8-15-1963


Joseph O'Meara
Notre Dame Law School

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**Report of the Dean**

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*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.
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- **Added Title**: Dean's report
- **Spine Title**: Annual report of the dean
Report of the Dean
1962-1963
From a 1963 graduate:

"I want to thank you and the others who were responsible for my scholarship. I will not say that I could not have gone to law school if it had not been for that scholarship. I will say, though, that I could not have come to Notre Dame without it. And at no other law school in the country could I have studied law on such a beautiful campus, been driven to work by an entire faculty as never before, written for the law review, argued a moot-court case before Justice White of the Supreme Court, and made such close life-long friends among both students and Faculty. For those glorious three years of 'law in the grand manner' I say a very heartfelt thank you."

**Dean's Report 1962-63**

As in earlier reports, I begin with some observations about our students — past, present and prospective.

**THE STUDENT BODY**

**ENROLLMENT**

The entering class last September numbered 66 as against 64 in September of 1961 and 63 the year before that — a negligible increase. As expected, however, total enrollment declined again, from 154 in September 1961 to 151 last year. The decline was due to a smaller than usual graduating class.

Last year's student body included students from 30 states and the District of Columbia. 59 colleges and universities were represented. 30.5% of the students were married; 16.5% were veterans; 25.8% lived on campus. 76% of the students were between 21 and 24 years of age. The other 24% ranged from 20 to 47.

If first-year enrollment in September 1963 is approximately the same as last year, there will be a moderate increase in total enrollment since the class of 1964 will be substantially larger than the class of 1963.

If that turns out to be the case, I hope the improvement will continue, gradually, until we have an enrollment of between 250 and 300. We mean to hold the line at a maximum of 300. We could reach that number very quickly, it may be, since applications have increased steadily since 1954. And I have been urged to expand enrollment quickly "by taking in more students — less selectivity and by decreasing the mortality rate — dulling the axe of attrition." But we do not have an excessive rejection rate. Of the 284 who applied last year 190 were accepted or 66.9%. Our requirements for admission do no more than screen out those who obviously are unequal to the intense competitive pressures of the law today. We cannot in conscience take in such applicants. We must exclude them — for their own sake and for the sake of the innocent people who would become their clients if they were sent out to practice law with the Notre Dame seal of approval. I have seen the damage incompetent lawyers can do. I will not willingly be an accessory before such injury.

I know from experience that intellectual competence is not the
only requirement of a first-rate lawyer. But it is increasingly impor-
tant. There are many other qualities, to be sure, that a first-rate
lawyer must possess. For the most part, I am persuaded, these cannot
be taught. Who can teach wisdom? But intellectual capacity is a pre-
condition in this increasingly hectic, increasingly competitive world.

Of course, selectivity tests can become a fetish and have, I am
afraid, in some educational institutions. I recognize only too well
how fallible the available criteria are, as I indicated in my Report
for 1960-61:

"At times, no doubt, common sense will rebel against the
application of our new admissions standards in particular cases.
We will give priority to common sense."

But screening out incompetents is as necessary as the criteria for doing
so are fallible; and we must use them with such imperfect wisdom
as we possess. For it remains our purpose to graduate lawyers who
can hold their own — and more than hold their own — with the
graduates of any law school anywhere. Only in this way, we believe,
can we make the contribution which is expected of Notre Dame —
to the law, the legal profession and the public.

When I was invited to leave the practice of law to become Dean,
Father John J. Cavanaugh, then President of the University, said
that Notre Dame wanted and would continue to want a law school
"in itself excellent." That has been my mandate. Excellence is our
platform and we can be content with nothing less. Nothing less will
do. For "in all occupations, the level of competence required is con-
stantly increasing." The Pursuit of Excellence: Education and the
Future of America 9 (1958). We can keep pace only by constantly
raising our sights.

MORTALITY

The percentage of first-year students dismissed for scholastic de-
ficiency declined again, reflecting the higher entrance requirements.

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

<table>
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<th>Year</th>
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<tr>
<td>1959-60</td>
<td>25.6</td>
<td>8.3</td>
<td>0.0</td>
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<tr>
<td>1960-61</td>
<td>22.2</td>
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<td>1961-62</td>
<td>14.1</td>
<td>7.3</td>
<td>2.0</td>
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<tr>
<td>1962-63</td>
<td>10.6</td>
<td>2.0</td>
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While the failure rate for first-year students declined to a 10-year
low of 10.6%, total first-year attrition, including voluntary as well
as involuntary withdrawals, rose somewhat to 22.7% from 20.5% the
year before.

Our attrition rate is high in comparison with some other national
law schools, which may be passing some students who ought to be
failed. On the other hand, it is low in comparison with some local
schools.

We are acutely aware of the fact that withdrawals, particularly
involuntary withdrawals, represent a great waste of resources, both
human and material. But, I repeat, we have no intention whatever
of "dulling the axe of attrition" in order to expand enrollment. That
would compromise our standards and defeat our purpose.

