8-15-1957


Joseph O’Meara

Notre Dame Law School

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**Report of the Dean**

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

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**Details**

- **Description**: v.; 23-28 cm.
- **Current Frequency**: Annual.
- **Local Notes**: Title on 1973-74; 1974-75: Dean's report. Binder's title on 1953-56: Annual report of the dean.
- **Subject**: University of Notre Dame. Law School -- Periodicals. Law schools -- Indiana -- Periodicals.
- **Added Title**: Dean's report
- **Spine Title**: Annual report of the dean
As in previous years, I shall begin with some observations concerning our students — past, present and prospective. To facilitate comparison, I shall follow, in the main, the same pattern as last year.

**THE STUDENT BODY**

**ENROLLMENT**

Enrollment continued to decline. September registration last year and in each of the four years immediately preceding is shown in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>1956</th>
<th>1955</th>
<th>1954</th>
<th>1953</th>
<th>1952</th>
<th>1951</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>150</td>
<td>167</td>
<td>201</td>
<td>244</td>
<td>221</td>
<td>204</td>
</tr>
</tbody>
</table>

There was, however, a 11.29% increase in the entering class, thus reversing a downward trend which began in 1954, as the following table shows.

**ENTERING CLASS**

<table>
<thead>
<tr>
<th>Year</th>
<th>1956</th>
<th>1955</th>
<th>1954</th>
<th>1953</th>
<th>1952</th>
<th>1951</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>69</td>
<td>62</td>
<td>63</td>
<td>104</td>
<td>74</td>
<td>56</td>
</tr>
</tbody>
</table>

The number of degree students in the entering class (that is, students who had obtained an undergraduate degree before enrolling) continued to rise. On the other hand, there was a further decline in the number of combination students, that is, Notre Dame undergraduates enrolled in one of the combination programs which enable a student to obtain both an undergraduate and a law degree in six years. These developments are summarized in the following table.

**ENTERING CLASS**

<table>
<thead>
<tr>
<th>Year</th>
<th>1951</th>
<th>1952</th>
<th>1953</th>
<th>1954</th>
<th>1955</th>
<th>1956</th>
</tr>
</thead>
<tbody>
<tr>
<td>ND</td>
<td>25</td>
<td>34</td>
<td>66</td>
<td>21</td>
<td>16</td>
<td>15</td>
</tr>
<tr>
<td>Non-ND</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>ND</td>
<td>12</td>
<td>23</td>
<td>18</td>
<td>18</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Non-ND</td>
<td>13</td>
<td>14</td>
<td>20</td>
<td>24</td>
<td>33</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>37</td>
<td>38</td>
<td>42</td>
<td>44</td>
<td>51</td>
</tr>
</tbody>
</table>

*Notre Dame undergraduates enrolled in one of the combination programs which enable a student to obtain both an undergraduate and a law degree in six years.

**Students accepted under the privilege extended to veterans of entering after completing three-fourths of the work required
Notre Dame Law School

...for an undergraduate degree. To illustrate, in 1951 three students were admitted under this privilege, one having done his preparatory work at Notre Dame and the other two elsewhere.

***Students who entered with an undergraduate degree. To illustrate, in 1951 25 students were admitted who had already obtained an undergraduate degree. 12 at the University of Notre Dame and 13 elsewhere.

A total of 31 colleges and universities were represented in the entering class. The students came from 18 states and the District of Columbia. Twenty-nine members of the class or 42% were veterans; 13 or slightly less than 20% were married; nine or 13% were non-Catholics.

The figures show, as I noted last year, that the decline in enrollment is due to the fact that fewer Notre Dame undergraduates have been entering the combination programs. This, in turn, is the result of the higher standards which have been in effect for the last four years, and of the harder work which the higher standards necessitate.

Last year I was able to report that the performance of the combination students had gone up as their number dwindled. That trend was reversed in 1956-57, as the following table shows.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Combination Students in Entering Class</th>
<th>Number Completing Year Successfully</th>
<th>% Completing Successfully</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953-54</td>
<td>64</td>
<td>38</td>
<td>59.4</td>
</tr>
<tr>
<td>1954-55</td>
<td>21</td>
<td>15</td>
<td>71.4</td>
</tr>
<tr>
<td>1955-56</td>
<td>16</td>
<td>13</td>
<td>81.25</td>
</tr>
<tr>
<td>1956-57</td>
<td>15</td>
<td>6</td>
<td>40.0</td>
</tr>
</tbody>
</table>

Of the ten ranking students in last year’s entering class, five entered with a Notre Dame degree. In contrast with the year before, there were no combination students in the top ten.

