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ENRICHMENT SERIES*

Specialization, Certification, and Exclusion in the Law Profession

JOHN W. REED†

I had a delightful time last evening with the editors of the *Law Review* at their annual banquet. It was a time of reminiscing for me, and I suggested that my children call that "reminuisancing." But I must say it did make me feel a little old when I realized that the first issue of the *Law Review*, for which I served as faculty advisor and essentially as editor because there was as yet no staff, was issued before the new editors of last evening's session were born. And at that point I felt very much over-the-hill.

I began my teaching at the University of Oklahoma College of Law and had an absolutely delightful time. I entered teaching without knowing whether I really wanted to teach. I had never thought about it. Somebody asked me and I said, "Why not; I'll try it, and if I don't like it, I'll do something else." I had such a great time here in my years in Norman that I never once considered thereafter returning to general practice. It has been a fulfilling life and I am grateful to my colleagues and my students here at this school, including some who are, of course, still on the faculty, such as Elbridge Phelps and Dale Vliet; and Maurice Merrill, of course, was the acting Dean when I came. All of these people are good friends of many years, and I have certainly enjoyed my associations with this place. That period is fresh in my mind despite the fact that it was a quarter of a century ago. I have grown older but I don't feel much different. You know we can only be young once, but we can stay immature forever.

My affection for teaching has not always meant that I have felt successful as a teacher. Law teaching is a funny business, not at all like some other teaching on campuses. The best parable I know to illustrate the life of a law teacher is the late Dean Prosser's delightful story about the Puyal-

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lup Indian up in Washington sitting on a high, craggy coast overlooking the foggy Pacific. He is musing to himself about this scene around him, and he says to himself, "Lighthouse no good. Lighthouse, it flashes light, it rings bell, it blows horn, and it raises hell, but the fog comes in just the same." This is the life of a law teacher. We try to dispel the fog but it comes in just the same.

It certainly came in while I was teaching. I remember one of the courses that I taught once, and I taught 14 different courses here in three years. I was not successful in any, so they kept moving me around. About four or five of those were legal method called by one name or another. They kept changing the name; the content stayed the same. Anyway, one of my students in one of the courses that I taught, which was Criminal Law and Procedure, was a fellow who is now practicing, Ferrill Rogers. Ferrill was the political type. He was running Bob Kerr's campaign as the Young Democrats for Kerr, or whatever it was, and so every afternoon when class was over and sometimes before, he would take off for Oklahoma City. He would go out Porter Street. It was a bad road to take because it was crooked and so on. There was a little filling station to pass called Moore, Oklahoma. When I saw yesterday that there were four exits to Moore, I wondered what in the world! There weren't four *people* in Moore when I was teaching. But anyway, he started out of town; it was a hurried trip and it was hard to make so he was in a hurry. About a mile and a half out of town a Norman police car caught up with Ferrill and pulled him over.

The policeman said, "You were going a little fast back there."

Because the city limits were out in the country, Ferrill had speeded up to country speed too soon. Ferrill said, "May I ask you a question—you are a Norman city policeman, aren't you?"

"Yes," responded the policeman.

Ferrill then asked, "If we're out of the city limits, you don't have any jurisdiction out here, do you?"

Before answering, the policeman said, "Let me ask you a question. Are you a law student?"

Ferrill said, "Yes."

"Well," said the policeman, turning back his lapel, "just for you blankety-blanks, I am also a deputy sheriff!"

I have often thought about Ferrill and that little incident. He had never heard of the "hot pursuit doctrine" and other things like that. There was a lot of fog around the Law School in those days.

Well, I must say that one thing that has been fun about being around a law school is that law in general and law teaching in particular is cer-

tainly a matter of point of view, and my point of view of this experience is that it was a great one. Whether my students shared that point of view or not, I do not know, but that is what law is all about—dealing with people who have different points of view.

If you will allow me one more aside, I saw a little squib about what “point of view” means. This concerns a young woman’s diary which she kept on a cruise. The first entry read, “Tonight I met the captain, and he seems interested in me.” The next day’s entry: “The captain invited me to have dinner with him at his table and has asked me to come to his cabin tomorrow evening.” The third day’s entry read, “I went to the captain’s cabin this evening, and he said if I did not submit to him, he would sink the ship. I saved the passengers and crew.” So, point of view does make quite a difference on how we see things.

