

# PERSPECTIVES

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## A Call to Serve

BY HUNTER M. ABELL



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**W**ere you “called” to the bar? Or simply sworn in? The distinction is meaningful. It impacts how we commence and conceptualize service to our legal profession and the public.

Washington, like most states, welcomes new attorneys into the profession with a swearing-in ceremony. While the details of each ceremony may vary, most are coordinated by county bar associations and involve inspiring words from a local judge or practitioner, as well as a group recitation of the oath administered by a practicing judge.

The swearing-in ceremony is the penultimate step in the lengthy admissions process, starting with graduation from an ABA-accredited law school (or completion of the Law Clerk Program),<sup>1</sup> the character and fitness review, and the bar examination. The process is completed upon the Washington Supreme Court’s order of admission.

Our colleagues in other common law jurisdictions, however, join the legal profession in a slightly different way. In the United Kingdom, Canada, Australia, and a handful of other countries, fledgling members of the profession are “called” to the bar at the conclusion of their studies or clerkship during a “call ceremony.”<sup>2</sup>

Many of us have heard the phrase “called to the bar.” (Some of us may have felt a different sort of “call to the bar” after particularly tough law school exams.) You may be unaware,

however, as I once was, of the term’s origin, meaning, and potential applicability to today.

The “call” to the bar originates with the four English Inns of Court.<sup>3</sup> To practice in the United Kingdom, a barrister was “called” to the bar by the Inn to which he belonged.<sup>4</sup> The Inns served many purposes: disciplinary, educational, and social.<sup>5</sup> The idea was that barristers learned from their peers how to advocate.

Unlike many other aspects of our legal culture, the “call” to the bar did not successfully transplant to the American colonies. Some attorneys who were called to the bar by the English Inns of Court considered themselves members of the English bar, with a resulting right to practice in colonial courts.<sup>6</sup> For those attorneys who were not called by the Inns,



however, it appears that admission was a matter for each colonial court to decide, without involvement by an intermediary organization, such as the Inns.<sup>7</sup> After the American Revolution, admission to practice continued to be the province of the courts.

Today, barristers in the United Kingdom are still “called” to the bar by the Inns of Court. In Canada, both solicitors and barristers are “called” to the bar by the local Law Society.<sup>8</sup> Modern call ceremonies, while varying by jurisdiction, share various common characteristics. They typically involve an individual being personally called forward by name to join the ranks of the profession, followed by a physical or verbal response. In British Columbia, for example, a new attorney is individually called forward by name, he or she bows to the presiding judge, signs the barristers’ and solicitors’ rolls, and receives the certificate to practice.<sup>9</sup> It is an individualized process that entails an active and physical response to the “call.” The call and response of a call ceremony reinforces the concept that one is actively and voluntarily committing oneself to serving a greater profession.

## I suggest that county bar associations adopt call ceremonies in lieu of swearing-in ceremonies.

The cultural impact of the “call” has not been lost on interested observers. As noted by Judge Edward Re in his 2000 remarks at the Third Bench and Bar Conference of the Federal Circuit Bar Association:

At this juncture it is well to recall that our English colleagues, from whom we borrow not merely our common law, but also so many of our legal customs and traditions, speak of the calling of the law. The word *calling* brings to mind a noble notion of dedicated *service*. ... To answer a calling is to enter a ministry, a ministry of justice whose members are committed to the rendering of service to attain the peaceful and just resolution of disputes.<sup>10</sup>

Judge Re is onto something. If we are serious about upholding a “ministry of justice,”<sup>11</sup> then we must consider how the newest members of the Washington legal profession embark upon their legal careers. In that spirit, I suggest that county bar associations adopt call ceremonies in lieu of swearing-in ceremonies. Doing so

confirms that new attorneys are not merely “admitted” to practice, suggesting a begrudging entry into the profession. Instead, they are answering a higher call and affirmatively stating a willingness to join an honorable profession.

The county bar associations already do a superb job of coordinating swearing-in ceremonies. As such, and as the “heirs” to the Inns of Court, they are the logical entities to adopt the practice. Practically, adoption of a call ceremony would be simple. So long as the Oath of Attorney was administered before an elected or appointed judge sitting in open court, a call ceremony could be adopted that satisfies the requirement of Admission and Practice Rule 5(f). Moreover, a potential resource for the county bar associations in conducting call ceremonies would be the American Inns of Court. Established in the early 1980s under the leadership of Chief Justice Warren E. Burger, the American Inns of Court are dedicated to promoting professionalism and ethics in the legal profession.

On a personal level, a call ceremony would be a welcome opportunity to speak to family members and the public about the nature of

the legal profession. As such, call ceremonies could help educate an increasingly cynical public about the vital role the profession plays in civil society.

Finally, a call ceremony could celebrate the unique cultural differences across our state. A call ceremony in King County would presumably look very different from a call ceremony in Ferry County. Good. Some county bar associations may choose to adopt call ceremonies, while others may wish to retain their swearing-in ceremonies. Also good, particularly if it generates discussion about the nature and character of the event.

The county bar associations know best how to welcome new practitioners into their communities. That said, I encourage them to consider adopting call ceremonies. Doing so is an opportunity to call new members of the profession into a warm and noble “ministry of justice.”

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### NOTES:

1. Wash. Admission & Prac. R. 6 (2019).
2. See Daniel R. Hansen, “Do We Need The Bar Examination – A Critical Evaluation of the Justifications for the Bar Examination and Proposed Alternatives,” 45 Case W. Res. L. Rev. 1191, 1222-28 (1995).
3. Sandra R. Klein, “Legal Education in the United States and England: A Comparative Analysis,” Loy. of L.A. Int’l & Comp. L. Rev. 601, 613 (1991).
4. *Id.* at 614.
5. *Id.* at 615-16 (describing disciplinary, teaching, and socializing functions of the Inns).
6. Hansen, *supra* note 2, at 1194.
7. *Id.*
8. The provincial Law Societies serve many of the same functions as the WSBA. The Law Society of British Columbia, “Call and Admission to the Bar,” available at <https://www.lawsociety.bc.ca/becoming-a-lawyer-in-bc/call-and-admission-to-the-bar/>.
9. I am grateful to the Law Society of British Columbia for information regarding the contemporary call ceremony.
10. Edward D. Re, “The Profession of the Law,” 15 J. of Civ. Rights and Econ. Dev. 109, 110-11 (2000) (emphases in original).
11. Notably, Washington prosecutors are specifically described as “ministers of justice” in RPC 3.8 Comment [1].