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Legal Education for Certified Specialization

Philip E. Heckerling*

ALEXIS DE TOCQUEVILLE, studying democracy in America in 1835, said that a republic would be unable to exist "if the influence of lawyers in public business did not increase in proportion to the power of the people."¹ In recent years, however, surveys reveal that the image of the lawyer in the eyes of the average layman is not as good as it might be.² Among participants in the popularity contest who have received college training, they placed after doctors who, with twenty-seven percent of the total vote, were on top of the list. Ranking next were professors, business executives, and engineers. Lawyers received only seven percent.³

While some complaints against lawyers are unfounded, such unflattering statistics should prompt us to see whether we ourselves have not been partly responsible for this loss of public confidence.

Almost a quarter of a century ago Justice Wiley Rutledge, of the United States Supreme Court, warned lawyers that there was a danger if the practice of the law was to extend "to include things which other men can do as well as the lawyer, and some things which other men may be better qualified to do."⁴

Lawyers complain that competition from accountants, real estate men, bankers and others results in unauthorized practice of law, and that the organized bar should stop these people.⁵ Nevertheless, many of the same lawyers have done little to keep abreast of the changes which daily take place in the law. When clients ask about the uses of the "marital deduction" for estate and gift tax purposes, attorneys often suggest that an accountant, or bank trust officer be consulted. When a lawyer attempts to give such

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¹ DeTocqueville, *Democracy in America*, Chap. 16 (1835).

² Blaustein, *What Do Laymen Think of Lawyers?* Polls show the need for Better Public Relations. 38 A. B. A. J. 39 (1952).

³ *Life Magazine* (Oct. 16, 1950), p. 14.

⁴ Rutledge, *Survey of the Conference Problems*, 15 U. Cinc. L. Rev. 228, 238 (1941).

⁵ See, Marks, *The Lawyers and the Realtors: Arizona's Experience*, 49 A. B. A. J. 139 (1963), discussing the recent experience in Arizona, where the voters adopted a constitutional amendment which, in effect, permits real estate brokers to practice law on a limited scale.

advice himself, the client may soon realize that the lawyer is incompetent. It is not unusual for the lawyer to say that he knows nothing about tax law, since he handles "accident" cases, or real estate transactions, and doesn't care about taxation. Yet, the same lawyer will not hesitate to serve on the local bar association's unauthorized practice committee, and to pursue the certified public accountant who dares to research the tax cases on behalf of his client.⁶

The fundamental complaint against lawyers appears to stem from the belief of the public that, in large part, lawyers bring about unnecessary expenses and delay, and are generally unnecessary.⁷ Lawyers' incomes reflect the effects of this loss in public confidence. If a remedy is not soon found, the young lawyer who is unable to raise a family on the income from his practice will have to turn to some other way of making a living.⁸

The purpose of this paper is to offer a partial solution, suggesting that by means of post-graduate education conducted under the auspices of the various law schools, professional specialization in the law will be encouraged through certification, with the end result that lawyers and the public will both benefit psychologically and economically.

The Case for Specialization

The "specialist" in legal specialization is Harrison Tweed, whose 1955 lecture before the Association of the Bar of the City of New York is the compendium of materials in this particular area of research.⁹ Not far behind is Professor Charles W. Joiner, of the University of Michigan Law School, the Chairman of the original Committee on Specialization and Specialized Legal Education of the American Bar Association.¹⁰ Professor Joiner pointed to the medical profession as an example to be followed

⁶ The American Bar Association has recently, through the Special Committee on Professional Relations, reaffirmed its desire to limit practice by lawyers who also practice as accountants, and by accountants who also practice as lawyers. 19 *J. of Taxation* 50 (1963).

⁷ Wham, *Specialization in the Law: The Public Need Must Be Better Served*, 42 *A. B. A. J.* 39 (1956).

⁸ Cantrall, *Economic Inventory of the Legal Profession; Lawyers Can Take A Lesson From Doctors*, 38 *A. B. A. J.* 196 (1952); Kent, *Problems of Specialization*, 37 *Ohio Bar* (21) 541 (1964); Davis, *What Should Be Done About Specialization in the Law Practice*, 37 *Ohio Bar* (26) 697 (1964).

⁹ Tweed, *The Changing Practice of Law* (1955).