There are certainly different points of view about my subject matter of specialization, certification, and exclusion. If the simplistic version of my topic, which was listed on the posters as “Is One Bar Exam Enough?” were the only one, anyone who has ever gone through one would utter a fervent “yes.” Bar exams are painful and not to be multiplied needlessly. For those who change their practice plans in the early years of their practice, it has long been necessary to take several examinations. By the way, some relief may be on the way because of the multi-state bar examination, which some call the “multi-doubt” bar examination. The multi-state bar examination is now being given in more than 40 states. The state of New Jersey has made an interesting breakthrough that you might like to know about. In New Jersey now, if you have taken the multi-state bar examination anywhere in the country and have scored 140 out of 200 on it, which is not an astronomically high score, you may be admitted to the New Jersey Bar without more than the usual character checks and so on. It appears that this may be the beginning of a national bar exam, and if other states follow this, it will be interesting. One will not have to keep taking bar exams as he goes from state to state. It will never work in California and New York. They are not going to go along with it, I think, but at least this has happened.

Even on the apparently simple question, “Is one bar exam enough?” there is a difference of opinion. Why, say some, should not there be some reexamination and some testing of continuing competence to practice? The question makes all of us shudder. It may well have to be faced that, within your generation at the bar and maybe in mine, there may periodically be some type of reexamination for continuing certification to practice.

Now, the main thrust of our subject in this time together is specialization, which the organized bar has resisted like the plague. There have been

repeated proposals in the American Bar Association meetings and elsewhere that there be some kind of specialization recognition. But the lawyers have put it off, rejected it, delayed it, voted it down, tabled it, and committed it all through the years. The medical profession, of course, has had specialization since about the turn of the century. You know the bad joke about the old doctor who was talking to the young doctor, who was just going into a specialty. The old doctor said, "I hear you are not going to be an ear, nose, and throat doctor like your daddy. You are just going to take the nose?" "Oh no," said the young man, "just the left nostril." And there are more of these bad, but kind of barbed, stories about specialization in the medical profession. Lawyers like to tell the one about the doctor who got his revenge. A waiter in a restaurant suffered severe cramps and he was rushed to the hospital. While in the emergency room he was gasping in pain, and as a doctor went by the waiter grabbed him and said, "Help me! I am dying!" The doctor said, "I am sorry. You are not on my table."

The results of this specialization in medicine are mixed and debatable. There is certainly a high level of expertise and of scientific development, as in heart surgery and organ transplants, and even in reattachment of severed members on occasion. There are big things that have been done and done very well in the medical profession. And, of course, lawyers are not unmindful of this. We are idealists in a way, but we are pragmatists also. We have observed what has happened to doctors' incomes with this kind of specialization. In the ritzy, lake-front Detroit suburb of Grosse Point, the doctors there are heeding the energy crisis. They formed a yacht pool.

However, on the negative side, few doctors seem, anymore, to treat the whole person. I, for one, like to think that in a human being the whole is greater than the sum of the parts, and the medical profession on occasion seems to have lost sight of that fact. The general practitioner is almost extinct. The internal medicine specialist tends to approach that. The psychiatrist, in fact, almost comes closer to being the general practitioner these days than anybody else. But as I say, the bar has not been equally willing to recognize specialization and continues to think that the whole client should be served. Don't let a tax specialist plan an estate to save taxes and in so doing fail to meet the personalized and idiosyncratic needs of the family left behind. We want somebody who thinks of the whole client and deals with all of his problems in their vast interrelationships. The patent lawyer may succeed in getting the patent taken care of, but the corporation may be sickened to death, and he does not recognize it

because he does not know the other symptoms. People need to be served by somebody who knows the whole client.

But note that I said the bar has not been willing to recognize specialization. The fact is specialization exists in the bar. It exists in fact, and it is not new. When I was invited to join this faculty in the fall of 1946 I was brought in not because of anything that looked generally good on my record. The fact was this school needed a tax teacher. The tax laws had metamorphosed enormously in World War II to the point where instead of being just a little nuisance attached to one's financial affairs, the tax laws had begun to rearrange the economics of the country. I had been a tax lawyer in Kansas City in a firm where at least 80 per cent of everything I did, maybe 90 per cent, had to do with some version of federal tax question. So I could step into a classroom and help Frank Elkouri, who was in my first class, become a lawyer by teaching him a little about taxes. Of course, those students were a lot older than I was; Frank's a lot older than I am. But that's why I was asked to join the faculty; I was a specialist.