There was a slight decline in the percentage of non-Notre Dame men in the entering class, that is, students who did their preparatory work at a college or university other than Notre Dame. In 1954 and 1955 the percentage of non-Notre Dame men increased, as the following table shows.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>1954</td>
<td>24</td>
<td>36.5</td>
</tr>
<tr>
<td>1955</td>
<td>35</td>
<td>56.45</td>
</tr>
<tr>
<td>1956</td>
<td>34</td>
<td>49.27</td>
</tr>
</tbody>
</table>

The percentage decline of non-Notre Dame men in last year’s entering class was due almost entirely to an increase in the number of Notre Dame men entering with a degree. As the table on page 2 shows, there were 20 such men in last year’s entering class as against 11 the year before.

As of August 15, new applications for 1957-58 were running 16.9% ahead of last year. In contrast, applications for admission to the leading eastern law schools are said to be down 10% or more from last year.

The source and status of the applications for admission in September are shown in the following table.

<table>
<thead>
<tr>
<th>Total Applications</th>
<th>Rejected or Withdrawn</th>
<th>Pending</th>
<th>Net Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notre Dame Students</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With degree</td>
<td>41</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Combination</td>
<td>22</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Non-ND Students</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With degree</td>
<td>129</td>
<td>40</td>
<td>21</td>
</tr>
<tr>
<td>Veterans*</td>
<td>8</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

*Only three years of college work

Our experience in each of the last two years indicates that the number of beginning students who register in September is slightly less than 40% of the number applying for admission. Though this is a slender basis for prediction, it may be that the decline in enrollment, which began in 1954, has been arrested. I think we can reasonably hope for about the same number of students this September as last. The number in each class in September of 1955 and 1956, and the estimated number in each class in September 1957, follow.

<table>
<thead>
<tr>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>62</td>
<td>46</td>
<td>59</td>
</tr>
<tr>
<td>1956</td>
<td>69</td>
<td>39</td>
<td>42</td>
</tr>
<tr>
<td>1957</td>
<td>75</td>
<td>35</td>
<td>40</td>
</tr>
</tbody>
</table>

A recent study by Professor Charles W. Joiner of Michigan indicates that the number of persons desiring to study law will more than double in the next 15 years. We will get our share of this growing number of law students, and are planning for a steady, though gradual, increase in our student body.
MORTALITY

The number of students dismissed for scholastic deficiency in each of the last four academic years is shown in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953-54</td>
<td>19.2%</td>
<td>12 %</td>
<td>10.5%</td>
</tr>
<tr>
<td>1954-55</td>
<td>15.9</td>
<td>14.9</td>
<td>5.0</td>
</tr>
<tr>
<td>1955-56</td>
<td>17.7</td>
<td>6.5</td>
<td>1.7</td>
</tr>
<tr>
<td>1956-57</td>
<td>27.6</td>
<td>12.8</td>
<td>5.4</td>
</tr>
</tbody>
</table>

The total first-year attrition, including voluntary as well as involuntary withdrawals, for the last four academic years is shown in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>1953-54</th>
<th>1954-55</th>
<th>1955-56</th>
<th>1956-57</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953-54</td>
<td>47.1%</td>
<td>34.9%</td>
<td>30.6%</td>
<td>40.6%</td>
</tr>
</tbody>
</table>

RECRUITMENT

Our recruitment program was continued and intensified last year, both on and off campus. Recruitment visits were made to 17 colleges and universities, as shown by the table on the following page.

As the table shows, active assistance was rendered by Judge Desmond, a member of our Advisory Council; by Messrs. Roger P. Brennan of Cleveland, President of the Notre Dame Law Association; and Robert H. Kenline of Dubuque, a member of the Association.

Thanks are due, in addition, to Messrs. James G. McGoldrick of New York City and William B. Lawless of Buffalo, members of the Notre Dame Law Association, and to Mr. Raymond W. Troy of Newark, a member of its Board of Directors. Mr. McGoldrick arranged for Mr. Brennan to accompany Professor Kellenberg to Fairfield University; Mr. Troy arranged for Mr. Garibaldi to go with him to St. Peter’s College; and Mr. Lawless arranged for Mr. McMahon to accompany Assistant Dean Broderick to St. Bonaventure University.

This coming year I hope to further expand the number of schools visited and to include some which are not under Catholic auspices. These latter seem to me to offer a special opportunity. Assistant Professor Edward J. Murphy, himself a graduate of the University of Illinois, will have responsibility for this aspect of our recruitment program.

In addition, every Catholic college and university and every active Newman Club chaplain will be reached by mail at least three times.
The recruitment program is not designed merely to enlarge the student body. Its primary aim is to attract students of exceptional talent. This is most important because, as I have said more than once, no law school can become great or continue great without a top-notch student body. The finest faculty ever assembled will produce indifferent results if the students are mediocre. The best of faculties needs the stimulation of keen, alert, diligent students; and the student body needs stimulation from its own ranks as well as from its instructors. In a great law school the faculty and the students are constantly infecting one another with enthusiasm and zeal.

