers appointed by him. A person intending to seek admission to the bar must apply for registration as a law student with the secretary of the Board of Commissioners of the State Bar. The application contains the student's history and gives the names of three attorneys, not related to the applicant, who will give affidavits as to his moral character. The Committee on Character and Fitness considers the application and supporting affidavits and may require the personal appearance of the applicant. If the committee is reasonably satisfied that he possesses good moral character and the required pre-legal education, it approves the application, and the secretary of the Board of Commissioners of the State Bar issues to him a certificate of registration as a law student. A person whose application is not granted may have the committee's action reviewed by the board of commissioners.

On completion of his studies the student applies for admission to the bar by filing a verified questionnaire giving his full history and the affidavits of two attorneys "to the effect that each of them is acquainted with the applicant, stating the extent and duration of the acquaintance, the intimacy of the association, the frequency of contact, the opportunity of observing and knowing the demeanor, habits, character, associates of and conduct of the applicant, the type of such associates, and generally the background, standing, and position in life of the applicant, and that the applicant has a good character and reputation where he resides and enjoys the confidence and respect of the general public." The committee then makes such investigation as it sees fit and may require a personal appearance and further proof. If approved, the applicant is permitted to take the bar examination. An adverse finding may be appealed to the Board of Commissioners of the State Bar.

"The burden is on the applicant to establish to the reasonable satisfaction of a majority of the committee that he possesses such character and qualifications as to justify his admission to the bar and qualify him to perform the duties of an attorney and counsellor-at-law."

#### MATTERS OF ADMINISTRATION

*Character Committees:* In the majority of the states the members of the committee passing on character are court appointees pursuant to statute or court rules defining the functions of the committee and the term of office. In a few states the State Bar Association appoints the committee. In the less populated states one committee as a rule determines both the legal and char-

acter qualifications of an applicant. In some states the members of the character committee represent judicial districts; in others, counties. Their decision is reported either to the court or to the board of bar examiners. Generally the decision of the committee is subject to court review, but in one or two states it is final. The replies to the questionnaire indicate, however, that even when the final decision on character rests with the court, as a practical matter the committee's decision is final.

*Do the Examiners receive pay for their services?* Almost universally the examiners receive no pay. There are exceptions, but usually these occur when the examining committee not only determines moral character and fitness, but also knowledge of the law. The source of funds for this purpose and other expenses is usually the fees paid by applicants.

*Are the Examiners provided with a paid staff to assist them?* Generally no, but in states where the number of applicants is too large to permit the work to be handled on a voluntary basis, paid assistance is provided. Provision is also usually made when necessary to employ a special investigator. Generally the funds used are from the fees paid by applicants.

*Examinations of Applicants:* With a few exceptions the applicant is required to file a verified questionnaire. In a few states a form of questionnaire is also sent to sponsors.

*Personal appearance before the Examining Committee:* The right to require an applicant to appear is universal when circumstances either disclosed in the record before the committee or otherwise coming to its attention require investigation before the committee approves or disapproves an applicant's character. In the more thickly populated states such an appearance and examination is a part of the regular procedure.

*Subjects covered in oral examinations:* Of course any particular questionable conduct of which the committee has knowledge, educational background, family background, any criminal record, past and pending litigation, school and college activities, extra-curricular activities generally, employment records, church membership and attendance, membership in clubs and societies, use of intoxicating liquor, his financial record and condition, especially debts, habits of gambling, knowledge of the canons of ethics, his loyalty, reasons actuating his choice of the law as a profession, are usually covered in the oral examination.

The examination of the questionnaires submitted and of the statutes and rules has led to the following conclusions:

A. The importance to the public and to the bar of a careful and thorough examination into the character and fitness of applicants for admission to the bar is receiving increased recognition, but in some jurisdictions is not as thorough as it should be.

In 1910 Woodrow Wilson in an address to the American Bar Association said: "You are not a mere body of expert business advisers in the field of civil law, or a mere body of expert advocates for those who get entangled in the meshes of the criminal law. You are servants of the public, of the state

itself. You are under bonds to serve the general interest, the integrity and enlightenment of law itself, in the advice you give individuals."

Members of the bar know well that the fulfillment of these duties requires character and fitness of the highest order, but to determine whether or not an applicant for admission to the bar possesses or promises to develop such character and fitness is no easy task. How can character committees be sure of integrity, independence, loyalty to country and high ideals? Should the possession of these qualities be determined when a boy starts his study of the law or when he applies for admission to the bar? They are not too hard to find when an applicant's record shows that he has worked his way through college, that he has been a leader or an active participant in college activities, and in recent years there has been a war record to review. Most of these exist before a student enters law school and obviously it is better to refuse admission to the law school if the required character and fitness are not present than to refuse admission to the bar after a boy has spent three years at law school, often at considerable privation to his family. One must conclude that at least there should be a preliminary determination and a prima facie finding of the required qualities either by the law school admitting authority or by a committee of the bar before a student is admitted to the study of law.

B. The most effective procedures require (1) registration when the study of law is begun; (2) the selection by the registrant of a preceptor to guide, instruct, and advise him during his student years; (3) some period of clerkship (by analogy to the internship of a medical student);<sup>3</sup> (4) proof of good moral character and fitness both when the applicant registers as a law student and again when he applies to take the bar examination from sources as disinterested as possible, using, if necessary, the services of the National Conference of Bar Examiners; (5) investigation when necessary by the examining committee or its appointee; (6) a personal appearance by the applicant before the committee or a member; (7) a final review and approval of the applicant's entire record by the committee before he may take the bar examinations.

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3. See Bryant, *Rotating Internship for Lawyers*, 33 J. Am. Jud. Soc'y 135 (1950).