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Report of the Dean 1972-1973

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LAW SCHOOL
UNIVERSITY OF NOTRE DAME

Report of the Dean
1972-73

To the Chairman of the Board of Trustees, the
President, the Provost, and the Associate
Provost of the University of Notre Dame

Gentlemen:

These are curious times for American legal education, especially curious perhaps at this university law school, because we claim adherence to the traditions of Thomas More. Our profession has for more than two centuries provided rulers for America, as it provided leaders, including More himself, for More's England—presidents and speakers, senators and administrators, benign manipulators in American corridors of power. More than a few of America's lawyer-leaders have been educated at Christian, university law schools, and, as I think about Notre Dame law students this summer, I hope we are educating more than a few replacements for the lawyer-leaders of 1973.

American lawyers seem lately to have provided the nation with too many scoundrels; without prejudging matters of fact in Washington, D.C., this summer, the general impression is that too many of the lawyers who lead America ignore Bracton's landmark for lawyers in government—*Rex non debet esse sub homine, sed sub Deo et sub lege, quia lex facit regem*. (The king is under no man, yet he is in subjection to God and to the law, for the law makes the king.) The dreary discoveries of 1973 become more sobering when I reflect that many of the lawyers who seemed to forget principle were trained in Christian university law schools. I feel compelled to begin this report to you with what seems a remote and melancholy concern, because failure among the lawyers who lead America cannot be unimportant at Notre Dame; if it is, the sacrifices we make to have a law school here are wasted sacrifices. We lay special claim to moral concern and to compassion in leadership, and we pay an awesome price for the privilege. The summer's recitals from Washington are an inevitable counterpoint to the annual renewal of witness in our law school. And they are a terrible challenge to our mission as educators of lawyers and of leaders.

* * * *

The immediate local news at Notre Dame, in September 1973, is happy news. The expansion and renewal of our 43-year-old law building is finished; the result is a magnificent blend of convenience and technology with the Gothic beauty of what has always been to me the most handsome of Notre Dame's "depression buildings." For the first time in 20 years we have enough room; we can seat every Notre Dame law student in our splendid new Kresge Law Library. All of our classrooms are spacious, modern, superbly equipped. Every member of the faculty has a refurbished, refurnished office. And we have room in the law

library to accommodate necessary expansion in our collection, expansion which has been generously assisted by recent capital contributions from the testamentary trust established by the late John P. Murphy, '12L, Cleveland. The building is a pleasant home for legal studies—the most pleasant the Law School has ever had; I am proud of it. It says some important things about our people and our aspirations.

Our renewed building speaks profoundly about community effort here. The scheme for expansion was developed by Dean O'Meara, Mr. and Mrs. Stanley Farmann, our librarians, and by Professor Frank Montana of the Department of Architecture. Modifications in the scheme were worked out on a remarkably broad front by Associate Dean Link, who presided over the project. Ideas for the preservation and restoration of the main reading room, which is probably the loveliest room on campus, came from our own students, especially Steven Stegich, '72L, New York; the design for the new student lounge is the work of a class of Notre Dame architecture students; Associate Dean Link and a committee of the faculty, working with the architects, designed the classrooms and the faculty offices. Hundreds of improvements and the building's beautifully balanced interior decoration are the results of Associate Dean Link's dogged attention to detail, and of the devotion and good taste of our administrator, Marianne Hopkins, the library staff, students who took an interest in the project, members of the faculty, and, especially, Father Wilson, who has been generous with his time, his resources (and the University's), his insight and experience.

I suggested that we remodel our building in 1971, after it had become clear to me that we could not hope for funds to build an entirely new building. The response of members of the University Administration, then and every day since then, has been supportive and encouraging. All of us who will enjoy working in the renewed law building are beneficiaries of the concern and competence of Fathers Joyce, Wilson, and Burtchaell, and Brother Kieran Ryan.

Our building says subtle, important things about aspirations. It is a student-centered building; its most prominent accommodations are in the library, in the classrooms, and in the student lounge. Two relatively small areas of the building suggest unique things in our future. One of these, the gift of Professor Louis M. Brown of Los Angeles, is a new teaching law office. A small part of the main floor is devoted to a well-furnished lawyer's office, equipped with remote-control television equipment. The office will provide a laboratory for the professional activity in which most lawyers spend most of their time—talking to clients. Interviewing and counseling can now be used as a realistic method of problem- and issue-presentation in virtually every course taught here; client-centered lawyering can be worked out in the office, in a realistic atmosphere; the result can be private or it can be taped or put on viewing monitors in any room in the building.

Another small area, which speaks of our proud support of the President of this University, is the new civil rights reading room. That room, an integral part of the Kresge Law Library, will house the personal papers and records Father Hesburgh gathered during his membership on and chairmanship of the United States Commission on Civil Rights. The reading room will be supplemented with our existing book collection in the field and with modern microfilm

equipment for the use of scholars. These library resources will be the physical heart of the new Notre Dame Center on Civil Rights.

Ceremonies will follow during the next year to rededicate the building and to begin the public work of the Civil Rights Center. It will not, I hope, anticipate those events to incorporate here a part of Father Hesburgh's invocation for the dedication of the new Antioch School of Law, and to make that prayer my own:

May there be here a hunger for justice. May our students seek competence in the law, since compassion without competence would be a cruel hoax upon those they serve. May they also realize that competence in the law without compassion leads the lawyer to use the law for other purposes than the works of justice, blinds him to the sad plight of persons who suffer injustice for want of a lawyer champion. May these students in their lawyer lives ever avoid that which bends the law to ignoble ends. May these students learn the majesty of the law in this place, and, through the practice of law, may they earn for themselves and others the blessings of the God of Justice, not the least of which is personal and civic peace, which is at the same time both the noblest work and the first fruit of justice among just men working for the creation of a just society.

