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Report of the Dean

Print

University of Notre Dame. Law School
[Notre Dame, Ind.] : Notre Dame Law School,

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

Gentlemen:

This is my fourth and last dean's report. I approach it as I approached my new tasks in 1971; "We are beginning to find at Notre Dame the possibility of a people-centered professional school. It is a delicate thing, which needs advertent care. I think we have to stop and think about it and plan for its preservation... We can exalt the virtues of caring and at the same time nourish the courage and integrity and no-nonsense ability that our students will bring to the profession." I related that aspiration, and relate this report, to the interpersonal climate in the law school.

The Idea of Interpersonal Climate

Learning in law-school operates in and out of the classroom; through law-professor models; from unarticulated attitudes among students; and from a general ambience in the place which traces even to members of the learning community who are no longer present.

Law schools resemble one another in climate more than most law schools resemble other educational communities. Every law student could, for example, see himself in Hart, the "Paper Chase" student, and almost any student would recognize the sights, the smells, and the mood of almost any other school. But variety among law schools is probably wider and deeper on dimensions of climate than it is on course content, or background of students and faculty, or the contents of the law library. Recruiters of law students tend to speak cautiously when they "sell" their faculties or their books, but they speak with more conviction when they talk of the "character" of a school. Character may, in a recruiting speech, mean prestige, pride, warmth, or local influence. In more candid discourse, character may mean hostility, coldness, destructive competition, or the emotional pressure of interpersonal rivalry. To the extent that goals and purposes are seriously implicit in a law school, they will probably trace to a commitment to professional training, which virtually all schools share, and to a diverse aggregation of influences which vary from school to school, and most of which I am here calling "climate."

It is climate more than structure or curriculum which earns for the Harvard Law School the reputation of commitment to excellence; for Denver and Yale the reputation of concern with social sciences; for Virginia, Duke, Michigan, and Boalt (California-Berkeley) strong regional identification; and for a few smaller schools (including Notre Dame) national perspective and the character of warmth and community closeness.
The point can be illustrated by the means a proponent of utopian education would use to create a humanistic law school. That task might be undertaken through the addition of "humane" subjects to the curriculum; through employing broadly-trained, cross-disciplinary law teachers; through defined course content, conceived with value objectives in mind; or through selection of students on criteria relating to concern and promise for human service. Notre Dame has used all of these methods during my years as dean. Yale is widely regarded as having experimented more broadly with the addition of "humanistic" subjects to its curriculum; Denver has attempted, more than most schools, to employ law teachers who are not (or not merely) lawyers; the new Antioch Law School advertises a value-oriented curriculum; and several schools, including ours, have experimented with goal-centered admissions.

None of these experiments has been conspicuously successful; all of them require significant political effort among law faculties and other boards of control; and all express in an institutional way the yearning for human service I have identified for you in previous reports about Notre Dame law students.

Reformers of structure may overlook the possibility that change is frustrated by law-school climate. Law students are, for example, competitive people; they tend to struggle with and fuss at one another--like juncoes on a snowy morning when all the bird seed is in one spot. We law professors are simple-minded about the value of persuasion and the virtue of control. Lawyers who hire law students yearn for the signs and scars of academic battle and tend to overvalue such things as class rank and essays published in the law review. These are forces which tend to a combative climate; they are aggravated by the fact that law grades are only given once or twice a year--and by the fact that there are almost no other gold stars in law school. Students, who are not likely to thrive on three years of ambiguous combat, may cope with combative climate either by emotional withdrawal or by what Goffman calls secondary adjustment. Humanism in legal education is, above all, in my view, the provision of a third alternative.

Students who withdraw will not do without human relationships; they will find them outside of law school--family, friends, church, undergraduate classmates, or barbershop quartets. The effect of this defensive device on the student himself is a sense of alienation from his professional associates (his fellow students), which he may or may not redeem later when he finds that his fellow lawyers are (contrary to the myth) not as combative as law students are. The effect of student withdrawal on the law school is the creation of an impersonal climate: Teachers lecture, then disappear; students seem not to know one another; few use names, and then rarely first names. The place tends to become more or less like a bus station.

Alternatives to withdrawal (including those at Notre Dame) may tend to rebellion of one sort or another. Law students in 1970 sought to abolish or postpone spring examinations so that they could protest the invasion of Cambodia; their counterparts in 1964 and 1974 tended to complain about examination schedules, or uninteresting teachers, or grading policies. In each case, the organized resistance gave to students a sense of community which would have been lacking had they simply withdrawn from the law-school community. This negative
community may become the principal community among students; that is what Goffman means by secondary adjustment. It is a familiar phenomenon in prisons, mental hospitals, and communities of second-class citizens.

Withdrawal and secondary adjustment are alike in that they will not occur if the law school offers an advertent and educationally functional learning climate. It is possible to include climate within the regimen for humanistic legal education; it may in fact be fatal to humanistic objectives not to plan for climate when one plans for courses, teachers, and the selection of students.

We have gone after a humanistic climate here through two not entirely compatible strategies. One of these is a strategy of acceptance; the other is the result of manipulation.

Acceptance. The accepting climate is a theoretical notion advanced in counseling literature by the eminent psychotherapist Carl Rogers. Rogers believes that most maladjustments in human behavior trace to feelings of guilt or disapproval. His cure is psychotherapeutic allopathy: The patient (Rogers calls him "client") contains within himself all of the resources necessary for cure. The task of the therapist is to create an atmosphere—a climate—in which this tendency for cure can operate. The idea is useful in a discussion of institutional climate, especially useful in legal education. The analogy can be explored in the even more specialized literature of "human potential" groups. Rogerians believe these groups, which they call "encounter groups," work best when all structure is avoided; leaders of Rogerian groups are, consequently, called "facilitators." (The other school of group work, tracing roughly from the use of psychotherapeutic groups led by psychiatrists, operates in a more or less manipulated ambience.)

The Rogerian ideal in a law school would be a climate of acceptance. The idea would be to convey to students a sense of validation—a sense that their instincts toward altruism, or competition, or oral aggression, are not likely to encounter disapproval from upperclass persons or from the law faculty. Rogers talks about accepting climate as involving:

1. **Unconditional positive regard**: a communication to the student, in some believable way, that he is valued as a person, regardless of his views and habits.

2. **Empathy**: a communication to the student, from those whom he regards as significant in the law school, that others know how he feels and are able to share his feelings.

3. **Congruence**: the impression that teachers, upperclass persons, and classmates are healthy, growing, well integrated people—people who do not need to exploit or manipulate others.

This sort of climate can be—has to be—person-centered in a radical and advertent way. Even the smallest sort of effort toward it could no doubt change the climate of any law school. Any significant growth toward an accepting climate would produce a school unlike any other in the history of legal education—a school without
"Socratic teaching" (because it would refuse to mold people by disapproving of them); a place where a student would explore his own ideas until he himself had evaluated and changed or integrated them; an interpersonal atmosphere in which each person had a stake in the success of each of the others. (It would probably astonish most people in law schools to know that these Rogerian ideals actually operate, advertently, in many successful law firms.)

Manipulation. Assume a reformer sets out to manipulate a humanistic educational climate for his law school. He or she might consider these features (we have considered them all and have established many of them):

Faculty Rules. The way relationships appear to develop and sustain themselves in school teaches students about lawyers and about the de facto procedures of the law (i.e., the way lawyers treat one another as they negotiate, inquire, inform, and litigate). A humane educational climate therefore requires attention to administrative policies, tenure rules, allocation of faculty salaries, and such joint efforts as team teaching and committee work. We work in our faculty toward practices which emphasize the value of collaboration and mutual support. I believe we have avoided, more than most, a system which awards destructive competition. The teaching branch of the legal profession is beginning to recognize the same ideal; I think we at Notre Dame have influenced the development. For example: The Executive Committee Regulations of the Association of American Law Schools have required for years that law schools maintain faculty policies which assure sound instruction. This recognizes the relationship I am talking about between faculty rules and student experience. In 1974, the A.A.L.S. decided, under this principle, to forbid tenure quotas in its member schools.

Student-Faculty Relationships. Liberal education, someone once said, is Mark Hopkins on the other end of the log. Humanistic legal education is a humane lawyer talking to a law student who wants to match his aspirations to his future in the profession. Almost every decision a law dean or student bar association president makes advances or retards this process. Examples:

Architecture: For example, the location of faculty offices, and the kinds of doors they have, and whether there are, outside the doors to faculty offices, comfortable places to wait. One of the most significant contributions one new dean made in his tenure as associate dean was attention to these factors in the remodelling of our building.

"Consulting policy": whether law professors moonlight, and if so, on whose time. Our faculty policy is against moonlighting.

Entertainment budget.

Student representation on committees and at faculty meetings—not as a matter of democracy so much as a matter of human respect and interdependence. Students now serve on all of our committees except appointments and promotions, and it has been my practice to encourage student contribution even on the delicate issues of appointment and promotion.

Criteria for hiring new faculty, professional librarians, and administrative staff.
The presence of teachers who can be role models (e.g., for members of minority groups and women).

Communications with students, oral and written, and the tone of communications.

Grading policies: A norm or rule against grading curves, for example, is evidence that the faculty believes students can learn from one another.

Enunciated Values. These probably begin in such prosaic places as the catalogue which recruits new students and the literature they receive on admission. They include stated commitments from the visible leadership of the school. For examples:

--We have had, each year since 1970, an orientation session in which the dean explains the value of collaboration in studying law, especially during the conceptual downpour of the first year, and explores with the students the psychological barriers to collaboration which law students tend to feel.

--We have experimented with discussion sessions, especially at the beginning of law school, with teachers, counselors, and the dean, during which the relevance and value of self-awareness are affirmed. (Consider the story about the student who asked one of his law teachers if a given result was just, to which the teacher is said to have replied, "If you want justice, you should have gone to divinity school.")