RECRUITMENT

For the gradual increase in our enrollment, which we look forward
to, we must rely on the reputation of the Notre Dame Law School
and our ability to acquaint prospective students with the advantages
of studying law at Notre Dame. In this connection Notre Dame is
one of "four nationally known law schools" whose performance
on the Ohio Bar Examination during the eleven-year period from
June 1951 through March 1962 was mentioned in a recent article
by a member of the Legal Education Committee of the Ohio State
Bar Association. 36 Ohio Bar 725. According to the article, "these
four 'best' law schools [Harvard, Michigan, Notre Dame and Yale]
have maintained an admirable record on the Ohio Bar examination
over an extended period" — about 10 per cent better, the figures
show, than the bar results of the four Ohio day law schools as a
group.

As noted last year, alumni recruiting committees have been func-
tioning in a number of cities. Committee members who have done
excellent work include:

Raymond J. Broderick, '35, Philadelphia
Burton M. Greenberg, '38L, St. Louis
Robert P. Gorman, '57L, Newark
Daniel W. Hammer, '55L, Cleveland
William J. Harte, '59L, Chicago
Honorable William R. Lawless, '44L, Buffalo
John C. Hirschfeld, '61L, Baltimore
William J. Hurley, '53L, Chicago
George P. McAndrews, '62L, Chicago

Notre Dame Law School
Dean's Report 1962-63

George P. Michaeley, '56L, Washington, D.C.
Michael E. Phennem, '62L, Chicago
Paul F. Titus, '60L, Pittsburgh
George N. Tompkins, '56L, New York City
Eugene F. Waye, '58L, Philadelphia

This fall, at the suggestion of members of the Law Advisory Council, it is hoped that informal gatherings, perhaps at dinner, can be arranged in key communities at which prospective law students can be briefed on matters of interest concerning the practice of law and the Notre Dame Law School.

Recruiting trips by members of the Faculty were made to 26 colleges and universities. These trips were made by Asst. Dean Broderrick and Professors Thomas F. Broden, Conrad L. Kellenberg and Bernard J. Ward; and by the following alumni: Messrs. Mark H. Berens, '51L; Thomas S. Calder, '57L; Edward N. Denn, '58L; Lawrence A. Kane, Jr., '57L; William R. Kennedy, '61L; Joseph R. Summers, '62L; and Paul H. Titus, '60L.

A number of alumni and friends of the School were extremely helpful in this work, especially the following: Honorable Charles S. Desmond, Chief Judge of the New York Court of Appeals, and Honorable William B. Lawless, '44L, New York Supreme Court; and the following practicing lawyers: Messrs. Patrick J. Berrigan, '57L; Howard V. Burke, '53L; Robert P. Gorman, '57L; Matthew T. Hogan, '60L; F. James Kane, '60L; Robert P. Mone, '59L; Robert D. McAuliffe, '49L; William J. Ragan, '58L; George N. Tompkins, '66L and Hugh E. Wall, '36L.

My warm thanks to all those who have been so helpful in giving the word about Notre Dame to prospective law students.

In addition to the personal visits, every Catholic college and university and every active Newman Club chaplain was reached by mail at least three times.

SCHOLARSHIPS

Why are scholarships so important? They don't really matter much—if we want to be a rich man's law school. But unless we accept that alternative, ample funds for scholarships are indispensable. Why? Because law students, in the main, do not come from well-to-do families. They do come—many of our students, at any rate—from large families in the middle and lower income groups. In case after case, therefore, little if any 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. This situation affects all of the leading law schools. It affects us especially because our students are more apt to come from large families.

The following is representative of statements contained in letters from many prospective law students.

"My need for a scholarship is serious and has become even more urgent by the fact that my sister is now of college age and will begin her second year at State this fall. My father is employed as a laborer in a steel mill where work, though fairly steady for the past two or three months, is always subject to the vicissitudes of the general steel situation. My mother is currently employed by a supermarket. The burden upon my parents of my four undergraduate years, coupled with this past year when both my sister and I were in school, has reached such a point that I feel compelled to take steps to lighten it."

Moreover, it is virtually impossible for a student to put himself through the Notre Dame Law School without 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 12 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 a good part of the cost of studying law at Notre Dame. But he cannot earn enough to cover it all. There is a margin of up to $1000 a year or more, over and above what he can earn, which must be provided by somebody if he is to study law at Notre Dame.

Unless we can help these men financially, they will go elsewhere—they will go reluctantly but they will go. They will go to schools closer to their homes, especially the State schools, where the cost of
studying law is much, much lower than at Notre Dame. A letter just received provides an illustration:

"I regret that I will be unable to attend the Notre Dame Law School this fall as originally planned. I find, primarily for financial reasons, that it would be more practical for me to return to my State University to attend law school."

On the other hand, if we are able to help them, we can expect them to respond as did a recent graduate who sent with his check for $100 a letter in which he said: "Since starting my practice, I have increasingly felt a debt of gratitude to the Notre Dame Law Association for the assistance which their scholarship gave me during my first year at Notre Dame Law School. It is a pleasure and a privilege for me to be able to do this, so that some incoming student may receive the same encouragement and assistance which I was so generously given in 1956."

