



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 6 | Number 2

Article 7

2-1-1928

Open Court

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

North Carolina Law Review, *Open Court*, 6 N.C. L. REV. 230 (1928).

Available at: <http://scholarship.law.unc.edu/nclr/vol6/iss2/7>

This Comments is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

obligation since the mercantile business was unincorporated and incapable of contracting debts itself, and after the testator's death the obligation is a debt of his general estate. The specific legacy cannot be touched to pay a debt of the estate as long as there are residuary, general, or demonstrative legacies.⁶

If the dissenting justices agreed that the gift was a specific legacy,⁷ it would seem that they had little ground for dissent. It might be argued, however, that the testator in making a gift of the business and its assets intended for the liabilities incident to the business to go along with the gift, and be paid out of the legacy itself. But such intent was not expressed in the will.

C. W. HALL.

OPEN COURT

LEGAL EDUCATION AND ADMISSION TO THE BAR

In view of the American Bar Association having gone on record as favoring raising the requirements for admission to the bar to provide that in the future there should be a three year course of study in a full time law school, which should be preceded by the completion of two years of college work, it is interesting to note how many of the lawyers of the United States are now operating under these requirements.

The section on legal education of the American Bar Association has compiled accurate information as to the several states and their standards, which statement is reprinted in 1927 North Carolina Bar Association Proceedings, pages 74 and 75. Since the preparation of that list the Court of Appeals of New York state have raised their standards and now require the completion of two years of college work or the equivalent, prior to beginning the study of law.

This statement is brought forward in the report of the Committee on Legal Education and Admission to the Bar, which on pages 58 and 59 gives the figures as to the number of lawyers in the several states.

⁶ Note 5, *supra*.

⁷ A gift of "twenty-five shares of stock of the State Bank of North Carolina" was held a general and not a specific legacy. But the court says had the testator said "my twenty-five shares" etc. the legacy would have been specific, *Davis v. Cain*, 36 N. C. 304, 309 (1840). See *Thayer v. Paulding*, 200 Mass. 98, 85 N. E. 868 (1908).

By combining these figures with the statement showing the educational and law study requirements, we can ascertain how many lawyers are under the several standards.

REQUIREMENTS AS TO LAW STUDY

The requirements as to law study in the forty-nine states (including the District of Columbia) are grouped under eight different headings, some of which vary slightly from the other, which requirements are herein set out, and the names of the states and the number of lawyers therein are as follows:

1. Three years in a full-time law school or four years in a part-time law school:

	Lawyers	Total
West Virginia	1,326	1,326

2. Three years in a full-time law school or four years in a part-time law school or law office:

Illinois	8,843	
Minnesota	2,613	
Washington	2,337	
Ohio	6,485	
Wisconsin	1,979	22,257

(If applicant has not had high school education, five years in law office.)

3. Three years in full-time law school or law office, or four years in part-time law school:

California	6,745	
Idaho	652	
Kansas	1,676	
Maine	801	
Massachusetts	4,954	
Pennsylvania	6,784	21,612

4. Three years in a law school or four years in a law office:

Michigan	3,037	3,037
----------------	-------	-------

5. Three years in a law school or law office:

Colorado	1,539	
Connecticut	1,339	
Delaware	171	
District of Coloumbia	2,415	
Iowa	2,494	
Louisiana	1,206	
Maryland	2,118	
Nebraska	1,528	

New Hampshire	379	
New Jersey	3,918	
New Mexico	342	
New York	18,473	
North Dakota	629	
Oregon	1,424	
South Dakota	700	
Utah	527	
Vermont	344	
Wyoming	268	39,814
<hr/>		
6. Two years of law study:		
Alabama	1,416	
Kentucky	2,382	
Montana	875	
North Carolina	1,585	
Oklahoma	2,818	
Rhode Island	515	
South Carolina	989	
Texas	5,223	15,803
<hr/>		
7. One year of law study:		
Tennessee	2,040	2,040
<hr/>		
8. No definite period of law study required:		
Arizona	443	
Arkansas	1,338	
Florida	1,137	
Georgia	2,531	
Indiana	3,307	
Mississippi	1,158	
Missouri	4,506	
Nevada	230	
Virginia	1,981	16,631
<hr/>		

By examining the above figures it will be seen that the first four groups which require three years in a law school (most of them specify full-time), or four years in a part time law school or law office, aggregate 48,272. The next group of three years in a law school or law office aggregate 39,814, which makes a total of 88,086 lawyers (out of 122,519) as shown by the census of 1920, who have been trained under requirements of three years study before being admitted to the bar. Surely 75% of the lawyers having had a three year law school course shows that the requirements recommended by the American Bar Association of three years are not ahead of the times, but are merely measuring up standards to an actuality.

North Carolina with 1,585 lawyers is one of the eight states having only a two year course, and the lawyers in these eight states aggregate 15,803.

There is one state, Tennessee, that requires one year study. There are nine states that prescribe no specified time, although one of them does specify for non-residents and those students under age.

Does North Carolina rightfully belong in the lower classification?

REQUIREMENTS AS TO GENERAL EDUCATION

The forty-nine states (including the District of Columbia) arrange themselves into nine groups, which may be classified as follows:

1. Requirements of two years of college work, or the equivalent, prior to beginning the study of law:

Illinois	8,843	
Kansas	1,676	
Ohio	6,485	
West Virginia	1,326	
New York	18,473	36,803

2. Requirement of two years of college work, or the equivalent, before taking bar examination:

Montana	875	
Wisconsin	1,978	2,853

3. Requirement of one year of college work, or the equivalent, within six months after beginning the study of law:

Colorado	1,539	1,539
----------------	-------	-------

4. Requirement of high school graduation, or the equivalent, before beginning the study of law:

Connecticut	1,339	
Delaware	171	
Michigan	3,037	
Minnesota	2,613	
New Jersey	3,918	
Maryland	2,118	
Pennsylvania	6,784	
Rhode Island	515	
South Carolina	989	
Tennessee	2,040	
Vermont	344	
Washington	1,326	25,194

5. Requirement of high school graduation, or the equivalent, before taking bar examination:

District of Columbia	2,415	
Idaho	652	
Iowa	2,494	
Kentucky	2,382	
Louisiana	1,206	
Mississippi	1,153	
New Mexico	342	
Oklahoma	2,818	
Oregon	1,424	
South Dakota	700	15,591

6. Requirement of three years of high school, or the equivalent, before taking bar examination:

Nebraska	1,528	
----------------	-------	--

7. Requirement of two years of night high school, or the equivalent, before taking bar examination:

Massachusetts	4,954	
---------------------	-------	--

8. Requirement of grammar school education, or the equivalent, before taking bar examination:

Missouri	4,506	
----------------	-------	--

9. No definite general educational requirements:

Alabama	1,416	
Arizona	443	
Arkansas	1,338	
California	6,745	
Florida	1,137	
Georgia	2,531	
Indiana	3,307	
Maine	801	
Nevada	230	
New Hampshire	379	
North Carolina	1,585	
North Dakota	629	
Texas	5,328	
Utah	527	
Virginia	1,981	
Wyoming	268	28,540

It will be seen that these requirements can be further summarized as follows:

College

Two years	40,656	
One year	1,539	42,195