Students

Our student body is mixed in cultural, economic and social background; the average Notre Dame student's promise for the study of law is, by objective criteria, the highest in our history. In 1969, the typical first-year student had an academic college record (grade-point average) of 3.1, and a score on the Law School Admission Test of 524. The average student entering our school this year has a grade-point average of 3.5, a test score of 627. Our admissions committee, each member of which has other full-time duties on the faculty, selected these 1973 students from an applicant pool more than ten times as large as the entering class. Admissions pressures continue to increase, although we detect a certain leveling off as the result of our actively discouraging applications from students who stand no chance of admission. Here are some admissions-pressure figures:

| | <i>Inquiries</i> | <i>Applications</i> |
|------|------------------|---------------------|
| 1966 | 734 | 502 |
| 1969 | 1,970 | 897 |
| 1973 | 8,000 | 1,600 |

I am deeply grateful to my valued teacher, colleague and friend Professor Murphy for his chairmanship of the Admissions Committee in the past two years; to Professor Campfield and Mrs. Farmann, who have served with him; and to Miss Hopkins who has administered our admissions operation. The members of the committee have asked for well-deserved relief from these duties and I have appointed a new committee to assume their duties—Assistant Dean Foschio (chairman), and Professors Moo and Dutille.

Our admissions process consciously seeks diversity. We admitted 140 stu-

dents in August; all of them had superb academic records but the committee was able to recognize characteristics which would make it possible for the class to become a cosmopolitan community, a community of learners whose members teach one another and even the faculty. Our student body comes from 42 states, from 150 different colleges and universities; it includes accountants, ministers, farmers, entrepreneurs, veterans, teachers, scientists, husbands and fathers, wives and mothers, and officials of government.

Academic attrition this year was the lowest in recent memory; we lost no students from the second- and third-year classes and only two from the first-year class (about 1.5 per cent). That is a considerable achievement for our students, particularly in the first-year class. There is reason to believe that the Class of 1975 is the most intellectually able law class in Notre Dame history.

An Educational Testing Service study of college seniors planning to enter law schools (comparing them with eight other vocational groups) showed that potential lawyers have:

1. the highest career interest in high income, independence, and positions of leadership;
2. the second highest interest in being of service, working with people and rapid advancement;
3. relatively low interest in financial security and free time.

E.T.S. characterized the prototype potential law students as "bright . . . from families who encouraged advanced education . . . tending to have confidence in their academic ability . . . and ability to act when limited facts are available." Our students are, on these criteria, typical.

We receive a large number of applications, many more than we can accept, but we constantly seek candidates from a broad range of backgrounds, bright and interesting students who can contribute of themselves to their colleagues and to the educational process. Our alumni are an irreplaceable source of help in this effort. Following are some of them who gave generously of their time this year:

Jim Aranda, '71L, in Chicago
Jim Barba, '69L, in Albany
Bob Barton, '72L, in Sacramento
Jack Beatty, '65L, in Cincinnati
Russ Boltz, '72L, in Detroit
Hank Ciocca, '70L, in Atlanta
Michael Flaherty, '65L, at SUNY, Buffalo
Jim Gillece, '69L, in Baltimore
Gary Gottschlich, '72L, in Dayton
Bob Greene, '69L, at Canisius
Paul Mullen, '69L, in Baltimore
Joe Murray, '72L, in Philadelphia
Jerome Nealon in Binghamton, N.Y.
Bob Neiryneck, '69L, at University of Illinois
Stella Owens, '73L, in New York City
Jess Pendarvis, '72L, in Washington, D.C.
John Van de North, '70L, in St. Paul

Ed Wagner, '72L, at St. Bonaventure's
Merle Wilberding, '69L, in Cincinnati
John Zipprich, '72L, in Houston

We are for good reason proud of our students, but I of course have some concern about them and about what we are offering them. I have been puzzled, as most legal educators have, by the relative decline in social interest among law students and the relative increase in narrower vocational interest. I attempted to express some of this concern in a Law Day talk at Valparaiso University last spring; here are a few excerpts:

"My generation, and, I guess, that of most of your faculty, was the first post-Sputnik law-student generation. We were said in the Fifties to have been frightened by the spectre of the Russians having a moon rocket before we did. We were supposed to be serious and task-oriented because we feared for our country. In any event, we were, in Auden's phrase, 'trudging on time to a tidy fortune.' There was some small avarice in the motives of the Fifties—more avarice, I think, than technological competition. We left our time in the ivory tower feeling somehow unfulfilled and guilty, and that is the major reason we tended to overreact, affirmatively, ten years later, when our students became demanding about social concern. If you look around today for radical ideas, and hair that is long at the back and balding on top, you will find lots of us post-Sputnik lawyers. You will find in those of us who are thoughtful a certain melancholy at the fact that law students aren't as revolutionary as we thought they were.

"The development I am talking about—the development that, today, lingers mostly in the hearts of your oldest young teachers—reached its peak in the Cambodian adventure of 1970, when law students in California closed down their schools and those in New York intimidated the faculty and appalled the Court of Appeals. The real dynamic of that era, at Notre Dame, was the sense of shame that hit us all on the night Martin Luther King was killed. We had town meetings in our school. We had painful assessment and lots of contrition. Delegations were sent to the South to find black law students. We invented a curriculum that teemed with social concern—law and poverty, social legislation, the administration of criminal justice, three different species of jurisprudence, two kinds of law-reform-litigation courses, and several adventures into behavioral science.

"We don't have town meetings anymore. Or, if we have them, nobody comes. The only issues which gather a crowd of law students are complaints about the examination schedule, or about library conditions, or about mean teachers. And there are few gatherings even on those subjects. We still have our social-conscience courses but nobody takes them. Instead, we have more than a hundred students at a time taking corporate taxation and estate planning—and two students in law and poverty, ten in civil and political liberties, one in social legislation. If you had a meeting today, in most law schools, on police brutality, you could hold it in the broom closet. Two-thirds of those present would be on the faculty.

"We are peopled now by Marcus Welbys. If I understand law-student

feelings now, they indicate that young lawyers will concentrate on areas in which they can influence small numbers of people. They will be less interested in public service, political office, or broad, conspicuous leadership. The profile calls for a quieter, more modest legal profession. It may tend to become, in terms of public influence, more like the medical profession.

"The opportunities of law teachers for influence are quieter and more limited than we think they are. The greatest influences we have on students are quiet, personal influences. And in moments of personal influence the line between teacher and learner is blurred. When things are really going well, I suspect, both parties learn and both parties teach. The whole thing is collaborative, fluid, gentle, and impressive. In these moments we do what we can—and that is always less than we think it is—to prepare our students for the unbelievable burdens of leadership and determination which our country puts on the legal profession.

