

the growth of our law in the form of judicial decisions, that interpret and declare its actual content, is necessarily greatly influenced by arguments of counsel. It springs even more fundamentally from the fact, early discovered, that private individuals cannot secure justice without the aid of a special professional order to represent and to advise them. To this end lawyers were instituted, as a body of public servants, essential for the maintenance of private rights. From their earliest origins the law has accorded to these 'officers of the Court' certain special and exclusive privileges which set them apart from the mass of the people as truly as if they were, in a strict sense, public officials."*

Legal education differs from other modes of professional training, as, for example, that of medicine and engineering, by reason of the practice, inherited from England, of vesting the responsibility for it in the leaders of the profession itself, in the Judges and others engaged in the actual administration of justice. Thus, in England the Inns of Court and the Incorporated Law Society have great powers in relation to their respective branches of the legal profession. In New Zealand the admission of practitioners is regulated by the Law Practitioners Act, and the Judges of the Supreme Court may make general rules and regulations "touching the qualification and examination of candidates for admission as barristers and solicitors, and may appoint such persons as they think fit to be examiners for the purpose of examining candidates and giving certificates that such candidates have satisfactorily passed examinations."†

Legal education entrusted to care of the leaders of the profession.

As a matter of fact, the Judges have, by approving of certain regulations, "in effect delegated to the University of New Zealand the appointment of examiners, and the prescription and standard of the examinations, so that the examination for the degree of LL.B. is identical with the examination for the admission of barristers, and the New Zealand law subjects of the LL.B. degree are identical with the examination in law of solicitors."†

It is clear from the evidence submitted by professors and lecturers in law, by members of the bar, and by the sub-committee of the New Zealand Law Society that, apart from any disabilities arising from the provisions of the Legal Practitioners Act which affect prejudicially the education and standing of the profession, the remedy for the present condition of legal education is in the hands of the Judges. The question arises how best to bring suggested reforms to a head. Mr. C. P. Skerrett, K.C., in presenting the report from the sub-committee of the New Zealand Law Society quoted above, said, "the experience of the profession in the past has been that the Judges have been very slow to move in the matter of legal education, and that their judicial work is of so great a volume as to prevent their devoting to this subject as much time as its importance demands."

Judges to prescribe conditions.

We suggest that the practice followed in Victoria of creating a Council of Legal Education representative of the Judges, the leaders among practising barristers and solicitors, and the university teachers of law is the most satisfactory method for providing and for watching over a course of legal education which shall comply with the requirements of a good professional education, and at the same time satisfy the demand for a training which is strong enough on the practical side. Professor J. M. E. Garrow, giving evidence on this latter point, stated,—

Council of Legal Education suggested.

"The present position is that the admission of candidates to practise as barristers and solicitors depends entirely upon the passing of certain examinations.

"The complaints are that the work for these examinations is not sufficiently mastered, and that candidates are admitted to practice without being required to produce any evidence whatever of having had practical experience."

Deficiency in practical training.

The root cause of the deficiency of practical training, appears to us to lie in the legislation governing admission to the legal profession. Apparently this legislation was passed at a time when what was regarded as the advanced democratic view demanded that no obstacles should be placed in the way of any citizen who wished to become a lawyer. "Articles" were regarded as an obstacle of this nature, and were in such disfavour that they were incontinently swept away, but no provision was made for the practical training which "articles" supplied.

* The Carnegie Foundation for the Advancement of Teaching: Training for the Public Profession of Law, Bulletin 15, p. 3.

† Report of a sub-committee of the New Zealand Law Society.