¹⁰ 78 *A. B. A. Rep.* 347, 348 (1953).

by the bar,¹¹ in order that the legal profession not be destroyed.¹² Last but not least is a former Chief Counsel of the Internal Revenue Service, Arch M. Cantrall, who raised the banner of specialization in the unfriendly atmosphere of the non-specialist members of the American Bar Association.¹³

While these three men appeared to carry most of the load, there was an occasional assist from some other members of the bar. Dean Erwin N. Griswold argued the case of the specialist when he pleaded for the establishment of a Court of Tax Appeals. Against the argument that tax specialization would segregate tax law from the general body of substantive law, he pointed out that the tax specialist also had to have knowledge of the law of corporations, partnerships, contracts, estates and trusts, and real property, to do his job well.¹⁴ Professor Charles B. Nutting, Vice-Chancellor and Professor of Law at the University of Pittsburgh, recognized that, like the family doctor, the general practitioner was vanishing into the realm of legend. However, while recognizing that practice of law was becoming specialized,¹⁵ he felt that the law school undergraduate should still receive a theoretical rather than a practical legal education.¹⁶ Walter T. Fisher, of the Chicago Bar, recognized that "the public will not tolerate having the specific task at hand done in an experimental and costly manner in order to educate the well rounded practitioner to be available in the future for some other service for someone else."¹⁷ Charles Belous, of the New York Bar, saw the single practitioner becoming an anomaly unless he became a "specialist," since any lawyer who "cherishes his independence and is

¹¹ Joiner, *Specialization in the Law? The Medical Profession Shows the Way*, 39 A. B. A. J. 539, 542 (1953).

¹² Joiner, *Specialization in the Law: Control It or It Will Destroy the Profession*, 41 A. B. A. J. 1105 (1955). But see, Sidall, *A Retort to Professor Joiner's Call for Control*, 42 A. B. A. J. 625 (1956).

¹³ Cantrall, *Economic Inventory of the Legal Profession: Lawyers Can Take A Lesson From Doctors*, 38 A. B. A. J. 196 (1952); Cantrall, *Country Lawyer Looks at "Specialization,"* 48 A. B. A. J. 1117 (1962).

¹⁴ Griswold, *The Need for a Court of Tax Appeals*, 57 Harv. L. Rev. 1153 (1944); Heckerling, *The Quest for Certainty; a Court of Tax Appeals*, 40 Taxes 37, 40 (1962). Dean Griswold also has been a member of the original specialization committee of the ABA.

¹⁵ Nutting, *Training Lawyers for the Future: Some Theories About the Practice of Law*, 41 A. B. A. J. 607 (1955).

¹⁶ Nutting, *Training Lawyers for the Future*, 6 J. Legal Ed. 1 (1953).

¹⁷ Fisher, *Law and Lawyers In The Modern World*, 15 U. Cinc. L. Rev. 159 (1941).

also conscientious about his work, will soon become a nervous wreck trying to keep up with this mass of new legal knowledge and information."¹⁸

The idea of a *law center*, as conceived by the late Chief Justice Arthur T. Vanderbilt of New Jersey, brings us closer to the theme of integration of the law school, through post-graduate education, into legal specialization. As the former dean of the New York University Law School he knew that the three year undergraduate curriculum could never teach a student all that he needed to know for practice. The law center, by post-graduate instruction, could improve the efficiency of the active members of the bar. In graduate courses, lawyers would come back to school, just as doctors, dentists and engineers did. These law centers would develop courses in all the specialties in which the practicing lawyers were interested, as well as in other subjects of legal-cultural nature.¹⁹

We note, in passing, the argument that economically a lawyer, as a specialist, can earn more because of less competition, and have more opportunity to develop intellectually because he has more free time.²⁰ Dean Rostow, of the Yale Law School, no advocate of specialization, cites the experience of several members of his faculty who have roamed outside of their specialties. One professor of tax law was designated as appellate counsel by the Court of Appeals for the Second Circuit in several criminal cases. Not only did this tax expert enjoy the work, says Dean Rostow, but he also received the commendation of the court for a job well done.²¹ At present, most lawyers do not have time for such extracurricular activities because, besides their practice, they are too busy attempting to stay abreast of developments in *all* fields of law.

¹⁸ Belous, *So You Want to Practice Law*, *Queens Bar Bulletin* (April 1955) p. 150.

¹⁹ Vanderbilt, *The Mission of A Law Center*, 27 *N. Y. U. L. Rev.* 25 (1952); Vanderbilt, *The Law School in A Changing Society: A Law Center*, 32 *A. B. A. J.* 525 (1946); Vanderbilt, *The Responsibilities of Our Law Schools To The Public And The Profession*, 3 *J. Legal Ed.* 207 (1950).

