MISCELLANEOUS: BAR ADMISSION REQUIREMENTS

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A study of bar admission requirements in Georgia and her neighboring states should serve to focus our attention on this subject which, in the past few years, has occupied the attention of not only the bench and bar of Georgia but also the General Assembly. For the purposes of this study, the states bordering upon Georgia are chosen, because the arguments for and against stricter bar admission requirements will be equally applicable in all of these states. The states to be considered are Georgia, South Carolina, North Carolina, Tennessee, Alabama and Florida.

Turning first to the subject of pre-legal requirements, we find that the above states fall into three groups. Four of these states—Alabama,[1] Florida,[2] North Carolina[3] and Tennessee[4]—require two years of college before beginning the study of law. One state, South Carolina, requires a high school education.[5] Georgia at present has no requirement of pre-legal education, but the 1950 Regular Session of the General Assembly took steps to remedy this situation. An act was passed requiring a high school education "or its substantial equivalent" before an applicant may take the bar examination.[6] This act, amending Code Section 9-103, becomes effective as to all applicants for the bar examination after July 1, 1952.

The requirements for legal study in the states adjoining Georgia vary more in detail than in substance. At this point, it is interesting to note that in some of these states the requirements are set out in the statute law of the state, while in others the duty of specifying the requirements is delegated to either the supreme court of the state or to the state's board of bar examiners.

Two of these states, Florida and South Carolina, specify the requirements in the statute law of the state. Florida requires that the applicant be a graduate of a law school approved by the American Bar Association,[7] while South Carolina requires that the applicant must have completed two years of law office study or two years in law school. The time spent in law school may be either part-time or full-time.[8]

In Tennessee, the Supreme Court is given authority to prescribe rules regulating admission to the bar.[9] The requirement at present is that the applicant must have spent three years full-time or four years part-time in

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1. "Law Schools and Bar Admission Requirements in the United States—1949 Review of Legal Education," published by the Section of Legal Education and Admissions to the Bar of the American Bar Association.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. S.C. CODE § 316 (1942).
6. Ga. Laws 1950, p. 173.
7. FLA. STAT. ANN. § 39.03 (1943).
8. S.C. CODE § 316 (1942).
9. TENN. CODE ANN. § 7113a (1932).

a law school approved by the American Bar Association or by the board of bar examiners.[10]

In two of the states, Alabama[11] and North Carolina,[12] the board of bar examiners is authorized to fix the requirements. The Alabama requirement is four years of law school study, or three years if the school is approved by the American Bar Association.[13] North Carolina lists the requirements in the alternative: (1) three years of study outside of law school, but after proper registration with the board, or (2) three years partly in law school and partly in a law office, or (3) three years in a law school approved by the board of examiners.[14]

In the past, Georgia has had no requirement other than having "read law."[15] As heretofore pointed out, however, the 1950 Regular Session of the General Assembly set out, for the first time, some specific requirements of legal study.[16] This act, when it becomes effective in 1952, will require that the applicant either shall have completed two years of study in a law school or shall have read law for a period of two years in the office, or under the tutelage, of a practicing member of the bar.

By imposing more rigid bar admission requirements, Georgia has aligned herself with her neighboring states. An evaluation of the effect of the stricter requirements in Georgia will not be possible until they have stood the test of time. It seems clear, however, that Georgia has much to gain and little to lose by requiring that those who practice in her courts must meet certain minimum educational requirements.

10. See note 1 *supra.*
11. ALA. CODE § 46-25 (1940).
12. N.C. GEN. STAT. § 84-24 (1943).
13. See note 1 *supra.*
14. *Ibid.*
15. GA. CODE § 9-103 (1933).
16. Ga. Laws 1950, p. 173. Perhaps attention should be called to the fact that this act, as published, does not contain an enacting clause of any sort. An enactment of the General Assembly has been held to be invalid if it contains no enacting clause. Walden v. Town of Whigham, 120 Ga. 646, 48 S.E. 159 (1904).

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