--We seek here projects in courses which encourage students to work together and to work in small groups with their teachers. Projects of this sort in our school have quadrupled since 1970.

** **

Most law-school climates are not now humanistic; they are paternalistic and domineering, a fact which probably helps to explain their sameness. (Autocracy tends to be debilitating, uniform, dull, and paternalistic.) The source of this climate appears to be an unfortunate tradition among law professors. The agenda here—in other words—remains our agenda more than yours. Specifically:

1. The effect of law school is to dampen—if only temporarily—student disposition to be humanistic. Measures of humanistic orientation indicate that law students are more humanistic than law professors. In approaching a concrete client situation, few lawyers are oriented more to the person than to the problem, but, of those who are, practicing lawyers tend to person orientation more than law professors. Person-oriented responses among students occur most strongly at the beginning of law school, are lost or omitted during legal training, and begin to recur in the last year.

2. Law professors relatively more frequently choose persuasion as an operating professional technique, rather than advocacy or collaboration.

3. Lawyers and law students tend to believe that the most practical professional skill is knowing legal steps to take in a case; law professors
believe it is more important to search out and apply legal rules. These preferences against creativity, toward persuasion, and in favor of authority are, of course, the qualities which are least valued in consideration of humanistic climate.

4. Law professors, in responding to questions on interpersonal relationships, show a markedly strong disposition to control others and a strong sense of belonging and group identification. Law students tend to increase their disposition to control as they go through law school.

5. Classroom analyses indicate that the predominant mode of instruction is lecture; few law teachers acknowledge student feelings or praise or support student thought, and fewer still accept student ideas. There is very little variance in teaching techniques.7

What I proposed in 1971 for Notre Dame, and what I found here more than in other law schools, was neither a soft agenda nor a vague one. The humanistic study of law requires hard choices, advertent programs, and discipline; most of the choices we made have advanced the cause. If my analysis of legal education sounds pessimistic, it is because I find hope more than progress in this agenda, even at Notre Dame. It is the hope, though, that is important—that makes our school special. Most of us here commit ourselves to this hope because we are selfish, because our hoped-for place is a sort of place we want to work in. But St. Paul gives us reason to believe that the result will be more than comfort: "This, then, is what I pray, kneeling before the Father, from whom every family, whether spiritual or natural, takes its name: Out of his infinite glory, may he give you the power through his Spirit for your hidden self to grow strong, so that Christ may live in your hearts through faith, and then, planted in love and built on love, you will with all the saints have the strength to grasp the breadth and the length, the height and the depth..."8

The place to do your best is among those who love you. A humanistic climate stimulates learning, and encourages insight, creativity, and the full exercise of capacity. There is no inconsistency—there need not be tension—between being excellent and being humane.9

The Faculty

Our faculty was, at the time I became dean, one of the best. It has become better in the past four years—better in quality, wisdom, and cumulative experience; more diverse in background; and, at long last, larger. We are now beginning to approach a 1:20 student-faculty ratio, a minimum goal which I believe is a necessary condition for adequate service to our students and for the development of creative legal scholarship.

In my more usual introspective mood, it is important for me to tell you that serving my colleagues, teachers, friends, and classmates as dean of the Notre Dame Law School has been the highest privilege of my life. I have nothing but praise and admiration for these dedicated people, and no ambition better than to work in their midst.
My report last year elaborated my concern over the loss of autonomy for the law faculty. My raising that concern, and my reporting publicly about it, was based on what I saw then as erosion, from within the University and from the Bar, in the landscape which has made American legal education strong and which has characterized the best law schools. In another context this spring (the American Bar Association reinspection report on another law school,) I had occasion to enlarge on the principle:

"If critical decisions are subject to a structure which leaves primary responsibility for the formulation and administration of the program of instruction of the law school in the hands of the law faculty, and if these areas of policy formulation include selection, retention, promotion and tenure of faculty, curriculum, etc., it is probably not essential to obedience to the Standards (of accreditation) that the supervision of the law dean be only at the highest university level.

"Nonetheless, the growth, prosperity, and quality of law schools tend to be directly proportional to the amount of access law deans enjoy to the highest administrative levels of the university. It is important to the prosperity and growth of a university law school that obstacles to access of this sort be removed. The dean of the law school should have direct access to the vice presidents of the university when they sit as a decision-making group and should deal in most essential respects with the president of the university and, where necessary, with the board of trustees."

Our law school does not enjoy the supervisory structure I urged there (although the modern structure is coming to be true in other Catholic law schools). However, I am able to report progress in four of the areas of concern I expressed last year:

First, the Academic Manual has been amended to provide that law teachers can be appointed at or promoted to ranks appropriate to their standing in the profession (associate professor and professor in the usual case) without reduction in the period of time the faculty has to consider them for tenure. This is an improvement in our attractiveness to new teachers, and is particularly in support of our long-standing preference for new teachers who have substantial experience in the practice of law.10

Second, the Academic Code (which prescribes curricular details and examination regulations) has been amended to recognize the law faculty's authority over its own program of education.

Third, Faculty salaries in the law school were markedly improved this year and a system of progressive raises agreed on in principle. Salary has been a serious problem for us. (We fell from 28th to 81st among the 147 accredited schools reporting, in median salary, between 1970 and 1974.)

Fourth, Fathers Hesburgh and Burtchaell, the law faculty, and I agreed in January to a series of assumptions about the law school here which, while necessarily general in purport, sketch a background against which future relations between our faculty and the officers of the University can be conducted:
"A. The law faculty at Notre Dame is unique in the University in its spirit of collaboration, mutual support, and that aspect of the practice of charity which Aquinas called fraternal correction. It operates on the following empirical principle: Sound, growing organizations can be kept sound and growing by careful selection and mutual support, as much as by competition within the organization. The law faculty values, above all else, the preservation of this principle."

It seems to me that the Gospel requires an ethic mutual support in Christian communities, an ethic which bears with particular gravity on academic administrators. St. Paul's admonition--"Let us be concerned for each other, to stir a response in love and good works" (Hebrews 10:24)--is one that can have effect through the administration in ways not open to anyone else in the community. I have been struck, with some gravity, in my work here, with similar sentiments in St. Benedict's Rule for Monasteries: "Let the Abbot be sure that any lack of profit the master of the house may find in the sheep will be laid to the blame of the shepherd.... Above all let him not neglect or undervalue the welfare of souls committed to him, in a greater concern for fleeting, earthly, perishable things; but let him always bear in mind that he has undertaken the government of souls and that he will have to give an account of them."

The series of assumptions continued:

"B. The legal profession controls law schools because it controls entrance to the legal profession by graduates of law schools. The profession's principal delegation of responsibility is not to universities, but to law faculties. The situation is similar to that which would be encountered if Notre Dame had a medical school. This is an ancient and carefully protected tradition. It specifies moral and intellectual obligations placed on law professors by lawyers and courts. It has always insisted that deliberative bodies which are representative of all segments of the University cannot make sound decisions for the internal administration of a law school. It is therefore the declared, specific policy of the American legal profession to insist that decisions critical for the law school be made by lawyers.

"C. The accreditation standards of the Council on Legal Education of the American Bar Association, and the Executive Committee Regulations of the Association of American Law Schools, along with interpretations of those standards and regulations, by those empowered to interpret them nationally, are the basic requirements which the University and the law school are obliged to follow. These standards contain both general principles and explicit program requirements.

"D. Law deans are empirically and traditionally more like university presidents than like other academic deans—in that they bear ultimate responsibility for relations with the profession, the community, and the alumni; control admissions and placement; and are expected to exercise professional judgment which the profession will not permit to be exercised by non-lawyers. This is true even though a law dean typically also bears the responsibilities of a department chairman and of an academic dean.

"E. None of these facts precludes identification of goals and principles
by those ultimately responsible for the law school and the University. They do preclude significant decision-making by representatives of other educational activities in the University.

"F. The law faculty, given some reasonable control over its affairs, is not a troublesome group of people. It has been, in the last decade, a principal source of advice and assistance to the officers and the faculty of the University. Law teachers here are anxious to participate fully in the life of the University, and see nothing inconsistent between that and control of their own educational program.

"G. The Notre Dame Law School is a small, national, person-oriented, religiously active school which emphasizes the humane, private practice of law, by the most intellectually able, and which operates through an excellent, overworked, seriously underpaid, full-time teaching faculty...

* * *

The news about our faculty in June, 1975 (noting that publications are reported in detail by the Vice President for Advanced Studies):

Edward F. Barrett, professor of law emeritus, spent the year on the faculty at the Delaware Law School (teaching his beloved conflict of laws), but will return to our faculty in the fall, to again teach the seminar on the science of judicial proof.

Joseph P. Bauer, assistant professor of law, will be director of the London year-abroad program beginning in August. He taught, during the last two years, civil procedure, antitrust, and trade regulation. He was faculty advisor to the placement office and headed our judicial clerkship program (which resulted in 18 clerkships for the Class of 1975). He directed the appellate practice program, in which our students represent in forma pauperis clients, write appellate briefs, and make oral arguments before the United States Court of Appeals in Chicago. His article, "Professional Activities and the Antitrust Laws," was in the April, 1975, Lawyer.

Francis X. Beytagh, professor of law, was on leave as visiting professor of law at the University of Virginia. He taught there constitutional law, administrative law, and seminars in his fields of specialization; he continued to advise us and the profession on foreign law study, new court rules on required courses in law school, and on local issues at Notre Dame. He was chosen to represent the law clerks of the late Chief Justice Earl Warren, in a memorial ceremony in the Supreme Court in May.

Frank E. Booker, professor of law, completed his third year as director of the London program and his third year on the London summer faculty. (He was founding director of the summer program, in 1970.) He will be returning to Indiana in August, to take up teaching duties in family law, torts, and civil procedure. The London program grew in spirit, strength, and variety during his tenure as director.
Thomas F. Broden, Jr., professor of law and director of the Urban Studies Institute, continues to serve University and community in a remarkable number of ways—from the United Religious Community to the County Park Board, from clinical programs for our students to the needs of graduate students training for pastoral work.

John J. Broderick, professor of law, completed his 28th year on this faculty and was promoted to professor emeritus. He will continue to teach with us next year. He again organized a seminar for our students on trial advocacy, featuring Indiana trial lawyers and judges, and agreed to offer his popular seminar in advanced trial practice to a double-sized group in the spring. He was appointed legal advisor to the Committee of University Representatives for Unemployment Compensation, addressed the International Student Leadership Conference, and spoke during a conference, on campus, on unemployment compensation.

Regis W. Campfield, associate professor of law, published a monumental study on joint tenancies, in the Duke Law Journal, and continued to teach our wills-trusts and estate planning courses, and the seminar in community property. He served on the board of the Early Childhood Development Center and the trust law committee of the Indiana Bar Association. He is an advisory member of the ABA Tax Section Committee on Estate & Gift Taxes; a newly appointed member of the ABA Probate & Trust Section Committee on Estate & Gift Tax changes; and general chairman of our fall Estate Planning Institute, sponsored by the University and the South Bend Estate Planning Council. Incidentally, this past year Mary Campfield received her Ph.D. degree from the University of Virginia.

Anton-Hermann Chroust, professor of law emeritus, continues to teach jurisprudence here, and courses in the departments of history and philosophy as well. He is as prolific in scholarship as he was 20 years ago. He is again spending the summer and early fall in study and lecture appearances in Western Europe.

Granville E. Cleveland, assistant law librarian, continues to act as advisor to our students, recruiter at colleges for us, campus spokesman, and library professional. He was instrumental this year in helping us recruit and advise black students, and in the planning and execution of the successful conference on sports law.

John W. Connaughton, an Ohio lawyer and member of the law faculty (and assistant dean) at Ohio Northern University, will join us in August as assistant professor of law, teaching in the areas of commercial law and products liability. He spent the last academic year in post-doctoral work at Yale; he is a Notre Dame graduate, a law graduate of the University of Michigan, and a Marine veteran. He and his wife have been active in Republican politics in Ohio and in the right-to-life movement.

Charles F. Crutchfield, assistant professor of law, set up new programs in public-interest practice and family law during the year, and taught federal courts in the fall semester and in the summer school. He represented us in an
array of national conferences and meetings, including the important annual conference of the National Legal Aid and Defender Association in New Orleans. He was 1974 winner of the Community Service Award of the Urban League of St. Joseph County. He lectured to civic groups and university classes and received two awards from his students here—one during the second annual homecoming of our black graduates, and one from his family law class.

Fernand N. Dutile, associate professor of law, taught criminal law, in both basic and advanced courses, and professional responsibility. He was faculty moderator for the Moot Court, advisor on post-conviction remedies in the Legal Aid and Defender Association, and served on the admissions committee. He is, for the second year, a member of our London summer faculty. He represented the law school on the Academic Council and on its executive committee. He is chairman of the Board of the South Bend Work Release Center and a member of the board of the St. Joseph County Legal Aid Society. He was elected in June to the Indiana Lawyers Commission.

Kathleen Farmann, law librarian, presided, with usual competence, over our law library. She has also attained local renown as a resume writer. Student expressions of gratitude for this work, and for counselling assistance, range from red roses and a grasshopper pie to a Certificate of Merit, awarded by the Legal Aid and Defender Association. This year begins Mrs. Farmann's tenth year as law librarian, a decade of tenure which has seen such low points as threatened disaccreditation because of our sub-standard acquisitions budget (in 1968) and such high points as the remodelling of the library plant (in which she played a major role) and the zealous, careful management of a small collection which serves well our own community, the University, and lawyers from surrounding areas.

Stanley G. Farmann, associate law librarian, continues his re-cataloguing of our treatises in addition to his many other duties. He otherwise lent his basketball statistics, efficiency and good spirits to a fine year for the law library and is again spending a month this summer in the climbing of less metaphorical mountains.

Leslie G. Foschio, assistant dean and associate professor of law, took leave in January to become corporation counsel for the City of Buffalo—the second highest office in that city and a post once held by our former dean, Judge William B. Lawless, '42L. Prof. Foschio is a brilliant and innovative teacher and one of the nation's most promising young scholars in empirical legal research. Beyond all of that, he was a bulwark of wisdom and strength during my years as dean. I hope he will return soon.

Howard A. Glickstein, adjunct professor of law and director of the Center for Civil Rights, introduced an equal employment law course and again taught his wide-ranging civil rights survey course. He testified before subcommittees of the judiciary committees in the House and Senate, in favor of extension of the Voting Rights Act of 1965 (legislation that he and Father Hesburgh helped get enacted in 1965). He planned and presided over our fourth annual Civil Rights Lectures, delivered this year by the Reverend Jesse Jackson, and the second annual Civil Rights Conference. He spoke on civil rights and law reform in Seattle, Denver, Baltimore, Fort Wayne, Chicago, and Detroit.
Marianne Hopkins, law school administrator, assumed most of the administrative duties of Assistant Dean Foschio when he left in January. She became a one-person administration for the law school, with responsibility for administering admissions, records, scheduling, non-professional staff, building, and budget. She represented us at the annual meeting of the Law School Admissions Council in South Carolina, and at an invitational conference on admissions in Albuquerque.

Conrad L. Kellenberg, professor of law, taught first-year property law, land use planning, and African law, and acted as advisor to the Legal Aid and Defender Association. He and Prof. Rodes were among the sponsors of a campus relief program aimed at poverty and hunger in Africa, Asia, and Latin America; he was named "Strategic Air Command Reservist of the Year," in recognition of his work as a reserve legal officer in the Air Force.

Millie Kristowski, executive secretary of the Notre Dame Law Association and placement director, kept N.D.L.A. affairs in good order, hosted more than a hundred teams of interviewers (and hosting here often means finding accommodations and football tickets), and provided local supervision for the national finals in the A.B.A. client-counseling competition. When the dust cleared in June, more than 90 per cent of the graduating class was placed and we again had young lawyers going into the best jobs in the country.

Edward A. Laing, assistant professor of law, taught international and comparative law and commercial transactions and continued to consult from afar on the development of a legal services program in Jamaica; he is a founder of that program. He published a study of election statutes, in the Anglo-American Law Review, and several essays in comparative law. His approach to teaching and his skillful use of a broad professional preparation place him in a special position to lead our students to international concern and to an appreciation of other legal systems.

David T. Link, professor of law and our new dean, served in high posts in two areas of American Bar Association activity (taxation and economics), was appointed by Gov. Bowen to the new Indiana commission on privacy. He spoke on professional subjects in 20 American cities and assumed increasingly heavy burdens on our faculty—all while teaching a full load in federal income taxation and entity taxation. He was elected vice-chairman of the University Committee on Research and Sponsored Programs. Barbara Link received her A.B. degree from the University, summa cum laude; she and her husband were president couple of the Parish Council at Little Flower Church.

Robert L. Mennell, professor of law at Southwestern University in Los Angeles, will be visiting professor here during the next academic year. He is an expert in the wills-trusts and professional responsibility fields, a Harvard law graduate (and native of Massachusetts), and a California lawyer. He has extensive publications in his field, including a 1973 casebook on the law of decedents' estates in California.

Paul R. Moo, professor of law, continued to teach across the spectrum of commercial law—commercial transactions, creditors' remedies, banking and commercial paper, and the seminar in consumer credit.
Charles W. Murdock, associate professor of law, returned from nine months of leave on the Hastings law faculty in San Francisco, spent a busy year with us, and then accepted appointment as the law dean at Loyola University, Chicago, his alma mater. His two-volume annotated version of the Illinois Business Corporation Act was published in the spring, along with new periodical pieces on securities law and mental retardation. He continued in active service as a supervisor of interns and a member of the board of the National Center for Law and the Handicapped and assumed direction of our course, joint-degree, and clinical programs in environmental law.

Edward J. Murphy, professor of law, continued his peerless work in contracts and restitution and inaugurated a new seminar in biblical law. He began a second edition of his successful casebook in contracts, was elected president of the parish council at Queen of Peace Church, and was appointed by Father Hesburgh to the new university-wide budget review committee.

Joseph O'Meara, dean and professor of law emeritus, continues to be an active member of our community from his home in South Bend and office in the legal services program. His essay on abortion will be published in the University of Chicago's Supreme Court Review.

Roger Paul Peters, professor of law emeritus, spent his fifth year as a full-time member of the Southwestern University law faculty in Los Angeles; he represented Southwestern in the Western Law School Conference. He plans to continue full-time teaching in the fall.

Lynn L. Rausch, acquisitions librarian, handles current and updating requirements of the collection with aplomb. She enjoyed a tour of Europe this summer. Ms. Rausch is an active and resourceful member of our faculty; she was particularly helpful last year in helping us work out a humane approach to the problem of academic attrition.

Charles E. Rice, professor of law, is again director of our campus summer program. He was a delegate to the Non-Governmental Forum of the World Population Conference at Bucharest, Romania. He testified before the Senate Rules Committee against the nomination of Nelson Rockefeller as Vice-President; taught torts and one section of constitutional law in each semester; and participated in drafting various congressional bills on the subject of abortion. He spoke on abortion and other topics in Los Angeles, Seattle, Washington, D.C., Pittsburgh, Louisville and other places. His articles on abortion were published in the Houston Law Review and in the Boston College Law Review.