SCHOLARSHIPS

This is why a student who has a really first-rate college record and a good score on the Law School Admission Test can obtain a scholarship at any of the country’s leading law schools. The chances are, indeed, that he will not have to ask for a scholarship; he is apt to be sought out and offered a scholarship, sometimes by several institutions. As Justice Schaefer has said, outstanding pre-law students are sought after as eagerly as young athletes.

When I came to Notre Dame in the fall of 1952 there was not a single dollar of scholarship money available. Under the leadership of Mr. Clarence J. Donovan, when he was president in 1953-54, the Notre Dame Law Association undertook to correct that unhappy situation. It inaugurated a scholarship program designed, when in full operation, to raise approximately $20,000 a year. This project has moved steadily ahead. During the presidency of Mr. Norman J. Barry of Chicago, it gathered speed and momentum. Mr. Roger P. Brennan of Cleveland, who succeeded to the presidency of the Association in June, can be counted on to provide the same inspired leadership which characterized Mr. Barry’s term of office. The somber fact remains that the goal of $20,000 a year is still to be realized. Meanwhile, our tuition has, perforce, been increased from $650 to $900 a year.

Notre Dame is a high cost law school, more expensive than all but a handful of our competitors—Columbia, Harvard, Pennsylvania and Yale, each $1000; New York University and Syracuse, each $950; and Cornell $925.

How does our tuition compare with that charged by law schools other than those just enumerated? The following table shows the tuition for 1957-58 at a number of well known schools whose students are drawn from areas which supply a large part of our student body.

<table>
<thead>
<tr>
<th>Name of School</th>
<th>Tuition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fordham</td>
<td>$700</td>
</tr>
<tr>
<td>Georgetown</td>
<td>$580</td>
</tr>
<tr>
<td>Loyola of Chicago</td>
<td>$660</td>
</tr>
<tr>
<td>Northwestern</td>
<td>$800</td>
</tr>
<tr>
<td>University of Buffalo</td>
<td>$700</td>
</tr>
<tr>
<td>University of Chicago</td>
<td>$738</td>
</tr>
<tr>
<td>Western Reserve</td>
<td>$660</td>
</tr>
</tbody>
</table>

The disparity is even more pronounced in the case of publicly supported institutions:

<table>
<thead>
<tr>
<th>Name of School</th>
<th>Resident</th>
<th>Non-Resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of Illinois</td>
<td>$175</td>
<td>$525</td>
</tr>
<tr>
<td>Indiana University</td>
<td>$247</td>
<td>$540</td>
</tr>
<tr>
<td>University of Michigan</td>
<td>$280</td>
<td>$550</td>
</tr>
<tr>
<td>Wayne State University</td>
<td>$220</td>
<td>$420</td>
</tr>
<tr>
<td>University of Minnesota</td>
<td>$180</td>
<td>$450</td>
</tr>
<tr>
<td>Rutgers</td>
<td>$225</td>
<td>$300</td>
</tr>
<tr>
<td>Ohio State University</td>
<td>$261</td>
<td>$636</td>
</tr>
<tr>
<td>University of Cincinnati</td>
<td>$330</td>
<td>$430</td>
</tr>
<tr>
<td>University of Wisconsin</td>
<td>$220</td>
<td>$570</td>
</tr>
</tbody>
</table>

The tuition at these schools can be expressed as a percentage of the tuition at Notre Dame. Thus, in the case of an Illinois resident, the tuition at the University of Illinois is approximately 18% of the tuition at Notre Dame. For the following schools the percentage is:

| University of Minnesota     | 20%      |
| University of Wisconsin     | 24%      |
| Indiana University          | 27%      |
| State University of Iowa    | 29%      |
| Ohio State University       | 29%      |
| University of Michigan      | 31%      |
In other words, the tuition at Notre Dame is, roughly, from three to five times as much as at these well known state schools. And that, of course, is not the whole story, because travel expense must be taken into account. In addition, many students attending these schools can live at home and thus still further reduce the cost of a legal education.

The effect on our enrollment is just what you would expect. This is apparent upon consideration of a few figures. As of August 15, we had received 331 inquiries from prospective students. To each of these I wrote a personal letter, enclosing our Bulletin, the brochure entitled Law at Notre Dame and an application blank. Two hundred or 60.4% applied for admission. On the basis of the available evidence, I have little doubt that many if not most of the remaining 39.6% concluded that they could not afford to study law at Notre Dame. Of these who did apply and were accepted, 27.9% explained they were forced to do so because of financial considerations. I think it safely can be assumed that a number of those who withdrew without specific explanation did so for the same reason. Thus, 50% or more of the withdrawals after acceptance can be attributed to the high cost of a legal education at Notre Dame.