Specialization has long existed at the bar, and the question is not whether it exists but whether we recognize it. There are trial lawyers who do nothing but try cases; they are litigators. They are specialists in the British sense; they are barristers, although they have direct clients rather than getting them through solicitors. They even specialize in types of cases they try at the trial bar. There are lawyers who try anti-trust cases exclusively. There are lawyers who try only air crash cases. Specialization often exists in the large firm where there is a tax specialist, a corporate specialist, a trial lawyer, and a probate lawyer, and so on. But sometimes sole practitioners specialize. There are specialists in probate, workman's compensation, corporations, criminal defense, environmental law, civil rights, and so on down the line.

The point is that we have specialization but no advertising of it. The lawyer is not allowed to hold himself out as a specialist. There are two exceptions only, for historical and accidental reasons, but also for the practical reason that it does not threaten any of the rest of us. Patent and admiralty lawyers may hold themselves out as specialists. But nobody else is allowed to put on his letterhead, "Specializing in suits against pharmaceutical companies," or "Criminal Defense Work," or "Corporate Reorganizations," or "Anti-trust."

This is the difference and, in a superficial sense, the only difference between the legal and the medical professions. There are some fundamental differences, but superficially the difference between the medical and legal professions is that doctors can say, for example, "Practice in Urology." By the way, we had a doctor on the University of Colorado faculty who was a

urologist by the name of Dr. Philpott. Anyway, the doctors can hold themselves out as specialists on their letterhead. If you look in the yellow pages, they are even cataloged as obstetricians, urologists, psychiatrists, and so on. You can find out their specialty, and they can hold themselves out as specialists. If I've got trouble with my head and I want to see a psychiatrist, I can find out who one is. I don't have to call some doctor and say, "Do you know anything about psychiatry, Doctor?" And, of course, clients do not call you that way and say, "I have a problem; do you know anything about oil and gas law?" They just come to the lawyer.

The problem gets to be not one of whether we have a specialization or of whether people are becoming experts in certain fields, but of whether we can get client and lawyer together in these areas. It is a matter of client referral. Indeed, when you get into big discussions about specialization and the recognition of specialization, one of the quick responses is "Oh, but in our state (or in our community), we have a good lawyer referral service." Nonsense, I say! You can call and say, "I want you to give me a lawyer who can handle domestic relations cases because I want to get a divorce." They may have a list, as some referral services do, of people who are willing to take cases of this sort, but there surely is no certification of specialization. There is no very sophisticated analysis of who is qualified and who is not, and so the referral service just really does not do the job. It is still fundamentally the same problem: for "specialization" read "lawyer-client mating service." What we are really concerned with is getting these people together in these circumstances.

If one is allowed to advertise, then we get to the fundamental problem that the doctors have licked for the moment, but that lawyers have not. I said that, superficially, there is not that much difference between doctors and lawyers. They are specialists and we are specialists. They can advertise, or more appropriately "announce"; we cannot. But there is a more fundamental difference. If a doctor holds himself out as an obstetrician, or an anesthesiologist, or a radiologist, or whatever, he must have gone over some hurdles to get there, not just have graduated from medical school. He must take some kind of specialized training, typically in a residency. Then he must pass certain board examinations, and we say he is "board certified" as an orthopedic surgeon or whatever he happens to be. But the lawyer who says, privately at least, "I am a tax specialist," has not been tested by anybody for that fact. That presents a problem because if we are going to tell people, "Go to Lawyer X because he knows how to handle a water law problem," we need to have some assurance that he really does know water law. That is where the big problem comes.

If we were simply going to examine, that is one thing; but we are not

at all sure that academic competence, if that is what examinations tend to test, and client effectiveness are identical. There is surely a strong correlation between academic incompetence and client ineffectiveness, but the other way around does not necessarily follow. We are a little troubled about that aspect. Nevertheless, we have decided to try to proceed a little bit. Let me try to describe the way in which we are proceeding.

The American Bar Association, as I said a little while ago, has consistently resisted acknowledging specialization and allowing there to be some kind of "holding out" as a specialist. In the late 1960's, about 1967 or so, a report finally came from a special committee on specialization of the American Bar Association wanting to recommend that there be some experimenting with specialization. The Bar rejected any kind of experimentation of this sort. The committee came back a year or so later in another report with the majority of the committee saying, "Let's not try it," and a minority saying, "We ought to try it nationwide." The compromise reached out of all this was to invite from the states a few pilot programs, hoping that they would be heterogeneous. The hope was that the programs would be different enough so that state *A* would have one type of program, and state *B* another type of program, and still another type in state *C*, and the results could be monitored to see how the different programs functioned—and *that* the American Bar Association adopted.