"If I fear anything when I look into the faces of this latest generation of law students, it is that we are losing our legal revolutionaries. If anything is unique about the legal profession in the United States it is that it has always been willing to take charge. More important than taking charge, it has been willing to pull the plug when the oppression of the time was simply not to be borne. We teachers have to have a chance to make sure that this generation of lawyers does not let down on this tradition of leadership. Our best chance is in the quiet, personal ways I have talked about. Or at least I think so."

Nonetheless, I asked the faculty to begin reassessing our widely elective curriculum. A committee is at work now on recommendations for change, especially change which will put more life into the traditionally dull third year of law study. I chair the committee; its faculty members are Associate Dean Link and Professors Rodes and Beytagh, along with John A. Burgess, '68L, South Bend, Christopher Kule, '74L, and Marcia Gaughan, '75L. The curriculum which the committee will study, whatever its defects, is one of the toughest in the country. Our first year is as demanding an experience as there is in higher education—a solid 30 semester hours of hard, casebook law, along with two hours of introduction to the legal profession, and two of legal bibliography. The second and third years are elective and integrated with an extensive faculty counseling system. The students tend to take the strongly traditional courses. A survey of the Class of 1973 indicates that:

- 97.5 per cent took business associations, constitutional law, evidence, a federal tax course, and property settlement (wills, trusts, and death taxation);
- 95 per cent took commercial transactions (and most of the remaining five per cent audited the course);
- 80 per cent took practice court;
- 65 per cent took jurisprudence.

Our clinical programs remain popular; these include work as law-reform interns in the National Center for Law and the Handicapped; appellate advocacy in a new real-client seminar supervised by Assistant Dean Foschio and Professor Beytagh; supervised criminal-law practice in Assistant Dean Foschio's programs

in prosecutors' and public-defender offices; Prof. McIntire's year-around clinical programs in environmental law; Prof. Broderick's seminars in labor arbitration and trial practice; and Legal Aid and Defender Association work in several area counties.

Assistant Dean Foschio and Steve Josias, '73L, developed this year a new, noncurricular "law office field program" which places law-student volunteers in a series of law offices for periods of one week at a time. I am grateful for assistance in this project from Thomas Singer of the South Bend Bar (who does so many generous things for us that he is virtually an unpaid member of the faculty), and to five other South Bend lawyers—Edward J. Gray, '52, '58L; James Roemer, '55L; Robert Michaud, '50, '51L; and Robert Stephan.

Again this year our academic programs were enriched by visits from governmental leaders, members of the Bar, judges, and experts from other disciplines. In October the Indiana Court of Appeals heard two oral arguments, one criminal case and one medical malpractice case, in the Center for Continuing Education. Chief Judge George Hoffman kindly provided us with a full set of briefs prior to the arguments. The Indiana Continuing Legal Education Forum sponsored a new, experimental closed-circuit television series on trial advocacy for our students and local lawyers; student reaction was positive. Four of our students were appointed instructors in the University's freshman seminar program, as part of a new experimental venture in offering law as a substantive part of the undergraduate curriculum. In March the St. Joseph County Bar Association invited our students to a presentation on lie-detector evidence. We hosted the regional rounds of the National Client Counseling Competition in April. The American Trial Lawyers Association presented a daylong trial-tactics seminar in April, and another in September, for the Law School and for the local Bar—arranged with the help of Professor Broderick, Bob Lueck, '74L, and David Matthews, '52L; other speakers included:

Donald Brunner, Shelbyville
Dempsey Cox, South Bend
James Dooley, Chicago
Dr. Martin E. Feferman
Steven Milwid, Chicago
Roger Pardieck, Seymour
Saul Ruman, Hammond
Thomas Singer, South Bend

Judge Robert L. Miller presided at the trial demonstration.

A large number of visitors added to the academic climate during the year. Among them were (*at the London Centre):

Mayor Joseph Alioto, San Francisco
William Albright, '67L, South Bend Bar
*Dean and Mrs. Clinton Bamberger, Catholic University
Senator Burnett C. Bauer
Judge George N. Beamer, Sr., '28L, United States District Court
Judge George N. Beamer, Jr., St. Joseph County Superior Court
Dr. Otis Bowen, M.D., Governor of Indiana

Professor Louis Brown, University of Southern California
James E. Burke, South Bend Bar
Judge Anthony J. Celebrezze, United States Court of Appeals, Cleveland
Sara Charles, M.D.
Otis Cochran, of the Dixwell Legal Services Office
Dempsey A. Cox, South Bend Bar
Thomas deGrazia, '70L, South Bend Bar
John E. Doran, '51, '52L, South Bend Bar
Professor Gray L. Dorsey, St. Louis University
Kenneth P. Fedder, South Bend Bar
F. Gerard Feeney, '47L, South Bend Bar
*A. Remy Fransen, Jr.
Julio Fuentes, Chilean Lawyer
Helen Galas, of our London Faculty
D. Patrick Giles, Philadelphia Bar
Howard Glickstein, Washington, D.C.
Judge Robert A. Grant, '31L, United States District Court
Rep. Martha Griffiths
James Hall, South Bend Bar
Senator Philip Hart
*J. Wells Henderson, Philadelphia Bar
Father Hesburgh
Judge James Hoff, Cassopolis
Judge Matthew Jasen, New York Court of Appeals
Professor Iredell Jenkins, University of Alabama
Judge Frank M. Johnson, United States District Court (Alabama)
Edward Kalamaros, '59L, South Bend Bar
Gerald A. Kamm, '43, '47L, South Bend Bar
*Malachy Kelly, Barrister
Senator Marshall Kizer
Robert J. Konopa, '67L, South Bend Bar
Judge Norman Kopec, '51L, St. Joseph County Superior Court
Paul Kusbach, '65L, South Bend Bar
Lewis Laderer, '68L, South Bend Bar
Professor William Leahy, Department of Economics
Thomas Lewis, South Bend Bar
William G. Locke, Lawyers Co-operative Publishing Company
John Lorber, South Bend Bar
Alexander Lysohir, '53L, South Bend Bar
Judge Robert Miller, St. Joseph County Superior Court
John T. Moran, Jr., Chicago
Senator Wayne Morse
*Professor Richard Morton, University of Georgia
John Mulvihill, '65L, South Bend Bar
George Murphy, '51, Chicago
Thomas Murray, '51L, South Bend Bar
Kevin O'Higgins, Dublin (Ireland) Bar
Judge Yukio Ota, Japanese Judge
James Pankow, South Bend Bar
Frank J. Petsch, South Bend Bar
Dr. Robert S. Redmount
Judge James Richards, Gary
Charles Roemer, '58L, South Bend Bar
Kent Rowe, '55L, South Bend Bar
Donald Santarelli, of the Justice Department
Judge Douglas Seely, St. Joseph County Superior Court

