8-15-1958


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,

### Items

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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
Notre Dame Law School

Report of the Dean
1957-1958
As in former reports, I shall begin with some observations concerning our students — past, present and prospective.

THE STUDENT BODY

ENROLLMENT

Continuing the upturn which began in 1936-37, there was a 7.2% increase in the entering class. While this is a small enough gain, it contrasts with a decline of approximately 10% in total first-year enrollment in the law schools approved by the American Bar Association.

Following are comparative data on beginning students registered in September in each of the last seven years.

ENTERING CLASS

<table>
<thead>
<tr>
<th>Entering Class</th>
<th>Combination Students*</th>
<th>ND</th>
<th>Non-ND</th>
<th>Degree Students***</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ND</td>
<td>ND</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>56</td>
<td>26</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>1952</td>
<td>74</td>
<td>34</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td>1953</td>
<td>104</td>
<td>66</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>1954</td>
<td>63</td>
<td>21</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>1955</td>
<td>62</td>
<td>16</td>
<td>11</td>
<td>33</td>
</tr>
<tr>
<td>1956</td>
<td>69</td>
<td>15</td>
<td>20</td>
<td>31</td>
</tr>
<tr>
<td>1957</td>
<td>74</td>
<td>18</td>
<td>15</td>
<td>36</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 for an undergraduate degree. To illustrate, in 1951 three students were admitted under this privilege, all of whom had done their preparatory work at colleges or universities other than Notre Dame.

***Students who entered with an undergraduate degree. To illustrate, in 1951 twenty-seven students were admitted who had already obtained an undergraduate degree, 13 at the University of Notre Dame and 14 elsewhere.
A total of 50 colleges and universities were represented in our student body. The students came from 21 States, the District of Columbia and Hawaii.

The percentage of non-Notre Dame men (that is, students who did their undergraduate work at colleges or universities other than Notre Dame) which declined somewhat in September, 1956, started upward again, 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>
<tr>
<td>1957</td>
<td>41</td>
<td>55.4</td>
</tr>
</tbody>
</table>

Though first-year enrollment increased slightly, total enrollment was the same as the year before — 150. September registration last year and in each of the six years immediately preceding is shown in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>150</td>
</tr>
<tr>
<td>1956</td>
<td>150</td>
</tr>
<tr>
<td>1955</td>
<td>167</td>
</tr>
<tr>
<td>1954</td>
<td>201</td>
</tr>
<tr>
<td>1953</td>
<td>244</td>
</tr>
<tr>
<td>1952</td>
<td>221</td>
</tr>
<tr>
<td>1951</td>
<td>204</td>
</tr>
</tbody>
</table>

All of the students registered in September 1956 were taking the full program whereas last year (1957) three were not. In reality, therefore, there was a slight decline in total enrollment, though it does not show on the record.

The decline in total enrollment, which began in 1954, is due in major part to the fact that fewer Notre Dame undergraduates have been entering the combination programs — a fact made obvious by the table on page 1. This decrease in the number of combination students parallels a movement by the States to require candidates for the bar examination to obtain an undergraduate degree before beginning the study of law. Four States now have legislation to that effect, namely, Delaware, Kansas, Ohio (where the requirement will become effective in 1960) and Pennsylvania; and it can be expected, I think, that other States will follow suit.

In contrast with the falling off in the number of combination students, the number of students entering with a degree has nearly doubled since 1951. This trend, I am satisfied, will continue, and eventually the growing number of students entering with a degree will more than offset the drop in combination students.

Figures compiled recently by the Survey of the Legal Profession indicate that the number of lawyers in relation to the population has been declining. In the decade 1930-1939, inclusive, the number of lawyers admitted to practice averaged 9,125 yearly. In 1956, 9,450 were admitted, virtually no more than the 1930-39 average, notwithstanding a population growth from 123,000,000 in 1930 to 167,000,000 in 1956.

I do not know the reason for this phenomenon. Perhaps it is due to the oft repeated assertion that the legal profession is overcrowded. What evidence justifies that counsel of despair? I know of none. A thoughtful study by Professor Charles W. Joiner of the University of Michigan indicates, on the contrary, a growing need for lawyers. To meet this need, he estimates, there will have to be from 70,000 to 88,000 more lawyers in 1970 than there were in 1955. Hence it seems reasonable to anticipate that the number of persons desiring to study law will increase substantially in the next decade.

What I said in last year's Report (p. 3) is pertinent in this connection: "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."

As of August 15, new applications for 1958-59 were running 15% ahead of last year. The source and status of the applications for admission in September are shown in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Withdrawn</th>
<th>Pending</th>
<th>Net Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>59</td>
<td>18</td>
<td>4</td>
<td>37</td>
</tr>
<tr>
<td>1954</td>
<td>20</td>
<td>3</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>1955</td>
<td>147</td>
<td>63</td>
<td>12</td>
<td>72</td>
</tr>
<tr>
<td>1956</td>
<td>4</td>
<td>4</td>
<td></td>
<td>129</td>
</tr>
</tbody>
</table>

* Only three years of college work.

What of our enrollment in September? The recession has heightened the difficulty of estimating the number of applicants who will register. I do not believe the upturn in total enrollment will begin this year, but I do think there is some ground to hope for further slight improvement in the size of the entering class.

One thing is sure: there is every indication that the class of 1961 will be the best entering class in a long while — best in the sense that it will include more men with outstanding college records of leadership and scholastic achievement.
MORTALITY

The percentage of students dismissed for scholastic deficiency in each of the last five 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>
<tr>
<td>1957-58</td>
<td>29.7</td>
<td>2.8</td>
<td>3.4</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Year</td>
<td>54%</td>
<td>50%</td>
<td>46%</td>
<td>34%</td>
<td>30%</td>
</tr>
<tr>
<td>2nd Year</td>
<td>34.9%</td>
<td>30.6%</td>
<td>40.6%</td>
<td>40.6%</td>
<td>54%</td>
</tr>
<tr>
<td>3rd Year</td>
<td>47.1%</td>
<td>34.9%</td>
<td>30.6%</td>
<td>40.6%</td>
<td>54%</td>
</tr>
</tbody>
</table>

The attrition last year was high. Some may feel it calls in question our admission policy. What is our admission policy?

To begin with, as stated in my Report for 1953-54 (p. 3) “it is much more important to attract good students than it is to exclude poor students.” Some screening, though, is necessary. We cannot justifiably accept an applicant and allow him to make the very considerable investment, both of time and money, required to study law at Notre Dame if, in all human probability, he will not make the grade.

How do we screen applicants? We consider both the college record of an applicant and his score on the Law School Admission Test. (This test, prepared and administered by Educational Testing Service of Princeton, New Jersey, is required of all applicants by most of the Nation’s top law schools). Generally speaking, if an applicant has a good college record or a good test score, we will admit him. This, obviously, reflects a degree of skepticism as to both of these indices of probable performance in law school.

As to the Law School Admission Test. Through 1956-57 we required a minimum score of 350. We now require 400, though we will take a man with a lower score if he was in the upper half of his college graduating class. Selection of 400 as the required minimum score resulted from our own experience, which indicates (1) that very few men do acceptable work who have a score below 400, but (2) that some men with a score not much above 400 perform creditably.

There are only two points about which I feel reasonably sure: (1) a man who did well in college and has a high test score (600 or better) is almost sure to succeed in law school; (2) a man with a poor or mediocre college record and a test score of less than 400 is almost sure to fail.

Most applicants, however, are in the large group between these two extremes. They present a problem which, so far as I am concerned, is very far from being solved. What we do, as a practical matter, is to resolve doubts in favor of admitting an applicant on the theory that, so long as we have room for him, he is entitled to a chance to show that he has what it takes. In close cases acceptance is accompanied by a friendly but frank statement of the difficulties our rigorous program is likely to entail.

RECRUITMENT

Our recruitment program was continued and intensified, both on and off campus. Recruitment visits were made to 24 colleges and universities, as follows:

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquinas College</td>
<td>Grand Rapids, Michigan</td>
</tr>
<tr>
<td>Canisius College</td>
<td>Buffalo, New York</td>
</tr>
<tr>
<td>College of St. Thomas</td>
<td>St. Paul, Minn.</td>
</tr>
<tr>
<td>Fairfield University</td>
<td>Fairfield, Conn.</td>
</tr>
<tr>
<td>Iona College</td>
<td>New Rochelle, N. Y.</td>
</tr>
<tr>
<td>John Carroll University</td>
<td>Cleveland, Ohio</td>
</tr>
<tr>
<td>Loras College</td>
<td>Dubuque, Iowa</td>
</tr>
<tr>
<td>Manhattan College</td>
<td>East Lansing, Mich.</td>
</tr>
<tr>
<td>Michigan State University</td>
<td>Niagara Falls, N. Y.</td>
</tr>
<tr>
<td>University of Pennsylvania</td>
<td>Kansas City, Mo.</td>
</tr>
<tr>
<td>Rockhurst College</td>
<td>Davenport, Iowa</td>
</tr>
<tr>
<td>St. Ambrose College</td>
<td>Atchison, Kansas</td>
</tr>
<tr>
<td>College of St. Benedict</td>
<td>St. Bonavenure, N. Y.</td>
</tr>
<tr>
<td>St. Bonaventure University</td>
<td>Brooklyn, N. Y.</td>
</tr>
<tr>
<td>St. Francis College</td>
<td>Collegeville, Minn.</td>
</tr>
<tr>
<td>St. John’s University</td>
<td>Winona, Minn.</td>
</tr>
<tr>
<td>St. Mary’s College</td>
<td>Jersey City, N. J.</td>
</tr>
<tr>
<td>Temple University</td>
<td>Kalamazoo, Mich.</td>
</tr>
<tr>
<td>Western Michigan University</td>
<td>Cincinnati, Ohio</td>
</tr>
<tr>
<td>Xavier University</td>
<td></td>
</tr>
</tbody>
</table>

Notre Dame Law School
In addition, every Catholic college and university and every active Newman Club chaplain was reached by mail at least three times.

The following members of the Faculty assisted me in the recruitment program: Assistant Dean Broderick and Professors Kellenberg, Murphy and Ward. They were very effective.

A number of alumni and friends of the School, to whom grateful acknowledgement is due, were extremely helpful in the recruitment program, especially Judge Charles S. Desmond of the New York Court of Appeals, a member of the Advisory Council, and the following:

Messrs. Daniel E. Brennan, Jr., '34; Thomas S. Calder, '57L; Lawrence A. Kane, Jr., '37L; Robert H. Kenline, '35L; William B. Lawless, '41L; James G. McGoldrick, '42L; Joseph P. McNamara, '29L; Raymond W. Troy, '34, Treasurer of the Notre Dame Law Association; and George W. Vander Venet, '32L.

The recruitment program is not designed merely to enlarge the student body. Its primary purpose is to attract outstanding students—students who have the ability to become great lawyers and leaders. 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 is determined that its graduates shall be able to compete with and excel the best from the best schools in the land. To that end it is just as necessary for us as it is for the coaches to get the very best talent available. And we need the same eager, active interest which spurs many a loyal Notre Dame alumnus to steer top football talent to his Alma Mater. It's just as simple as that.

SCHOLARSHIPS

Other people like to win, too. Hence there is intense competition among the law schools for outstanding college graduates. In the words of Justice Walter V. Schaefer of the Supreme Court of Illinois, a member of the Advisory Council, they are sought after as eagerly as outstanding young athletes. Thus 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 virtually any of the Country's leading law schools. Indeed, the chances are he will be sought out and offered a scholarship, sometimes by several institutions. In this situation it is obvious we cannot expect to get our share of the most talented students unless we can offer scholarships which are competitive with those obtainable elsewhere. This is simply one of the facts of life—and it offers a challenge and an opportunity.

Funds for scholarship purposes are the more necessary in our case because Notre Dame is a high-cost law school, more expensive than all but a handful of our competitors, namely, Columbia, Cornell, Harvard, New York University, Pennsylvania, Syracuse and Yale. The following paragraphs from my Report of last year are pertinent in this connection:

"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 has already depleted the family's resources. In case after case, therefore, little help can be given by their parents to those who are ambitious to go on for professional training. The net result is that many law students are on their own financially. As Mr. Paul F. Hellmuth pointed out at the last meeting of the Advisory Council, this situation affects all of the leading law schools. It affects us especially because our students are more apt to come from large families.

