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The State Bar Act, adopted in 1933, vests in the Board of Governors the power to adopt rules, subject to the approval of the Supreme Court, fixing the qualifications, requirements and procedure for admission to the practice of law, and vests in it also the power to appoint boards or committees to examine applicants for admission.

Under the authority of that act, the Board of Governors has adopted such rules, which have been duly approved. Except as they provide for admission in Washington upon a showing of admission and practice in another state, these rules require an examination, under direction of the board, to be conducted by a committee composed of three active members of the State Bar.

The existing rules provide for examinations to be held on the third Tuesday of January and of July, in each year, at the Law Building of the University of Washington, at Seattle, unless the Board of Governors shall designate a different time and place. There are two sessions each day, for three days, from 9:00 A. M. to noon and from 1:30 to 4:30 P. M. So far, it is believed, there has been no deviation from this rule.

It is the purpose here merely to indicate something of the process of admission upon examination, and some of the considerations upon which that process is founded.

An applicant is required to present to the Board of Governors, with his application, a diploma of graduation from an approved law school, or show compliance with certain stated conditions if not a graduate of such a school. The board then considers the applications and, through its Executive Secretary, certifies to the Committee of Law Examiners the names of those whose applications have been approved and who, therefore, are entitled to take the examination. Under the rules, the committee is to conduct the examination and thereafter certify to the board the names of those who have been successful, and the names of those who have been unsuccessful.

It will be observed from the foregoing that the Board of Governors does not prepare or assemble the material for examination of the applicants, nor concern itself with the grading of the papers submitted by them, nor, except under its supervisory powers, with the determination of who have or who have not been successful. On the other hand, the Committee of Law Examiners is not concerned with the matter of the qualifications of those who apply to take an examination. This separation of the matters which fall within the scope of the duties of the board from those which fall within the scope of the duties of the committee is believed to be an important step toward the desired end of an entirely fair and impartial examination. It affords a basis for the method which is pursued at the present time. This method, in turn, permits the

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examiners to give attention to and grade the papers submitted by the applicants with as little likelihood as possible of learning the identity of the person submitting any particular paper. No doubt some better method eventually will be conceived and adopted, but until such a better one does come along, this is the best that a great deal of thought and consideration has devised. It should be stated that this thought and consideration is not solely, or even in large part, that of the members of the committee. On the contrary, much time and effort in that connection has been devoted by the Board of Governors as such. And in addition, the board, some time since, appointed one of its members as a special committee to investigate what methods have been, or are being used, by the bar associations in other states. That special committee has been active in the line of such duty. Of course, all that has been learned has been made available to the Committee of Law Examiners, which latter, to the best of its ability, has endeavored to take the benefit therefrom and also to lend such small aid as it may.

The mechanics of the actual examination are these: the applicants present themselves at the same time and place, the Executive Secretary of the Board prepares and distributes to the applicants slips of paper, each bearing a different number, and otherwise blank. Upon these slips, each applicant is requested to, and does, write his or her name, and then places the slip in an unmarked envelope, seals the envelope, and returns it to the secretary. These envelopes remain with the secretary and in the official custody of the Board of Governors unopened and not accessible to the members of the committee until the grades have been assigned and success, or non-success, according to the numbers solely, has been determined. Upon each paper which an applicant submits appears only the number and no other identifying mark. It is apparent that, if these papers, upon completion, were handed to an examiner by an applicant, the identity of the author in any case would, or at least could be revealed. In order to overcome that so far as possible, a box has been provided in which the papers submitted are placed by the applicants themselves. None is taken out until all are in. After the papers have been graded and the results ascertained, still identified only by number, the committee, as a whole, comes before the Board of Governors and reports. The report is subjected to such discussion and action as is deemed requisite by the board. When it finally has been approved, then in the presence of the board and of the committee, the envelopes are opened, the names connected with the numbers, and identities revealed. The formal certification of the names by the committee to the board, as required by the rules, is then made.

By this method the examiners are able to consider all papers on their merits, uninfluenced, either consciously or unconsciously, by knowledge of identities. It seems that this ought to be an assurance to the applicant of disinterested and impartial treatment. It is also a measure of protection to the examiners themselves, who from their own standpoint greatly desire not only that their work shall be free from any bias or influence, but that it shall be free, as far as possible, from any imputation thereof.

It would appear that much is made of detail. That may be true, but it also appears to be necessary. There is, on the one hand, the purpose of establishing some method by which selection shall be on a basis which is utterly fair. There is, on the other hand, the necessity of guarding, as well as may be, against any acts or omissions which might defeat this purpose, or which might leave room for any question as to whether it is being pursued, or any criticism of the manner of its pursuit.

Upon the committee falls the burden of the final act of selection of those who will be called to the bar. That has, of course, a very direct and important bearing upon the young women and young men who have aspirations to enter this profession. It affects the courses of their lives very greatly. But it has just as important a bearing upon the bar itself, because of the ideals toward which the bar is constantly striving. Those ideals include that of making the members of the bar ever better qualified to assume and discharge their responsibilities. We do not want to stop where we are. We want the young men and the young women who come into this association to be better qualified than we are. We would be glad if they could start at the point which we have reached and go on from there. It is not only important to the young men and young women and the bar as a whole, but its ultimate and its great importance is to the public, to those persons who will find occasion to come to the lawyers of the future for the protection or assertion of rights of property or otherwise.

With these things in mind, a member of the committee can not escape a sense of obligation to take his own responsibilities seriously and to discharge them as conscientiously and efficiently as he is able.

It may not be a departure if brief reference is made to the subject matter of the examinations. Many controversial questions arise in this connection. For example, the relative weights which should be given to matters of substantive law and to matters of adjective law, or, for another example, to the law in this state and to the law elsewhere obtaining. Others of such questions are those of the relative merits of the written examination as opposed to the oral examination, and of the essay type of questions as opposed to questions which call for "yes" or "no" answers. All of these propositions have their champions, and when they arise you find them debated very vigorously. Some of the states have formerly given and now have abandoned the oral examination, while some still rely upon it as the best designed to achieve the end sought. Some use the essay type of questions exclusively, while others combine these with the other type. Perhaps the subject is not susceptible to scientific treatment, but at least there is no general agreement as to just what material should be used, or how it should be presented, or what is the proper course to be followed.

Without in any way attempting to bind this or any future committee, and without intending to put up beacon lights for future applicants to follow, which they might to their damage if there were change of ideas as to the subject matter of the exam-

inations, some statement perhaps can be made as to what presently is being considered and done. In the first place, the examinations now are all written, and all, or nearly all, are of the essay type. The thought is that these will disclose the qualities of perception and analysis, the reasoning power, and the familiarity with fundamental legal principles. Much more importance is attached to these qualities than to the quality of memory as to the particular result which has been reached in a given case. If an applicant can show a grasp of the problem and knowledge of the principles which it involves, it is a fair presumption that he readily can find the particular result reached by any court. This is not to say that the Washington law and doctrines, and familiarity therewith, are not of paramount importance, because they are so considered. It may be taken for granted that one seeking admission to the bar of this state intends to practice here, and therefore has given attention to the rules of law here followed, whether his preparation has been within or without the state. Consequently, no undue burden is placed upon the man who has prepared elsewhere. So far, matters of procedure and practice have not been given a prominent part in the examinations. That is not to minimize their importance, for it does one little good to have materials with which to work unless he knows how to work them. This in part is based upon the idea that much of what is learned in law school of these matters must be used in actual practice before that learning becomes readily demonstrable; in other words, as it has been expressed by a very eminent gentleman, "You can not teach a man experience."

This will be concluded by saying that nothing herein is in any sense official, or intended to express any view of the Board of Governors, or any of the members thereof, or any other member of the Committee of Law Examiners. What is here set forth is solely on the authority of the writer as an individual to whom alone can be charged any errors in statement or ideas.