

- Something has to be done by our law schools and our Supreme Court to save the law profession and the administration of justice from being swamped by an avalanche of mediocre lawyers.

## FOR AN EXCELLENT LAW PROFESSION

The rate at which Philippine law schools are turning out graduates seems to compete with the rapid rate of the population growth of the nation. Both are in a process of explosion. By itself this phenomenon of growth ought not to be a deep cause for alarm. On the contrary, it should be a reasonable cause for rejoicing if (and this is an important *if*) the law graduates turned out by our colleges are well educated in legal principles and have received quality instruction in the discipline of law. For Dr. Robert M. Hutchins, former Chancellor of the University of Chicago and once Dean of Yale Law School, is reported to have said that a good legal education is one of the finest courses in liberal education and culture. There is no doubt that this is so. Most

of the eminent Filipino lawyers of the past were living examples of this assertion, for they were our outstanding men of culture and learning, from Marcelo H. del Pilar, Mabini, Arellano, Calderon down to Palma, Apostol, Laurel, Recto, and Briones, and the members of our Supreme Court, to mention but a few of them. Even among the less known lights, broad culture and excellent education were indisputable marks of the men in the legal profession of yesteryear. They knew the official language and they were widely read and significantly knowledgeable. Unfortunately, not many of the Filipino lawyers of today may be frankly counted as possessing these enviable qualities.

The reason is not difficult to discover: Nowadays, the

study of law in our country, except in very few colleges, has seriously deteriorated. In terms of quality, law is one of the poorest and most neglected disciplines in our educational institutions. The law course is often treated as an ordinary vocational course with but a slight intellectual content enough only to serve the fleeting memory for mechanical repetition. It is studied not with the idea of broadening and stretching the mind and the critical faculties of the neophyte but merely for the purpose of training him for the bar examinations. The average law student spends 4 or 5 months preparing for these tests which he and the average teacher hope would cover only those topics they have memorized during their review classes. In case the coincidence does not happen, the law graduate blames the bar examiners and the Supreme Court as if it is his right to pass the examinations on the ground that he had already spent eighteen years in school and college.

Indeed it is a fact that thousands of law graduates

have had eighteen years of schooling; but it is far from true that they have spent those years in educating themselves. Attending school is not necessarily getting an adequate education. The fact is that many of those who take the bar examinations have not acquired enough knowledge of English, our most important and widely-used official language, to enable them to write one short understandable and correct paragraph. But this is not all. Thousands of them are deficient in basic understanding of legal principles and ideas not to say anymore of general conditions obtaining in the world of science, economics, and public affairs. Thus, so few of them could tell us the significance of the U.N., the NATO, the SEATO, the AID, the Colombo Plan, the ICBM, the European Common Market, inflation and deflation of currency, the Indonesia Merdeka, the apartheid, and other contemporary ideas and events.

There is obviously a big "cultural gap" existing between the education that the

law student receives from his college and the actual state of educational progress in the world of today. So there is a marked discrepancy between the production rate of Filipino lawyers and the availability of well-educated lawyers. It is not an exaggeration to say, for example, that out of five hundred new graduates of law in Philippine colleges, one can hardly find 75 or 100 of them with enough cultural and intellectual preparation to understand and appreciate a decision of Justice Holmes, a lecture of Professor Toynbee, or a book of Bertrand Russell.

When educated young men and women come in contact with many of this kind of lawyers that literally fill the nooks and corners of our country today, they wonder whether law is really a learned profession, as has been claimed, or just an occupation fit for any mediocre creature whose chief ambition is to be addressed as "Attorney." If things remain as they are, it is likely that the better educated members of the bar would

develop a contemptuous dislike against this appellation.

It seems a pity that the associations of the better lawyers of the country are not doing what the American Bar Association did in the United States some 30 or 40 years ago. That body, following the example of the American Medical Association, undertook an intensive and unremitting campaign against the laxity of law schools and bar examinations which resulted in elevating the quality of American lawyers and thus improving the administration of justice in the country. Our own associations, with the assistance of the Supreme Court, would be rendering a real public service if they follow the example of the American Bar Association in undertaking something positive and concrete to raise the quality of legal education. This is a patriotic task. For it concerns a problem that affects not only the name of the profession but also the quality of our judges as well as the competency and worth of our political leaders since most of them are lawyers.

The Supreme Court can do something if they give it a more serious thought and attention. Increasing the number of subjects for the bar examinations and prescribing a longer time for completing a law course are not exactly the right remedies. In themselves they can not and do not guarantee adequate legal education. At best, they may only lengthen the time to acquire more information; but information alone is not education. For education is a process of improving the mind, the ability to think, to analyze, to criticize, to understand, and to form relevant judgments. If standards are low and instruction inadequate, if teachers are unprepared or indifferent and discipline lax, the addition of two or more years to the length of time to complete a course in law would not result in improving the products of law schools. One year of effective instruction by competent and dedicated instructors produces better students than two more years of slipshod teaching under indifferent teachers.

Education involves the ac-

quisition of the ability to communicate clearly and correctly. This is specially so in the case of the education of a lawyer. For if there is any profession that calls for proficiency in the skill of communication, for ability to express one's ideas and intentions in speech and in writing, it is the law profession. Correct language is the tool, the indispensable tool, of the lawyer. The Supreme Court might require everyone who wants to take the bar examinations to first show his ability to express himself by writing a brief essay on a subject given to him as he presents himself as a bar candidate. This should be a preliminary test, a qualifying test, before he is permitted to take the final bar test. It should serve as an elimination test. This need not be an additional subject. For this purpose, the examination now being given in legal ethics and practical exercises, properly adjusted, could well be used. It should be made the first subject and should be given about one month or two ahead of the other subjects.

In that way more time would be available for correcting the papers of the applicants. And if, for instance, the student fails to produce a paper clearly and correctly written, he should have no further business bothering the Court for an examination of the rest of the subjects. He should be told to go back to school or to do some other kind of work. Alternatively, passing a language test could be required by the Department of Education before giving its certification for a candidate for the bar examinations.

In our system of government, lawyers are officers of the court. The quality of the profession tends to be strongly and faithfully reflected in the quality of the administration of justice. The debasement of the law profession which has been

going on for the last decade or so is gradually causing a debasement of the courts if not of the entire government service.

As important to the nation as the matter of moral regeneration is the problem of intellectual regeneration among our people. For while it is of prime importance that we should have honest men; it is also imperative that we must have highly competent men, and women with cultivated minds, knowledgeable in the general affairs of life. Competent leadership requires both good morals and equally good brains. As many of our leaders are recruited from the profession, the importance of improving the moral and intellectual qualifications of the lawyer becomes immensely pressing and significant. —  
*By V. G. Sinco, 11/14/62.*