The states were invited to propose pilot programs which the ABA would then approve and encourage. A state does not have to have ABA approval; however, it was asked that the program be approved, the theory being that the ABA wanted to be sure and have a kind of controlled experiment. In practice, it is not working that way. Everybody is rushing to have pilot programs.

The first one to come in under this recommendation was California. California is now operating a pilot program of specialization in three limited areas. There are 38,000 California lawyers. In the experimental program that has been instituted there are three areas in which specialization is allowed—criminal law, workman's compensation, and taxation. To date, they have certified 391 lawyers in criminal law, 311 in workman's compensation, and 480 in taxation, out of the total 38,000. Not very many yet are indicating that they want to be specialists.

In the California plan, one who wants to hold himself out as a specialist can put it on his letterhead and can announce himself as a specialist, as I understand it, in the yellow pages—the great client source book. He must have had certain kinds of experience in the area, five years of practice with heavy emphasis in the field, and certain particular experience in the field. For example, a lawyer desiring to specialize in criminal law must

have participated as a criminal lawyer in 20 jury trials in the California state courts, 10 of which must have been felony jury trials. He must also show that he has submitted at least three appellate briefs in a higher court dealing with criminal law matters. These are quantitative measures of activity in the field. There are, however, "grandfather clause" entrances without examination. If one has not had that kind of experience he may come in as a specialist by taking an examination. As he finally winds up his credentials, he must show that he has had three of the seven alternative educational requirements. In the workman's compensation field, some of the alternative educational requirements include active participation in a recognized professional society or committee devoted to workman's compensation law, instructor in a course in workman's compensation law, completion of a course of not less than 20 hours in workman's compensation law, or participation as a panelist or speaker in at least five symposia or programs devoted to workman's compensation matters, or attendance at CLE or other lectures or programs in workman's compensation of not less than 30 hours, and authorship of books or articles published in professional journals. These are examples of the quantitative tests required. There is also a short examination that a board prepares. If a person meets these qualifications, he can then hold himself out as a workman's compensation specialist.

A second experiment that has come into being, to the great dismay of the American Bar Association, is that of the state of New Mexico. New Mexico has simply said that an attorney may hold himself out as a specialist. They are only trying to help clients find lawyers who think they have competence in a particular area of law. They are not going to certify that they do, only that they think they have the qualifications. They may list themselves in the yellow pages either as, (1) limiting their practice to this field—X, and there are some 35 or 40 fields, or (2) that they primarily limit their practice to that field, or (3) that they specialize in the area. However, to have a specialty, the test is that he must have devoted at least 60 per cent of his time to that area so that he cannot have more than one specialty. Then the bar association puts in the yellow pages, right over this, a disclaimer which says that nobody has certified that these people know what they are talking about, but if you want one that thinks he knows about this area, call one of these guys. That is my paraphrase, but that is about what it says.

New Mexico has less than 5 per cent as many lawyers as California. New Mexico has only 1,700 members of the bar, whereas California has 38,000. I cannot imagine anybody specializing in New Mexico, except maybe in Albuquerque. I would think that you would have to be a general

practitioner in almost every other town I was ever in, in New Mexico. However, in Artesia, one might be a water lawyer by definition. As one can see, there is quite a difference between the New Mexico and California programs. In New Mexico, there are no criteria, no testing, no monitoring, except that a person is required to certify that he spends a lot of time in the area. He may say then, "I want to deal with domestic relations matters." Their theory is that if you want a divorce, you are better off calling somebody who says, "I think I know something about the area, come to me," rather than just calling a person at random.

So the experimenting goes on. Plans are already being formulated in Colorado, Florida, New Jersey, Texas, Washington, and Wisconsin, and every state has a committee talking about it. You have one here in Oklahoma, I understand. We have one in Michigan, and at one point they proposed a plan but withdrew it.

Now please note that I have not said anything in any of these instances, other than that one self-imposed limitation in New Mexico, about the possibility of having practice limited to the area of the specialty. This scares most lawyers. There are two kinds of limitations. One is, if I do nothing but tax work, you bring me a divorce matter and I won't take it. You bring me a corporate matter and I won't take it. I will only take divorce matters, or tax matters, or whatever it is I take, and I can't take anything else, not *won't* but *can't*. That would be one kind of exclusion. Nobody seems to be proposing that very seriously and for fairly good and obvious reasons. The other kind of exclusivity is the possibility that, if I am not a specialist, I may not be allowed to work in that area. For example, if I am not a tax specialist, I won't be allowed to take tax matters. This type of exclusivity does not intrigue very many people either, for obvious reasons. It obviously intrigues the Chief Justice, however.