Judge Allen Sharp, Indiana Court of Appeals
Thomas Singer, South Bend Bar
Bruce H. Stewart, South Bend Bar
George S. Stratigos, '47L, South Bend Bar
Keith Uff, of our London Faculty
Carl Van Dorn, Indiana Public Counselor
William E. Voor, Jr., '57L, South Bend Bar
Judge Spencer Walton, '36L, St. Joseph Superior Court
Professor Bernard J. Ward, University of Texas
Theodore Wilson, Candidate for Indiana Attorney General
Terry Wochok, '65L, Philadelphia
Claude Wolfe, National Labor Relations Board
Judge J. Skelly Wright, United States Court of Appeals, Washington

I visited our London group early this year and found Professor Booker and our 23 London scholars busy, productive and energetic; the London branch continues to be a solid and concerned community of teachers and learners. Library facilities present some inconveniences, but they are improved over last year. Father Lewers on the campus here and Professor Booker in England worked together to accept a new group for the 1973-74 academic year from the Class of 1975. We will have a total of 29 students there this fall including four from Catholic University. The faculty includes:

Professor Charles Alexandrowicz—Law of the European Common Market
Helen Galas—Legal Counseling, Jurisprudence
Patricia Harmer—Legal History, Family Law
Professor Ronald Maudsley—Property Settlement
John H. McNeill—Public International Law, Company Law
William T. Onorato—International Regulation of Trade
Richard Taub—Federal Income Taxation
Keith Uff—Evidence

Messrs. McNeill, Onorato and Taub are American lawyers practicing or studying in the United Kingdom; Mr. Uff is a lecturer at the University of Birmingham and a barrister; Miss Galas is a legal editor and former civil servant; Mrs. Harmer and Professor Maudsley are on the law faculty at King's College, London; Professor Alexandrowicz is a member of the law faculty at Oxford. Professor Booker will, as he did last year, teach a full load in addition to his administrative duties.

Student activities in London included an extensive evaluation of the courses and general administration of the London program; this resulted in numerous changes and improvements in the program for next year. Other London activities included:

—a moot court competition;

—the publication of the London Irish Times, edited by Dan Grosh, '75L, which served as the newsletter back to South Bend and gave impressions of life and times in London;

- virtual sweep of the SBA elections by London candidates; they succeeded in electing Londoners to five of the seven available offices;
- weekly games of American football in Hyde Park, “through which the English masses were introduced to the violence and complexities of our American game.”

We plan to expand overseas programs to Japan in 1974. A summer program in Tokyo will emphasize the Japanese legal system and the influences the Japanese economy has on international trade and investment. The 1974 program will be open to practicing lawyers as well as to law students. All of the courses will be taught in English; the faculty will include Japanese law teachers and members of our own faculty. Professor Murphy and Associate Dean Link visited Tokyo in early January to work out an appropriate arrangement with Sophia University. Professor Murphy will be Japanese summer director.

We again operated a small, on-campus summer school for our own students. Five members of the faculty (Professors Broderick, Campfield, Murdock, McIntire, and Rice) offered eight courses to some 40 of our students; these included Professor McIntire's clinical project in environmental law. I hope that we can, with our restoration to the renewed building, mount a more ambitious summer school here in 1974.

Professor Beytagh took over direction of our fourth annual summer law program in England, after Professor Thornton's illness in the spring. The transition involved sudden and difficult changes of course for the new director, but he carried them out quickly and without complaint, and he gave the summer program meticulous attention. We enrolled 90 students this year, from 51 American law schools. The faculty, besides Professor Beytagh and me, included Professors Rodes and Booker of our faculty; Professor Keith Devlin of Brunel University; Dr. E. D. Brown, University College, London; and Dr. Leonard Lazar, London School of Economics. We offered ten courses, with an average class size of around 20. Supplementary academic activities arranged by Professor Beytagh included a guest lecture on the British judicial system by Mrs. Harmer; informal discussions led by two young members of the English legal profession and by a judge of the High Court; and a description of the British land-use system, by an official from the Greater London Council. Less formal ventures saw our students visiting the courts in London, law offices and the Inns of Court, Scotland Yard, and London law libraries. The students also organized a basketball team (coached by our ubiquitous director) which played two games with a team from the historic Uxbridge R.A.F. base, and a superb Fourth of July picnic. Gene Smary, '75L, was administrative assistant; Ann Whitaker, our London program secretary, filled out the summer staff.

Support

The Notre Dame Law Association continues to be an important source of support and assistance. The NDLA Board of Directors met in early October to plan the fall campaign for student aid funds. Devoted, busy, Notre Dame

lawyers came from Bangor, Los Angeles, Detroit, Atlanta, Chicago, St. Louis, and New York to work together to revive the scholarship program the NDLA began 20 years ago. President Martin Torborg, '34L, presided over two days of meetings which also involved Miss Jeffers, Professor Beytagh, Deans Link and Foschio and myself. The group met again in May to continue plans for the scholarship development. David Thornton, '53L, Tulsa, was installed as president, replacing Mr. Torborg, who has served for an extended and distinguished time at the head of our law alumni. Hugh Fitzgerald, '30, New York, was elected president-elect; Hugh McGuire, '57, '60L, Birmingham, Mich., vice-president. New directors include John Beatty, '65L, Cincinnati; Mario Beltramo, '72L, Fresno; Louis Brenner, '64, '67L, St. Paul; John Fitzpatrick, '61L, Burlington; Dan Hammer, '56, '59L, Cleveland; Bill Harte, '59L, Chicago; John Haugh, '66L, Portland, Oregon; Tom Kronk, '73L, Newberry, Mich.; Judge Tom Dalton, '34, Hackensack; and J. L. Wiegand, '59, Wichita. Four Directors were reelected: John Crimmins, '33L, Pittsburgh; Jim Kane, '60L, Buffalo; Dan Sullivan, '40, St. Louis; and Bill Whiteside, '51, Philadelphia.

The Law Advisory Council met on campus October 12 and 13. Frazer F. Hilder, assistant general counsel of General Motors Corporation, gave the annual Advisory Council Lecture on the automobile as a factor in air pollution. Members of the Council visited with members of our third-year class to discuss placement.

The backbone of external support for the law school—financial support as well as assistance in our educational activities, student recruiting, advice, and placement assistance—is our alumni. They are a varied and impressive group of men and women. As we complete work on the 1973 edition of the alumni directory (which is being sent to all NDLA members this fall), we notice how widespread Notre Dame lawyers are; they are in every state and many foreign nations. They are engaged in every kind of law practice, in teaching, and at all levels of government. The American Bar Foundation report of last year indicated that a larger percentage of Notre Dame lawyers are on the bench than is true of alumni of most law schools, and somewhat more than the normal number are in other types of public service. (This is an interesting fact as I also report that 20 members of the Class of 1973 will spend their first year or two in the practice as clerks to judges.) But most of all we educate for the private Bar; about 83 per cent of our graduates are in private practice.

Placement activity was especially high last year, due in no small part to Professor Beytagh's efforts as placement advisor and to the tireless efforts of our new NDLA executive secretary, Mrs. Barbara Kunz. We were visited by 86 employers and contacted by hundreds of others. Most of those who visited campus were private law firms; 14 were from government agencies; three were judges; and ten were from corporate legal departments.

In May the Ford Foundation made a four-year, \$500,000 grant to the University for the establishment here of a national civil rights center. The center will be located predominantly in the law building; it will provide opportunities for research, much of it related to the fact that our law library houses Father Hesburgh's civil rights papers and is the only non-governmental de-

pository for documents and reports of the United States Commission on Civil Rights. These materials will be catalogued and organized, under the direction of Professor Howard Glickstein, former Staff Director of the Commission. The new center will provide a rallying point for beleaguered and abandoned leaders in the struggle for equality in America, will furnish scholarly resources for planning and study in the field, and will sponsor conferences and other discussions of civil rights issues. Professor Glickstein, who has been appointed to our faculty, will enlist at least one full-time deputy director, a technical staff, and a corps of law-student assistants. He will also offer courses in our curriculum on the legal issues which continue to grow out of the American civil rights revolution. I anticipate that the Academic Council will be asked this fall to approve university-institute status for the new center.

Our happy deliverance from building worries, and an increasingly optimistic future for library acquisitions, throws into relief the persisting financial problems of aid for needy students and salary increases for the faculty. We surveyed last year 156 students who had been admitted to study law here but who decided not to come. More than two-thirds of them replied. Nearly half of the respondents said they did not come to Notre Dame because tuition here was too high, or because they could not obtain financial aid; these were the two most frequent responses to this question. Those who answered went to law schools at the University of Wisconsin, the University of Detroit, the University of Illinois, Indiana University, the University of Southern California, the University of Minnesota, the University of Michigan, Cornell, Boston College, and Georgetown. The inference is that they would have come to Notre Dame if they could have afforded to do so, but that better programs of financial aid or (in the case of tax-supported law schools) lower cost caused them to choose against Notre Dame. I continue to argue that tuition levels here have gone as far as they can go, if we intend to avoid a student body which is limited to the affluent.

A necessary part of the solution is, of course, financial aid—for good students who otherwise choose against us for economic reasons, and, even more, for the very poor who want to study law here and who have, over the years, so strengthened the diversity and compassion we aspire to among our students. I am happy to report that the last two years have seen increases in annual contributions to the scholarship fund which are fully double the levels attained in the two years before I became dean. Even so, funds are inadequate. I hope to be able to support every tenth student to the level of full tuition—a modest goal, I think—but that will cost about \$110,000 per year and current contributions are well under \$90,000.

Our faculty-salary situation is even more serious. It presents a dilemma to an institution in which inflationary costs of every kind mount at least as rapidly as costs for families and law offices. The dilemma is that Notre Dame's income does not mount with its costs; the University is not able to increase production. There is nowhere for faculty increases to come from except economy and higher tuition. I say all of this so that it is clear that my colleagues in the Law School and I are not blind to the fiscal problems of the University. Nonetheless, a source

of funds for law faculty salary increases must be found this year; these are the reasons:

- Law faculty salary increases have not approached increases in the cost of living since 1969.
- Our competitive position improved markedly through 1969 but has slipped in each of the last four years; we now pay the worst salaries of any of the better national law schools and are on a trend which promises to make us one of the worst among all accredited law schools.
- Our tendency over the past four years has been part of a general, relative decline in faculty salaries at Notre Dame, but it has also been a trend toward less improvement than faculty salaries in other departments. It is crucial that the addressees of this report understand how hard it is to retain able teachers who can—to a person—double their income in the non-academic professional market.

I am confident that the salary situation will improve. I hope it will improve enough. Most of us who teach here do so at significant financial sacrifice, and we do it with joy because this is great work and a great place to work. Recent years, however, have tested dedication more than is wise.

One partial solution to the salary squeeze is endowed chairs. We have now filled our first endowed chair—the Thomas J. White Professorship of Law—with a distinguished and valued English legal scholar, Professor Ronald J. Maudsley, who will be teaching with us in the spring semester. See "Faculty," *infra*. We are at work on a successor for the 1974-75 academic year. But full endowment for even half of our faculty would cost \$6 million; we can and do hope for endowment, but we continue to bear virtually all of the cost of instruction out of operating budgets.

