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## Editorial Comments

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# EDITORIAL COMMENTS

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## SUPPLY AND DEMAND

At regular intervals comment auspiciously becomes in order concerning the over-supply of lawyers. The cry of everyone is that the law profession is over-crowded and the profession is about to self-annihilate itself because the supply is greatly exceeding the demand.

It is an undeniable fact that the law profession's membership has greatly increased in the last twenty years in proportion to the population, but it is also true that the disproportionate increase of supply and demand is no criterion in coming to a conclusion that there is an over-supply of attorneys.

The increase of collegiate attendance in all branches of college curriculum from 1890 to 1926 was 812% and above all probability the increase in law colleges was proportionate to these figures. During this same period the gain of population was only 86%, which shows that the collegiate attendance rate increased almost 9.44 times as fast as the growth of the population.

First let us consider the supply. The Honorable John W. Davis described the two prevailing views for admission to the bar when he said, "There are now, there always have been two distinct schools of thought. There is the school of opportunity which argues that the field must be left open to all aspirants and no barriers must be put in the path of the ambitious man. There is also the school of fitness which believes that he shall be qualified to render adequate services to his client, to the courts, and to the public at large". The states have various limitations on the supply, the most lenient being Indiana which by constitutional provision states, "Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice." Other states have very stringent requirements and extensive examinations that seek to limit the supply to the minimum. These requirements might be designated as direct limitations on the supply.

There are many indirect impediments that curb the supply of lawyers. A survey was taken at one of the large law schools of the country and it was found that out of one of graduating classes only 20% of the class were actively engaged in the practice of law 8 years after the classes graduation, the other 80% had drifted into other fields either immediately or in a course of a short duration. The reasons given for failure to follow the profession were, . . . sloth . . . bigger opportunities . . . quick money in other pursuits and countless of others. The conclusion to be drawn is that the supply is greatly curtailed indirectly by non-survival of the unfit and increased opportunities in other fields of endeavor for the man who is legally trained.

The demand is much harder to survey accurately because it is unlimited. The court docket is not an accurate method of gaining any substantial knowledge of the demand for legal training. Contrary to supply, we must approach the demand by attempting to show the extensiveness of the demand for lawyers both directly and indirectly. Corporations have opened a wide gate for lucrative practice not enjoyed a few years back and these intangible persons have practically created a separate profession known as the corporation lawyers. At the outset of this editorial we stated that our country has increased in population 86%, and with that increase comes an innumerable increase of complexities of life, and what more is law than the complexities of life? It is not hard to believe that there is ten times as much money paid directly to the legal profession per capita as in 1890, and more.

Indirectly the demand for lawyers has increased beyond all the powers and ingenuity of any surveyor, it is extensively unlimited. The insurance business alone takes thousands of legally trained men each year and puts them in executive and sales positions. Others businesses envelope the supply, the foremost being, trust departments in banks, bond houses, bonding and surety companies, real estate promotions, abstractors and loan offices. There are countless other opportunities which offer innumerable lawyers who do not pursue the law profession directly, occupation.

In conclusion the true test of supply and demand cannot be based on the ratio of increase in the numbers of the profession and the increase of the population. The number of people who

are in this country has little significance in determining if there is an over-supply of lawyers. The public dealing with companies who have hired legally trained men are paying for this legal training everytime they buy a dollars worth of goods, part of that dollar is paid indirectly to the law profession. The true test of supply and demand hinges on how much the country pays per capita, either directly or indirectly, to the supply of legally trained men and not the ratio the increase of population and the increase of the supply of lawyers.

*T. V. H.*