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 summertime. 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."
tion, we are rising to the opportunity and meeting the challenge. When I came to Notre Dame in 1952 there was not one cent available for scholarships for law students. For the academic year 1958-59 scholarships have been awarded worth $28,150. This has been made possible by the generosity of many people. Special thanks are due to the following for the generous contributions they have made or have obtained from others:

Paul J. Anderson, '27
Judge Norman C. Barry, '21
Norman J. Barry, '48L
Roger P. Brennan, '33
Chicago Title & Trust Company
Paul R. Conaghan, '20
Mrs. Edith Mae Davis
Judge John T. Dempsey, '19
Oscar John Durwin, '17
John Squire Drendel
Farmers Insurance Group of Los Angeles
Patrick J. Fisher, '37L
Harold S. Foley, '21
George H. Gore, '48L
Judge Robert A. Grant, '30L
Earl F. Grober, '05L
T. Gordon Cutting
Paul F. Hellmuth, '40
John T. Higgins, '22
Michael L. Hines, '48L
H. Clay Johnson, '34L
Mrs. Estella D. Joliet
Robert L. Joliet, '33L

Bernard J. Korzen, '28
Emmett G. Lenihan, '26L
Edward B. Madden, '31
John F. Mendoza, '51L
John J. Moroney & Co.
John C. Movbray, '45L
J. W. Mullin, Jr., '19
John F. Murphy, '12L
C. Roy McCanna
Charles N. McGone
Dan McGlynn, '12L
Mrs. Mary Rafferty
James F. Rafferty, Jr., '49
Professor Milton E. Richter, '26L
V. C. A. Scully, Jr., '50L
Joseph D. Shelly, '25
Judge Luther M. Swygert, '27L
John C. Tully
Bernard J. Volf, '17
William E. Voer, '25L
Hugh E. Wall, Jr., '36L
A. Harold Weber, '22
Chester A. Wynne, '22L

A STUDENT LOAN PROGRAM

It has been a rough summer for many of our students. Their earnings have fallen far below what they were able to make in previous years. The handwriting is on the wall: many students are going to need help in excess of that which can be provided from available scholarship funds. Without help they won’t be able to continue at Notre Dame.

I saw this coming early last spring and cast about for some way to supplement our scholarship funds. It occurred to me that the wives of married law students possess a variety of skills which, if they could be utilized, would solve their financial problems and do it on the best possible basis, that is, a self-help basis. The difficulty, of course, is that these girls are tied down with children. What to do about that? The answer, I then suggested, was to establish a day nursery. That proposal has not yet come to fruition. I continue to hope, however, that arrangements can be made to provide daytime care for the children of married law students and thus free their mothers to help out financially.

Meanwhile, it is imperative that a way be found to enable necessitous students to borrow their requirements, within reasonable limits, on easy terms as regards interest and repayment. While ample scholarship funds are an absolute necessity, it by no means follows that all financial aid to students should be by way of gratuitous rewards. If loans were available, many students could finance themselves. This seems to me to be in keeping with the spirit of our institutions and to be preferable in some cases to outright grants. Again, therefore, I cry out that we need a student loan fund and need it desperately.

STUDENT ACCOMPLISHMENTS

MOOT COURT

Repeating the achievement of 1956, our team won the championship of Region 9 (Indiana, Illinois and Wisconsin) in the National Moot Court Competition in Chicago November 14 and 15, 1957. Other schools represented in the regional competition were:

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

In consequence of our victory in Chicago, our team represented Region 9 in the final arguments in the National Competition in New York in December. After winning in the first round, we lost in the second to the team representing Emory University School of Law.

Members of the Notre Dame team were selected in the final argument of our own 1956-57 Moot Court Competition on November 4. Justice William J. Brennan, Jr., of the Supreme Court of the United States presided over the court that session. Other members of the court were Chief Judge John Biggs, Jr., of the United States Court of Appeals for the Third Circuit and Judge Robert A. Grant, '30L, of the United States District Court for the Northern District of Indiana.
The students who participated in the argument before this distinguished tribunal were:

John F. Murray, Elmira, New York
William J. Ragan, Buffalo, New York
Raymond W. Tam, Wahiawa, Oahu, Hawaii
Donald L. Very, Pittsburgh, Pennsylvania

Messrs. Ragan and Tam were adjudged the winners and received the Dean's Award, established in 1950 by former Dean Clarence E. Manion. They, together with Mr. Very as alternate, composed the team which represented us so successfully in the regional rounds of the National Competition in Chicago, and later in the final rounds in New York.

The Appellate Court of Indiana heard the arguments in the semifinal round of the 1957-58 Moot Court Competition on April 28. The four students who survived that round will participate in the final argument on October 18. Justice Sherman Minton of the Supreme Court of the United States will preside on that occasion.

The editors of the Notre Dame Lawyer were greatly heartened by a letter from Judge Charles Desmond of the New York Court of Appeals reading as follows:

"The [May] issue of the Notre Dame Lawyer was, I thought, a particularly good one. I was especially impressed by the comprehensiveness and soundness of the elaborate survey of decisions concerning religious institutions and relations between church and state, etc. All the editors and contributors are to be congratulated, especially Messrs. Bailey, Clark and McCartan who are responsible for this most able and useful survey."

The note referred to by Judge Desmond was written by students in their second year of law study, and I agree with him that it does them credit.

According to an announcement preceding the note, it "inaugurates a biennial presentation of the Lawyer which we hope will afford a comprehensive view of legal developments affecting the Church as an institution and as the custodian of the moral values of the community."

APPOINTMENTS FOR STUDENTS

Notre Dame is on the list of law schools visited annually by a representative of the Attorney General of the United States in connection with his Recruitment Program for Honor Law Graduates. Offers of employment, under this program, were received by three members of the class of '58, namely, John F. Murray of Elmira, New York; Edward N. Denn of Utica, New York; and George A. Patterson of Miami, Florida. Mr. Murray accepted; Mr. Patterson had a previous commitment to go to work for Uncle Sam as a lieutenant in the Air Force; Mr. Denn had already accepted appointment as law clerk for Judge Charles Fahy of the United States Court of Appeals for the District of Columbia. Mr. Denn was Editor-in-Chief of the Notre Dame Lawyer for 1957-58 and Mr. Patterson was Articles Editor. The Associate Editor, Mr. Eugene F. Waye of Levittown, Pennsylvania, was appointed and is now serving as law clerk for Judge John Biggs, Jr., of the United States Court of Appeals for the Third Circuit. Three other members of the Lawyer staff likewise received clerkships: Book Review Editor Eugene G. Griffin of Knoxville, Tennessee, will serve as law clerk for Judge Raymond J. Kelly of the United States District Court for Alaska; Managing Editor John P. Callahan and Note Editor Ray F. Jueder will serve in that capacity for Judge Roger J. Kiley and Judge John C. Lewe, respectively, of the Appellate Court of Illinois.

BAR EXAMINATION RESULTS

We had 40 graduates in 1957. Of these, 33 have taken the bar examination in the State where they intend to practice, four have been admitted on motion, four have not advised us of the result of any bar examination they may have taken. Of the 33 taking the bar examination in the State of intended practice, 28 or 84.8% passed on the first try. This percentage was adversely affected by an unexpectedly poor showing in Michigan, where only three of six candidates passed. Elsewhere we made a respectable record. Excluding Michigan, only two of our '57 graduates failed the bar examination in the State of intended practice. Thus, in States other than Michigan (that is, in Illinois, Indiana, Iowa, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Texas and Wisconsin) the percentage of passes on the first try was 92.59. Two members of the class of '57 did particularly well: Thomas S. Calder placed first on the bar examination in Ohio and Vernon O. Teofan placed second in Texas.

THE PROGRAM OF INSTRUCTION

My article in the July 1957 issue of the American Bar Association Journal describes in some detail our program of legal education. The program has been strengthened by the adoption of two measures recommended a year ago.

In my Report for 1956-57 I said (p. 12) : "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.” I therefore recommended that the necessary action be taken 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 had been to include only the grades of the first five semesters for this purpose, and the inevitable result had been a let-down on the part of many students in the sixth and final semester.

I said also: “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.” To accord proper recognition to those who have successfully completed our program, I proposed that we do as Harvard has done for more than 60 years and authorize recipients of the LL.B. (who entered with an undergraduate degree) to wear the Doctor’s gown, hood and cap at Commencement and on other appropriate occasions.

I am happy to record the fact that both recommendations have been put into effect.

The program has been strengthened, too, by the following improvements in our curriculum, effective for 1958-59. The time allotted to Remedies, taught in the third semester, will be increased from three to four hours a week. The seminar in Natural Law, instead of being spread over the third and fourth semester as heretofore, will be concentrated in the fourth semester, thus allowing for more intensive consideration of the subject matter of the course. The seminar in Family Law will be moved from the fourth to the final semester.

THE FACULTY

Professor Elton E. Richter retired on August 31 upon completion of 31 years as a member of the Faculty. At the conclusion of his last class, just as the bell rang, the Faculty and virtually the entire student body crowded into the classroom to express their affection for Professor Richter and wish him well. A few days later he and Mrs. Richter were the guests of honor at a dinner at the Morris Inn attended by all the Faculty and their wives and by representatives of the Administration. Father Moore and I spoke of Professor Richter’s contribution to the Notre Dame Law School. In the course of my remarks I said: “Many men win fame and fortune. Only a few win the enduring affection of their associates. Elton Richter belongs to that select minority.”

Another loss was suffered in the retirement of Judge Roger J. Kiley of the Appellate Court of Illinois. He presided over our seminar in Natural Law. This required him to come to Notre Dame from Chicago every Monday throughout the academic year. Thus he devoted a day out of every week to the Notre Dame Law School, and he did this without compensation. Last spring, however, the increasing burden of his judicial responsibilities made it necessary for him to relinquish membership on our faculty, effective at the end of the academic year. I cannot adequately express my gratitude for his devoted and self-sacrificing service to the Notre Dame Law School.

“Incredibly scholarly”—that is the term applied to Professor Chroust’s new book Socrates, Man and Myth in a review appearing in the April 12 issue of America. To quote from the reviewer: “The Socrates of literature, says Mr. Chroust, is essentially a legend: rival schools built up rival fictions. And an examination of all the available facts by the conscientious author reads like some scholarly detective story.” The reviewer concludes that Professor Chroust’s book has made a “very important contribution.”

In recognition of their invaluable contribution to the Notre Dame Law School, two part-time members of the Faculty have been promoted to the rank of adjunct professor. They are United States District Judge Luther M. Swygert, ’27L, who, with Professor Barrett, conducts our very successful Practice Court, and Mr. Nathan Levy who teaches Secured Transactions.

Professor Wagner read a paper at the annual meeting of the Association of American Law Schools on the use of Comparative Law materials in the teaching of Torts.

Assistant Professors Ward and Rodes were promoted to the rank of associate professor. Professor Ward delivered the second lecture in the annual American Democracy Series at Culver Military Academy in December. His subject was “How Safe Can the Free Society Be?”

Professor Rodes made the principal address at the closing session of the convention of the National Catholic Educational Association in Philadelphia on April 11. He was one of about 60 scholars who participated in a five-day seminar on “Religion in a Democratic Society,” sponsored by The Fund for the Republic.

Professor Kellenberg has been granted a leave of absence and will spend the academic year 1958-59 at the Yale Law School writing a book on the law of real property. There is real need for a first-rate, up-to-date, one-volume treatise in this field. He has been awarded a grant by Yale to assist him in his project.

I was appointed a member of (1) the Rockefeller Foundation’s Advisory Committee in Legal and Political Philosophy; (2) an advisory committee of The William Allanson White Psychiatric Foundation, which is shortly to undertake an important study of the law
in relation to mental illness; and (3) the Policy Committee of the Law School Admission Test for 1958-59.

Mr. Jan Krasnowiecki has been appointed assistant professor and will join the Faculty on September 1. He holds the following degrees from Oxford University, England: B.A., B.C.L., M.A. In 1952-53 he was a Bigelow Teaching Fellow at the University of Chicago Law School. After service in the United States Army, he spent a year at the Harvard Law School where he was awarded the LL.M. degree in 1956. Professor Krasnowiecki gives real promise of teaching and scholarly achievement, and we welcome him most warmly. A list of publications by members of the Faculty for the academic year 1957-58 is appended.

SPECIAL EVENTS

SUPREME COURT SYMPOSIUM

The "Role of the Supreme Court in the American Constitutional System"— that was the subject of a symposium at The Law School on April 18. Mr. David F. Maxwell of Philadelphia, immediate past president of the American Bar Association, presided. In ringing terms he called upon American lawyers to rally to the defense of the Supreme Court against irresponsible attacks.

In opening the Symposium, I said:

"Criticism is helpful to the Supreme Court, as to other human institutions. The Justices themselves long have recognized this fact. No one, so far as I know, has made the point more effectively than Justice Brewer, speaking in 1898:

'It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the object of constant watchfulness by all, and its judgments subject to the freest criticism. ... True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all.'

'The attacks upon the Supreme Court in the last years have nevertheless resulted in a serious situation. The situation is serious not because of the attacks, but because the attackers have had the field pretty much to themselves. Our distinguished Chairman and his successor as president of the American Bar Association have spoken out forthrightly, as have others; but I think it will have to be admitted that the Court's defenders have been comparatively few. Its critics, on the other hand,
LAW DAY—U.S.A.

Law Day—U.S.A. was observed jointly by the Notre Dame Law School and the St. Joseph County Bar Association with a dinner at the Indiana Club on May 1, at which I presided. Judge John S. Hastings of the United States Court of Appeals for the Seventh Circuit was the speaker. Students and faculty of the School were invited to attend as guests of the Association—a wonderful demonstration of interest and generosity on the part of the practicing bar.

In addition, the School arranged to present for the entire faculty and student body of the University the motion picture entitled "With Liberty and Justice For All." This was first produced on the Omnibus television program with Joseph Welch as narrator. It tells the story of the great cases, beginning with Ex Parte Milligan, in which the Supreme Court has upheld "the principle of guaranteed fundamental rights of individuals under the law," which President Eisenhower has described as "the heart and sinew of our Nation."

LAW HONOR BANQUET

Mr. Charles S. Rhyne of Washington, D.C., President of the American Bar Association, was the featured speaker at the Law Honor Banquet on May 10. This affair, 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. Mr. Rhyne spoke eloquently on world peace through extension of the Rule of Law. Mr. Justice Reed of the Supreme Court of the United States was the featured speaker at the 1957 Law Honor Banquet. Next spring Mr. Rhyne's successor as president of the American Bar Association, Mr. Ross L. Malone, will be the featured speaker.

THE LAW LIBRARY

In keeping with a policy adopted by the American Bar Association's Council on Legal Education and Admissions to the Bar at the Association's annual meeting in New York in July, 1937, jurisdiction over the Law Library was transferred on October 1 from the Director of the University Library to the Dean of The Law School.

The Library has made excellent progress in the last six years, due to the strong support of the University Administration and the capacity and devotion of our Law Librarian, Miss Marie Lawrence. She is described in a report on our Library, prepared by Professor A. C. Pulling, as "one of the top law librarians of the country." Professor Pulling was for many years Director of the Law Library at Harvard. Since his retirement at Harvard he has been Law Librarian at Villanova. Professor Pulling's report continues: "[Miss Lawrence] knows her bibliographies and what an excellent law collection should contain. As a result she is building a well rounded out collection that will prove of inestimable value to the faculty, students and those who may wish to carry on research. Miss Lawrence commands the respect of all law librarians, East and West."

We now have 50,858 volumes as against 28,133 on August 15, 1952, an increase of 80.7%. The collection is still small, of course, but is well chosen.

The great problem, as I pointed out last year, is that we have run out of space to shelve our books. Of necessity, therefore, more and more books must go to dead storage. Nothing could be more distressing or undesirable, but there is no help for it until additional space becomes available.

THE LAW BUILDING

In my Report for 1953-54 I called attention to the need for additional space for the Law Library and for faculty offices, and pointed out that the situation would become progressively more serious.

To meet this growing need for additional space the University's architects proposed in 1955 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.

A committee of the Advisory Council (Mears, Oscar John Dorwin, '17, Bernard J. Voll, '17 and Aaron H. Huguenard, '22L, Chairman) filed a report in October, 1956 recommending construction of the proposed addition. In October, 1957 the Committee (to which, in the meantime, Mr. Paul F. Hellmuth, '40, had been added) filed a further report, saying:

"Although the report submitted last October was adopted, our Committee has continued to explore the question, raised at last year's meeting, whether it would be wise to plan for an entirely new building rather than for an addition to the existing structure.

"We have considered that question. While we have not attempted to get exact figures, it is most doubtful whether the kind of structure that we would want, if we were to erect a completely new building, could be built for less than $2,000,000. We do not believe we are justified in recommending so large an expenditure. While the present building was poorly planned and in many ways is far from ideal, it is a solid, substantial structure and will serve the purpose indefinitely, provided
additional space is supplied for the storage of books and for faculty offices." Both reports were unanimously adopted by the Advisory Council.

To make sure we were not overlooking any bets, Professor A. C. Pulling, mentioned above in my remarks on the Law Library, was retained this summer on a consulting basis to make a study of our space requirements. He reported that, short of a new building, there is no way to gain the space we need except by an addition as proposed by the University’s architects.

It is my earnest hope that we can now proceed with the preparation of preliminary drawings. The need is urgent and will become more so with every passing day. As already noted, we are even now sending books to dead storage because there is no room for them in the Library. For practical purposes, books in dead storage one might as well not have. It must surely be obvious how frustrating and altogether undesirable this is. Surely, too, there must be someone among the School’s friends who will provide the funds for the addition we need so badly. The cost will not exceed $500,000 — only a drop in the bucket in comparison with the cost of new buildings recently completed or under construction for other law schools.

NATURAL LAW INSTITUTE

The third issue of the Natural Law Forum came off the press in April. The Forum is published annually, under the auspices of The Law School’s Natural Law Institute, by an editorial board composed of the following distinguished scholars:

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, Turin University, Italy
Professor C. J. Friedrich, Harvard University
Professor Lon L. Fuller, Law School of Harvard University
Professor Wilber G. Katz, The University of Chicago Law School
Dean Edward H. Levi, The University of Chicago Law School
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 John Wild, Harvard University

Dean Levi and Professors Friedrich and Katz have accepted appointment to the Editorial Board since my last report; Professor Leo Strauss of The University of Chicago resigned by reason of a restricted schedule due to illness.

The Editorial Board meets at least once a year and, it is hoped, will meet twice a year hereafter. The last meeting was held in October, 1957 at the Yale Law School on invitation of its Dean and Faculty. I do not know of any previous instance of such cordial collaboration by a secular institution in such a venture. The next meeting of the Editorial Board will be held at Notre Dame on October 4.

The following members of our Faculty serve as assistants to the Editor-in-Chief: Professors Thomas F. Broden, Jr., Conrad L. Kellenberg, Edward J. Murphy, Robert E. Rodis, Jr., W. J. Wagner and Bernard J. Ward. They have contributed substantially to the Forum’s success.

CONCLUSION

We made progress in 1957-58. What was accomplished would have been impossible without the unfailing support of Father Hesburgh and Father Moore and, indeed, of every member of the University Administration. Special thanks are due to the Faculty and also to Father John E. Walsh, Rector of Fisher Hall, to the officers and directors of the Notre Dame Law Association, to the Advisory Council and to the Editorial Board of the Natural Law Forum. We are greatly indebted, too, to the student body and particularly to Mr. John F. Marchal, President of the Student Law Association. For all the help and many kindnesses I have received, I am profoundly grateful.

Respectfully submitted,

Joseph O’Meara
Dean

August 15, 1958
FACULTY PUBLICATIONS
1957-58

THOMAS F. BRODEN, JR.

Articles:
Congressional Committee Reports: Their Role and History, 33 Notre Dame Lawyer 209 (1958).

JOHN J. BRODERICK

Book:

ANTON-HERMANN CHRoust

Book:

Articles:
The Legal Profession in Colonial America, Part I, 33 Notre Dame Lawyer 51 (1957).

JOHN J. BRODERICK


ANTON-HERMANN CHRoust

Articles:
The Legal Profession in Colonial America, Part I, 33 Notre Dame Lawyer 51 (1957).

A Prolegomena to the Study of Heraclitus of Ephesus, 20 The Thomist 470 (1957).

Law in a Modern Democratic Society, 43 Archiv fuer Rechtsund Socialphilosophie 321 (1957).
The Ranks of the English Legal Profession, accepted for publication in the December 1958 issue of University of Southern California Law Review.
The Legal Profession in Colonial America, Part III, accepted for publication in the December 1958 issue of the Notre Dame Lawyer.
The American Legal Profession from the Revolution to the Middle of the Nineteenth Century, Part I, accepted for publication in the Notre Dame Lawyer.
The American Legal Profession from the Revolution to the Middle of the Nineteenth Century, Part II, accepted for publication in the Notre Dame Lawyer.
The American Legal Profession from the Revolution to the Middle of the Nineteenth Century, Part III, accepted for publication in the Notre Dame Lawyer.
The American Legal Profession from the Revolution to the Middle of the Nineteenth Century, Part IV, accepted for publication in the Notre Dame Lawyer.
A Second (and Closer) Look at Plato's Political Philosophy, accepted for publication in the Spring 1959 issue of The Thomist.

Book Reviews:

J AN KRASNOWIECKI

Articles:

EDWARD J. MURPHY

Article:

JOSEPH O'MEARA

Article:

ROGER PAUL PETERS

Article:

Book Review:
ROBERT E. RODES, JR.

Article:

Book Reviews:

WILLIAM D. ROLLISON

Book:
Cases and Materials on Estate Planning. Submitted to publisher.

W. J. WAGNER

Book:

Articles:
The Teaching of Comparative Law in the Course on the Law of Torts, accepted for publication in the Journal of Legal Education.

Book Reviews:

BERNARD J. WARD

Articles:
The Problem Method at Notre Dame, accepted for publication in the Autumn 1958 issue of the Journal of Legal Education.