

THE BAR EXAMINER MAGAZINE

By Evan Gutman CPA, JD (2026)

The National Conference of Bar Examiners held its first meeting on September 16, 1931. It began publishing a magazine titled “The Bar Examiner” which is still published today. Most members of the public don’t even know these organizations exist or what they have done to monopolize the delivery of legal services. The monopoly allows incompetent attorneys who support the profession’s economic interests to profit when litigants go to prison, parents lose custody of their children, families lose their property, litigants lose civil cases, etc.. The concept from the State Bar’s perspective is, “lawyers first, the public second, if at all.”

In 1996, I realized that the NCBE’s magazine, “The Bar Examiner” was the cornerstone in conjunction with the ABA’s Legal Education and Bar Admissions Section, and its’ UPL committee, to the State Bar’s economic protectionism and the profession’s legal monopoly. I wanted to read prior issues of the magazine. Past issues were in law school libraries. The magazine was not however, carried by any public libraries that I looked into. I was living in New Jersey at the time and quickly learned that to be allowed admittance into most of the law school libraries in the area, all I needed to do was present my Bar card showing that I was a licensed attorney. I did so numerous times at the Seton Hall Law Library. Each time I did it, a certain thought process went through my mind. It was simple in nature and as follows. If I were not a licensed attorney, then I would not be able to gain access to this magazine. I am constantly saddened by the thought that law schools which are in large part funded by students paying tuition with student loans guaranteed by the federal government, exclude the general public from using their facilities. So there I

was, reading issues of the “Bar Examiner” dating back to the early 1930’s, spending 10 cents per sheet to photocopy virtually every single applicable article on the issue of character from 1931-1946.

Crinkled old books with yellowed pages that revealed the diabolical foundation of our nation’s legal profession in the 20th century. No one in the law school library gave me a second thought, or could have cared less about what I was researching. But I felt I was on to the hottest find of the century. In January, 2001 I went back to the Seton Hall Law Library to do some more research. Although I was virtually certain I had photocopied the most pertinent articles of the Bar Examiner magazine, I decided to take another look to see if I missed anything. But, they were gone. The library maintained virtually all other dated information including appellate opinions dating back to the early 1800s. But, the early issues of the Bar Examiner Magazine had been taken off the shelf. I went to the computer index catalog and discovered the "Bar Examiner Magazine" had been transferred to microfiche, with one significant exception. The microfiche only included issues of the magazine going back to 1980. Everything else from the early 1930s through 1979 was apparently now unavailable. The most pertinent and incriminating articles ever written about the legal profession, by those who control the profession itself, seemed to be no longer available for research at all. Previously, to gain access to the old Bar Examiner articles, I had to be an attorney and show my Bar card. Now, it seemed no one could gain access to them. As will be demonstrated herein, the profession's concern about those articles is well-warranted. The State Bars don't want the public to know what is in those old articles that form the foundation of the Bar admission process. But I got them. When you read the below quotes you will truly be shocked at what the irrational supporters of the State Bar monopoly wrote in the 1930s and 1940s.

The purported justification supporting these morally detestable quote

provided by authors for the NCBE in the Bar Examiner Magazine, are nothing short of overt confessions of racially discriminative intent on the part of those who control the legal profession. The following factual historical quotes from the Bar Examiner magazine exemplify the foundation and intent of the modern day State Bar admissions process and are detestably incredible (See Supporting Footnotes below for detailed source including the Month, Issue and Page number of the Bar Examiner magazine including these quotes). So, here are the quotes from the Bar Examiner Magazine that I found in 1996:

“But I think that the place to draw social and racial lines of this sort, if anywhere, is at the portals of the bar associations.”¹

“We do not necessarily have the feeling that we should keep the door partly open . . . for another Lincoln.”²

“The voice of the clan, the force of its dictates, is strong in every situation in life. When an individual lawyer struggled with an ethical question . . . the picture of how the group demanded that . . . question should be answered had to be dealt withThe struggle itself was a protection to the group. It retarded the formation of anti-group habits..... But in order to insure that the struggle would take place the group idea had to be kept alive and active in the mind of each lawyer. It was kept alive by his being made to feel that he “belonged.” Only through membership in it could he become part owner in the economically valuable franchise.Thus, when group consciousness is strong the ordinary lawyer can not easily separate ideal values from economic values.”³

“In performing his duties, the bar examiner wields vast powers in that . . . he may to some extent determine the destiny of the nation”⁴

“First, there is the very easy case, the case of the man whose father or uncle has been known to the Board, etc. He, of course is immediately passed..... The most difficult question that the County Board has come up against is as to whether they should reject a man because of his appearance, his manner or general surroundings"⁵

“..... the bar should seek to develop a consciousness, permeating its whole membership, that whatever is done primarily concerns it and its welfare.....”⁶

“If one opportunity among the many that are open to you were to be singled out . . . it is that of regarding yourselves..... as informed propagandists as ministers, if you like, of the true professional gospel.”⁷

“In all cases where the candidate is not known personally to one or more members of the character committee..... inquiries should be directed to all his references and past business connections.....”⁸

“It would be possible for a board to decide readily that where there is present such obvious deficiencies as want of directness, shiftiness, evasiveness, bad background and the one hundred and one other things which would satisfy a fair mind that the applicant is not going to make a proper lawyer, to reject him..... ”⁹

“..... It would seem to me that in regard to those border-line cases it would be necessary to give the Committee of Bar Examiners an arbitrary discretion, that the Committee..... should not be required to give any reasons . . . upon which their decision . . . was made. ”¹⁰

“If the interviewer . . . has been swindled by some one with a hooked nose, he feels that persons with hooked noses should not be trusted; and if a man of the Jewish race has double-crossed him in the past, he tends to place less confidence in other members of that race.”¹¹

“A proper regard for the public interest must cause the members of our profession grave concern where it is apparent that many lawyers are not making a decent living.”¹²

“. . . an investigation among the applicant’s friends, or in the neighborhood in which he lives may disclose that his habits are bad.....”¹³

“In the case of an applicant who is the son or other close relative of a reputable member of the . . . Barnot a great deal of examination is required”¹⁴

“We must not forget that in many parts of the country there still prevails the fallacious and discredited idea that everyone in democratic America has a right to become a lawyer.”¹⁵

“the proponents of the standards were referred to, in informal conversation among the opposition, as “The Snobs.” The opponents, who were impressed with the fact that Abraham Lincoln never went to either law school or college, were classified as “The Coon-Skin Cap Boys.”¹⁶

“Our European brothers went further. Der Feuhrer, in 1935, issued a decree that, for a period of years, no more lawyers should be admitted to practice.”¹⁷

FOOTNOTES

1. THE OPPORTUNITIES OF A BOARD OF BAR EXAMINERS, Bar Examiner Magazine, December 1932 (Pages 31-49)
2. Address by George Baer Appel, Secretary of Pennsylvania Board of Bar Examiners at third annual meeting of NCBE
3. IDEALS AND PROBLEMS FOR A NATIONAL CONFERENCE OF BAR EXAMINERS, Bar Examiner, November 1931 (Pages 4-17)
4. THE FUNCTION OF BAR EXAMINERS, Bar Examiner, Dec. 1931 (Pgs.27-42)
5. CHARACTER EXAMINATION OF CANDIDATES, Bar Examiner Magazine, January 1932 (Pages 67-70)
6. LIGHTS AND SHADOWS IN QUALIFICATIONS FOR THE BAR, Address delivered by Albert Harno at second annual meeting of the NCBE October 10, 1932
7. THE OPPORTUNITIES OF A BOARD OF BAR EXAMINERS, Bar Examiner Magazine, December 1932 (Pages 31-49)
8. A STUDY OF CHARACTER EXAMINATION METHODS, By Will Shafroth, Secretary NCBE, Bar Examiner Magazine, July –August 1934 (Pages 195-231)
9. IMPRESSIONS OF TEN YEARS, Bar Examiner Magazine, Oct. 1935 (Pages 467-473)
10. COOPERATION WITH LAW SCHOOLS AND THE SUPREME COURT, Bar Examiner Magazine, January 1936 (Pages 37-41)
11. PSYCHOLOGY POINTS WAY TO NEW CHARACTER TESTS, Bar Examiner, October 1936 (Pages 165-173)
12. EDITORIAL, CONDITIONS IN THE PROFESSION, Bar Examiner, Dec. 1936 (Pgs.25-28)
13. CHARACTER AND FITNESS, By William James, NCBE Chairman, Bar Examiner, March 1938 (Pages 37-41)
14. PRACTICAL OPERATION OF THE PENNSYLVANIA PLAN IN PHILADELPHIA COUNTY, Bar Examiner, March 1939 (Pages 38-44)
15. THE BAR ASSOCIATION STANDARDS and PART-TIME LEGAL EDUCATION, By Charles E. Dunbar, Chairman of the ABA Section of Legal Education, Bar Examiner Magazine, January 1940 (Pages 3-13)
16. MAINTAINING PROGRESS ON THE LEGAL EDUCATION FRONT, By George Morris, Former President ABA, Bar Examiner, October 1944 (Page 49)
17. ADDRESS BY THE CHAIRMAN, John Kirkland Clark, Chairman National Conference of Bar Examiners, Bar Examiner Magazine, October 1943 (Page 61-63)