Chief Justice Burger has proposed that there be an exclusive kind of licensing of trial lawyers. He proposes that one not be allowed to appear in court until he is certified as a competent trial specialist. This was his proposal in his famous Fordham speech and has been much quoted and much debated. He says that the quality of advocacy in the courts, from trials on up, that he knows anything about—either by hearsay or by direct observation—is abysmal. He describes the quality as that of Piper Cub pilots trying to fly 747's. They have cases that they do not understand, and they are just at a loss. He says we have to do something about it. The public is entitled to have competent representation, and it is not getting it the way we are approaching things now. The quality is poor, so we must have some kind of gate through which a person has to pass before he is allowed to appear in court as a trial lawyer. Now that is exclusive

licensing; one must be licensed in order to practice in that area. Not even the medical profession has gone that far. The ordinary country doctor, if he does not care about his malpractice suit, can do a brain operation. He won't, just as a lawyer who has never dealt with an anti-trust case would consider it ridiculous to take a big anti-trust case and run with it without associating himself with somebody else or even getting out of it entirely. But the fact remains that the doctors do not consider exclusivity in their listings. Whereas the Chief Justice's comment, which has everybody uptight, is that there be an exclusivity like the British barrister system.

Senator Ervin, who speaks about many things these days, has spoken of the Chief Justice's comment adversely or critically, saying, and I am not sure you will agree with him, that the public has the right to choose a lawyer who is not a trial specialist, that it is its own choice. That bothers me; one can carry that too far. But he then goes on to say that the freedom of an individual to choose should be preserved even in the courts. It is a dangerous precedent to give too much efficiency to the court. It is an interesting point—that courts are not intended to be too efficient but rather are intended to give justice. Well, that bothers me, too, but I would say that it is important that the courts give the appearance of justice as well as giving justice. So sometimes, taking a little more time and being a little less efficient is important to the appearance of justice.

You are able to see the progression from specialization which exists in fact in the legal profession, to the holding out of oneself as a specialist, which in its simplest terms is the New Mexico plan. Then progressing from there to some kind of screening process, which requires that if one is going to be a specialist or hold himself out as a specialist, he ought to be tested and ought to have some credentials. That is the California plan, which requires a hurdle of experience, exposure, and presumably some technical knowledge which may be tested on an examination of some sort. And finally, there is the Chief Justice's possibility. This is not an inevitable progression, but it is kind of a spectrum that one passes along. The Chief Justice's suggestion is that, in at least a trial practice specialty, and one could perhaps carry it to others, one should not even be allowed to handle a matter if he is not certified as competent in that area, as opposed to being certified generally as a lawyer as the bar exam traditionally has done.

I think that the thing that bothers lawyers more than people in other professions is that every lawyer thinks he is competent to handle almost any kind of problem. I know that trial lawyers think that. They think if you give them a medical problem, they can become doctors for a day. They think they can learn as much about the problem and rattle off the medical terms, as if they were doctors. You give them a problem dealing with an

automobile wreck and they will become automobile engineers for a time. They think that they can grab anybody's business, learn it, and deal with the legal problems that are incident to it. Most lawyers do not like to think that they could not move into some other area if the case called for it and, therefore, there is a kind of built-in psychological resistance to anything that tends to be the exclusive sort of requirement that the Chief Justice is suggesting.

Finally, after all of this debate about whether you will have just a general license to practice or a certification to be a specialist in a particular field, once you have gotten to the point of agreeing that the individual is qualified, the next question is, should there be any requirement that he continue to be qualified? Should he be required to take steps to keep himself up-to-date other than to just plow along with more cases or more client matters of the same sort? The theory, of course, is that the good lawyer who learns good habits in a good law school will keep himself up-to-date. He will do so because new problems drive him to new research and new readings. He may do this on his own, and unfortunately, all too many lawyers try to do it on their own. He may do it with the assistance of continuing legal education agencies that provide up-dating and skills sharpening courses of one sort or another. However, nobody makes him do it, and he is not really tested other than by client success and failure. If he prospers or if he does not prosper, it may tell us something, but frequently not much, about the quality of the lawyer. And so the question is, should there be reexamination from time to time? Or to put it another way, "Is One Bar Examination or Certification Examination Enough?"