Robert E. Rodes, Jr., professor of law, taught civil procedure, business associations, public welfare law, jurisprudence, and legal history—in what is probably the most demanding teaching load of this year—and assumed as well the chairmanship of the admissions committee. He delivered a paper, in Ohio, to the American Catholic Philosophical Association. His jurisprudence text, The Legal Experience, will be published next spring. He is the editor of a new University Press series on jurisprudence. He and Prof. Kellenberg represent us on the Faculty Senate. He and Prof. Rice are editors of the American Journal of Jurisprudence.
James H. Seckiner, assistant professor of law, directed the program of trial advocacy, adding an innovative and thorough classroom component to it, and taught an upper-division course in professional responsibility. He was again appointed to the faculty of the National Institute for Trial Advocacy, and is spending the summer in that program. He assembled materials on trial practice, for his students, for publication, and for his classes in the trial institute.

Thomas L. Shaffer, professor of law. I was elected to the Executive Committee of the Association of American Law Schools and reappointed to the editorial board of the Journal of Legal Education; and was appointed to the Committees on Education in Judicial Administration and on Accreditation of Law Schools, of the American Bar Association. I spoke on professional topics in a number of cities, and published several periodical pieces, among them an essay on Christian theories of professional responsibility in the Southern California Law Review. Nancy Shaffer worked with our students in the South Bend legal services program, as a lay advocate, and received the Community Services Award of the Urban League of St. Joseph County.

Ann H. Wernz, '75L, became the first new graduate in recent decades to be appointed directly to the law faculty. Prof. Wernz will begin teaching in August. She took top honors in her class and received her degree summa cum laude. She has been an instructor in modern languages here during her years as a law student.

Michael B. Wise, adjunct professor of law and assistant director of the Center for Civil Rights, developed a new course in school law and continued to teach in civil rights and to work with civil rights interns. He was a principal planner of the superb two-day conference on civil rights.

Lecturers. Our program depends in important detail on lawyers who are willing to teach with us part time. Charles Boynton, '42L, has, for example, served us for decades as valuable expert in real estate transactions; James F. Thornburg, of the Advisory Council, and his partners, have provided advanced instruction in tax planning; and Thomas H. Singer has been a willing lecturer in evidence, criminal law, and office practice. All are leaders of the South Bend Bar. Mr. Singer this year directed the criminal practice clinical program and gave it an important new dimension and excitement. Because of his efforts and Prof. Foschito's, building on excellent substantive courses offered by Prof. Dutile here and Prof. Booker in London, and supplemented by Prof. Crutchfield's new program in public-interest practice and by our team-taught program in appellate practice, we offer law students the finest preparation I know about in the practice of criminal law. These gentlemen were joined this year by James Roemer, who is University counsel and City Attorney of the City of South Bend; Mr. Roemer offered a clinical program and seminar in local government practice. We again enjoyed the devoted service of two corporate lawyers from Elkhart, Drs. Myron Sokolowski and Melvin Silver, who offered courses in patents, copyright, and trademark law.

Research Associates. Our students were also served by three research associates—Dr. Kathleen Cekanski, '73L, of the Indiana Bar, who will join our faculty in the fall as lecturer on law in charge of the legal bibliography program; Judge Taketaka Nakagawa of the Tokyo District Court, here to study
criminal procedure and common law; and Dr. Roman Tokarczyk, a lawyer and legal scholar from Poland. Dr. Cekansky has succeeded in the past two years in revitalizing the legal bibliography program; it had been torpid at best and is a difficult subject to teach well.

Practice Court Judges. Our advocacy program depended, as it has for a quarter of a century, on generous contributions of time and wisdom from judges. I am particularly grateful to Judge Luther M. Swygert, '27L, who retired as chief judge of the U.S. Court of Appeals this year (but continues on active duty as circuit judge); to the chief judge of our practice court, Judge Norman Kopec, '53L, chief judge of the St. Joseph Superior Court, and to his colleagues Judge George N. Beamer, Jr., Judge Douglas Seely, and Judge Robert L. Miller; to Judge James Hoff, circuit judge of Cass County, Mich.; Judge James Richards, chief judge of the Superior Court of Lake County; Judge John Montgomery, St. Joseph (Indiana) Circuit Court; and Judge Robert A. Grant of the U.S. District Court in South Bend. We lost this year, from the federal bench, a devoted friend and alumnus—Judge George N. Beamer, Sr., '29L, who died in the fall. Judge Beamer served during his exemplary life as practicing lawyer in South Bend, Attorney General of Indiana, leader of his political party, federal judge, and wise advisor and supporter of this, his law school.

London Faculty. We are blessed with superb lecturers in our London program; the last year has improved the mix there, of basic second-year legal education, international and comparative law, and Anglo-American tradition. Prof. Charles Alexandrowicz of the Cambridge faculty taught with us again this year, and will be with us next year, along with Prof. Ronald Maudsley, Patricia Harmer, and Ian Kennedy—all of the King's College London law faculty. (Prof. Maudsley, who was White Professor here last year, was awarded the LL.D. degree by Birmingham University.) William Onorato was with us as lecturer, for the fourth year, and as associate director; Keith Uff, of the Birmingham law faculty, also with us for the fourth year, was chosen by the 1973-74 group as their teacher of the year. Richard Toub, an American lawyer in private practice in the United Kingdom, again taught the basic course in income taxation. Additions for next year include Prof. Anthony West, head of the faculty of laws at Reading University, and his colleague, David Lloyd-Evans. Prof. West taught in the London summer program this year; he has been a source of friendly strength during the year, acting as advisor, advocate, and good friend to Prof. Booker and to our London students.

Scholarship

I was asked last fall to comment, on behalf of the law faculty, on the admonition of the Committee on University Priorities that all teachers at Notre Dame exert more effort toward attracting and performing sponsored research. My reply said in part:

"Sponsored research and training programs in law were almost unknown anywhere prior to the last decade. They were, as far as I know, unknown in our Law School prior to 1968 and the deanship of Judge William B. Lawless.

"Judge Lawless brought to our long-range planning the 'law center' concept developed by the late Justice Arthur Vanderbilt and followed to some extent
at the Law School at New York University. That concept depends heavily on sponsorship, and in Dean Lawless' administration we received our first large grant for research (the court delay project, conducted with the Engineering School). After 1971, we preserved a federal grant ($220,000) for building improvement and received an additional $750,000 building grant from the Kresge Foundation.

"In 1970-71, we developed cross-disciplinary training programs in air and water pollution, again in partnership with the Engineering School. These have been refunded and involve sponsorship for from six to twelve students in the law school, as well as summer research programs for students and faculty. Both these projects and the Court-delay study are federally financed.

"In my deanship, aside from the environmental law programs, we have entered into federally-funded internships in law and the handicapped (for 16 students this year); into research, sponsored by the Spencer Foundation, on professionalization; into partially-sponsored training programs for the judiciary; into a series of proposals, managed by Dean Link, on computerization of law; into a federal grant for training disadvantaged law students, managed by Professor Foschlo; and into small federal and private grants ($5,000-$21,000) for clinical programs. The largest research grant we have received during this period has been a $500,000 Ford grant establishing the Center on Civil Rights; this program employs law students as interns and has provided new programs of instruction conducted by adjunct faculty.

"Several proposals are now pending, including further use of computer simulation in judicial administration, computer research, and my proposal for the preparation of teaching materials for courses in legal interviewing and counseling.

"The magnitude of increase in sponsored programs in the law school since 1968 has been phenomenal, which is not so remarkable when one recalls that we started from nothing. Much of this growth has been due to what feminists call 'consciousness raising' among a category of professors who do not think of sponsorship as part of their professional aspiration. Dr. Gordon and his staff have been helpful in this effort.

"The largest obstacle to further growth in sponsored programs here is our sub-standard student-faculty ratio. In terms of full-time faculty, we still operate a graduate professional program on a ratio of about 1:25. This requires that Notre Dame's typical law professor teach about ten hours a week, with an average student load of between 100 and 200. This is undoubtedly the largest load any graduate program on campus has, and is one of the worst among the better law schools. So long as we labor under this crushing teaching burden, I cannot expect teachers to find the time to propose and implement sponsored research at a level higher than we now have."

Alumni and Friends

Notre Dame Law Association. N.D.L.A., under gentle, attentive care from its president, Hugh Fitzgerald, '34, continued its able work on scholarship funds (see Appendix); became much more active in assisting our graduates to
find employment (led in that respect by Burton Apker, '48L, and a nationwide committee of N.D.L.A. members); entered more heavily into discussion of law-school policy issues; and provided alumni recruiters at colleges and universities all over the country.

Hugh J. McGuire, '60L, will become N.D.L.A. president in the fall. The Executive Committee nominated G.W. VanderVennett, '32L, to be president-elect, and Mr. Apker to be vice-president. These members were nominated for re-election, for three-year terms, on the N.D.L.A. Board:

John Bradshaw, '53, '54L  
James Coryn, '54, '55L  
John Martzell, '58, '61L  
Patricia O'Hara, '74L  
Joseph Spalding, '52L  
John Boyce, '59  
James Ferstel, '48, '50L  
Patrick McCartan, '56, '59L  
Ronald Sowers, '65L

These were nominated for election to the Board (Mr. Titus and Mr. Veatch to fill terms expiring in 1978):

James Gillece, Jr., '69L  
Francis Gregory, '66L  
Walter Steele, '73L  
Chauncey Veatch, '75L  
Paul Gore, '68L  
Carmen Piasecki, '73L  
Paul Titus, '60L

The Board met on campus last fall and the executive committee met here in May. This year's contributions to our scholarship funds, from N.D.L.A. members and others, reached $105,000; law-center contributions were at $12,500; and other grants and contributions to the law school or the Center for Civil Rights totalled about $360,000. For the first time since 1968, the scholarship fund shows promise of edging into the black.

Placement. The executive secretary of the N.D.L.A., Mrs. Millie Kristowski, has staff responsibility in the law school, under the dean and Prof. Bauer, for the assistance we give our students and graduates in finding professional employment. At its fall meeting, the N.D.L.A. Board discussed at length the tightening employment situation for young lawyers and determined to lend a hand in this effort. Mr. Apker was appointed chairman of a new Committee on Placement Assistance. (Other members are James Eichelberger, Atlanta; Daniel Hammer, Cleveland; James Kane, Buffalo; Thomas Kronk, Newberry, Mich.; Robert LeMense, Milwaukee; Ronald Sowers, Fort Wayne; Daniel Sullivan, St. Louis; and David Thornton, Tulsa.) The Committee has now established a national network of placement counselors for our students, operating in virtually every metropolitan area in the country. Mr. Apker filed a report at the May meeting of the N.D.L.A. Executive Committee; here are some excerpts:

"Each Director is by his office a placement coordinator for his own area--that is, for the area in which he has heretofore been responsible for overseeing the scholarship contribution drive.

"The Notre Dame Placement situation is indeed very good compared to the situation at many law schools as to which the Committee has had comments from
coordinator solicitees. The Placement Office considers the placement assistance program a meaningful factor in its successful results this year, and anticipates continued and increasing assistance from the program as the N.D.L.A. resource is fully mobilized.

"The Placement Office estimates that about 75 per cent of the students use its placement assistance to some degree. It surveys results through placement questionnaires submitted to the students.

"1. At a time when some 62 students of the May, 1975 class had reported their having obtained jobs, 32 had been employed by law firms, 20 by government offices, including clerkships, and 10 by banks and other corporations. These figures point up how important clerkships, government employment, and corporate employment are in the total employment picture. The government is a particularly strong employer of female graduates.

"2. At a time when 49 students were responding to the questionnaire, four reported starting salaries of $18,000, 6 reported starting salaries between $16,000 and $18,000, 18 reported salaries between $13,000 and $15,000, ten reported starting salaries between $10,000 and $13,000, and one reported a starting salary of less than $10,000.

"3. Sixteen students completed their degree work in December, 1974. Through the questionnaires, the Placement Office has been advised that at least 12 of them have accepted positions; the others were still looking for jobs in a very limited geographic area of the students' strong preferences, or were awaiting bar examination results, which some employers now make a condition of employment.

"4. There are 105 graduates in the May, 1975 class. Of those who responded to the more recent Placement Office survey, 69 out of 73 had accepted jobs. Of that group, 18 had been offered judicial clerkships (a very high percentage, manifesting great success in this area). Of the students not responding to the survey, a number are known to have found employment; a substantial number have never sought Placement Office assistance (some were believed not to be seeking employment); and a few were entertaining offers which would not become firm until the graduate was admitted to the bar.

"Many job offers result from on-campus recruiting by law firms, agencies and corporations. The Placement Office solicits on-campus recruiting and welcomes suggestions as to prospective hiring entities to be invited. Some of the coordinators encourage law firms to recruit on the campus. These efforts of the coordinators and the Placement Office are bearing fruit—in the 1973-74 school year, 90 prospective hiring entities interviewed on the campus, and that number was increased to 110 in the 1974-1975 school year."13

Law Advisory Council. The fourth annual Law Advisory Council lecture was given at the Council's fall meeting by Council member and Securities Exchange Commissioner A.A. Sommer, Jr., who used the occasion to raise serious (and widely publicized) misgivings about removing corporate stock from public
listing ("Getting Rid of Shareholders: Is It Right?"). Father Hesburgh appointed five new members to the Council—Robert F. Short, George Morris, '40L, William C. Keefe, '35, James Dwyer, '26, and Hugh Fitzgerald, '34. Mr. Fitzgerald was appointed to serve ex officio (from his post as N.D.L.A. president); Mr. Morris is a former N.D.L.A. president.

Patrick Crowley, '33, and Judge Roger J. Kiley, '25L, both long-time members of the Council, died during the year. Judge Kiley had been especially close to the school throughout an illustrious career; I contributed to a Lawyer dedication to him, saying, among other things:

"The highest honor a student entering our school can have is the designation 'Kiley Scholar.' When the Kiley Program (which this year will enroll its twentieth scholar) was created in 1971, we spoke of ability, devotion, and diversity. Judge Kiley was a judicial giant, a magnanimous and loving Christian, and a lawyer everyone loved. In those important ways, we hold him up to our best; we ask them to be like him. His life was a life to rejoice about, to consult as he lived it and as he left it to lawyers who will for generations revere him.

"His law class at Notre Dame was a judge's class. His classmate John F. Kilkenny shared the federal appellate bench with Judge Kiley; Donald C. Miller is on the federal bench in Ohio. It honors them, and him, to marvel at the judicial leadership that small class, at this small school, gave America.

"He became a lawyer, community leader, and judge in his native Chicago, but continued to teach here and to preside at the founding of the Natural Law Institute. The time and wisdom he offered to education bore on how lawyers should live. And that, too, we hold up to our students. They dare not, on pain of leaving the community worse than they found it, lead merely private moral lives. Too many good people in America cover virtue with bushels which look, from outside, like moral indifference. Notre Dame's model lawyer was willing to point out his principles, to offer them in service to other lawyers. And no one ever did this with better humor, or greater kindness."

Student Recruiters. Our faculty is too small and too busy to afford time for recruiting trips. Still, Prof. Foschio and I recognized four years ago that our school needs to be represented among the college juniors and seniors who are thinking about the legal profession. Students have helped fill the gap, but the principal source of talent for this task has been our alumni, who, each year, visit scores of campuses across the country to tell students about our school. I am especially grateful to:

Mario Beltramo, '72L
Robert J. Bobb, '72L
Michael Duggan, '73L
Harry Henning, '71L
Valerie Kanouse, '74L
Joseph Kennedy, '69L
Gary McInerney, '73L
Maree Mulvoy, '73L
Edward Sheridan, '72L
Patricia A. Bobb, '72L
Stephan DeSales, '70L
Robert Greene, '68L
Keith Kanouse, '74L
Bruce Kelly, '73L
Thomas McCarthy, '74L
James Mulvoy, '73L
Patricia O'Hara, '74L
Frank Smith, '68L
Program. Our program of instruction developed as I have described in my last two reports. Probably two-thirds of it is now required or virtually so: First-year courses are all required; second-year courses are so strongly counseled (and so heavily subscribed) as to be virtually required. I have for the past two years advocated that we again require most of the second-year curriculum. The faculty has, in both years, stopped short of that return, but has now determined that some courses after the first year should be required and has instructed the curriculum committee to make consistent and specific proposals to that end before January, 1976.

I argue for return to a required second year because of strong advice from the Bar (organized and unorganized) and from our alumni; the practicing profession feels that all lawyers should have firm grounding in essentials of the law, and that grounding requires about two-thirds of a legal education. I feel, too, that a required second year will be more orderly and demand fewer resources than electives in the second year. The energy and resources made available by the change can then be devoted to better programs in the third year.

Our third year grows in variety and in strength. It now tends to provide specialized instruction in three ways--specialized advanced courses (e.g., estate planning, advanced constitutional law, administration of criminal justice, products liability); small seminars (e.g., constitutional litigation, international problems, consumer credit, labor arbitration); and clinical programs. The addition of Prof. Crutchfield to our faculty brought, and the return this year of Prof. Booker will bring more, new life and breadth to clinical work here. In my view, most "clinical education" in law schools is not that at all. Much of it is a student-directed effort to provide practice experience; most such effort is, of course, worthwhile. (Examples here are the 12-15 programs of our Legal Aid and Defender Association, which include work as public defenders, legal-aid lawyers, assistant prosecutors, and legal assistants to prisoners and mental patients.) A second category is experience-based learning (such as our trial advocacy and labor arbitration programs) which is effective learning-by-doing but does not use real clients. What I regard as clinical education assembles small groups of students who work for real clients and who work within a relationship with a faculty member which parallels the relationship between an experienced lawyer and a young associate in private practice. This clinical education narrowly defined has found a place in our third-year program and is for the first time available to any student who wants it. Prof. Crutchfield conducts three programs in public-interest practice; Prof. Booker will revive this fall his program in family-law practice; Profs. Crutchfield, Kellenberg, and Connaughton will continue our two-semester program in appellate practice; Prof. Booker will take over from Prof. Foschio and Mr. Singer direction of the program in criminal practice; Prof. Wernz will assume supervision in the fall of our successful program in law-reform practice for the handicapped. The educational value of these programs turns on both practice experience (and the average Notre Dame law student now literally practices law, to a substantial extent, before he or she leaves us) and on exacting supervision by a member of the faculty. The result can be both clinical and educational.

The required-course issue is not the only question on program which needs to be resolved by the faculty next year. A committee headed by Prof. Rice will
report on whether we should return to comprehensive examinations. Our old comprehensive system was devised and implemented by Dean O'Meara, and, as was true of everything he did, it was rigorous and wise. The turn here toward elective courses argued, though, against retaining comprehensives; we dropped them in 1968. Many of us feel they should be revived. Another committee will study and report to the faculty on the restoration of class ranking. I was one of those who favored the abolition of class rank in 1969, and I feel that we have lived well without it since then. However, many of our alumni have urged its restoration, and there is a steady demand from employers of law graduates for the use of rank as a mean of judging candidates for positions in the profession.5

Library. Our law library had grown to 90,000 volumes by the end of the academic year; its expansion since the remodelling of the building has been slower than we had hoped--due mainly to inflation in book prices and to the fact that our book-acquisitions budget has been static since 1968. We would not have expanded as much as we have if it were not for generous capital gifts from the John P. Murphy Trust and for the exacting prudence and creativity of our law librarians.

Guests. Again this year our classroom program was enriched and supplemented by distinguished visitors. Most of these not only spoke to our students but sat down and talked with them and shared their lives. Many of the visitors came as part of one or more special programs--including the second annual Civil Rights Conference and other activities of the Center for Civil Rights; a Sports Law Forum conceived and planned by our students and by Mr. Cleveland and Dean Link; the local and final rounds in the Client-Counseling Competition, sponsored by the Law Student Division, American Bar Association, which were held here for the second consecutive year; and a program of guest lectures for first-year students, on the moral life of lawyers. This list is in addition to members of the Law Advisory Council and the N.D.L.A. Board. Finally, we are, as always, especially indebted to the St. Joseph County, Indiana, Bar, for the characteristically generous support given our program by local lawyers. The guests included (*denotes guests at the London Centre):

*Philip Agee
Hon. Jerry Apodaca
F. Lee Bailey
Gerald Bambrick, '72L
Prof. Harvey Bender
Martin Blackman
*Martin Brabin
*Hon. E. F. Broderick, '27L
Hermione K. Brown
Father Burtchaell
Jose A. Cardenas
Hon. Shirley Chisholm
Hon. Creighton Coleman
Hon. Mary Coleman
Robert Craig
Angela Davis

*R. K. Antron
Sen. Birch Bayh
Dean Clinton P. Bamberger
Hon. George N. Beamer, Jr.
Carole Bellows
Prof. Ivan Bodensteiner, '68L
Hon. John Brademas
Prof. Louis M. Brown
Alan D. Burke, '73L
Hon. Keith Campbell
Hon. Robert Carter
Dean Virginia Anne Church
Prof. James S. Coleman
Hon. A. J. Cooper
Thomas Curtin, '68L
Paul Dimond
*Dana Devoe, '59L
Thomas DiGrazia, '70L
Hon. William Doyle
Melvin Ehrhardt, M.D.
Frank Emmick
Richard Fefferman
Herman Finkelstein
G. Burt Ford
Lester Fox
Sheldon Gallner
Prof. Oscar Garcia-Rivera
Prof. Nathan Glazer
Robert Gonderman
Father Robert Griffin, C.S.C.
Sen. Vance Hartke
Richard F. Hennessey, '68L
*Father Hesburgh
Hon. George B. Hoffman
John L. S. Holloman, Jr., M.D.
Prof. John W. Houck, '50L
E. Peter Isacson, M.D.
Hon. Francis Jamison
Albert E. Jenner
Hon. John Kilkenney, '25L
Prof. Richard A. Kurtz
Charles F. Lennon, Jr., '61
Hon. Allard K. Lowenstein
Hon. Richard Lugar
Dennis M. Mahoney, M.D.
Hon. Thurgood Marshall
Bernard L. McAra
Hon. Harry B. McAra
Dean Alfred Meyer
Jeffrey Miller
Edward Minczewski, '41L
Howard N. Newman
R. Eugene Pinchman
Prof. Francis Fox Piven
David Purcell
Hon. Charles B. Rangell
Marcus G. Raskin
Prof. Cruz Reynoso
Alice M. Rivlin
Herman Saltz
Harrison Salisbury
Edward Schmidt, '72L
Prof. Joseph W. Scott
Barbara A. Sizemore
Martin Sloane
Alphonse Spahn, '48L
Hon. Robert Staton
Prof. F. Reed Dickerson
Lawrence DiNardo, '74L
James A. Dumpson
Carl F. Eiberger, '54L
David Erdman
James Fellers
James Finks
Richard Freeman
Patrick Gallagher
Benton E. Gates
Hon. William Garrard
William Gleason
*Rt. Hon. Bruce Gossett, M.P.
Hon. Martha Griffiths
Prof. Stanley Hau erwstr.
Prof. Michele Herman
Hon. James E. Hoff
*John L. Holgerson, '71L
Prof. Carl W. Holm
Michael Howlett, '73L
Hon. Julian E. Hughes
Rev. Jesse Jackson
Eli L. Jerome
Peter King, '68L
Prof. Stanley K. Laughlin, Jr.
Father William M. Lewers, C.S.C.
William Lucy
Alexander Lyoshir, '53L
Prof. Burke Marshall
David Matthews
Father Michael McCafferty, C.S.C., '73L
Hon. Barbara A. Mikulski
*Sir Frank Milton
Jerome Nealon
Prof. Grace Olivar ez, '70L
William Pincus
Hon. John Powell
Hon. Joseph Quinn
Hon. Michael Ranne
Al Rathbert
P. Robert Rigney, '73L
Alan L. Rothenberg
Charles Sacher, '64L
David Saunders, '72L
Charles A. Scott
Michael Seng, '67L
Glenda Sloane
Hon. A. A. Sommer
Glenn Squires, '51L
Edmund A. Stephan, '33
The Future. This is a small law school, operating with strained resources in geographical backwater. Its program is solid but not remarkable in any but two respects—its aspiration to make legal education humane, and its vigorous, effective program in international law. My theme in this report centers on the first of these claims to distinction. The second speaks to the future. The London year-around program will go into its eighth year this fall, and has never been in better shape; it remains unique in legal education. The Japanese summer program, begun under Prof. Murphy's direction last year, is the only American law program in the Far East and the only foreign program to concentrate on international trade and investment. The London summer program, under Prof. Kellenberg's direction, is now in its sixth year and has taken on new life with its move back to central London; my information is that it is the largest American foreign law program. I am convinced it is the best. It has been important for us to supplement these programs with strong offerings in international and comparative law on the home campus; the addition of Prof. Laing to the faculty gave us new resources for that task and for the development, under Dean Link, of a focused graduate (LL.M.) program in the field.

These programs insure for students who take advantage of them a window into the future. I have no doubt that the next generation of American lawyers will abandon—because they must abandon—the provincialism which has characterized our profession since the Revolution. Lawyers will be ahead who learn in the Seventies that the world of their business clients is just that—a world; who learn to practice law in the shadow of 100 million starving non-Americans; who bring to the bent world a Christ-like sense of compassion and the Anglo-American lawyer’s respect for the rule of law. There will either be lawyers with this kind of sophistication, who will lead the world in the next generation, or, I am convinced, our country will turn away from lawyers, for the first time in our history. All of this is why we on the law faculty believe it important to establish strong international law programs here. To the extent that we are unique in them, we are ahead of the game.

There is a shadow in this for us and that is that the majority of our students do not take advantage of our strength in international law. I argued last year for a new required course in legal systems, developed by Prof. Laing, which would bring these considerations into the first-year program and would serve as a conduit for advanced work in international and comparative law. That course was approved, but made elective. I hope it will begin to do the job in that status, but I expect that we are going to have to face again the necessity of requiring this sort of instruction.
It seemed to me important, as we discussed these issues last fall, to seek opinions from lawyers whom I regard as national leaders in the profession. Most of these lawyers were nearer agreement with the sentiments I express here than law teachers are, and certainly more than most law students are. One of these lawyers said:

"Trends in international business and international political developments are such that American lawyers are going to be drawn more and more into the areas you have under discussion. Our own experience underscores this point. Ten years ago we had practically no international work. With the advent of the multi-national corporation, the development of the common market, and the great burgeoning in international trade, we faced the choice of either getting into this field or seeing our clients go elsewhere. We now have approximately twelve people engaged here in one form or another in international legal work and have an office in London, and from time to time send young lawyers abroad to other countries to gain experience in foreign law firms."

Attrition. The average number of dismissals for academic failure in the law school, since I have been dean, has been ten a year. The average number of readmissions has been three. Dismissal is not the only dimension of failure. Students here fail courses at the rate of 20 to 25 a semester. In spring 1974, we lost eight students by dismissal (one of whom was in his last semester) and 23 students failed one or more courses. This record indicates the amount of business my office has had in dealing with petitions for readmission—an issue on which the faculty has increased the dean's discretion. Academic attrition speaks, more positively, to the perennial issue our community has in reconciling failure with the fact that everyone here works for the success of every student. We would welcome an academic attrition rate of zero.

Failure is not inconsistent with the sort of system we want. We act here in the shadow of demanding and lonely professional lives. Lawyers bear the burden of order in society. The difference between a debate and an alley fight, as I was told the day I was admitted to the Bar, is law. The professional lives our students will lead will be much more demanding than anything they do here. It may be, in the nature of things, inevitable that some students will not prepare here well enough to succeed in the profession.

It is our duty to make the program here one which prepares for professional success, and that means it must continue to be a demanding program. If it is a demanding program, some students will most likely fail at it. Dismissal and petitions for readmission are a matter of what Herman Melville called bitter prudence.

How does the sort of community we want deal with the fact that some few of its members stand always in danger of dismissal? It seems to me that it searches zealously for the causes of poor work, before we give grades to it. This is, by the way, analogous to what a good lawyer does: Courtroom battles are usually a species of social failure; a good lawyer searches for the causes of courtroom battle, before the battle occurs. He corrects as many of them as he can.
We decided that sound administration requires that a student raise problems which lead to failure before the problem gets him into academic trouble. I have watched 17 classes of law students go through this school, and have known scores of students in trouble. In most cases the student who tried to survive the trouble without seeking help—who went ahead in his courses and his examinations—ended up losing. His problem was, in most cases, not a lack of ability to study law. His mistake was that he lacked good judgment; he did not seek relief, and his problem sank him. Good judgment is not unrelated to the capacity to practice law with competence and honor.

We have come to insist that students raise with us, before examinations, prototypical situations which threaten failure—for examples:

- outside work at a level which is not consistent with full-time study;
- illness, physical or emotional;
- family and personal crises;
- difficulty in developing study habits.

In announcing these new policies to our students, in September, 1974, I said:

"There are two ways to organize a community's affairs so that we face difficulty together and work together to promote the success of each of our members: One way is to eliminate rigor and abolish standards. Everyone can succeed where there is nothing to succeed at. A law school operated that way would result in incompetent lawyers. That choice by our faculty would result in a demand from the profession—a justified demand—that we close our doors and leave legal education to institutions which respect clients.

The other way to organize is to keep the standards up, and even to raise them whenever we can, and to work together so that everyone meets the standards. That is the way we try to have things here. Although we typically fail out ten students every year, there have been years in which no one was dismissed. The class of 1975, for instance, lost only two of its members after the first year (about 1.5 per cent); it lost no one, and had only one grade of "F," in the spring 1974 examinations. That may not prove those students are peerless, but it does prove that Notre Dame law teachers do not maintain a quota of failures. Finally, though, the consequences of a community which conspires for the success of its members, and keeps the standards up, include one melancholy duty: We must recognize failure when it occurs, after we have done everything we can think of to prevent it. What I am urging here is more attention to prevention, more attention to inadequate performance."

Admissions. Admissions pressure on law schools levelled off nationally last year and is down slightly this year. But the attractiveness of our school increases, contrary to the national trend: Our inquiries were up 23 per cent. Applications for admission were up more than ten per cent. At this writing, the admissions committee has received some 2,300 applications—the largest number, by far, in our history.
We began our 105th year with a student body of 431 students, 25 of whom were special students (not seeking a Notre Dame law degree) and 15 part-time. (Four hundred students is the maximum size for us, given our physical plant, library, and faculty.) Of these, 94 were women and about ten per cent were members of minority groups. Our numbers of women will, I think, reach a stable future component of about 40 per cent of the student body. (Full-time women students this year were 45 in the first-year class, 30 in the second, and 19 in the third.) Our trend toward a stable 400 students has gone from about half that size, to more than 500, back down to 400, since 1967. We have increased our cosmopolitan character in those eight years. My estimate (a point on which we no longer seek data from students) is that about a third of our students are non-Catholics: as the following table indicates, the student body here has increased in other aspects of diversity while growing in ability and promise for the profession:
### Table: Academic Attrition

<table>
<thead>
<tr>
<th>Year Entering Class</th>
<th>GPA</th>
<th>Minority Groups</th>
<th>Total Admissions</th>
<th>Total Graduating</th>
<th>Total Entering</th>
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<tr>
<td>1974</td>
<td>3.4</td>
<td>14</td>
<td>1,708</td>
<td>574</td>
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<td>1978</td>
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<td>14</td>
<td>1,708</td>
<td>574</td>
<td>3,282</td>
</tr>
</tbody>
</table>

Note: GPA values are estimated (est.).
Two students died during the year. Peter A. R. Lardy, '75L, Sentinel Butte, North Dakota, died of cancer. He continued here as a full-time student through-out two years of terminal illness. He and his wife Brenda were models of Christian courage for the rest of us during a time which Pete managed to illuminate and make hopeful. Oftener than not, it was he who consoled his classmates and teachers, while he showed them, without a word about it, what a sense of the eternal is. Pete's degree was awarded posthumously in May; his classmates have established a scholarship fund in his memory. Douglas R. Johnson, Jr., '77L, South Bend, died in an automobile accident in February. Doug was a part-time student and full-time South Bend police officer. He was an example of determination and ability, to all of us, as he struggled, with thin financial resources, through college (at Indiana University) and through most of the first third of law school.

Student Organizations. Elections this spring gave four out of five of the traditional student-body leadership posts to women. Ann Silver, '76L, Rye, New York, is 1975-76 president of the Student Bar Association. Kathleen G. O'Reilly, '76L, Woodcliff Lake, New Jersey, is director of the Legislative Research Service; Kathleen L. Maher, '76L, Greenville, Ohio, is executive director of the Notre Dame Legal Aid and Defender Association; and Jeanette L. Cardia, '76L, Brighton, Massachusetts, is director of the Moot Court. Our lone male at the helm is Thomas D. Yannucci, '76L, South Bend, editor of the Lawyer. This is the first year in which women have been elected to the legislative, legal aid, and student bar association positions. Patricia Leonard, '75L, Lorain, Ohio, was director of the Moot Court in 1974-75, and the first woman to be elected to that position. All five organizations had productive, busy years in 1974-75, under the leadership of Chauncey, L. Veatch, '75L, Stockton, California, as S.B.A. president; Ms. Leonard; Willie G. Lipscomb, '75L, Detroit, director of the Legal Aid and Defender Association; Dennis Owens, '75L, Kansas City, director of the Legislative Bureau; and John H. Davis, '75L, Albuquerque, as editor of the Lawyer. In surveying the reports and file memoranda on student activities this past year, it is inspiring to think of what these brilliant young people do, outside of class, in terms of service--service particularly to our community, to the Bar and the larger community, and to one another:

Service to Our Community. Minority groups and women in our school learned, along with the rest of us, that enrollment at Notre Dame is a series of culture shocks. This University community is still, predominately, a white, male, Catholic world. Students from poor black or Chicano families in the South or Southwest do not adjust to it overnight, and, more importantly, we adjust to them slowly. Comfort for these students, and support in their studies, has come for the most part from upper-class students, who began at about the time I became dean to organize themselves into relatively informal special student organizations. These student organizations have of late assumed leadership in recruiting new students from minority groups, keeping us abreast of available candidates for the faculty, and providing educational resource on the problems of black and Chicano citizens.

Linda Stockdale, '77L, Stockton, California, agreed to become a consultant to the dean on recruitment of minority-group students, and, along with Roosevelt Thomas, '76L, Cassopolis, recruited at several colleges in the South and Midwest.
this spring. Lucille E. Brown, '77L, Milwaukee, is the new president of our chapter of the Black American Law Students Association; she succeeds Edward Lark, '75L, South Bend. Her classmate Charles Carpenter, Memphis, was elected to the leadership of the national B.A.L.S.A. organization. The Midwest region of B.A.L.S.A. held its spring meeting here, and our local chapter hosted a second-annual reunion of black graduates in March. Santiago Rios, '75L, Lansing, and Arturo Estrada, '75L, El Paso, gave me fraternal correction, advice and assistance, and were leaders of our Chicano students and chairmen of our chapter of La Raza National Law Students Association, which is now headed by Ernesto Flores, '77L, Mercedes, Texas. La Raza had its Midwestern regional meeting on our campus this spring; Prof. Cruz Reynoso was our guest for that occasion.

The Student Bar Association under Mr. Veatch's leadership was active, responsible, and positive in building our community. Amy Veatch, Chauncey's wife, led our Law Wives organization in a number of new activities and in providing leadership among the vital, visible part of the law school family which is made up of student spouses and children.

Service to the Bar and the Larger Community. Georgia Luks, '76L, and John Moe, '76L, drafted a revision of the Indiana statute on rape and assisted the Indiana Criminal Code Reform Commission. Theirs was one of a number of projects in the Legislative Research Service; others included legal assistance to the Indiana Public Interest Research Group; a proposed revision of the Indiana rule on law-student practice; environmental law assistance; criticism of administrative practices in the Federal Communications Commission; a study of Indiana local-government taxation; and the drafting and publication of a handbook on research and drafting of legislation.

The supervised practice of law by our students has been extended to federal courts in this part of the state—the product of years of effort by Prof. Kellenberg, Prof. Ivan Bodensteiner, '68L, Valparaiso, and me—and has had special application for our students in the federal Court of Appeals in Chicago. In and out of court, students in the Legal Aid and Defender Association, our largest student organization, continued to direct and staff legal-aid and public-defender programs in Northern Indiana and Southern Michigan; to assist students, prisoners, and mental patients here and in other parts of the country; and to offer legal education to disadvantaged citizens.

Sixteen of our students served as legal interns in the National Center for Law and the Handicapped, under the direction of Prof. Murdock and of Marcia Burgdorf, '72L, and Robert Burgdorf, '73L. Four law students were instructors in the Department of Modern Languages and six in the freshman seminar program in the College of Arts and Letters; three others taught in other University departments. Four were interns in environmental law; two worked as research assistants in the Spencer Foundation project on professionalization; a number were in paid legal-aid internships in Northern Indiana and Southern Michigan, in civil-rights internships in the Center for Civil Rights, in internships in the City of Attorney's Office in South Bend, and employed as legal assistants to the General Counsel to the University.
The Lawyer had another five-issue year, under Mr. Davis' direction, and continues to provide exemplary scholarship and legal education for its wide readership. The Lawyer is—appropriately, I think—a somewhat elitist student organization. Its elitism is founded on ability. Admission to the staff continues to be based, for the most part, on academic performance; the review also admits members as a result of a writing competition. One happy development of the past two or three years is a growing body of excellent comparative-law scholarship, written and edited by members of the year-abroad London program. This material has reached into obvious comparative areas, such as due process in criminal cases, and into more novel work in trusts, taxation, and commercial law. Our London faculty, especially Profs. Booker and Maudsley, are godparents to the new dimension.

Service to One Another. The heart of humanistic education is that students engaged in it see themselves as resources, and not merely as consumers. If our attempts at uniqueness succeed at all, it is because our students accept this role, and in fact, often, initiate it. Two random examples: Richard P. Branson, '76L, Belmont, Massachusetts, began this year a series of weekly prayer meetings for students and faculty; two of our students (Frederick G. Geil, South Bend, and Sidney Jacobsen, Van Nuys, California, both '75L), working with Dr. Sokolowski, developed a brief and argument in patent law and ended up in the national finals of the Giles Sutherland Rich Moot Court Competition.