Student Activities

Our school has active chapters of the Black American Law Students Association and of La Raza National Law Students Association, and our own Women's Rights Association—all working for the special interests of groups of students who were not here ten years ago. Jock Smith, '73L, was Balsa president this year; he has now taken up practice in a NAACP regional office in Binghamton, N. Y., and has been replaced here by Albert Munson, '75L. Luis Jaramillo, '73L, was LaRaza president; he has returned to work among the poor in California and has been replaced here by Arturo Estrada, '75L. Judy Snyder, '73L, who has gone on to a federal-court clerkship in Portland, Oregon, was WRA chairman; her successor is Margaret Olsen, '75L. WRA assisted women Notre Dame students in the Law School and in other departments; worked actively for the Equal Rights Amendment in Indiana; succeeded in opening the local police familiarization program to women; and proved a valuable source of information and advice for many of us well-intentioned sexists.

The new president of the Student Bar Association is Thomas McKenna, a Hoosier and a Notre Dame graduate. Andres D'Aguero, '75L, Peter McGonigle, '75L, and Eugene Elerding, '75L, are in other SBA offices. The Law Student Division of the American Bar Association awarded \$350 to our organization for special projects this year. Mr. McKenna succeeds Anthony Palumbo, '73L, who is now practicing in Phoenix. Mrs. Mary Holinka is president of our helpful and active law wives organization. Chauncey Veatch, '75L, California, was re-elected president of his class, and Cecelia Januszkiewicz, '74L, Ohio, was elected president of the third-year class.

Seventy-five members (about 70 per cent) of the second-year class have signed up for duty in our volunteer Legal Aid and Defender Association. They will work under internship rules in Indiana and Michigan, some in offices which our students operate, some in established legal-aid and public-defender and prosecutors' offices. The Association also involves itself in community endeavor in both states, in postconviction relief for prisoners, and in such diverse problems as those of migrant workers and American Indians. James R. Cavanaugh, '74L, is executive director of the Association; he supervises divisional directors who include Willie G. Lipscomb, Jr., Detroit; Paul S. Jancha, Niles; Patricia O'Hara, Alameda, California; Stephanie Stewart, Stockton, Kansas; Paul E. Deats, Gardena, California; Gary Schuman, Mamahoneck, New York; Edward H. Berkowitz, South Bend; David W. LeBar, Wyandotte, Michigan; Lawrence J. Schwarz, Elmira, New York; and John D. Cariotto, Lincoln, Nebraska.

Steven Peifer, '74L, is new director of the Moot Court. Roberta Halladay, Norman Lerum, Thomas Paquin, and George McCarthy, all '74L, are our national team and will present final arguments here next spring before Mr. Justice Rehnquist of the Supreme Court of the United States and two other judges. Maree Russo and Kenneth Holland, both '73L, were Moot Court champions this year and winners of the Weber Moot Court awards.

John Gaither, '74L, a Notre Dame graduate from Evansville, Indiana, is the new editor of the *Notre Dame Lawyer*, succeeding Richard L. Miller, '73L, who is now law clerk to Chief Judge Luther Swygert, '27L, of the federal Court of Appeals in Chicago. The *Lawyer* had a fine year, finished with a handsome volume of valuable legal scholarship and a special 131-page supplement which publishes for the first time Dean O'Meara's lectures on introduction to law.

A small group of enterprising students organized this year a new lecture series which, through their almost unaided efforts, came eventually to present to our students Father Hesburgh, Dr. Otis Bowen, the new governor of Indiana, and Mayor Joseph Alioto of San Francisco. Their series was called "The State of Life in America." They included Clark Arrington, John Fitzmaurice, and John Lancaster, all '74L, and Clifford Fleming, '73L. No Marcus Welbys there.

William Zloch and Michael Munholland, both '74L, organized last spring a series of social programs, featuring football films which Mr. Zloch somehow located, and dedicated to raising funds for scholarship assistance. The series was a financial success. It also is the sort of thing that pulls our student community together, reminds it of its diversity and richness, and lifts us for a while from the burdens of the day.

Professor Beytagh again chaired the annual civil rights lectures. Senator Philip Hart took into the legislative arena the broad historical approach to the development of civil rights law which Chief Justice Warren last year traced in the Supreme Court; Senator Hart's lectures will be published in the first issue of the *Lawyer* this fall. The Senator spent much of his time here visiting with students and answering their questions. He was introduced for the first lecture by Chief Judge George N. Beamer, Sr., '28L, of the United States District Court for the Northern District of Indiana; by me for the second lecture; and by Father Hesburgh for the third.

Professor Iredell Jenkins of the University of Alabama, long a valued member of the Board of the *American Journal of Jurisprudence*, gave the annual AJJ lecture in connection with the board's spring meeting. The *Journal* continues to thrive, under the editorship of Professors Rodes and Rice, and to provide the only English-language jurisprudential journal in the world.

The Faculty

I aspire to a student body in the Law School of 400 and a full-time faculty of 20. But for two sudden resignations at the beginning of the summer, we would have nearly reached the faculty goal. These are the trends and, as of May, were the projections:

| | <i>entering class</i> | <i>total students</i> | <i>full-time faculty</i> | <i>part-time faculty</i> |
|------|---------------------------|---------------------------|------------------------------|------------------------------|
| 1971 | 150 | 500 | 18 | 11 |
| 1972 | 120 | 450 | 19 | 9 |
| 1973 | 140 | 400 | 19 | 12 |
| 1974 | 140 | 400 | 20 | 10 |

(These figures are exclusive of a professional library staff of four, but they include lawyer-administrators.) We planned to enter the current academic year with 19 teachers. Two resignations in the late spring dropped us back to 17, 18 if Professor Glickstein is counted as part of the full-time faculty. Neither of the vacancies could be filled with sufficient care this summer; we have hired part-time teachers to fill in the courses (which brings our part-time staff to 15), and, of course, we plan to fill the vacancies well before the next academic year begins.

In a less statistical vein, here are a few of the faculty's activities in this year. I have missed many, and I omit a detailed list of faculty publications, since those are separately published in *Notre Dame Report* and in the annual report of the Vice President for Advanced Studies.

Professor Edward F. Barrett finished his 25th year of teaching law at Notre Dame, and his third on postretirement appointment. His practice-court program accommodated a record 164 students (four per trial), covering both semesters. He gave two lectures on forensic medicine to medical interns at Memorial and St. Joseph's hospitals in South Bend and was reappointed to the Committee on Advocacy of the American Bar Association.

Professor Joseph P. Bauer, a Pennsylvania and Harvard law graduate who

has three years' antitrust litigation experience in a prominent New York law firm, joined us in September, after a year of teaching at the University of Michigan. His article on corporate antitrust audits was in *The Practical Lawyer* this summer. He will teach civil procedure, antitrust, and trade regulation.

Dr. Charles M. Boynton continues, after 12 years of devoted service to our law students, to teach the popular fall-semester course in real-estate transactions.

Professor Francis X. Beytagh handled an unusually heavy teaching load, served as vice-chairman for the committee on appointments and promotions, as elected Law School representative in the Academic Council, on our curriculum-revision committee, and on a team of our teachers who worked with the national Notre Dame Moot Court team. He was London summer director, and will be again in 1974, and turned out formidable scholarship on judicial review of selective-service cases (and other subjects); he is counsel for the Administrative Conference of the United States. He commands a submarine somewhere in Chicago.

Professor Frank E. Booker directed our London program, and will continue in that post next year; he built solid rapport with our students there, taught a full load, dealt with mind-boggling trans-Atlantic administrative problems, and hosted a Fourth of July party for his neighbors near the moor in Devon. He also taught with the London summer faculty and was host to several Notre Dame people (including me) who visited the London Centre during the year.

Professor John J. Broderick, Jr., again worked with Father Mark Fitzgerald on the annual union-management conference and publication of its proceedings. His popular seminar in trial practice brought law students and trial lawyers together in a series of weekly sessions on advocacy. He is president of the Notre Dame chapter of Phi Beta Kappa.

Professor Thomas F. Broden, Jr., led an array of interdisciplinary efforts in law reform as director of the Urban Studies Institute; these activities are separately reported by the Institute. Several of our students are involved in the Institute's work in local communities. Prominent among these was Alfred P. Williams, III, a brilliant young black leader and a member of the Class of 1973 who was killed in an automobile accident two days before our May commencement exercises. Professor Broden was also one of three representatives from Notre Dame to the annual meeting of the Association of American Law Schools, and served on the Association's 1973 nominating committee.

Dr. Marcia Pearce Burgdorf joined the faculty as a lecturer. She is chief attorney in the National Center for Law and the Handicapped, where ten of our students labor as interns in law reform. She is a 1972 graduate of our school, and an alumna of our London program. She will teach seminars in legal problems of the mentally retarded and mentally ill and supervise NCLH interns. She is a member of the Indiana Bar.

Professor Regis W. Campfield spoke to the probate section of the county bar association, on standardized will clauses; participated in a weeklong program of advanced study in his field at the University of Wisconsin; and taught in the summer session on campus.

Dr. Kathleen Cekanski was appointed last spring, shortly before she gradu-

ated with the Class of 1973, to be our first research associate-teaching fellow. She will continue to be rector of one of the women's residence halls on campus, will assume broader duties with the Office of Student Affairs, and will assist Professor Dutile and me in a new first-year course on the legal profession, and in the legal-bibliography program.

Professor Anton-Hermann Chroust remains on our faculty, after retirement, as a lecturer in modern American jurisprudence. His "Comments on Aristotle's 'On Prayer,'" was published last summer; his two-volume study on the lost works of Aristotle will be published this year in London. He spent the summer researching in Europe.

Mr. Granville Cleveland, assistant law librarian, was acting director of the University's Black Studies Program and chairman of the campus Black Student Affairs Committee. He remains active in recruiting and orienting minority-group law students for us; he was satellite librarian most of the past year, handling reserve books and other library duties in our temporary home across the campus.

Hon. F. Kenneth Dempsey, retired Chief Judge of the St. Joseph Superior Court, once a member of this faculty, and a devoted friend of legal education at Notre Dame, died April 20, only a few days after the local Bar paid tribute to him at a banquet on campus.

Professor Fernand N. Dutile is secretary and member of the board of governors of the South Bend Work Release Center. He spoke to local nursing students on criminal law. He is our elected delegate to the AALS House of Representatives. He again joined the summer law faculty at the Catholic University of America.

Dr. Kathleen Farmann, law librarian, gave tirelessly of her time on the admissions and library committees, managed to keep our library functioning amidst the rubble of remodeling, and recruited students for us in Ohio.

Mr. Stanley G. Farmann, associate law librarian, participated in Mrs. Farmann's efforts and led a team of workers which managed, against what seemed to me impossible odds, to have our law books reshelfed and our law library functioning before the rest of us were able to move back into the building.

Professor Leslie G. Foschio, assistant dean, taught a full load, shouldered half my administrative burdens, served on several University committees, and continued his contributions to scholarship on court management and criminal law. He spoke on court management at Indiana University, in New York, in Washington, and locally; he served as a founding director of the Indiana Center for Judicial Education; prepared and published an array of reports and articles on criminal-justice administration, and served as a consultant to the Criminal Courts Technical Assistance Project at American University.

Dr. Joseph T. Helling, '54L, was appointed lecturer in August, to teach one of the courses scheduled for Father Lewers. He is a distinguished South Bend lawyer, a prominent leader in scouting and in the Knights of Columbus, and a familiar visitor and contributor in the Law School.

Miss Marianne Hopkins, Law School administrator, assumed increasingly

broad duties in operating the Law School, including most prominently duties of scheduling and maintaining records, supervising nonprofessional staff, managing the building, and administering admissions. She represented us at the annual meeting of the Law School Admissions Council in Florida in June. She is a member of the University committee developing a student affairs information system.

Professor Conrad C. Kellenberg continued to oversee the far-flung operations of the Legal Aid and Defender Association, in addition to regular teaching duties. A group of students, under his direction, prepared a new edition of "Your Legal Rights," a guide for the poor which has been prepared, issued, and translated from time to time in our school. The booklet is now distributed, in English and in Spanish, by the national OEO office in Washington.

Hon. Norman Kopec, '51L, Chief Judge of the St. Joseph Superior Court, and lecturer in our school, assumed duties as chief judge of the practice court. He will inaugurate new dimensions in the program this year, including experience for the students in pretrial conferences.

Mrs. Katharine Klem Large, acquisitions librarian, resigned from our library staff August 15. She had been, for part of the year, satellite librarian in the temporary law building.

