

Title: In re Application of Max Shoop for Admission to Practice Law

Facts:

Max Shoop applied for admission to practice law in the Philippine Islands under paragraph four of the Rules for the Examination of Candidates for Admission to the Practice of Law, effective July 1, 1920. Shoop's supporting documents indicated that he had been admitted and had practiced for over five years in the highest court of New York State.

Shoop's application was predicated on a rule allowing discretion for admitting without examination lawyers who had practiced for at least five years in the highest court of any state or territory in the United States, provided that the said state grants similar privileges to lawyers from the Philippine Islands, under the principle of comity.

The New York Court's rule allowed for discretionary admission without examination to individuals who had:

1. Practiced for five years in the highest court in any U.S. state or territory.
2. Practiced for five years in another country based on the principles of English Common Law.

The Philippine Supreme Court, informally informed about instances where two Philippine lawyers faced differing outcomes under the New York rule, embarked on determining whether New York and Philippine rules were mutually accommodating by the principle of comity.

Issues:

1. Does New York law by comity recognize the Philippine Islands as a territory eligible to confer reciprocal admission privileges?
2. Is the jurisprudence of the Philippine Islands based on the principles of the English Common Law to satisfy New York's criteria for admission?
3. Can Max Shoop be admitted to practice law in the Philippine Islands based on his qualifications and practice experience?

Court's Decision:

The Court dissected the applicable New York admissions rule and established the following:

Issue 1: Territorial Recognition and Comity Principle

The Court reflected on a series of U.S. Supreme Court decisions and the U.S. Attorney-General's opinion to determine that the Philippine Islands, although not an organized

territory, were still a territory under U.S. law. It was held that New York's use of the word "territory" included unorganized territories such as the Philippines and that comity existed under this interpretation.

Issue 2: Jurisprudence Based on English Common Law

The Court examined the extent to which the Philippine legal system was influenced by English Common Law, given its significant application in American law and codified statutes. Philippine courts extensively relied on American and English cases and doctrines, incorporating them into local jurisprudence where they did not conflict with existing laws or local customs.

The Court noted that while the Philippine Islands retained elements of Spanish Civil Law, the predominant legal principles and case law used were derived from Anglo-American jurisprudence. Hence, it concluded that the Philippine system met the New York rule criteria.

Issue 3: Admission of Max Shoop

Given the comity and the substantial reliance on Anglo-American law in the Philippines' jurisprudence, the Court ruled that Max Shoop could be admitted to the Philippine bar without additional examination due to his qualification and practice in New York.

Doctrine:

1. **Comity Principle**: Mutual recognition and reciprocity in legal qualifications between jurisdictions are upheld if one jurisdiction treats the other with equivalent privileges.
2. **Jurisprudence Based on Common Law**: Jurisdictions with legal systems influenced by or founded on the principles of English Common Law are deemed to fulfill requisite criteria for legal practice reciprocity under common law-based states or rules.

Class Notes:

- **Principle of Comity**: Mutual acknowledgment and privilege granting among jurisdictions' legal practices.
- **English Common Law Influence**: The legal system's reliance on case law precedents and principles originating from English jurisprudence.
- **Reciprocal Admission**: Criteria for lawyer admission across jurisdictions based on equivalence and mutual recognition.
- **Legal Precedent Usage**: Employing common law principles and cases to interpret statutory and local law within jurisdictions.

****Key Statutes**:**

- ****Paragraph Four, Rules for Examination of Candidates for Admission to Practice Law, effective July 1, 1920****: Exam exemption criteria for lawyers practicing in high courts of U.S. states or territories by reciprocal recognition.
- ****Article 6, Philippine Civil Code****: Hierarchical application of written law, customs, precedents, and principles in jurisprudence.

Historical Background:

This case occurred during the American colonial period in the Philippines, a time when the Philippines' legal system was transitioning from Spanish to American influences. It illustrates the post-colonial influence of U.S. common law on the developing legal system in the Philippines, reflecting a blend of civil and common law traditions. The context underscores international legal practices and the principle of comity in a globalizing legal profession.

Source: Supreme Court E-Library - Decision authored by Justice Malcolm.