Our Moot Court program, for another example, is voluntary and student administered after the first year. Mr. Justice Marshall presided over the annual Moot Court final argument in February, along with Justice Mary Coleman of the Supreme Court of Michigan and Judge William Doyle of the United States Court of Appeals in Denver. Finalists were Patrick J. Gibbs, Flint; Robert C. Weaver, Coshocton, Ohio; Brian P. Short, Minneapolis; and Michael J. Harvey, Green Bay, all '75L. Mr. Weaver was winner of the competition, Mr. Harvey received second place, and both were given the A. Harold Weber Moot Court prizes. Mr. Weaver did his second-year moot court work in London; he is the first London-program graduate to finish as champion in our annual competition. Next year's finalist team are Kevin Gallagher, Dekalb, Illinois, Kathleen Comfrey, Boston; Dennis Bonucchi, Detroit; and June Gottschalk, Oberlin, Ohio—all '76L.

Our students ally themselves on scores of occasions which these structured activities do not include. They assemble information and counseling resources in circumstances where they know best; an example is the returning London group which worked personally and publicly this year to improve communications across the Atlantic and to interest first-year students in that program. Our students organize memorial masses in our lounge for sick and deceased fellow students; they assemble musical groups when occasion demands (as, for example, at Prof. Broderick's celebrated Friday pep rallies). They begin scholarship funds and they quietly gather to meet the emergencies, financial and personal, that flesh is heir to as it pursues expensive graduate professional education on a limited budget.

* * * * * * *
Notre Dame's law students, and those who are their teachers, join here in an interpersonal adventure. I noticed this when I came as a student in 1958. It has been my reward to be part of it as student, practitioner-alumnus, teacher, and dean. It is an association which participates in the best that life has to offer. I once made an attempt to express my feelings about it in poetry, in an image which comes from my native Mountain West:

Moods of naked stone,
Summer ice, steeps, storms,
Graves growing green;
Hidden harrowed hope
And proud courage.

You were there and were mountains.
We found together
Firm sudden springs under the stone.

Thomas L. Shaffer

June 30, 1975
APPENDIX

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Joseph E. McNeil, '69L, Burlington, Vermont
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George T. Mobille, '48, Washington, D.C.
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**Kenneth F. Montgomery, Chicago, Illinois
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Charles T. Morse, South Bend, Indiana
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Edward J. Murphy, Notre Dame, Indiana
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Lester F. Murphy, Jr., '60L, East Chicago, Illinois
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Michael C. Young, Tucson, Arizona
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(There were several anonymous gifts.)
Footnotes to the 1974-75 Dean's Report

1 I resigned as Dean in February, 1975, effective in the summer of 1975. Professor David T. Link, '58, '61L, who has been a member of the Law Faculty since 1970 and Associate Dean since 1972, was appointed eighth dean of the Law School in April and assumed his duties June 1, 1975. I announced at the time of my resignation that I plan to spend the 1975-76 academic year on leave, writing and serving as visiting professor of law at the University of Virginia, and then to return to full-time law teaching at Notre Dame.

2 These points are from an early draft of one chapter in Dr. Robert S. Redmount's and my book on the professionalization of law students. It builds on an empirical research project, conducted here and funded by the Spencer Foundation of Chicago; a possible title for the book is The Growth of the Lawyer.

3 Much of this is done in small and eccentric ways. I have published during all of my time as dean, a newsletter (called the Dean's Desk), primarily for students, distributed each two to four weeks; have maintained several bulletin boards devoted to items which carry no mandate; and maintain a periodical rack in the Law Library of mail and publications I receive. The display cases in the main hall are maintained by student groups. There are three; during most of the last year, one contained stunning displays from the returning London group; one was used by the Lawyer; and one was used by Patrick J. Gibbs, '75L, to display his artistic photography.


5 See last year's report, 50 NOTRE DAME LAWYER 168, 185, n. 64 (1974).


7 These data come from classroom tapes taken in four law schools by Craig Boyd and Karen Bulger, both '74L, and me. Mr. Boyd and Ms. Bulger were working as research assistants in the Spencer project; the classroom tapes were analyzed by Prof. Walter Doyle of the University's Department of Graduate Studies in Education, and by Dr. Redmount and me.

8 St. Paul's letter to the Christians in Ephesus, 3:14-19. One should perhaps be clear when he speaks of love in an institution. Words here tend to apology for paternalism. I have found inspiration on that score in a Notre Dame's colleague's booklet, M. Kelsey, THE ART OF CHRISTIAN LOVE 26-27 (1974). Prof. Kelsey notes that Christian group life "requires a mutuality and respect which is hard for us human beings. One must be quite conscious, quite aware, to get along in a mutual relationship. This differs basically from the family in which one member or another is titular head of the house, so that a structure develops which avoids the need and the stress of mutual relationship."
9 Father Burtchaell made this point when he spoke to our students before I became dean. He spoke there of a modern lawyer's need for personal involvement with his clients. Dooley's Dictum, March 26, 1971, p. 3. He would agree, I think, that the community I envision in a law school would be a preparation for involvement.

10 Art. III, §5, of the Academic Manual now reads, in part: "Members who are appointed or promoted to the rank of Professor or Associate Professor, except in the Law School, will not be retained without tenure for longer than four years total service at Notre Dame, including service at previous Regular ranks. Members who are appointed or promoted to the rank of Assistant Professor will not be retained in that rank without tenure for longer than seven years. Members of the Regular Teaching-and-Research Faculty in the Law School will not be retained without tenure for longer than seven years."

11 I am pleased to relay, from a letter to me from one of our first Kiley-Scholar graduates: "I firmly believe that the strength of the school lies in the faculty. I rate the typical Notre Dame law professor higher than the best professors I was exposed to on the undergraduate level." This student received both of his degrees from Notre Dame.

12 Professor Barrett's students--including the new dean and me--treasure his quiet erudition. The faculty had a dinner in his honor, and Mrs. Barrett's, in the Fall of 1973; Father Hesburgh presented him a Presidential Citation. In a sparkling little talk at the dinner, Prof. Barrett spoke of his life as a lawyer, and told this story about Thomas More: More, when a law student, was present at the University of Bruges and heard there a challenge by a professor who said he would dispute any question, in any science. Mr. More sent him this question: Utrum averia carucae, capta in vetito namio, sint irreplegibilia (whether beasts of the plough, taken in withernam, are incapable of being reprieved). Erasmus reported that the professor retired with his withers wrung, and More's withernams unwrung. In a later memo, Prof. Barrett explained for those who were never his students, that capias in withernam was a writ which issued against the goods or beasts of a distrainor (one who seized chattels in payment of debts) who had unlawfully removed out of the county or who concealed goods or beasts which he had distrained. "Thus, there was a distress against a distress by way of reprisal...and the goods or beasts seized under the writ could not be reprieved by their owner until the original distress was forthcoming."

13 Mr. Apker's report hints at a placement difficulty which is becoming perennial for us--the placement of women graduates. We will soon be 40 per cent women, and more than a third women when classes begin in the fall (as compared to about one-sixth in the University overall); a fifth of all American law students are women. This group has the most serious difficulty finding employment of any group of young law graduates; most of the outrageous sexism of a decade ago is gone from legal education, and even from the profession, but our women still encounter subtle discrimination when they interview for jobs and they are still excluded from large segments of the profession. See Oelsner, "Women Lawyers: Still Not Welcome," The New York Times, March 25, 1975, p. 28, col. 1.
14 We have in some circumstances established pervasive required-course programs. One circumstance is the ad hoc regimen set by me or by the faculty when a student is re-admitted after failing out of our regular program. Another is the joint degree program with the School of Business (J.D./M.B.A.). We there insist on requiring most second-year courses, including jurisprudence, and on strongly urging international law.

15 Michael W. Mullane, '72L, Phoenix, wrote a lucid letter to me on both of these subjects: "It is my personal feeling that the law school has a duty to its better students to insure that potential employers are aware that they have achieved above the norm. Not only does it aid the superior student in obtaining the job...but it also lends credence to the overall quality of the law school...At many schools one must work very hard at getting less than a 'B' and law firms are skeptical of unsupported grades. Class ranking is, of course, the traditional way of providing some objective indication of academic achievement." (Mr. Mullane then suggested a number of other devices; I have referred his suggestions to the Rice committee.)

"During my tenure at the law school comprehensive examinations were not given...It was and is my opinion that this type of examining system aided students to achieve above the level they would otherwise reach. In fact, it is my opinion that comprehensive examinations were largely responsible for the rather dramatic increase in the quality of the Notre Dame Law graduate commencing with Dean O'Meara's administration...I would encourage their reinstitution."

16 J. O'Mears, The Notre Dame Program: Training Skilled Craftsmen and Leaders, American Bar Association Journal, July, 1957: "...the advantages, the distinctive potentialities of smallness, must be recognized and cultivated. They are dissipated if one is preoccupied with imitating bigness."

17 American Bar Association, Press Release, February 7, 1975:
"Total enrollment in the 157 ABA-approved law schools for the fall quarter, 1974, was 110,713, a 4.34 per cent increase over the 1973 enrollment of 106,102, and more than double the enrollment of 54,265 a decade ago.

"This year, there was a 30 per cent increase in the number of women law students, to 21,788, or about one-fifth of the total law school population. This compares with only 2,183 women law students in 1964.

"Minority group enrollment increased 9.6 per cent, from 7,601 in 1973 to 8,33 in 1974. The enrollment of blacks grew by 178, or 3.6 per cent, and of Mexican-Americans by 98, or 7.7 per cent."