The plain fact is that there are many talented young men, full of energy and idealism, who are eager to attend the Notre Dame Law School but cannot afford it. In great part, they come from large families in the middle and lower income groups; and so often there are younger children whose education through high school and college will tax their parents’ means, or older children whose high school and college education is already paid or provided for, the cupboard is all too often bare. There is extreme pressure on prospective students, therefore, to study law where they can do much more cheaply than at Notre Dame or, in the case of the top men, to go where they can get more generous financial assistance than we have been in position to offer. Thus many excellent students, whose first choice is Notre Dame. wind up at another law school.

Yet it is virtually impossible for a student to put himself through the Notre Dame Law School without some help. The reason is simply this: the law has grown and is growing to such an extent, both in magnitude and complexity, that the business of getting a legal education must be considered a full-time occupation. We expect our students to devote to it, on the average, not less than 60 hours a week. To be sure, many of our students are employed during the school year; economic necessity leaves them no choice. But the number of hours they can spend on a job is strictly limited; it is an exceptional student indeed who can devote to a job more than 15 hours a week without adversely affecting his law-school performance. This is a serious matter, because the best professional opportunities, almost without exception, go to the students with the best law-school records.

Of course, a law student can make some money in the summer-time. To the best of my knowledge, every one of our students has a summer job. With his summer earnings and a part-time job during the school-year, a man ordinarily can cover most of the cost of studying law at Notre Dame. But he cannot earn enough to cover it all. There is a margin of from $500 to $1000 a year, over and above what he can earn, which must be provided by somebody if he is to study law at Notre Dame.

Frequently, there is little or no help forthcoming from parents. I have already explained why: (as of August 15) withdrew their applications; and, of those withdrawing, 39.1% explained they were forced to do so because of financial considerations. I think it safely can be assumed that a number of those who withdrew without specific explanation did so for the same reason. Thus, 50% or more of the withdrawals after acceptance can be attributed to the high cost of a legal education at Notre Dame.

The amount raised by local committees of the Notre Dame Law Association and by general solicitation of the membership will, I am confident, increase from year to year. Even so, I do not see how we can hope to get the necessary funds unless we can find, in addition, a number of substantial contributors. Are there not 20 or more men in this country who would be happy to contribute $1000 a year each for this purpose? If the urgency of the need is realized, I believe they will be found. Any other view would be sheer defeatism. Could anything be more out of place than defeatism at Notre Dame?

As I have said elsewhere, “Excellence is our platform and we can be content with nothing less.” Just as Notre Dame athletic teams always play to win, so the Notre Dame Law School aims at being the best — not just good, not even very good, but the best. To that end, it is just as necessary for us as it is for those respon-
sible for the athletic programs to get the very best talent available. Those in charge of the various teams seek to attract to Notre Dame students who give exceptional promise as athletes. It is our responsibility to attract to the Notre Dame Law School students who give exceptional scholastic promise. Without adequate funds to assist deserving students, we are just as handicapped as the coaches would be without athletic scholarships.

I have said that we seek students who give “exceptional scholastic promise.” What do I mean by that? I don’t know that I can define it by metes and bounds. It goes without saying that we are interested first of all in the intellectual attainments of prospective students. Whitehead was right: “In the conditions of modern life the rule is absolute, the race which does not value trained intelligence is doomed.” It would be a mistake, nevertheless, to look solely at the undergraduate academic record of prospective students. Other factors must also be taken into account, namely, character and qualities of leadership. That is what we look for — intellectual capacity, character and leadership. On this basis, with such imperfect wisdom as we possess, every effort is made to select for financial assistance those students who appear most likely to render the greatest service to their clients, to their profession and to their Country, and thus to bring honor to their Alma Mater.

The proof of the pudding is in the eating. What has the scholarship program accomplished? A few figures will tell the story. Four of the five ranking men in the class of 1957 were scholarship holders. They included the editor and associate editor of the Notre Dame Lawyer and the man who scored highest in the 1956 Moot Court Competition. Of the top five men in the class of 1958, three are on scholarship. They include the editor and the associate editor of the Lawyer and one of the men who will participate in the 1957 Moot Court finals in October. Finally, every one of the top five men in the class of 1959 (last year’s entering class) is a scholarship holder. Yes, the scholarship program is working — it is producing results; but it needs to be expanded so that we can have a constantly increasing number of outstanding students.

Several new scholarships have been inaugurated since my last report. The University and the Notre Dame Law Association, acting jointly, have established the William J. Brennan Law Scholarships, named after Mr. Justice Brennan of the Supreme Court of the United States. Each of these scholarships, three of which will be awarded annually, will provide full tuition for three years, granted by the University, plus a cash award by the Association of $750 a year for three years. The Brennan scholarships are thus sufficiently valuable to enable us to compete for the best talent available.

Mr. Chester A. Wynne, L’22 and his wife have created a scholarship in memory of their son, Chester A. Wynne, Jr., who was a student in the Notre Dame Law School at the time of his death in 1955. Mr. Dan McGlynn, L’18 has established a scholarship in memory of the late Joseph B. McGlynn, L’12 of East St. Louis, Illinois. The stipend in each case is $500 a year.

Financial assistance to students need not all be in the form of scholarships. Indeed, it should not be. We have great need for a revolving loan fund from which students could borrow their requirements, within reasonable limits, on easy terms as regards interest and repayment. This need really is urgent, and I hope a way can be found to establish such a fund in the near future.

Our program is described in some detail in an article in the July 1957 issue of the American Bar Association Journal. There were no significant innovations in 1956-57. We did, however, undertake a review of some of the essential features of the program in the light of the experience of the last four years. To that end, three new faculty committees were appointed.

A committee on curriculum was created to study the content of our program and to receive and appraise suggestions for improvement. This will be a permanent committee, charged with the duty of reporting to the faculty at least once each semester.

A unique feature of our program is its emphasis on the problem method in the second and third years. This involves the use of mimographed problems as the principal teaching device in those years. Class sessions are given over, not to lectures or to the discussion of decided cases, but to the solution of these problems - a task which requires a thorough understanding of the cases and other materials the instructor has assigned for study. A committee has been appointed to examine the experience of the faculty with the problem method and to gather and evaluate suggestions for its more effective use. This is in line with the conviction expressed by the late Chief Justice Vanderbilt in an article on "The Future of Legal Education" in the March, 1957 issue of the American Bar Association Journal:

"It is only by exploiting the problem method to the utmost in the second and third years of law school that I see any possibility of our being able to teach the law as a
system along with the art of legal reasoning within the limits of the three-year law school course."

Another distinctive feature of our program is the comprehensive examination. Comprehensive examinations are given at the end of each semester and cover the subjects which the student has taken during that semester and the two semesters immediately preceding. Each comprehensive question involves material covered in two or more courses. The drafting of such questions is no easy task. I think the quality of our comprehensive questions can be improved, and a committee has been appointed to make recommendations to that end.

RECOMMENDATIONS FOR STRENGTHENING THE PROGRAM

There is no simple recipe for making a law school great. But one thing is sure: nothing will suffice unless there is a firm tradition of hard work on the part of the students. We have made progress toward the development of a tradition of hard work. I am confident we will make further progress this coming year. To that end it would be extremely helpful if the Academic Regulations were amended so as to permit us to include the grades of the sixth semester in computing the average for honors, that is, the average which determines whether a student will be awarded honors at graduation. The practice has been to include only the grades of the first five semesters for this purpose. The inevitable result is a let-down on the part of many students in the sixth and final semester, which is indisputable. It does not seem equitable, moreover, to deny honors to a student whose work in the final semester would, if counted, entitle him to this distinction. There are some practical difficulties to overcome, due to the necessity of printing the commencement program before the grades for the sixth semester have been computed. These, however, do not seem to me to be insuperable; and I hope very much that, beginning with 1957-58, honors can be awarded to students on the basis of their entire law school record instead of only five-sixths of it.

A great law school needs an esprit de corps as well as a firm tradition of hard work, and they are closely related. Both involve and are nourished by a sense of achievement. I have, therefore, another measure to propose which concerns the recognition properly accorded one who has successfully completed our program. At Harvard holders of the LL.B. are entitled to wear the Doctor's gown, hood and cap. In response to an inquiry concerning this practice, Dean Griswold wrote me as follows:

"As long as academic regalia has been used at Harvard, graduates of the Law School have worn a Doctor's gown and hood. This is because an A.B. degree has been required for admission to the Law School during all of this period, and it was felt that the three years of study required for the LL.B. were academically equivalent to the three years of study required for the Ph.D. degree.

"I cannot tell you the precise ruling which established this point. I can say to you, though, that for at least sixty years graduates of the Law School at Harvard have worn Doctor's gowns and hoods at Harvard Commencements and elsewhere.

"This practice would not apply to law school degrees granted where an A.B. degree (or its equivalent) was not a prerequisite for entry into the law school. However, where such a degree is required, I can see no reason why the Harvard practice should not apply elsewhere."

It would be greatly advantageous to adopt this practice, at least as regards those of our students — a substantial majority — who enter with an undergraduate degree. By analogy, those who enter as combination students, should be entitled to wear the Master's gown, hood and cap.

THE FACULTY

Professor Anton-Hermann Chroust was appointed Editor-in-Chief of the Natural Law Forum upon the resignation of Professor Antonio de Luna, who continues as an associate editor. Professor Chroust's book Socrates: Man and Myth will be published in the near future by Routledge & Kegan Paul, Ltd., of London.

Honorable Luther M. Swygert, United States District Judge for the Northern District of Indiana, who has been in charge of our very successful Practice Court, was on leave of absence last year due to illness. I am happy to report that his health has been restored and he will again preside over the Practice Court in 1957-58.

Professor Thomas F. Broden, Jr., returned in February after a two-year leave of absence, during which he served as a member of the legal staff of the Committee on the Judiciary of the House of Representatives. He did excellent work and made a fine impression in Washington. Professor Broden was appointed to the law faculty in 1950 after obtaining a J.D. from the University of Chicago Law School. We are delighted to have him back.
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Professor W. J. Wagner received the S.J+D. degree from the Northwestern University School of Law in June. His doctoral thesis, entitled The Federal States and Their Judiciary, has been accepted for publication by Mouton & Company of The Hague. Professor Wagner has been invited to read a paper at the annual meeting of the Association of American Law Schools in December on the use of comparative-law materials in the teaching of torts.

It is a real pleasure to record the appointment to our faculty, as assistant professor, of Mr. Edward J. Murphy. He was first brought to my attention by Justice Schaefer of the Supreme Court of Illinois, a member of our Advisory Council, who spoke of him in enthusiastic terms. Professor Murphy received a B.S. from the University of Illinois in 1949. In 1951 he was awarded an LL.B. by the University of Illinois College of Law. He served as a member of the board of student editors of the University of Illinois Law Forum for three years, during two of which he was one of its officers. He was the winner of the moot court competition at Illinois in 1950, and served for one year as president of the Junior Bar Association there. Upon being admitted to the Illinois bar in 1951, Professor Murphy became associated with the firm of Graham & Graham in Springfield. He practiced with that firm until 1954 when he became law clerk to Justice Harry B. Hershey of the Supreme Court of Illinois, a position he held at the time of appointment to our faculty. Professor Murphy will serve as assistant and will have primary responsibility for placement and for recruitment in secular universities.

A list of publications by members of the faculty for the academic year 1956-57 is appended.

MOOT COURT COMPETITION

The final argument in the 1955-56 Moot Court Competition was held on Wednesday evening, October 24. The Court which sat on that occasion was composed of

Honorable John M. Harlan of the Supreme Court of the United States
Honorable Charles E. Whittaker of the Supreme Court of the United States (then a member of the United States Court of Appeals for the Eighth Circuit)
Honorable Charles J. McNamee of the United States District Court for the Northern District of Ohio

Messrs. Patrick J. Berrigan of New York and K. Wayne Kent of Indiana were adjudged the winners. They represented us in the 1956 National Moot Court Competition. In the Region Nine Arguments in Chicago in November, Messrs. Berrigan and Kent were pitted against teams representing —

Chicago-Kent College of Law
Indiana University School of Law
Loyola University School of Law
Marquette University Law School
Northwestern University School of Law
University of Chicago Law School
University of Illinois College of Law
University of Wisconsin Law School
Valparaiso University School of Law

Messrs. Berrigan and Kent were adjudged the winning team and, as such, represented Region Nine (Indiana, Illinois and Wisconsin) in the national finals in New York City in December. There they were defeated by the team representing the Columbia University School of Law.

The Appellate Court of Indiana, all six judges sitting en banc, heard the argument in the semi-final round of the 1956-57 Moot Court Competition on April 15. The four students who survived that round will participate in the final argument to be held on October 28. The Court which will sit at that time will be composed of

Honorable William J. Brennan, Jr., of the Supreme Court of the United States
Honorable John Biggs, Jr., Chief Judge of the United States Court of Appeals for the Third Circuit
Honorable Henry N. Graven, United States District Judge for the Northern District of Iowa

BAR EXAMINATION RESULTS

In February, 1956 there were seven graduates, six of whom have taken the bar examination in the state where they intend to practice. All six passed on the first try. One has not yet notified us of the result of any bar examination he may have taken.

In June, 1956 there were 52 graduates, 47 of whom have taken the bar examination in the state where they intend to practice. Of the 47, 40 or 85.1%, passed on the first try. Of the seven who failed on the first try, six have taken a second bar examination in the state of intended practice. Five passed on the second try, one failed. In addition, two June graduates were admitted on motion.
Thus, of the 52 June graduates, 47 or 90.3% have been admitted to the bar in the state of intended practice. Three have not yet notified us of the result of any bar examination they may have taken.

In all, of the 59 graduates in 1956, 53 have taken the bar examination in the state where they intend to practice and 46 or 86.7% passed on the first try.

As I have said before, I do not think a law school ought to be judged by the success or failure of its students on the bar examination: training men to be lawyers is not the same thing as training men to pass a bar examination. I adhere to the view, nevertheless, that, on the average, graduates of a good school should make a good showing. In my opinion the record of our 1956 graduates is not good enough.

SPECIAL EVENTS

ADDRESS OF MR. JUSTICE HARLAN

On the occasion of his visit to the School for the final argument in the 1956 Moot Court Competition, Mr. Justice Harlan addressed the student body on the subject of appellate advocacy. At the time of his appointment to the bench, Justice Harlan was one of the nation’s leading advocates.

INSTITUTE ON THE PRACTICE OF LAW

An Institute on the Practice of Law was held on November 16. A panel of successful practitioners spent the whole day answering those insistent practical questions which concern a student as he approaches the time when he will begin the practice of his chosen profession. The panel was composed of men of wide experience in various types of practice: lawyers from big firms in big cities, lawyers from smaller firms in smaller cities, individual practitioners, general practitioners and specialists, company lawyers, labor lawyers, government lawyers. Members of the panel follow.

John W. Christensen of Gingher & Christensen, Columbus, Ohio
Charles C. Fox of Jeffersonville, Indiana, then President of the Indiana State Bar Association
Arthur H. Gemmer of Indianapolis, Deputy Attorney General of Indiana
Paul F. Hellmuth, Managing Partner of Hale & Dorr, Boston, Mass.

LAW HONOR BANQUET

Mr. Justice Reed of the Supreme Court of the United States was the featured speaker at the Law Honor Banquet on April 11. The Law Honor Banquet, held each year under the auspices of the Student Law Association, serves the dual purpose of saying bon voyage to the members of the graduating class and recognizing the achievements of the School’s student leaders. “Our free enterprise system,” Justice Reed said, “and our classless society, which provide equal opportunities for all men, are what have made our country a successful democracy.”

The featured speaker at the 1956 Law Honor Banquet was Mr. Robert F. Kennedy, Chief Counsel to the Select Committee of the United States Senate on Improper Activities in the Labor or Management Field. Mr. Kennedy spoke on “Colonialism within the Soviet Union.”

The featured speaker at the Law Honor Banquet to be held May 10, 1958 will be the President of the American Bar Association, Mr. Charles S. Rhyne, youngest man ever to hold that important office.

PRE-LAW LECTURES

Four lectures by outstanding members of the legal profession were presented for the benefit of Notre Dame undergraduates interested in the study of law. The purpose was to provide information about the legal profession, its traditions and ideals, its responsibilities and opportunities. The lectures were given by the following, all of Chicago:

Justice Walter V. Schafer of the Supreme Court of Illinois
Mr. Carl McGowan, General Counsel of the Chicago and North Western Railroad and member of the firm of Ross & O’Keefe
Mr. Edmund A. Stephan of Mayer, Friedlich, Spiess, Tierney, Brown & Platt
Mr. R. Corwine Stevenson of Stevenson, Conaghan, Velde & Hackbert
The following is quoted from my report for 1955-56:

"The Natural Law Institute, a function of the Notre Dame Law School, was organized in 1947. Five annual convocations were held under its auspices, the last one in December 1951. Thereafter, a search was undertaken for a way in which the Institute could function effectively on a year-round rather than a once-a-year basis. After exploring many possibilities, it was decided to publish a journal of natural law studies, to be known as the Natural Law Forum."

The first issue came out early in July, 1956: the second, early last May. Both have been well received.

The Forum is published under the auspices of the Notre Dame Law School, by the following Editorial Board:

**Editor-in-Chief**
Professor Anton-Hermann Chroust, Notre Dame Law School

**Associate Editors**
Professor Vernon J. Bourke, St. Louis University
Mr. George W. Constable, Baltimore, Md.
Professor William J. Curran, Boston University School of Law
Professor A. P. d’Entreves, Oxford University, England
Professor Lon L. Fuller, Law School of Harvard University
Professor Antonio de Luna, University of Madrid, Spain
Professor Myres S. McDougal, Yale University Law School
Professor F. S. C. Northrop, Yale University Law School
Professor H. A. Rommen, Georgetown University
Professor Leo Strauss, The University of Chicago
Professor John Wild, Harvard University
Professor Joseph P. Witherspoon, University of Texas School of Law
Professor Erik Wolf, University of Freiburg, Germany

The Editorial Board has been meeting twice yearly, each fall and spring. The meeting last spring was held at Boston College Law School on invitation of its Dean, Rev. Robert F. Drinan, S.J. A cordial invitation to hold the next meeting at the Yale Law School has been accepted and the meeting will be held there early in October.
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provide adequate research facilities. I hope, therefore, that, before
discarding any law books, the alumni and friends of the School
will send us a list of the volumes they are prepared to dispose of.

Mr. John G. Hervey, Adviser to the Section of Legal Educa-
tion of the American Bar Association, made an inspection of the
Notre Dame Law School in the fall of 1954. His report included
the following:

"The lighting facilities are inadequate throughout the
building, but more particularly in the library. The fixtures
and system are at least thirty years old. In the reading room,
the candle power is uneven — spots of intense brightness
and others less so in the evening. The lighting in the class-
rooms and in the offices is not good but it might well be
endured if the condition in the library should be corrected."

Happily, this condition has been corrected through the generosity
of Mr. Harold S. Foley, '21, a member of the Advisory Council.

THE LAW BUILDING

The Law Building is inadequate. Specifically, we need more
room for the Law Library and more office space.

The need for expanded quarters for the Law Library results
from the growth of our book collection which, as above noted,
soon will comprise 50,000 volumes. We still have a long way to
go, however. To bring the Law Library up to the level of a first-
rate working library, according to our best estimate, will require
a further expenditure of approximately $50,000 in addition to
the cost of maintaining the existing collection. But even now we
have run out of space to put our books. Additional stack room is
urgently needed at the present time and the need will become in-
creasingly desperate.

Scarcely less acute is the need for additional office space. We
need more offices for the following reasons. A high faculty-student
ratio is essential to carry out effectively our program of instruction.
The optimum enrollment, according to our hypothesis, is in the
250-300 range. When we reach that figure, we will need a full-
time faculty of not less than 15, exclusive of those who are pre-
occupied with administrative and editorial duties. In other words,
in the next few years we will have to add a minimum of five full-
time teachers. We have no place to put them. Every available office
in the Law Building is already occupied. Indeed, the situation is
so tight that Professor Broden is occupying a make-shift office in
one of the classrooms.

To meet these needs for additional space, the University's archi-
itects have proposed that the Law Building be extended to the east.
The building has two wings, both on the east side, one at the north
and the other at the south end: and the proposed extension would
be accomplished by running a wall south from the eastern end of
the northern wing. In the opinion of the architects this is the least
expensive and most feasible way to get the additional space without
which we will not be able to shelve our books or house the teachers
required for the success of our program. The cost will approximate
$500,000.

My best judgment is that we can make do with what we have
for another two years, perhaps three. Beyond that we face a situation
which increasingly will interfere with the discharge of our educa-
tional responsibilities.

A great deal of work must be done before construction starts:
and the construction itself must be timed so as to disrupt our nor-
mal academic routine as little as possible. The initial phase of the
project, therefore, should be gotten under way in the very near
future. To facilitate the prompt action which is so greatly needed,
I can only hope we will encounter someone with surplus funds and
a passionate desire to put them to use in a good cause.

CONCLUSION

We continued to progress in 1956-57. For what was accom-
plished thanks are due to many people — to the Administration
and particularly Father Hesburgh and Father Moore, to the faculty,
to the officers of the Student Law Association, to Father Walsh,
Rector of Fisher Hall, to the officers and directors of the Notre
Dame Law Association, to the Editorial Board of the Natural Law
Forum and to the Advisory Council. For all the help and the
many kindnesses I have received, I am sincerely grateful.

Respectfully submitted,

JOSHEP O'MEARA
Dean

August 15, 1957
Notre Dame Law School

FACULTY PUBLICATIONS

1956-57

Edward F. Barrett

Articles:
The "Catholic" Law School and the Natural Law, 56 Homiletic and Pastoral Review 904 (1956).
The Notre Dame Experiment, 2 Catholic Lawyer 294 (1956).

Thomas F. Broden, Jr.

Article:
The Legal Status of Joint Venture Corporations, accepted for publication by the Vanderbilt Law Review. Co-author.

John J. Broderick

Book:

Anton-Hermann Chroust

Books:

Articles:
The Legal Profession During the Middle Ages: The Emergence of the English Lawyer Prior to 1400, Part I, 31 Notre Dame Lawyer 537 (1956).
The Legal Profession During the Middle Ages: The Emergence of the English Lawyer Prior to 1400, Part II, 32 Notre Dame Lawyer 85 (1956).
The Legal Profession During the Middle Ages: The Emergence of the English Lawyer Prior to 1400, Part III, 32 Notre Dame Lawyer 268 (1957).

A Prolegomena to the Study of Heraclitus of Ephesus, accepted for publication in the October 1957 issue of The Thomist.

Law in a Modern Democratic Society, accepted for publication in the August 1957 issue of the Archiv fuer Rechts- und Sozialphilosophie.

Book Reviews:

Book Review:

Joseph O'Meara

Article:

Roger P. Peters

Book Reviews:

Notre Dame Law School

Robert E. Rodes, Jr.

Articles:

William D. Rollison

Article:

W. J. Wagner

Books:

Article:

Book Review:

Bernard J. Ward

Book Review: