

# South Carolina Law Review

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## Miscellaneous

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## MISCELLANEOUS

### LAW LISTS AND LEGAL DIRECTORIES\*

The following publishers of Law Lists and Legal Directories have received Certificates of Compliance from the Standing Committee on Law Lists of the American Bar Association for their 1957 editions:

#### COMMERCIAL LAW LISTS

**A. C. A. List: Associated Commercial Attorneys List, 165 Broadway, New York 6, New York.**

**The American Lawyers Quarterly: The American Lawyers Company, 1712 N. B. C. Building, Cleveland 14, Ohio.**

**The B. A. Law List: The B. A. Law List Company, 414 Colby-Abbot Building, 759 No. Milwaukee Street, Milwaukee 2, Wisconsin.**

**The Clearing House Quarterly: Attorneys National Clearing House Co., 3539 Hennepin Avenue, Minneapolis 8, Minnesota.**

**The Columbia List: The Columbia Directory Company, Inc., 320 Broadway, New York 7, New York.**

**The Commercial Bar: The Commercial Bar, Inc., 521 Fifth Avenue, New York 17, New York.**

**The C-R-C Attorney Directory: The C-R-C Law List Company, Inc., 15 Park Row, New York 38, New York.**

**Forwarders List of Attorneys: Forwarders List Company, 38 South Dearborn Street, Chicago 3, Illinois.**

**The General Bar: The General Bar, Inc., 36 West 44th Street, New York 36, New York.**

**The International Lawyers: International Lawyers Company, Inc., 33 West 42nd Street, New York 36, New York.**

**The Mercantile Adjuster: The Mercantile Adjuster Publishing Company, 7109 Greenwood, Seattle 24, Washington.**

**The National List: The National List, Inc., Chanin Building, 122 East 42nd Street, New York 17, New York.**

**Rand McNally List of Bank-Recommended Attorneys: Rand McNally & Company, P. O. Box 7600, Chicago 80, Illinois.**

**Wright-Holmes Law List: Wright-Holmes Corporation, 225 West 34th Street, New York 1, New York.**

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\*Released by the Standing Committee on Law Lists of the American Bar Association.

#### GENERAL LAW LISTS

American Bank Attorneys: American Bank Attorneys, 18 Brattle Street, Cambridge 38, Massachusetts.

The American Bar: The James C. Fifield Company, 121 West Franklin, Minneapolis 4, Minnesota.

The Bar Register: The Bar Register Company, Inc., One Prospect Street, Summit 1, New Jersey.

Campbell's List: Campbell's List, Inc., 905 Orange Avenue, Winter Park, Florida.

International Trial Lawyers: Directory Publishers, Inc., P. O. Box 30, Galesburg, Illinois.

The Lawyers Directory: The Lawyers Directory, Inc., 830 Ingraham Bldg., Miami 32, Florida.

The Lawyers' List: Law List Publishing Company, Suite 211, 8365 N. E. Second Avenue, Miami 38, Florida.

Markham's Negligence Counsel: Markham Publishing Corp., Markham Building, 66 Summer Street, Stamford, Connecticut.

Russell Law List: Russell Law List, 10 East 40th Street, New York 16, New York.

#### GENERAL LEGAL DIRECTORY

Martindale-Hubbell Law Directory: Martindale-Hubbell, Inc., One Prospect Street, Summit 1, New Jersey.

#### INSURANCE LAW LISTS

Best's Recommended Insurance Attorneys: Alfred M. Best Company, Inc., 75 Fulton Street, New York 38, New York.

Hine's Insurance Counsel: Hine's Legal Directory, Inc., P. O. Box 71, Professional Center Building, Glen Ellyn, Illinois.

The Insurance Bar: The Bar List Publishing Company, State Bank Building, Evanston, Illinois.

The Underwriters List of Trial Counsel: Underwriters List Publishing Company, 308 East Eighth Street, Cincinnati 2, Ohio.

#### PROBATE LAW LISTS

The Probate Counsel: Probate Counsel, Inc., 411 No. Central Avenue, Phoenix, Arizona.

Sullivan's Probate Directory: Sullivan's Probate Directory, Inc., 84 Cherry Street, Galesburg, Illinois.

## STATE LEGAL DIRECTORIES

The following state Legal Directories published by The Legal Directories Publishing Company, 1072 Gayley Avenue, Los Angeles 24, California:

Alabama and Mississippi Legal Directory.

Arkansas and Louisiana Legal Directory.

Carolinas and Virginias Legal Directory.

Delaware-Maryland and New Jersey Legal Directory.

Florida and Georgia Legal Directory.

Illinois Legal Directory.

Indiana Legal Directory.

Iowa Legal Directory.

Kansas Legal Directory.

Kentucky and Tennessee Legal Directory.

Minnesota - Nebraska, North Dakota and South Dakota Legal Directory.

Missouri Legal Directory.

Mountain States Legal Directory (for the States of Colorado, Idaho, Montana, New Mexico, Utah and Wyoming).

New York Legal Directory.

Ohio Legal Directory.

Oklahoma Legal Directory.

Pacific Coast Legal Directory (for the States of Arizona, California, Nevada, Oregon and Washington).

Pennsylvania Legal Directory.

Texas Legal Directory.

Wisconsin Legal Directory.

## FOREIGN LAW LISTS

Butterworth's Empire Law List: Butterworth & Co. (Publishers) Ltd., 88 Kingsway, London, W. C. 2, England.

Canadian Law List: Cartwright & Sons, Ltd., 2081 Yonge Street, Toronto 12, Ontario, Canada.

The International Law List: L. Corper-Mordaunt & Company, Pitman House, Parker Street, London, W. C. 2, England.

Kime's International Law Directory: Kime's International Law Directory, Ltd., 102-A Southampton Row, London, W. C. 1, England.

## **ETHICS AND PROFESSIONAL RESPONSIBILITY**

The Committee on Ethics and Professional Responsibility of the South Carolina Bar Association has rendered the following opinions at the request of President J. Davis Kerr.

### **I. OPINION ON COMPETITIVE BIDDING BY ATTORNEYS FOR LEGAL WORK :**

A member of the South Carolina State Bar Association has initiated a request for a ruling by this Committee as to the propriety of an attorney engaging in competitive bidding for legal services to be rendered to a municipal corporation.

It is the opinion of this Committee that the engagement of an attorney by a municipal corporation or other public agency or governmental body, or other bodies or persons requiring legal services, and the amount of the attorney's fee for legal work, are not proper subjects for competitive bidding.

Canon 12 of the Canons of Professional Ethics provides that in fixing fees it should never be forgotten that the profession is a branch of the administration of justice, and not merely a money-getting trade.

Canon 27 of the Canons of Professional Ethics provides that it is unprofessional to solicit professional employment.

Canon 29 of the Canons of Professional Ethics provides that an attorney should strive, at all times, to uphold the honor and maintain the dignity of the profession and to improve not only the law but the administration of justice.

Your Committee considers that competitive bidding by an attorney for any legal work is in violation of the three mentioned Canons of Professional Ethics.

### **II. OPINION ON AN ATTORNEY'S MEMBERSHIP IN A BETTER BUSINESS BUREAU, CHAMBER OF COMMERCE, AND SIMILAR COMMUNITY ORGANIZATIONS :**

There has been sought from this Committee further clarification of the Opinion expressed in the previous Committee's Report to the Annual Meeting (1957) of the South Carolina State Bar Association (South Carolina Law Quarterly, Vol. 9, pages 507-508) as to the propriety of an attorney being a member of a Better Business Bureau.

In view of the fact that the aim of Better Business Bureaus, Chambers of Commerce, and similar community organizations, is fundamentally the promotion of better conditions in their communities, this Committee feels that there is no ethical objection to an attorney belonging to and contributing to the support of such organizations in his locality, provided it is clear that his membership is to support and promote the purposes of the organizations and not for the purposes of advertising; an attorney should take care that any publicity about his membership or activity in such an organization should not emphasize his status as a practicing attorney.

III. OPINION ON LISTING OF ATTORNEY'S NAMES IN TELEPHONE DIRECTORIES IN A DISTINCTIVE MANNER, SUCH AS BOLD FACE TYPE:

Inquiry has been made of this Committee whether it is improper for an Attorney to permit his name to be listed in telephone and city directories in bold face type.

It is the opinion of this Committee that distinctive listing in any directory which identifies the person listed as an Attorney, is an implied solicitation of professional employment, whether the listing is placed in the classified or the regular section of the directory; such distinctive listing, by use of bold face type or other distinctive type, is a violation of Canon 27 of the Canons of Professional Ethics, and is therefore to be avoided.

COMING B. GIBBS  
SIMPSON HYATT  
PHILIP WILMETH

*Committee on Ethics and Professional  
Responsibility, South Carolina State  
Bar Association.*

**RULES FOR THE EXAMINATION AND ADMISSION  
OF PERSONS TO PRACTICE LAW  
IN SOUTH CAROLINA**

Pursuant to an Act of the General Assembly approved by the Governor on June 18, 1957, 50 St. at L. 553, and the inherent power of the Courts to fix qualifications for admission to the Bar, the following rules for the examination and admission of persons to practice as attorneys at law in South Carolina are hereby prescribed and adopted to become effective March 1, 1958, and from such effective date shall be the exclusive and only rules for admission to the Bar.

**RULE 1**

Section 56-111 of the 1952 Code providing for a State Board of Law Examiners is hereby continued in full force and effect. The examiners appointed thereunder shall continue to serve for the respective terms for which they have been appointed. The Clerk of the Supreme Court shall be *ex officio* Secretary of the Board.

**RULE 2**

It shall be the duty of the Board of Law Examiners to determine whether applicants for admission to the Bar possess the necessary legal knowledge. They shall conduct examinations twice each year commencing on the fourth Wednesday in February and June and continuing for such length of time as the Board may determine. The subjects upon which applicants shall be examined shall be such as the Board deems proper. The Board is empowered to make such rules and regulations with reference to the method of conducting the examinations as they may deem expedient. Included in such rules and regulations shall be the list of subjects upon which applicants will be examined. Changes or additions may be made from time to time provided reasonable notice is given of such changes. In the event of the failure of an applicant to pass the first examination he may, if otherwise qualified under these rules, be permitted to take a second examination. In the event he fails to pass the second examination, he shall not be permitted to take a third examination within the next succeeding eleven months. No applicant shall be permitted to take more than three examinations.

## RULE 3

For the purpose of determining the fitness, character and qualifications of applicants who desire to be admitted to practice law in South Carolina, there is hereby created a committee to be known as the Committee on Character and Fitness, which shall consist of five members of the Bar to be appointed by the Supreme Court. The members first appointed shall hold office for one, two, three, four and five years, respectively, as designated by the Justices of the Supreme Court. Their successors shall be appointed for a term of five years each. In case of vacancy for any cause a member of the Bar shall be appointed by the Supreme Court to fill the unexpired term. The Committee shall elect a chairman and a secretary. The Committee is empowered to adopt rules and regulations not inconsistent with these rules, which shall become effective upon approval by the Supreme Court.

## RULE 4

It shall be the duty of the Committee on Character and Fitness to investigate and determine whether or not an applicant for admission to the Bar possesses the qualifications prescribed by these Rules as to citizenship, age, character, residence and legal education. The burden shall be on the applicant to establish to the reasonable satisfaction of a majority of said Committee that he possesses such qualifications. In the conduct of its investigations the Committee, if deemed necessary, may take and hear testimony and compel, by subpoena, the attendance of witnesses and require an applicant to appear for a personal interview. Any member of the Committee may administer oaths and issue subpoenas.

## RULE 5

Except as to attorneys admitted on reciprocity as provided by Rule 10, no person shall hereafter be admitted to the practice of law in South Carolina unless he (1) is a citizen of the United States and at least 21 years of age, (2) is a person of good moral character, (3) has been an actual resident of South Carolina for a period of not less than six months prior to his application for admission, (4) is a graduate either of the Law School of the University of South Carolina, the Law School of South Carolina State College, a Law School approved by the Council of Legal Education of the American Bar Association or such other Law School as may be ap-



proved by the Supreme Court, (5) has been recommended as possessing the foregoing qualifications by the Committee on Character and Fitness, (6) has taken the examination given by the Board of Law Examiners and has been certified by that Board as possessing the legal knowledge necessary to engage in the practice of law in South Carolina, (7) and has paid the fees and taken the oath prescribed by these rules. The pronoun "he" wherever used refers both to male and female applicants. An applicant who has attended a law school in this State during the last two semesters prior to graduation shall be considered as fulfilling requirement 3 of this rule as to residence. Provided, further: Any person who prior to January 1, 1957, commenced the study of law in a law office under the direction of a member of the Bar of this State, as heretofore authorized by Rule 30 of this Court, may on or before April 1, 1958, apply to the Supreme Court for a variation or relaxation of requirement 4 of the above Rule as to graduation from a law school. The granting or refusal of such application shall rest in the discretion of the Supreme Court.