The medical profession is flirting with this. They have not required board recertification, but the state of Oregon has an interesting little plan going at the moment. Oregon doctors are not only members of a state-licensed profession, but also, I think, virtually all are members of the Oregon Medical Society. This is similar to the concept of an integrated bar, which Michigan and Oklahoma both have, where one must be a member of the bar association in order to practice law. In Oregon, they have imposed on members of the medical profession an obligation to pursue continuing medical education in quantitative terms. A doctor must keep up on penalty of losing his right to practice in effect. Although it is not done by de-licensing, it is done by disassociation from the medical society. I think they can technically still practice, but they may encounter all kinds of difficult problems. You must certify annually that you have attended 30 hours of continuing medical education programs. You must certify that you have read so many articles and the other various things that they are required to do. The Oregon Medical Society has recently dropped 11 doc-

tors for not keeping up. Now, that sent a shock wave around the country. It is a shame that we have to resort to that kind of pressure to make people keep up in their profession, but I do believe it is coming. Again, I say, it may not be in my generation at the bar, but probably in yours, that there is going to be some kind of scrutiny of a lawyer's credentials from time to time, and I guess I think the public has a right to do so.

In the state of Michigan not long ago, there was a flap about professional responsibilities. Some lawyers had absconded with funds, and an ambulance chasing ring in Detroit was exposed by one of the newspapers. Things did not look so very good. We pay \$100 in annual dues for bar membership, and over \$50.00 of it goes to our disciplinary procedures. We have a full task force of FBI-type agents who are really working on this kind of thing. I think the public is fairly well served with this sort of activity, but there was a lot of talk in the newspapers and in the halls of the legislature that maybe lawyers just ought to be licensed like pharmacists, barbers, and cosmeticians who are licensed by groups not made up of just their profession. There was discussion that we ought to have people admitted to the bar and licensed to continue as members of the bar by people who will have the public interest at heart and not just by the supreme court or whoever has the licensing authority in a particular state. Well, a lot of talk like that gets around and pretty soon you are going to have more and more pressure for there to be some measures available to assure the public that the profession in question, in this case the bar, is maintaining high standards of professional responsibility not only in the sense of ethics but also in the sense of competence and fairness in "appearances." If a person appears to be a specialist in an area, he ought really to be a specialist in that area.

I have a friend on the faculty at Michigan who is much opposed to specialization. His story about what is wrong with specialization relates to golf, as do most of his stories. This story is about the fellow who kept bragging that he had a pet gorilla that he had actually taught to swing a golf club and play golf. The gorilla was so expert and so good that he could beat any ordinary human being. "Well," his friend said, "that is just ridiculous. You're in your cups and you don't know what you're talking about, but I am going to take advantage of you anyway. Here is a hundred dollars that says I can beat your gorilla anytime."

So the bet was on and they went out to the golf course with the gorilla. The man said, "Let the gorilla tee up first." So the gorilla got up, addressed the ball, and let fly with a number two wood. The ball went fair and true down the fairway 450 yards and stopped just short of the green.

The other guy said, "I didn't think he could even hold a club. This

is ridiculous. Here is your hundred dollars; let's not go through this painful experience. Let's go back to the clubhouse and have a drink."

So they went back to the clubhouse and the loser said, "By the way, how does he putt?"

The owner of the gorilla said, "Just like he drives, 450 yards!"

I trust you see that is a parable. One may be so specialized that he treats everything the same way. I would like to think there is still a place for the generalist, for the person with broad and warm sympathies and sensitivity. Indeed, in a time when science is increasingly the darling of humankind, the legal profession, particularly, has tended to stand in judgment of that and has tried to maintain human values.

It seems to me that there is a great similarity between the legal profession and the profession of the ministry. I remember when Jim Pike left the legal profession to become a clergyman and ultimately a bishop. Harry Jones of Columbia wrote Jim and said, "I am so sorry that you are leaving the profession."

Jim wrote back, "I am not changing professions. I'm still going to serve the same clients only at a different bar."

I suggest that as you have opportunity in your lives as practicing lawyers and as members of bar association committees, to consider the problems of specialization, possible recertification, and the like, you will have in mind not merely your own self-interest, which surely is to take no more examinations than you must. I share that with you. As one who grades them, I would not want to have to grade any more of them than is necessary. I hope that you will also take into account the problem that we must face as responsible servants of the public. That is, there must be some way in which we can do a better job of getting clients to lawyers who are qualified to deal with their particular problems. Also, we must develop some better way than we now have to see to it that members of the profession keep their credentials up-to-date and try to improve their skills throughout their professional lives. Finally, I hope we will not be slow or reluctant to move vigorously as responsible members of that profession to help bring about these changes when they appear to be merited.