Father William M. Lewers, C.S.C., resigned from the faculty in June after his election as Provincial of the Indiana Province of the Holy Cross Fathers. He has taught with us since 1966 and has been a friend, mentor, and model to his colleagues and students, and to me. He was London director in 1971-72; he was elected last year to the board of trustees of Stonehill College.

Professor David T. Link, associate dean, acted as dean this summer so that I could teach abroad. He had one of the heaviest teaching loads on the faculty this year, served in a variety of administrative assignments, supervised the remodelling of the law building, and opened several exciting new ventures in law and technology. These include a project in Ohio in which television is used instead of typed transcripts; computerized record keeping in the Bureau of Standards; videotaping of our practice-court trials, toward coordinating those cases with appeals in the moot court; videotaping experiments on trials in three Indiana counties; development of our program in Tokyo; and development of computerized legislative references in the Congress. He spoke in Washington, Phoenix, Cassopolis, New York, Bloomington, Toronto, and other places. His essay on computer search of law was published by the American Bar Association; he remained active on two ABA committees and is part of the planning task force for a conference on law and technology in San Francisco.

Dr. Stanley Lisocki, a Polish lawyer and retired Colombian businessman, joined us as a research associate in international trade and investment.

Professor Hajime Machino of the law faculty at Sophia University, Tokyo, completed his second year as a research associate in our school.

Professor Michael V. McIntire continued to supervise an array of supported internship projects in air and water pollution, and participated in a number of national conferences in those fields. He spoke on environmental law in California, at the Institute of Environmental Sciences, and locally.

Dr. Bernard McNamee, of the legal staff at Miles Laboratories, assisted both last year and this year with experimental classes in specialized antitrust and trade-regulation fields.

Professor Paul R. Moo was elected Distinguished Teacher by the Class of 1973, and spoke to the graduates and their families during our commencement ceremonies. He addressed a regional convocation of federal referees in bankruptcy, was appointed liaison member from our faculty to an Indiana State Bar Association Committee on legal education, and served on the task force on disciplines of the Committee on University Priorities.

Professor Charles W. Murdock spoke on the legal rights of the retarded in Indianapolis, New Orleans, Columbus, Montgomery, New York, and locally. His work in that field was published in the *Family Law Quarterly*, and his manuscript for the third edition of *Illinois Business Corporations Annotated* is in the printers' hands. He plans to spend the spring semester on the law faculty at the University of California, San Francisco.

Professor Edward J. Murphy participated in a program on property psychology in San Francisco, spoke on legal education at Western Michigan University, and worked toward the inauguration of our Japanese summer program in a hasty trip to Japan in January; he is director of Japanese programs. His chapter on negotiable-note defenses is in the new *Consumer Protection*.

Professor Charles E. Rice actively defended the rights of the unborn, and actively resisted the Equal Rights Amendment, in a variety of local and national forums. He submitted a statement on restricted travel in hearings in the House, and was elected chairman of the United Conservatives of Indiana.

Professor Robert E. Rodes, Jr. is the law faculty's faculty senator. He and Professor Murphy furnished two moving essays on Christian marriage to a historic edition of *Notre Dame Magazine*. He taught on our summer faculty in London. His first volume on English ecclesiastical history will be published next year by Basil Blackwell, Oxford, and his work on jurisprudence by Dunellen Press.

Hon. Robert K. Rodibaugh, '41L, referee in bankruptcy for the Northern District of Indiana, will teach creditors' remedies and debtors' protection in the fall semester. He was active in organizing a conference of referees in bankruptcy on campus last fall.

(*Professor Thomas L. Shaffer*) I was elected to the American College of Probate Counsel, to the American Law Institute, and to the board of directors of Fort Howard Paper Co. I served on the faculties of our London summer program, of the law teaching clinic of the American Association of Law Schools, of the University of Miami Estate Planning Institute, and of a Practicing Law Institute program on "postmortem estate planning," and on the Committee on University Priorities. My scholarship this year has been devoted to a textbook in legal counseling, which I used this summer in manuscript form, and on a teacher's book to accompany the text. I spoke locally and in Indianapolis, Bloomington, Greencastle, New York, Chicago, Miami, Atlanta, Philadelphia, Wilkes-Barre, and Valparaiso.

Professor Peter W. Thornton resigned from our faculty to be the founding

dean of the law school at Nova University, Fort Lauderdale. He was to our students and to his colleagues here a devoted law teacher; his short five years on our faculty left a positive impression that will not fade for a long, long time.

Dr. James F. Thornburg continued to serve as a lecturer in taxation. He was chairman of the Board of Visitors at Indiana University and was appointed to the policy owners' examining committee of Northwestern Mutual Life Insurance Company. His partners, Edward J. Gray, '58L, John Carey, and Steven A. Seall, '66L, assisted in his popular course in tax planning.

Professor Ronald Maudsley, of our London faculty and the faculty of laws, Kings College, London, will join us in the spring semester as our first Thomas J. White Professor. He is probably the most eminent modern scholar of land law and equity in Britain; he holds an American (Harvard) law degree and has taught in four American law schools and at Oxford. Our students in London are invariably high on him; we look forward to his being among us.

I mention finally, and with gratitude, the eight part-time lecturers—American lawyers who specialize in international law and superbly competent British law teachers—who staff our two London programs, and the ten busy trial judges who give their Saturdays to the education on advocacy of Notre Dame lawyers. Of special importance this year is an expression of thanks to Judge Robert A. Grant, retired Chief Judge of the United States District Court for the Northern District of Indiana, a former Member of Congress, and a beloved Notre Dame alumnus and Hoosier leader. I joined local leaders in a tribute to him in May, as he assumed senior status in the federal judiciary, and I am happy now to salute his continuing devotion to legal education at Notre Dame.

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There were storms in the last year which this report, advisedly I think, does not mention, but they would be mentioned here if I thought them significant for the future of our school. My general report to you is that we in the Law School have had a year of progress and, more important, a year of learning how to live together. The school is sound; its people are committed—as now, more than ever, they must be—to honor in our ancient profession and to justice in our troubled country. "This may be a wicked age," as St. Paul said in another troubled time, "but your lives should redeem it."

Thomas L. Shaffer
September 15, 1973