In 1953 it seemed to me that $20,000 a year was an adequate initial goal. I little realized the extent of the need. A year ago (July 1, 1961 to June 30, 1962) the amount raised for scholarships was $67,037.56. And we need more than that.

The amount realized for scholarships in the fiscal year ending June 30, 1963, increased somewhat to $67,674.24, a tremendous achievement. Moreover urgent spade work was accomplished, providing a solid basis for much greater effectiveness hereafter. For thus laying the organizational foundation for much more fruitful scholarship campaigns in the future, all of us are greatly indebted to Mr. Camille Gravel, '35, immediate past president of the Notre Dame Law Association.

The following either joined or renewed their membership in The "500" Club, many giving much more than the minimum amount:

Edward F. Aylward, '48
Robert L. Berry, '53L
Roger P. Brennan, '33
Roger W. Breslin, '28
Earl W. Brieger, '31
Bernard D. Brocker, '30
J. Patrick Canny, '28L
Thomas G. Carney, '27
John E. Cassidy, Sr., '17L
Edward F. Cusack, '44L
Charles B. Cushwa, Jr., '31
Louis L. Da Pra, '40L
Warren A. Deahl, '43L
Valentine B. Deale, '39
Joseph F. Deeb, '33L
John T. Dempsey, '21
Dana C. Devoe, '59L
Joseph F. Dillon, '49L
Victor A. DiSimon, '44
Clarence J. Donovan, '31L
John W. Dorgan, '29
Oscar J. Dowin, '17L
James C. Downey, '42
John S. Drendel, '43
Thomas B. Dunn, '27
James E. Fagan, '34
Hon. Charles Fahy, '14
Francis X. Fallon, '33
James L. Ferstel, '50L
William G. Ferstel, '00
James T. Finlen
Patrick J. Fisher, '37L
William T. Fitzgerald, '23
Thomas W. Flynn, Jr., '35
M. J. Foley, '33
Frank J. Galvin, '23L
Timothy P. Galvin, '16
Lee J. Gary
George H. Gore, '48L
Robert F. Graham, '28
Edward J. Gray, '58L
George P. Gray
Arthur C. Gregory, '37L
Timothy M. Green, '47L
Burton M. Greenberg, '58L
Earl F. Gruber, '05L
Victor J. Guilyas, '48L
Thomas G. Gutting
Thomas R. Hardart, '38
Edmund J. Haugh
Paul F. Helmut, '40
John T. Higgins, '22
John F. Hynes, '15L
H. Clay Johnson, '34L
Hon. William B. Jones, '31L
Cecil E. Jordan, '40
Joseph B. Joyce, '56L
Lawrence A. Kane, Jr., '57L
Hon. Raymond J. Kelly, '15
Hon. Roger J. Kiley, '23L
Hon. John F. Kilkenney, '25L
William T. Kirby, '34L
Hon. W. B. Lawless, Jr., '44L
Emmett G. Lenihan, '15L
Hon. F. Wendell Lensing, '30
John J. Locher, Jr., '36L
Simon E. Locher, '33
Wm. W. MacMillan, Jr., '53L
Edward B. Madden, '51
Joseph E. Madden, '27
James J. Malloy, Jr., '44
Patrick Maloney, '16L
Eugene A. Mayl, '24L
Paul J. McArdle, '39
Thomas F. McDonald
Dan McGlynn, '18L
William F. McNerny, '41L
Joseph P. McNamara, '29L
Nicholas J. Meagher, Jr., '39L
Thomas J. Meagher, '36
Thomas P. Meaney, Jr., '33L
John F. Mendoza, '51L
Albert H. Monacelli, '34
Kenneth F. Montgomery
John R. Moran, '25L
George B. Morris, Jr., '40L
Thomas P. Mulligan, '38
J. W. Mullin, Jr.
Geoffrey J. Murphy, '51L
Hon. James E. Murphy, '22L
John P. Murray, '12L
Hon. Thomas C. Murphy, '29
James E. Murray, '56L
Thomas L. Murray, '51L
Edward R. Neather, '37
Special thanks are due, also, to the following benefactors other than "500" Club members:

- The J. Frederick Brown Foundation, Boston
- Mrs. Charles Davis, Mishawaka
- Farmers Insurance Group, Los Angeles
- Five Twenty-Five Foundation, Dayton, Ohio
- W. Gerald Moore Educational Foundation, Boston
- Mr. John Morth, Testamentary Trustee of Margaret McPherson Clark, Detroit
- National Distillers and Chemical Foundation, Inc., New York City
- Estate of Professor Elton E. Richter, South Bend
- E. E. D. Shaffer Foundation, Chicago
- South Bend Tribune, South Bend

Because of the generosity of all those named, and others not identified in this Report, we were able to provide scholarship assistance to 50 students in the total sum of $54,375. For them as well as for myself, I express again deep appreciation.

