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Requirements for License to Practice to Practice Law in West Virginia

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REQUIREMENTS FOR LICENSE TO PRACTICE LAW IN WEST VIRGINIA.

—At a regular term of the Supreme Court of Appeals, continued and held on the 16th day of September, 1924, the following order was made and entered, to wit:

Until otherwise provided, it is ordered, under Chapter 119, Section 1 of the Code, as follows:

1. Persons applying, on and after July 1, 1928, for a license to practice law in this State under the provisions of Section 1 of Chapter 119 of the Code, must satisfy the following requirements as to period of study and degree of preparation:

(1) A preliminary academic education equivalent to at least two years of study in a college.

(2) Three years of diligent law study as a resident student in a law school certified by the Association of American Law Schools as complying with the following standards:

(a) It shall require its students to pursue a course of three years' duration if they devote substantially all of their working time to their studies, and a longer course, equivalent in the

number of working hours, if they devote only part of their working time to their studies.

(b) It shall provide an adequate library, available for the use of the students.

(c) It shall have among its teachers a sufficient number giving their entire time to the school to insure actual personal acquaintance and influence with the whole student body.

Graduation from such a school shall be evidenced by a certificate to the State Board of Law Examiners by the head of the school at which such study was pursued, showing in detail all the work done.

These new rules for admission to the Bar in West Virginia are more nearly identical with those approved by the American Bar Association, in 1921, and the Washington Conference of Bar Association Delegates in 1922, than the rules announced in any other state. The most advanced position taken by the new rules in West Virginia is with reference to the matter of study in law offices. This time honored practice, which has been frequently condemned as inadequate because of the increasing complexity of the law, and the changed conditions in law offices, is abolished by the new rules in West Virginia. This step, which all states will doubtless take within a short time, will, nevertheless be made easier for them by the courageous action of the West Virginia Supreme Court.

The new West Virginia rules also insure the character of the law school in which the applicant has pursued his law study by requiring that it bear the stamp of approval of the Association of American Law Schools, as complying with certain important requirements. This method of measuring the standard of a law school is bound to be much more accurate than any attempt by the local licensing boards to measure than standard. It seems probable that the list of approved schools will be smaller under the new West Virginia rules than under the present rules of any other state.

Persons applying for admission to the bar prior to July 1, 1928, must satisfy the requirements quoted above except that a preliminary academic education equivalent to that required for graduation from a first class high school is sufficient for such applicants, and three year's study in the office of a member of the bar, equivalent in character and scope to resident study in a law school, is permitted.

The method of dealing with transfers of licenses from other states is also unique in West Virginia, though it has been in effect in the state for some years. Transfers are not allowed under any

circumstances. Under the new rules, a license in another state does not even admit one to the Bar Examination in West Virginia, unless he shall have practiced for five years in that other state, and, even in such a case, his admission to the examination is purely within the discretion of the Board of Examiners. His preliminary preparation, the strictness of the requirements for admission to the bar in the state from which he came, and his success in the practice would apparently be some of the matters considered by the Board in the exercise of that discretion.

In the race for higher standards no state can hope to keep in advance of the others for any considerable time. For the time being, however, it seems that West Virginia is in the lead.

—J. W. M.