#### RULE 6

Any person desiring to take the bar examination shall file application in duplicate, on forms prescribed by the Committee on Character and Fitness, with the Clerk of the Supreme Court not less than four nor more than six months prior to the time fixed for holding the examination, which application shall be accompanied by a fee of \$10.00. Each applicant shall be required to give a full and direct answer in ink in his own handwriting, subscribed and sworn to by him before some officer authorized to administer oaths, to each of the questions required by the Committee on Character and Fitness. The Clerk shall retain one application and deliver the other to the Committee on Character and Fitness who shall, not less than thirty days prior to the time fixed for the holding of said examination, certify to the Clerk of the Supreme Court whether or not the applicant possesses the qualifications as to citizenship, age, character, residence and legal education prescribed by Rule 5. The Committee shall further, as soon as practicable, notify the applicant whether his application has been accepted or rejected. The Clerk of the Supreme Court shall furnish the Chairman of the Board of Law Examiners with the names of those applicants who have been approved

by the Committee on Character and Fitness. No applicant shall be permitted to take the bar examination unless found by the Committee to possess the required qualifications.

#### RULE 7

The Board of Law Examiners shall certify to the Clerk of the Supreme Court the names of those applicants successfully passing the examination. The Court shall thereupon pass an order admitting such applicants to practice in the courts of this State upon each paying an additional fee of \$10.00 to the Clerk of the Supreme Court and taking and subscribing to the following oath, which shall be filed in the office of the Clerk:

"I do solemnly swear (or affirm) that:

"I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceeding which shall appear to me unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; but this obligation shall not prevent me from defending a person charged with crime in any case;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact of law;

"I will respect the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

"I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal

to myself the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice;

"I will abstain from direct or indirect solicitation of employment, to institute, prosecute or defend against any claim, action or cause of action.

"So help me God."

#### RULE 8

The oath required to be taken by Rule 7 shall be administered in open court and each person admitted to the Bar shall sign his name in a book kept for that purpose in the office of the Clerk of Court.

#### RULE 9

No part of the fee required by Rule 6 shall be refunded to the applicant in the event his application is rejected by the Committee on Character and Fitness or he fails to pass the bar examination. One-fourth of the fees required by Rules 6 and 7 shall be retained by the Clerk of the Supreme Court as a part of his compensation. The remaining portion shall be kept by the Clerk of Court in a separate fund and applied by him to the expenses incurred by the Committee on Character and Fitness.

#### RULE 10

Any attorney admitted to practice law in the highest court of the District of Columbia or in the highest court of another State in which the standard of admission is substantially equivalent to the standard of this State, who has been actively engaged for at least five (5) years next preceding filing of his application, either in the practice of law or, during said period has been a judge of a court of record or teacher of law, may be admitted to the Bar of South Carolina, without examination, upon satisfactory proof that he is a citizen of the United States and an actual resident of this State and intends to practice or teach law therein, is at least 26 years of age, and a person of good moral character. Application, accompanied by a fee of \$100.00, shall be filed with the Clerk of the Supreme Court on such form as the Committee on Character and Fitness shall prescribe and there shall be filed therewith (a) a certificate of the Clerk of the highest court of the District of Columbia or of the State in which he has practiced showing the date of his admission and his present

standing, (b) a letter or certificate of a Judge of a court of record in which the applicant has practiced certifying to his character and standing, and (c) affidavits of three attorneys of this State attesting to his good moral character. The Clerk shall refer such application to the Committee on Character and Fitness who shall make the necessary investigation to determine whether the applicant meets the requirement herein specified. As a part of such investigation, the Committee shall obtain a report from the National Conference of Bar Examiners as to the applicant's moral character and professional standing. If the applicant is favorably recommended by the Committee he may, in the discretion of the Court, be admitted to the Bar of this State upon payment of a further fee of \$10.00 to the Clerk of the Supreme Court and taking the oath prescribed by Rule 7.

The fee of \$100.00 above mentioned shall not be refunded in the event the application is withdrawn or rejected. \$30.00 of said amount shall be retained by the Clerk of Court as part of his compensation and the remaining \$70.00 and the fee of \$10.00 paid upon admission shall be placed in the separate fund kept by him for the purpose of paying the expenses incurred by the Committee on Character and Fitness.

Attorneys from States not extending reciprocity on substantially equal terms to attorneys licensed in this State shall not be admitted under this Rule.

#### RULE 11

An attorney from another State may, in the discretion of any court of record, be admitted *pro hac vice* to participate in the trial or argument of any particular cause in which he may for the time being be employed.

#### RULE 12

Nothing contained in these rules shall be construed as preventing a citizen not licensed to practice law from prosecuting or defending his own cause, if he so desires, but he may not prosecute or defend the cause of another.

Upon becoming effective, the rules herein prescribed shall supersede all rules of this Court or statutes in conflict therewith to the extent of the conflict.