OTHER FINANCIAL AID

In many cases the best way to help students is to make it possible for them to solve their own financial problems. Accordingly, as was noted in my Report last year, a student-loan program was set up early in 1959 with the cooperation of the Continental Illinois National Bank and Trust Company of Chicago, under which deserving second- and third-year students can borrow up to $500 a semester. These loans, which are made by the Continental, are secured by a deposit made by the Notre Dame Law Association. As of last June, that is, the end of the academic year, loans outstanding totaled $21,313.35. Many other loans had been paid off. There are no loans past due.

STUDENT ACTIVITIES

NOTRE DAME LAWYER

I noted in my last Report that the Lawyer would be published five times a year instead of four. That step forward has now been taken.

The following held editorial positions for 1962-63:

- Editor, Mr. Thomas R. Joyce, Jr., St. Paul
- Recent Decisions Editor, Mr. Philip B. Byrne, St. Paul
- Articles Editor, Mr. Paul J. Driscoll, Staten Island
- Managing Editor, Mr. Edward J. Fillenwarth, Jr., Indianapolis
- Research Editor, Mr. Charles J. Griffin, Jr., Chicago
- Legislation Editor, Mr. Norman E. Matteoni, San Jose
- Note Editor, Mr. Harold E. McKee, Jr., Chicago

In a recent letter to me a New England Senator made this comment:

"During my study of current civil rights legislation, I have had occasion to rely on the fine work done by the members of the Notre Dame Lawyer. I have found these articles to be of high quality and exceptionally valuable for their freshness of perspective."

MOOT COURT

Mr. Justice White presided over the Court hearing the final argument in our Annual Moot Court Competition last October. Thus for the seventh consecutive year a member of the Supreme Court of the United States presided at the final argument.

Sitting with Mr. Justice White were Judge Shackelford Miller, Jr., of the United States Court of Appeals for the Sixth Circuit and Judge George N. Beamer of the United States District Court for the Northern District of Indiana.

The students who participated in the argument before this dis-
tigmed tribunal were Mr. Thomas E. Brannigan of Chicago, Mr. James L. Lekin of Des Moines, Mr. Patrick G. Cullen of Baltimore and Mr. Robert J. Noe of Rock Island.

Mr. Brannigan was the winner and Mr. Lekin the runner-up. They received the A. Harold Weber Awards of $150 and $100, respectively.

The officers of the Moot Court for 1962-63 were:

Director, Mr. John R. Gildea, Elkhart, Indiana
Associate Director, Mr. Thomas E. Brannigan, Chicago
Associate Director, Mr. Stephen C. Bower, Kentland, Indiana

They prepared a new and improved edition of the Notre Dame Moot Court Manual and, in general, did a fine job.

STUDENT LAW ASSOCIATION

The SLA is the student body's governing organ and is its voice when occasion arises for the presentation of student views. Among its most important responsibilities are administration of (1) the Honor System of unproctored examinations and (2) our Student Loan Program. It prepared and promulgated the Honor Code, a codification of the Honor System. This was the most noteworthy achievement of a year of fruitful activities.

The officers for 1962-63 were:

President, Mr. James L. Lekin, Des Moines
Vice President, Mr. Allan R. Saxe, San Jose
Treasurer, Mr. Kevin P. Connelly, Wheaton, Illinois
Secretary, Mr. Ernest S. Zavodnyik, Cleveland

GRAY'S INN

The Inn invites qualified speakers to discuss current social, economic and cultural topics which bear on law. They are then expected to answer questions and, at times, the questioning is very searching indeed. Among those who appeared at the Inn's informal, off-campus meetings during 1962-63, and their subjects, were the following:

Mr. William Higgs, Jackson lawyer: "Current Segregation Problems in Mississippi"
Professor Patrick Fitzgerald, University of Leeds: "The Use of Symbolic Logic and Computers in Law"

Mr. John Allen Appleman, well-known trial lawyer, also well-known for his multi-volume work on insurance law: "The Art of Cross-Examination"

Mr. John M. Crimmins, General Counsel of Koppers Company, Inc.: "The Work of an Attorney in a Corporate Legal Department"

Mr. Norman Glubok, Chicago editorial writer: "The Relationship Between Crime and Politics in Chicago"

The officers for 1962-63 were:

Treasurer, Mr. Paul J. Driscoll, Staten Island
Vice-Treasurer, Mr. Claassen J. Gramm, Jr., Albany
Master of Revels, Mr. Anthony M. Calderone, Battle Creek
Keeper of the Black Book, Mr. Charles R. Macfarlane, San Antonio

PRIZE WINNERS

Mr. Charles J. Griffin of Chicago, top man in the graduating class, was the recipient of the Hoyne Award of $100 and of the Lawyers Title Award ($100) provided by the Lawyers Title Insurance Corporation of Richmond.

The Farabaugh Prize of $25 went to Mr. Harold E. McKee, Jr., of Chicago, Note Editor of the Notre Dame Lawyer.

Mr. Edmund J. Adams of Cincinnati, was the recipient of the Law Week Award, a year's subscription to United States Law Week.

The A. Harold Weber Awards for the best senior research papers, totaling $250, were divided among Mr. Allan R. Saxe of San Jose, Mr. William E. Schirger of Avenel, New Jersey, and Mr. James F. Scarry of Elkhart, Indiana.