²⁰ *Economic Facts for Lawyers*, 3 *Law Office Econ. & Man.* 403 (1963); Segal and Fei, *The Economics of the Legal Profession: An Analysis by States*, 39 *A. B. A. J.* 110 (1953); Cantrall, *Economic Inventory of the Legal Profession: Lawyers Can Take Lesson From Doctors*, 38 *A. B. A. J.* 196 (1952).

²¹ Rostow, *The Lawyer and His Client*, 48 *A. B. A. J.* 25 (1962).

The Case Against Specialization

There is a tradition that all attorneys can and should be able to perform all the functions of the legal profession. The English separation between barristers and solicitors never did take hold in America.²² Now it is suggested that this might, after all, have been all to the good, since "in an increasing number of fields the so-called solicitor who is thoroughly familiar with the business background and the law and practice in his field is better equipped than is the general trial lawyer."²³ Specialists tend to be too narrow, says another critic, and they fail to approach multi-faceted problems with a broad perspective.²⁴ A certain arrogance of assurance is created by highly specialized knowledge of one subject. Because the specialist knows more about a subject than anyone else he may soon delude himself into believing that he also knows it better than anyone else.²⁵

The familiar medical analogy is pointed to in support of the need for the "family" lawyer. The general practitioner in law, as in medicine, performs a similar service, as family adviser, personal counsellor, confidant and friend. Specialization will inevitably tend to disrupt and destroy this relation.²⁶ Professor Jones, of the Columbia University Law School, has said:

The lawyer drawing a will, representing a client in a criminal case, or advising in matters of family relations potentially overlaps with the role of the physician, social worker, psychiatrist, or minister.²⁷

Wide differentiation by culture, training and function between the "country" lawyer and the attorney in the larger cities is another criticism raised against fragmentation of the profession

²² It has been suggested this distinction arose in early England due to historic accident that the Inns of Court were virtually the only centers of technical legal instruction during the development of the common law, and also because litigation was then the major part of the practice. See Wham, *Specialization in the Law: The Public Need Must Be Better Served*, 42 A. B. A. J. 39 (1956).

²³ *Ibid*, at 40.

²⁴ DeForest, *Do Doctors Have the Answers to Lawyer's Economic Problems?* 48 A. B. A. J. 442 (1962).

²⁵ This opinion was expressed in the Maudsley Lecture delivered before the Royal Medico-Psychological Association, in 1934, by the Rt. Hon. Lord MacMillan.

²⁶ DeForest, *supra* note 24.

²⁷ Jones, *The Metropolis In Modern Life* 312 (1955).

and overspecialization.²⁸ "The law is a seamless web," says the argument, and a lawyer either knows it all or he is no lawyer. Besides, the legal services of specialists cost more, say the objectors. Or, they say, it is disparaging for lawyers to be labeled as "real estate lawyers" or "tax lawyers" or "labor lawyers," when the Bar has spent years trying to persuade the public that lawyers are competent in every field.²⁹

The large law firm, in fact, with its many partners and associates, already has eliminated the problem of segmented expertise. It is only the solo practitioner who is really complaining. If we follow the doctors, we must first develop "a group of legal internists or client contact men," who will insure a highly ethical concept of specialization without fee-splitting and client stealing.³⁰ This objection now has been partially accepted by Dean Russell Niles, the supervisor of legal specialists,³¹ who, through his system of training at New York University Law School has set a pattern of post-graduate legal education for the United States.³²

Post-Graduate Legal Education

When the medical profession decided on a program to recognize the various specialties, the American Medical Association first asked the medical schools to assist in the implementation of this program by setting up a curriculum for the post-graduate instruction of physicians.³³ But we should first pause to clear up a problem of definition.

²⁸ Wham, *The Barrister and the Solicitor in British Practice: The Desirability of a Similar Distinction in the United States*, 21 A. B. A. J. 486 (1935); Tweed, *The Changing Practice of the Law* (1955) 20. But see Cantrall, *Country Lawyer Looks at "Specialization,"* 48 A. B. A. J. 1117 (1962); Cantrall, *Law Schools and the Layman: Is Legal Education Doing Its Job?* 38 A. B. A. J. 907 (1952).

²⁹ Tweed, *supra* note 47, at 24-25. But see, Kent, *Problems of Specialization*, 37 Ohio Bar 541 (1964).

³⁰ Siddall, *Specialization in the Law: A Retort to Professor Joiner's Call for Control*, 42 A. B. A. J. 625 (1956).

³¹ Niles, *Ethical Problems in the Specialization Question*, 49 A. B. A. J. 83 (1963).

³² The New York University School of Law's Plan of Specialized degrees, offering the LL.M. in three specialized fields of taxation, labor law, and business, was adapted by the evening Graduate and Advanced Professional Program of the University of Southern California School of Law in the February 1951 semester. Other law schools, although few, have also adopted this program of graduate study for practicing lawyers. See Horowitz, *Graduate Study For the Practicing Lawyer*, 4 J. Legal Ed. 196 (1951).

³³ Niles, *supra* note 31, at 89; Joiner, *Specialization in the Law? The Medical Profession Shows the Way?* 39 A. B. A. J. 539, 542 (1953).

The Association of American Law Schools has attempted to distinguish informal "continuing legal education" programs from the formal post-graduate education courses which are offered by law schools. To date, no hard and fast line of demarcation has been set. Nevertheless, the Association has recommended that a special committee be appointed to work out some standards in order that the two programs be separated, as the society does recognize that "much of what goes on under the label of graduate work is, in reality, post-admission legal education."³⁴

Many of the programs in law schools, as distinguished from local bar association institute programs, make little, if any, distinction between part-time and full-time graduate students. Some of the instructors, if not the majority, are on a part-time basis. The Association has raised the question whether such teachers have the time and the scholarly interest which are essential in handling a desirable course of study for a graduate student.³⁵ However, the Association has been careful not to suggest that much of what is being labeled as "graduate work" should be abandoned. But it is interested in separating the academic theoretical training of future law teachers from the practical instruction given to the legal "specialists."³⁶ In fact, there has been some interest expressed by some of the association members in differentiating the post-graduate "academic" degree from the post-graduate "specialist" degree usually awarded upon the completion of the advanced professional program of education. Law teachers, and students desiring to "deepen and broaden" their study of law as well as to become "more rounded and thoughtful practitioners and public servants,"³⁷ would receive the degree of Legum Magister (LL.M.). The tax, labor, and other "specialists" in the various concentrated legal disciplines would receive as the degree the English-language version of the same degree, Master of Laws (M.L. or L.M.).³⁸

The Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association has

³⁴ Association of American Law Schools, *Anatomy of Modern Legal Education* 332 (1961).

³⁵ *Ibid.* at 340.

³⁶ Crabb, *On Integrating Law With The Academic World*, 14 *J. Legal Ed.* 329, 334 (1962); Clark, "Practical" Legal Training an Illusion, 3 *J. Legal Ed.* 423 (1953).

³⁷ Griswold, *Graduate Study in Law*, 2 *J. Legal Ed.* 272, 277 (1950).

³⁸ Report of the Special Committee on Graduate Instruction; Association of American Law Schools (1963) (unpublished).

recommended that the courses for post-graduate legal education designed for specialists be conducted under the auspices of the law schools.³⁹ Concurrently, some of the programs in formal law school post-graduate legal education have been spasmodically increasing in quantity and quality, mostly in response to the demands of prospective law teachers, but to a certain extent, especially in the large cities, from young attorneys hoping to specialize.⁴⁰ These law school programs have developed simultaneously with the growth of bar association continuing legal education activities. While very few law schools in the United States have established graduate programs for training in specialized fields, there are some 33 of 122 schools reporting, concentrated in the northeast and midwest, offering to graduate students instruction in taxation, international, and comparative law.⁴¹

It is illuminating to examine some currently available statistical data on graduate legal education in the United States.⁴²

In the academic year 1961-1962, the law schools in the United States conferred 578 degrees of Master of Laws. Of this number 556 were in law schools on the approved list of the American Bar Association, and 22 were in schools not on the approved list.⁴³ In addition, 41 degrees were awarded in doctorate programs (S.J.D. or J.D.S.) by the law schools in this country, all of which schools were on the approved list. Two years earlier, in the academic

³⁹ The Arden House Report said:

"Not enough is yet known about the problems involved in training, certification and control to justify any definitive recommendations at the present time. It was very clear, however, to the conferees at Arden House that further study and experimentation in this type of education should proceed promptly. It was recommended that the Joint Committee present plans for consideration by the organized bar. Meanwhile, the consensus was that law schools are the best medium for the immediate conduct and development of this type of education, unless sections of the American Bar Association or some of them wish to undertake the work."

See Continuing Legal Education For Professional Competence and Responsibility (The Report of the Arden House Conference, 1959) 9-10.

⁴⁰ Klitzke, Post Graduate Legal Education: Who Can Get It and Where, 5 So. Tex. L. J. 121 (1960).

⁴¹ Storey, The Legal Center Movement: Ten Years in Retrospect, 7 A. B. A. J. 997 (1961), See also The Modern Law Center, 4 SW. L. J. 375 (1950).

⁴² The attached statistics were compiled from the Journals of Legal Education, Klitzke, *supra* note 40, Fall 1962 Review of Legal Education (Section of Legal Education, American Bar Association), and Office of Education; U. S. Dept. of Health, Education and Welfare, "Earned Degrees Conferred—1959-1960" (1962).

⁴³ As of November 1, 1962 there were 135 law schools on the list of approved schools of the American Bar Association.

year of 1959-1960, there were 496 degrees of Master of Laws conferred, and only 24 doctorate degrees conferred in the post-graduate legal education programs in the United States. While there had been an increase of 16% in the Masters programs during the two years, the Doctors' degrees had risen by 70%.

In 1962-1963, the largest number of post-graduate law degrees was awarded by New York University, which conferred 190 Master of Laws degrees and 7 S.J.D. degrees. Georgetown University was second, granting 71 Masters' degrees, but no doctorates. Harvard University ranked third, conferring 60 Master of Laws, and 5 S.J.D. degrees. Yale was fourth, giving 39 Masters degrees, and 10 J.S.D. degrees. Boston University ranked fifth with its award of 33 Master of Laws degrees, but no doctorates. Two years earlier, in 1959-1960, New York University, Georgetown, and Harvard were also first, second and third respectively in the number of Masters degrees awarded. New York University had granted 175, Georgetown had conferred 64, and Harvard had awarded 56 Master of Laws degrees. However, Southern Methodist University had ranked ahead of Yale with 41 Masters degrees, and Yale was fifth with 27. Boston University had not yet begun its post-graduate legal education program, and had only awarded 2 Masters degrees. Yale conferred 8 J.S.D. degrees, twice as many as the University of Wisconsin, which ranked second with four Doctors degrees. New York University and Harvard granted only 2 S.J.D.'s during the 1959-1960 academic year.

From the foregoing statistics we can see that in 1959-'60 five law schools awarded 67% of all Master of Laws degrees. In 1961-1962, the percentage increased to 73% for five law schools. All five are located in the Northeast, and in metropolitan areas. However, Southern Methodist, one of the 1959-1960 leaders, located in Texas, has since discontinued its specialized degree in Oil and Gas law, and apparently now awards no more than three or four LL.M. degrees annually.⁴⁴

A few other law schools carry on significant graduate programs covering several fields, on a less specialized basis; such as Columbia University, the University of Southern California, the University of Miami, Temple University, the University of California at Berkeley; and (chiefly for foreign or civil law students) Tulane University and the University of Texas.

⁴⁴ Report of the Special Committee on Graduate Instruction, *supra* note 38.

Most other law schools which have graduate programs really might better call them "continuing legal education" programs. Some do so. For example, Cleveland-Marshall Law School of Baldwin-Wallace College annually conducts some twenty courses, called "Continuing Legal Education." These range across a dozen fields of law, and may be taken either towards the LL.M. degree or as "spot courses" for practitioners. In a sense, such an LL.M. program can be viewed as "specialization" in "general practice." Cleveland-Marshall, in 1963-4, had some sixty lawyers taking one or two courses each year, aiming at completion of the Master's degree by perhaps six or seven in a given year; with hundreds more taking perhaps one "spot" course per year purely in the sense of continuing legal education. Such a Master's degree program, given in the evenings, usually takes three or four years to complete, and in effect is a "general practice" "specialization."

Conclusion

For many decades, newly admitted lawyers have been acquiring "how-to-do-it" techniques mainly at the expense of clients.⁴⁵ As the years go by, the lawyer usually discovers that he has no time to explore developing legal fields, nor can he keep up with what the courts or legislatures are doing. If he is to acquire high proficiency in a particular legal area, he will usually need detailed technical instruction in specialized subjects. So he attends annual tax institutes, or enrolls in special courses, but finds that something is lacking. You really cannot absorb all the changes in the new Internal Revenue Code on a Saturday morning, and have coffee and cake at the same time. We cite tax specialization as an illustration; the same is true for other specialties.

In recent years, the American Bar Association studies, made in conjunction with proposals for recognition and regulation of specialization in practice of law, have found that lawyers generally are not well enough prepared for handling of tax cases, that existing facilities for continuing legal education in the tax field are not reaching many lawyers who need to be reached, and that perhaps some new methods or approaches are needed.⁴⁶ These

⁴⁵ Stumpf, What You Should Know About Continuing Legal Education, 6 Student L. J. 6 (1960).

⁴⁶ Bulletin of the Section of Taxation; American Bar Association, Annual Report (July 1963) 43. It has been suggested that a Canon should be framed,

(Continued on next page)

studies indicated that general practitioners have been frightened away from continuing legal education programs because in the past they have been too specialized and too sophisticated, and are therefore over the heads of most of the audience. As was previously suggested in this discussion, it is also intimated that lawyers in the area have abdicated practice of tax law to the accounting profession and, in some instances, to trust departments of banks or to life insurance companies.⁴⁷

The Section of Taxation of the American Bar Association indicates the extent of post-graduate education in the field of taxation carried on by law or graduate schools. Of those colleges and universities covered in its survey of twenty-four states, no more than three were offering a one year graduate course leading to the degree of Master in Law of Taxation. Four other universities or colleges, located in different states, also offered post-graduate courses at irregular intervals. No post-graduate education program was indicated for the remaining fifty-one universities or colleges included in the American Bar Association survey.⁴⁸

From the foregoing we can see that very few schools in the United States have established graduate programs for training in specialized fields. When asked what a young lawyer or a new law school graduate should do, who wishes to develop himself, one committee member of the American Bar Association suggested that the individual matriculate for the LL.M. degree in taxation at New York University Tax School.⁴⁹ Must he leave New Mexico, or North Dakota and come to New York? If this young lawyer intends to specialize, certainly such a Master of Laws in Taxation is a type of certification. Dean Niles of N. Y. U. has said that, while it is only an academic degree carrying with

(Continued from preceding page)

stressing the duty of a lawyer in giving counsel and advice to utilize the service of such experts. See McCracken, Report on Observance of Stated Professional Standards, 37 Va. L. Rev. 399, 421 (1951). See also Wade, The Attorney's Liability for Negligence, 12 Vand. L. Rev. 755 (1959); Gardner, Attorneys' Malpractice, 6 Clev-Mar. L. Rev. 264 (1957); Blaustein, Liability of Attorney to Client in New York for Negligence, 19 Brooklyn L. Rev. 233 (1953).

⁴⁷ The Lawyer's Role in Modern Society: A Round Table, 4 J. Pub. L. 1, 48 (1955). Professor Elliott E. Cheatham, of Columbia University, points to the statistician, accountant, title company, trust company, and the collection agency, as the "specialized groups which have arisen to offer their help . . ." See also, Sheriff, The Lawyers and Taxation: Taxes Are Now Part of General Practice, 38 A. B. A. J. 511 (1952).

⁴⁸ Bulletin of the Section of Taxation, *supra* note 46, at 51.

⁴⁹ *Ibid.*, at 57.

it no assurance as to the practical experience or skill of the graduate, it is a beginning.⁵⁰

We suggest that more energy be directed toward encouraging the American Bar Association to recognize certification of specialties. It has now been ten years since the question was introduced by President Storey, and there is still no recognition. It will require an enormous expenditure of time and money to devise training programs and testing techniques, and we should be able to get started *now*, in the law schools, for what surely must come. It has been suggested that perhaps sanctions could be applied, to compel adequate participation by the bar, in order to keep lawyers abreast of current changes in the law.⁵¹ The bar could require that no attorney list himself in any directory or law list, unless the lawyer first completed the necessary educational requirements by way of a Master of Laws degree in an approved specialty. Exceptions could be made through a "grandfather clause," and there also would be alternative experience methods of certification. However, we believe it is time for the public to be protected. Ten years of procrastination is long enough.

⁵⁰ Niles, *Ethical Problems in the Specialization Question*, 49 A. B. A. J. 83, 89 (1963). See also Dunker, *Legal Specialists: Specialized Legal Service*, 41 A. B. A. J. 691 (1955); Niles, *A Graduate Program for Lawyers*, 1 J. Legal Ed. 590 (1948).

⁵¹ *The Law Schools Look Ahead—1959 Conference On Legal Education* (Univ. of Michigan Law School, 1959).