As noted elsewhere in this Report, the A. Harold Weber Moot Court Awards were won by Mr. Thomas E. Brannigan of Chicago, who received the first prize of $150, and Mr. James L. Lekin of Des Moines, winner of the second prize of $100.

PLACEMENT

The Class of 1963 will serve the legal profession in a variety of capacities. Some men are going into leading firms in such metropolitan communities as New York City, Chicago, Cincinnati and Atlanta; five have been appointed to judicial clerkships; others have chosen public service — in the Federal Housing Administration, Internal Revenue Service and Federal Trade Commission, and in the Office
of a State Attorney General. And some, of course, soon will be practicing law for Uncle Sam.

The five men appointed to judicial clerkships are: Mr. Classen J. Gramm, Jr., by Judge Clifford O'Sullivan of the United States Court of Appeals for the Sixth Circuit; Mr. Harold E. McKee, Jr., by Judge Roger J. Kiley of the United States Court of Appeals for the Seventh Circuit; Mr. James L. Lekin by Judge Robert A. Grant of the Northern District of Indiana; Mr. James A. Wysocki by Judge Frank B. Ellis of the Eastern District of Louisiana; and Mr. Stephen C. Bower by the Indiana Supreme Court.

Those who have positions to fill and are desirous of considering men from the class of 1964 are urged to contact us early in the fall, since there is a strong trend toward earlier commitments. And, of course, members of the legal profession are invited to make use of our placement service at any time. Campus interviews can be arranged to suit a visitor's convenience, and every member of the Faculty is happy to give his personal evaluation of an applicant. Please direct inquiries to: Professor Edward J. Murphy, Director of Placement, Notre Dame Law School, Notre Dame, Indiana.

BAR EXAMINATION RESULTS

We have heard from 43 members of the class of 1962. 40 passed on the first try in the State of intended practice, that is, 93%.

PROGRAM OF INSTRUCTION

An experimental innovation in the Legislation course, inaugurated last year by Professor Rodes, is aimed at giving students more experience in the reading and drafting of actual statutory language. The class is assumed to be a house of a State legislature and divided into four committees. Each committee prepares a complete bill on an assigned subject, after exhaustively researching the relevant legislation of their own State as well as that of other jurisdictions. Contending interests, those who favor and those who oppose the bill are represented by members of the Moot Court, whose appearance counts as one of the four second-year arguments required of them.

In consequence of an apparently successful experiment last year, the sequence of the Civil Procedure courses has been changed. Therefore the first course in the sequence dealt with Jurisdiction, Venue, Process and the Effect of Judgments and was given in the second semester of the first year. In 1962-63 the course on Remedies, which had been given in the first semester of the second year, was given, instead, in the first year as the first of the Procedure courses. Remedies is a basic, introductory course having to do with the kinds of relief which courts are competent to give. It introduces the student to the common-law formulary system and the formerly independent remedial system of equity, the merger of the two systems in modern law, and the resultant power of modern courts to give relief on both legal and equitable grounds. We have long felt that, ideally, this course should be taught simultaneously with such basic courses as Torts, Contracts and Property. The difficulty has been to find sufficient time for the course in the rather heavy first-year schedule, since Remedies has been a four-hour course and the two hours given over to Jurisdiction, Venue, Process and the Effect of Judgments seemed to be the only time available in the first year. The experiment last year involved reducing the Remedies course to three hours and allowing it to run from December through May. The hour dropped from the Remedies course has been added to the course on Jurisdiction, Venue, Process and the Effect of Judgments, which is now given in the first semester of the second year, followed directly by the course on Pleading and Practice. Thus the arrangement has the happy collateral effect of permitting a six-hour course on Civil Procedure from jurisdiction of courts through appellate practice to be given in the second year.

These changes, I believe, improve a program which a 1956 graduate has called "the most demanding and rewarding study program in any law school."

THE FACULTY

Professor Edward F. Barrett talked to the Optimist Club of South Bend about "The Layman and the Law" and delivered the principal address at the annual banquet of the Friendly Sons of St. Patrick in Buffalo. His subject on the latter occasion was "The Irish Inheritance."

Professor Thomas J. Broden was appointed to the Mayor's Biracial Committee of South Bend. He is also a member of the South Bend Fair Employment Practices Commission.

Assistant Dean John J. Broderick, Jr. was especially honored by the Class of '63, which presented a portrait of him to the School at the Law Honors Banquet. He served as a member of the Association of American Law Schools Committee on Pre-Legal Education. He was co-chairman of the Eleventh Annual Union-Management Conference sponsored by the University's Department of Economics and
the Notre Dame Law School; and was the principal speaker at the Universal Notre Dame Night gatherings in Madison and Green Bay.

Professor Kellenberg was a member of the American Bar Association Committee on State and Federal Legislation Affecting Real Property and of the Association of American Law Schools Committee on Jurimetrics, that is, the use of computers in legal research. He was chairman of the Housing Committee of the Catholic Interracial Council and a member of the Executive Board of the Citizens Fair Housing Committee and of St. Peter Claver House. Professor Kellenberg lectured on Family Law to the Northern Indiana Chapter of the American Association of Social Workers.

Professor Edward J. Murphy was promoted to the rank of associate professor. He was reappointed to the Advisory Committee of the Indiana Legislative Assistantship Program.

Professor John T. Noonan, Jr., delivered a paper at the annual meeting of the Catholic Historical Society, tracing the development of the Canonists' theory of usury. He spoke at New York University Law School on St. Thomas More and participated in a Symposium, sponsored by The Catholic World, on current constitutional problems of Church and State.

Professor Rodes was promoted to the rank of full professor. He is at work on a book dealing with the relationship between Church and State in the light of experience in England.

Professor William D. Rollison retired in June after 41 years as a law teacher, 33 of them in the Notre Dame Law School. And he is still going strong, having been appointed distinguished professor of law at Cumberland Law School in Birmingham. He will assume his new duties there next fall. Our thanks and warmest best wishes go with Professor and Mrs. Rollison to their new post.

Mr. Thomas L. Shaffer, '61, who has been practicing law in Indianapolis, was appointed Assistant Professor and entered upon his duties on July 1. Mr. Shaffer was Editor of the Notre Dame Lawyer in 1960-61 and had a better performance record than anyone else has been able to achieve under our present program of instruction. He will take over Professor Rollison's courses. We are delighted to have Professor Shaffer with us.

Professor Bernard J. Ward who, as noted last year, is serving as Reporter of the Advisory Committee on Appellate Rules of the Judicial Conference of the United States, completed a draft of proposed uniform appellate rules for the Federal courts. Upon approval by the Committee, these rules will be widely circulated among practicing lawyers, law teachers, and judges for criticisms and suggestions. In collaboration with Professor J. W. Moore of the Yale Law School, Professor Ward is now preparing a volume on federal appellate practice, to supplement Professor Moore's fine multi-volume work on Federal Practice.

**SPECIAL EVENTS**

**INTERSTATE ORGANIZED CRIME**

One of the means by which we have sought to dramatize public law problems and responsibilities has been a series of symposia, each dealing with a highly controversial problem of urgent national concern. The following subjects have been considered in this way:

- Legislative Investigations
- The Role of the Supreme Court in the American Constitutional System
- Problems and Responsibilities of School Desegregation
- Labor Union Power and the Public Interest
- Next Steps to Extend the Rule of Law

A respected member of the Faculty of one of the Nation's top law schools wrote me early in 1963 that he could "bear witness to the value — in so many cases the outstanding value — of the papers presented at" these symposia.

In keeping with the tradition thus established, a symposium on Interstate Organized Crime — a deadly serious problem — was held on March 16, 1963.

In opening the Symposium I stated my belief that "it would be greatly in the public interest if more educated, talented young men would respond to the challenge of organized crime and devote themselves to the war against lawlessness — lawlessness in and out of public office."

Following is an outline of the topics treated and the speakers.

I. The magnitude and ramifications of interstate organized crime, including an explanation of the reasons why the States are unable to cope with it and a summary of the Attorney General's legislative program: Mr. William G. Hundley, Chief, Organized Crime and Racketeering Section, Criminal Division, United States Department of Justice

II. Proposals for meeting the challenge of interstate organized crime

1) Self-incrimination and immunity legislation: Mr. Rufus King, practicing lawyer, Washington, D.C.
Dean's Report 1962-63

2) Legalized wiretapping: Professor Richard C. Donnelly, Yale University Law School

3) The conspiracy charge as a weapon against interstate, organized crime: Mr. Milton R. Wessel, practicing lawyer, New York City

4) New approaches to the treatment of drug-addiction, gambling and prostitution: Professor Morris Ploscowe, New York University Law School

III. The impact on civil liberties of measures against interstate organized crime: Professor Monrad G. Paulsen, Columbia University School of Law

IV. The responsibilities of lawyers in relation to interstate organized crime: Professor Murray L. Schwartz, University of California School of Law

The papers read at the Symposium will appear in an early issue of the Notre Dame Lawyer.

In addition to the Symposium on Interstate Organized Crime, there were two major conferences dealing with other urgent public-law problems, namely, an off-the-record conference on needed civil-rights legislation and a conference on the problems of legislative reapportionment.

NEEDED CIVIL RIGHTS LEGISLATION

The Conference on Needed Civil Rights Legislation was held in February, beginning on the 8th and running through the 10th. The purpose was to bring together the most knowledgeable persons in the civil-rights field to discuss fully and frankly the many aspects of the problem of legislative implementation of the Supreme Court's desegregation decisions.

Those who participated follow:

Professor Carl Auerbach, School of Law, University of Minnesota
Mr. Wiley A. Branton, Voter Education Project, Atlanta
Professor Thomas F. Broden, Jr., Notre Dame Law School
Dr. Leslie W. Dunbar, Executive Director, Southern Regional Council, Atlanta
Dr. John Feild, Executor Director, The President's Committee on Equal Employment Opportunity
Mr. Harold Fleming, Executor Director, Potomac Institute, Washington, D.C.
Professor G. W. Foster, Jr., School of Law, University of Wisconsin
Professor Eli Ginzberg, Director, Conservation of Human Resources, Columbia University
Professor Vivian Henderson, Department of Economics, Fisk University
Professor Paul Norgren, Department of Economics, Brooklyn College
Dean Joseph O'Meara, Notre Dame Law School
Mr. John de J. Pemberton, Jr., Executive Director, American Civil Liberties Union
Professor Daniel Pollitt, School of Law, University of North Carolina
Mr. John Silard, Attorney at Law, Washington, D.C.
Professor Michael I. Sovern, Columbia University School of Law, New York City
Mr. William L. Taylor, Assistant Staff Director, United States Commission on Civil Rights
Mr. John H. Wheeler, Attorney at Law, Durham, North Carolina

The consensus — and a consensus was achieved — will be published in an article shortly to appear in the Notre Dame Lawyer.

LEGISLATIVE REAPPORTIONMENT

The Conference dealing with the problems of legislative reapportionment was held on April 20. Those who participated and the subjects they discussed follow:

Whether plaintiff should seek direct judicial apportionment: Professor Robert G. Dixon, Jr., George Washington University Law School

Whether plaintiff should seek judicial relief which would indirectly induce legislative apportionment: Professor Jo Desha Lucas, University of Chicago Law School

The "Federal analogy" and the standard for State apportionment: Professor Robert B. McKay, New York University Law School

Nonpopulation factors relevant to an acceptable standard of apportionment: Professor Jerold Israel, University of Michigan Law School

Presentation of proof in an apportionment case: Alfred L. Scanlan, practicing lawyer, Washington, D.C.

The papers read at the Conference will be published in the Notre Dame Lawyer and a reprint will be available in convenient booklet form.
The President of the American Bar Association, Mr. Sylvester C. Smith, Jr., of Newark, was the featured speaker at the Law Honors Banquet on May 7. This annual affair affords an opportunity to salute the members of the student body who have distinguished themselves in one way or another. In addition, as in each of the last several years, it was the occasion for a joint observance of LAW DAY USA by the Notre Dame Law School and the St. Joseph County Bar Association. Mr. Smith’s predecessor as president of the American Bar Association, Mr. John C. Satterfield of Yazoo City, Mississippi, addressed last year’s Law Honors Banquet; and his successor, Mr. Walter E. Craig of Phoenix, will be the featured speaker in 1964. Mr. Craig’s visit will mark the seventh consecutive year in which the Law Honors Banquet has been addressed by the President of the American Bar Association.

In my introduction of Mr. Smith, an old friend of mine, I raised what seems to me to be an urgent question for the legal profession—and not only in the South:

“...how is LAW DAY celebrated in Mississippi? The ideals we commemorate on this day outlaw Governor Barnett’s mutinous defiance of the order of the United States Court of Appeals in the Meredith case. How, then, is LAW DAY celebrated? That depends on how the lawyers of Mississippi responded to their Governor’s lawless contempt of the judicial process. How did they respond? They proved themselves servile and craven, and false to their profession and their Country.

“...how did the American Bar Association respond to the challenge? Its President, our honored guest, spoke out forthrightly in a speech in Philadelphia:

...the Department of Justice through the Attorney General and his staff were justified in intervening in the proceedings. The solemn legal duty of the executive branch of the federal government to uphold and seek enforcement of the orders of the federal courts was inescapable.

“All thoughtful citizens including those in Mississippi deplore the violence and lawlessness that occurred. But whenever law and order is not preserved it points up the public responsibility of the bar.

“On the broad issues the American Bar Association and its House of Delegates have consistently upheld the principle that ours is a government of law and not of men. We have maintained that lawyers as officers of the court and ministers of justice have a duty to sustain and defend the courts. We have a duty to teach and urge all citizens to respect and comply with the judgments of the courts. Some may disagree with their decisions but we are proud that the United States Supreme Court is the guardian of our liberties and the final interpreter of the Constitution. . . .

“The independence of our Judiciary is a blessing of our American way of life that does not exist in totalitarian or communist countries. In my opinion it is an obligation of the individual lawyer and bar association to teach and urge respect for our courts and to insist that it is the duty of law abiding citizens everywhere to comply with the final judgment of the court.’

“As Learned Hand came at last to see near the end of his life, somebody must have the last say as to the meaning of our Constitution and, in our system of government, this office is performed by the Supreme Court—and better performed than it would be by any other agency of our Government. Hand, The Spirit of Liberty 300 (3d ed., 1960).

“In the aftermath of the victory of the Rule of Law over lawless violence and hooliganism at Oxford, Mississippi, author Lillian Smith pinpointed the dilemma of the white Southerner and, for that matter, of every American everywhere:

“We are Americans or we are not Americans: there is no halfway station where privileges can be accepted and obligations ignored.” Life, October 12, 1962, p. 44.

“I am sure our guest does not agree, any more than I do, with all the decisions of the Supreme Court. His concern, as well as mine, is for the Supreme Court as an institution—for the Court as the ultimate guardian under the Constitution of the rights and liberties which have made America the promised land, and for the Court as the chief spokesman for the Rule of Law in an increasingly lawless world.”

NATURAL LAW INSTITUTE

Four distinguished scholars were invited to join the Editorial Board of the Natural Law Forum. All accepted. The four new Associate Editors are:

Professor David Daube, Regius Professor of Roman and Civil Law at Oxford University in England
Professor E. Adamson Hoebel, Professor of Anthropology at the University of Minnesota
The addition of Associate Editors from these fields, especially Anthropology, Biology and Sociology, strengthens the relationship of the Forum to the empirical sciences and holds the promise of greater influence for the Forum and greater contributions to it from these fields.

The full membership of the Editorial Board, in addition to the Editor, Professor John T. Noonan, Jr., of our Faculty, is as follows:

Professor Vernon J. Bourke, St. Louis University
Mr. George W. Constable, Baltimore
Professor William J. Curran, Law-Medicine Research Institute, Boston University
Professor David Daube, Oxford University, England
Professor A. P. d'Entrèves, Turin University, Italy
Professor Carl J. Friedrich, Harvard University
Professor Lon L. Fuller, Law School of Harvard University
Professor E. Adamson Hoebel, University of Minnesota
Professor Iredell Jenkins, University of Alabama
Professor Harry W. Jones, University of Chicago Law School
Professor Wilber G. Katz, University of Wisconsin Law School
Provost Edward H. Levi, University of Chicago
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 Adolph Portmann, University of Basel, Switzerland
Professor H. A. Ronnmen, Georgetown University
Professor Philip Selznick, Center for the Study of Law and Society, University of California at Berkeley
Professor John Wild, Yale University
Professor Joseph P. Withevospoon, University of Texas School of Law
Professor Erik Wolf, University of Freiburg, Germany

The eighth issue of the Forum came off the press last spring. It is devoted, in material part, to an analysis of Soviet philosophy and its implications for the future.

Contributors to the seventh and eighth issues represent 10 nations and 37 universities in this Country and abroad.

The Forum's Editor, Professor Noonan, is currently engaged in a historical study of the development of the theological and canonical analysis of contraception.

NOTRE DAME LAW ASSOCIATION

Mr. M. J. (Jim) Moriarty, '51L, of Chicago, was elected president of the Notre Dame Law Association at the annual meeting at The Law School in June. Also elected were:

Honorary President, Mr. Frederick K. Baer, '36L, of South Bend
Vice President, Mr. George N. Tompkins, Jr., '56L, of New York
Secretary-Treasurer, Mr. Raymond J. Broderick, '38, of Philadelphia

Newly elected directors of the Association are:

Mr. Robert P. Gorman, '57L, of Newark
Mr. Burton M. Greenberg, '56L, of St. Louis
Mr. Raymond J. Broderick, '38, of Philadelphia
Mr. Camille F. Gravel, Jr., '35, of Alexandria, Louisiana

In my time at Notre Dame, as I have said before, the Law Association has been blessed by a succession of able and dedicated presidents, and the new President, Mr. M. J. (Jim) Moriarty, '51L, already has given proof that he will equal or surpass the fine achievements of his predecessors.

LAW ADVISORY COUNCIL

The resignations of Judge Harry F. Kelly of the Michigan Supreme Court, a charter member of the Council, and of Mr. Thomas F. McDonald of St. Louis were reluctantly accepted. Each becomes a member emeritus. Both Judge Kelly and Mr. McDonald have earned our gratitude for the unselfish contribution they made to the School.

Mr. Patrick F. Crowley was appointed to the Council. He is a member of the Chicago law firm of Crowley, Sprecher, Barrett and Karaha. Mr. Crowley is most welcome.
CONCLUSION

Five years ago I pointed out that "'Advance or Decadence are the only choices offered to mankind.' Alfred North Whitehead, Adventure of Ideas 354. We must either press forward or fall back; we cannot stand still."

Since then we have pressed forward. To this advance many people have contributed. We continued to enjoy the full support of the Administration, which is indispensable. Special thanks are due, also, to the Faculty (of which I am proud), to the Notre Dame Law Association and its President, to the Law Advisory Council and to an able and dedicated student body — and to many others, not all of whom are mentioned in this Report. I acknowledge with gratitude my indebtedness to all of them.

Respectfully submitted,
JOSEPH O'MEARA
Dean
August 15, 1963

FACULTY PUBLICATIONS
1962-63

EDWARD F. BARRETT
Book Review:
Gerald Dickler, Man on Trial (New York: Doubleday & Co., 1962)
38 Notre Dame Lawyer 222 (1963).

THOMAS F. BRODEN, JR.
Book:

JOHN J. BRODERICK
Book:

CONRAD L. KELLENBERG
Books:

EDWARD J. MURPHY
Book:

JOHN T. NOONAN, JR.
Book:

Article:
JOSEPH O'MEARA

Article:
Foreword, Symposium on Problems of Interstate Organized Crime, accepted for publication in the Notre Dame Lawyer.

ROGER PAUL PETERS

Book Reviews:

ROBERT E. RODES

Book:

Article:

Book Review: