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Bulletin of Information

University of
Notre Dame

College of Law

1953-1954

Bulletin of Information

University of Notre Dame

THE COLLEGE OF LAW

ANNOUNCEMENTS FOR THE SCHOOLYEAR OF 1953-54

SEPTEMBER 14 TO JUNE 6



Notre Dame, Indiana

Vol. 50

April 30, 1953

No. 8

The Bulletin is published twice monthly in February, March, and April, and once in January, August and October by the University and entered as second-class matter at Notre Dame, Indiana. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized July 8, 1918.

University Calendar for the Year 1953-1954

The First Semester

- Sept. 14, 15, 16 Registration with the Director of Student
(Mon., Tues., Wed.) Accounts and with the Deans for courses
in the first semester.
(No student will be permitted to register in
courses at the University after the final date of
registration, Sept. 16.)
- Sept. 17 (Thurs.) Classes begin at 8:30 a.m.
- Sept. 20 (Sun.) Formal opening of the schoolyear with Solemn
Mass and sermon by the President.
- Sept. 21 (Mon.) Latest date for all class changes, and for
sophomores, juniors, and seniors to drop
from ROTC.
- Sept. 30 (Wed.) Latest date for freshmen to drop from ROTC.
- Oct. 13 (Tues.) Founder's Day (no classes).
- Nov. 1 (Sun.) All Saints Day.
- Nov. 16 (Mon.) Midsemester reports of deficient undergraduate
students.
- Nov. 18 to 25 Preregistration with the Deans for courses in
(Wed. to Wed.) the second semester of 1953-54. (See Aca-
demic Regulation 113, General Bulletin.)
- Nov. 26 (Thurs.) Thanksgiving Day (no classes).
- Dec. 8 (Tues.) Feast of the Immaculate Conception (no
classes).
- Dec. 16 (Wed.) Latest date for comprehensive examinations
and dissertations of undergraduates.
- Dec. 19 (Sat.) Christmas vacation begins after last class.
- Jan. 4 (Mon.) Classes resume at 8:30 a.m.
- Jan. 15 (Fri.) Latest date for acceptance of transfer students
within the colleges (of Notre Dame only).
- Jan. 21-28 Semester examinations in all courses.
(Thurs.-Thurs.)

The Second Semester

- Feb. 2-3 Registration with the Director of Student
(Tues., Wed.) Accounts and with the Deans for courses
in the second semester.
(No student will be permitted to register in
courses at the University after the final day of
registration, February 3.)
- Feb. 4 (Thurs.) Classes begin at 8:30 a.m.
- Feb. 6 (Sat.) Latest date for all class changes, and for sopho-
mores, juniors, and seniors to drop from
ROTC.
- Feb. 17 (Wed.) Latest date for freshmen to drop from ROTC.
- Feb. 22 (Mon.) Washington's Birthday. (Senior Class Exercise
will be held at 10:30 a.m., Washington
Hall. Attendance of undergraduates is a
requirement for June graduation.)
- March 24 to April 2 Preregistration with Director of Student Ac-
(Wed. to Fri.) counts for rooms.
- March 29 (Mon.) Midsemester reports of deficient undergraduate
students.
- April 6 to 13 Preregistration with Deans for courses in the
(Tues. to Tues.) first semester of 1954-55 and for the
summer session of 1954. (See Academic
Regulation 113, General Bulletin.)
- April 14 (Wed.) First day of Easter vacation (no classes).
- April 21 (Wed.) Classes resume at 8:30 a.m.
- May 3 (Mon.) Latest date for comprehensive examinations
and dissertations of undergraduates.
- May 17 (Mon.) Latest date for acceptance of transfer students
within the colleges (of Notre Dame only).
- May 26-June 3 Semester examinations in all courses.
(Wed. to Thurs.)
- May 27 (Thurs.) Ascension Thursday.
- May 30 (Sun.) Memorial Day.
- June 5 (Sat.) Senior Class Day Exercises.
- June 6 (Sun.) June Commencement Exercises.

OFFICERS OF ADMINISTRATION

In the University

REV. THEODORE M. HESBURGH, C.S.C., PH.B., S.T.D. President of the University	Admin. Bldg.
REV. EDMUND P. JOYCE, C.S.C., B.C.S., C.P.A. Executive Vice President of the University	Admin. Bldg.
REV. PHILIP S. MOORE, C.S.C., PH.D. Vice President in Charge of Academic Affairs	Admin. Bldg.
REV. PAUL E. BEICHNER, C.S.C., PH.D. Assistant Vice President in Charge of Academic Affairs	Admin. Bldg.
REV. ROBERT J. LOCHNER, C.S.C., A.M. Assistant to Vice President in Charge of Academic Affairs	Admin. Bldg.
REV. LOUIS J. THORNTON, C.S.C., B.S.C. Director of Admissions	Admin. Bldg.

In the College of Law

JOSEPH O'MEARA, A.B., LL.B., <i>Dean</i>	Law Bldg.
JOHN J. BRODERICK, JR., A.B., LL.B., <i>Assistant Dean</i>	Law Bldg.
THOMAS F. KONOP, LL.B., <i>Dean Emeritus</i>	Law Bldg.

OFFICERS OF INSTRUCTION

(The figure in parentheses is the year of appointment to the faculty)

ELTON E. RICHTER, A.B., A.M., J.D., <i>Professor of Law</i> (1923)
WILLIAM D. ROLLISON, A.B., LL.B., LL.M., <i>Professor of Law</i> (1930)
J. ELMER PEAK, A.B., LL.B., <i>Professor of Law</i> (1942)
ANTON-HERMANN CHROUST, J.U.D., PH.D., S.J.D., <i>Professor of Law</i> (1946)
EDWARD F. BARRETT, A.B., A.M., LL.B., J.S.D., <i>Professor of Law</i> (1948)
ROGER PAUL PETERS, A.B., LL.B., <i>Professor of Law</i> (1950)
JOSEPH O'MEARA, A.B., LL.B., <i>Professor of Law</i> (1952)

JOHN J. BRODERICK, JR., A.B., LL.B., *Associate Professor of Law* (1947)

ROBERT E. SULLIVAN, A.B., LL.B., *Assistant Professor of Law* (1947)

THOMAS F. BRODEN, LL.B., J.D., *Assistant Professor of Law* (1950)

W. J. WAGNER, J.D., LL.M., DOCTEUR-EN-DROIT, *Instructor in Law* (1953)

HUGH W. DIVINE, B.S., M.A., J.D., LL.M., *Research Associate* (1953)

MARIE K. LAWRENCE, A.B., A.B.L.S., M.S., *Law Librarian* (1945)

LECTURERS ON LAW

REV. CHARLES E. SHEEDY, C.S.C., A.B., LL.B., S.T.D. (1942)

ROGER J. KILEY, LL.B. (1946)

LOUIS JACKSON, LL.B. (1947)

EUGENE KNOBLOCK, LL.B. (1947)

REV. THEODORE M. HESBURGH, C.S.C., PH.B., S.T.D. (1952)

JOHN A. BUCZKOWSKI, PH.B., LL.B., LL.M. (1952)

FACULTY ADVISERS AND COMMITTEES

Advisers to the *Notre Dame Lawyer*

PROFESSOR ANTON-HERMANN CHROUST

PROFESSOR ROGER PAUL PETERS

Adviser to the Moot Court

PROFESSOR EDWARD F. BARRETT

Adviser to the Student Law Association, Placement Service

ASSISTANT PROFESSOR ROBERT E. SULLIVAN

Faculty Committee on Comprehensive Examinations and Review

PROFESSOR ELTON E. RICHTER, Chairman

PROFESSOR WILLIAM D. ROLLISON

ASSISTANT DEAN JOHN J. BRODERICK, JR.

Faculty Committee on the Law Library

PROFESSOR ANTON-HERMANN CHROUST, Chairman

ASSISTANT PROFESSOR THOMAS F. BRODEN

LIBRARIAN MARIE K. LAWRENCE

"Let it be remembered and treasured in the heart of every student, that no man can ever be a truly great lawyer, who is not in every sense of the word, a good man. A lawyer, without the most sterling integrity, may shine for a while with meteoric splendor; but his light will soon go out in blackness of darkness. . . . There is no profession in which moral character is so soon fixed as in that of the law; there is none in which it is subjected to severer scrutiny by the public. It is well that it is so. The things we hold dearest on earth, — our fortunes, reputations, domestic peace, the future of those dearest to us, nay, our liberty and life itself, we confide to the integrity of our legal counsellors and advocates. Their character must be not only without a stain, but without suspicion. From the very commencement of a lawyer's career, let him cultivate, above all things, truth, simplicity and candor: they are the cardinal virtues of a lawyer. Let him always seek to have a clear understanding of his object: be sure it is honest and right, and then march directly to it."—JUDGE GEORGE SHARSWOOD in *An Essay on Professional Ethics*, 168-69 (4th ed., 1876).

"The first of the qualities [which a lawyer should possess is] . . . [u]tter fidelity to the cause of a client, with no thought of popularity to be won in his defense, no thought of unpopularity to be incurred by the assumption of his cause. When old Malesherbes came voluntarily from his serene and safe retirement to defend Louis XVI before the Revolutionary Convention in Paris, he lost his case, as it was predetermined that he should, Louis lost his head, and a few months later the venerable head of Malesherbes followed that of his King into the bloody basket. But generations of lawyers since have worshipped his memory as Christians worship the martyred Stephen. When John Adams came to the defense of Captain Preston and his British soldiers after the so-called Massacre in Boston's King Street, with all of Boston clamoring at his door; when Andrew Hamilton came from Philadelphia to New York to the defense of John Peter Zenger and struck that great blow for the freedom of the press in America, they but did what every lawyer should rejoice to do if a like summons came to him."—JOHN W. DAVIS in *24 American Bar Association Journal* 461 (1938).

The College of Law

The College of Law, an outgrowth of a course on law established at The University of Notre Dame in 1869, is the oldest Catholic law school in the United States and numbers among its graduates members of the Bar in every state of the Union. It is a member of the Association of American Law Schools and is approved by the American Bar Association.

The Purpose of the Law School

The purpose of the College of Law (commonly referred to as the Law School) is to impart the knowledge and cultivate the skills a lawyer needs to represent his clients effectively in a twentieth-century, workaday world, but without neglecting, indeed always emphasizing the theoretical and moral bases of the law, its great role in human affairs and the responsibilities, the dignity and the destiny of the legal profession. In short, the aim is to produce men competent to practice law successfully who are at the same time equipped for responsible leadership in a troubled world.

Methods of Instruction

Professional competence in the law comprises two elements, knowledge and skills. Hence the Law School is concerned not only with imparting knowledge but also with cultivating skills. What are the skills a lawyer needs? They are many and varied, but the basic skills essential to professional competence are three in number. First of all, a lawyer must be able to diagnose a situation; he needs the ability to pierce through to what is decisive. Next, he must be able to "find the law," that is, he must be able to locate with facility materials relevant to his problem and he must have the *imagination* to use those materials to advantage in his client's cause. Finally, he must be able to express himself clearly, accurately and persuasively.

The first of these basic legal skills, skill in diagnosis, is developed by intensive training in analysis through rigorous use of the case method in the first year. The primary purpose is to sharpen the critical faculties of the student and, at the same time, to develop his creative abilities by keeping constantly before him this question: *If you had been counsel in the case, how would you have presented it?*

The remainder of the basic legal skills can best be cultivated by actual practice of the arts involved. Beginning with the second year, therefore, emphasis is shifted from the case method to the problem method, whereby students learn law by *using* it in working out specific legal problems. This gives the student intimate familiarity with the library and provides intensive training in the interpretation, adaptation and creative utilization of the materials he finds there.

The last of the basic legal skills, ability to speak and write clearly, accurately and persuasively, is developed by means of the *Notre Dame Lawyer* and the Moot Court, two important features of the program of instruction.

Notre Dame Lawyer

The *Notre Dame Lawyer*, founded in 1925, is published quarterly by the students of the Law School, and affords an invaluable opportunity for training in precise analysis of legal problems and clear and cogent presentation of legal issues. The *Lawyer* contains articles and book reviews by eminent members of the legal profession as well as comments and notes by the Editorial Board. The significance of the *Lawyer* as an integral and important part of the School's instructional program derives in large measure from the fact that it is entirely student-edited.

Members of the Editorial Board are selected in competition on the basis of scholarship and literary ability, and appointment to the Board is recognized as a distinct honor. Eligibility for positions on the Board is determined by the record a student makes during the first semester of his first year. A student whose academic record measures up to the required standard of excellence may join the in-training group conducted throughout the second semester by senior members of the Editorial Board. Members of the Board are selected from this in-training group in the order of the excellence of their scholastic and literary achievements.

The officers of the Editorial Board for the January and September, 1953 semesters follow:

JANUARY SEMESTER

Editor-in-Chief, Robert L. Berry, Illinois
Associate Editor, Luke R. Morin, Montana
Articles Editor, Robert F. McCoy, Michigan
Note Editor, Joseph H. Harrison, Indiana
Assistant Note Editor, Joseph T. Helling, Pennsylvania
Case Editor, Thomas Meaney, Jr., Ohio
Book Review Editor, Howard V. Burke, New York
Assistant Case Editor, John M. Sullivan, Indiana
Administrative Editor, Frank A. Howard, Arizona

SEPTEMBER SEMESTER

Editor-in-Chief, Joseph T. Helling, Pennsylvania
Associate Editor, Carl F. Eiberger, Jr., Colorado
Note Editor, Edward L. Burke, Indiana
Case Editor, Richard M. DiValerio, Pennsylvania
Book Review Editor, John A. Pietrykowski, Ohio
Administrative Editor, Richard G. Dytrych, Illinois

Moot Court

The Moot Court, like the *Notre Dame Lawyer*, is conducted by the students themselves. First-year students are required to brief and argue at least

one appellate case. Second-year students are eligible for the annual Moot Court Competition. The elimination rounds of the Competition are conducted throughout the year; appellate cases, based on hypothetical factual situations prepared by senior students in collaboration with the faculty, are briefed and argued before the imaginary Supreme Court of Hoynes, so called in honor of the late Col. William James Hoynes, dean of the School from 1883 to 1918. During the elimination rounds the Supreme Court of Hoynes consists of a practicing lawyer, a faculty member and a senior student. Four second-year students act as counsel in each case. The two students whose presentation is adjudged superior by the Court continue in the Competition, the other two being eliminated.

For the final argument of the annual Competition the Supreme Court of Hoynes is composed of eminent judges of federal and state courts. The two winners receive the Clarence E. Manion Award, provided annually by former dean Clarence E. Manion; they represent the School in the National Moot Court Competition. In addition, cash prizes are presented to the participants by the Notre Dame Law Association. Quite apart from these awards, participation in the final argument is a coveted distinction.

The final argument in the 1952-53 Moot Court Competition was held on June 13, 1953. On that occasion the Supreme Court of Hoynes was composed of Judge Walter C. Lindley of the United States Court of Appeals for the Seventh Circuit, Judge Charles Fahy of the United States Court of Appeals for the District of Columbia and Judge Thomas P. Thornton of the United States District Court for the Southern District of Michigan. The winners were Mr. Joseph T. Helling of Pennsylvania and Mr. Carl F. Eiberger, Jr. of Colorado. Third and fourth places were awarded to Mr. Wilbur L. Pollard of Missouri and Mr. John I. Bradshaw of Indiana.

Officers of the Moot Court for the academic year 1953-54 are:

Co-Directors, Carl F. Eiberger, Jr. of Colorado

Donald W. Bebenek of Pennsylvania

Executive Director, Abdallah S. Adelo of New Mexico

Junior Chancellor, James B. Bleyer of Illinois

Director of Public Relations, Thomas J. Bergan of Indiana

In addition to his appellate work in the first and second years, every third-year student is required to participate in at least one case on the trial level. These trials are presided over by Honorable J. Elmer Peak, Judge of the Superior Court of St. Joseph County, Indiana. Each year the two senior students who have excelled in trial work are awarded cash prizes from the Vint D. Vaughn Memorial Fund established and maintained by Messrs. Charles L. Vaughn, '14, and James E. Vaughn, '27, of Lafayette, Indiana, in honor of their brother, Vint D. Vaughn, '17. For the academic year 1952-53 these prizes were awarded to Mr. Delmar R. Smith of Michigan and Mr. Alexander Lysohir of Pennsylvania.

Comprehensive Examinations

In order to facilitate an insight into and a grasp of the law in all its interacting parts, the School has adopted cumulative comprehensive examinations. At the end of each semester students are examined on all of the subjects they have covered up to that point. At the end of the second year, for example, students are examined not only on the work of the fourth semester, just completed, but also on the work of the first three semesters. And the questions are not labelled; on the contrary, they cut across various fields of law as do questions with which lawyers have to wrestle in real life.

This system of examination requires of the student *consistent* study. But the consistent study, and the systematic and continuous review which these examinations necessitate and which the School organizes, reward the student with the kind of legal knowledge it is important to have — knowledge that is retained and kept current and so is always ready for action. Moreover, the interlocking system of cumulative comprehensive examinations and systematic and continuous review brings the subjects already covered into juxtaposition with those currently under study and thus facilitates and deepens the student's understanding of the law by helping him to see the law as an organic whole rather than as a succession of separate subjects.

Student Law Association

All students of the Law School are eligible for membership in the Student Law Association. The purpose of the Association is to foster the professional development and the social life of the students, and to represent their interests. It is a member of the American Law Student Association, which is sponsored by the American Bar Association.

The Student Law Association has many important functions. Each year distinguished members of the bar are brought to the Law School under its auspices in order to acquaint the students with the ideas and attitudes of outstanding practicing lawyers, judges and legal scholars. On January 8 and February 12, 1953, respectively, Chief Justice Walter V. Schaeffer of the Supreme Court of Illinois and Honorable Michael V. DiSalle of Toledo, Ohio addressed the student body under the auspices of the Association and in the evening attended a smoker at the Morris Inn as its guest. At these informal gatherings, which are arranged periodically, the distinguished visitors are expected to and do answer fully and frankly (but off the record) any questions asked by the students in attendance.

The Student Law Association operates the Law School's placement service with the assistance of a faculty advisor and the generous support of the Notre Dame Law Association, a national organization composed of members of the Bar who studied at Notre Dame. Contacts are maintained with individual alumni, with law firms throughout the country and with corporate and government legal offices; and every effort is made to locate suitable professional opportunities for members of the graduating class. In addition, the facilities of the University's Placement Office are fully available to law students.

In connection with its placement activities the Student Law Association

plans to conduct a seminar on the practice of law in October, 1953. A group of successful practitioners, lawyers from big firms in big cities, lawyers from smaller firms in smaller cities, individual practitioners from small towns, general practitioners and specialists, company lawyers, labor lawyers and government lawyers — in short, a cross section of the American Bar — will assemble on the campus under the auspices of the Association and spend a day with the senior class, giving its members the benefit of their experience on the insistent, practical questions which concern a student as he approaches the time when he will begin the practice of his chosen profession.

As part of its program the Student Law Association arranges a number of social functions throughout the year.

The officers of the Student Law Association for the academic year 1953-54 are:

Honorary President, Joseph F. Orso of Pennsylvania
President, James B. Bleyer of Illinois
Secretary, Donald W. Ward of Indiana
Treasurer, Wilbur L. Pollard of Missouri

Notre Dame Law Association

Upon graduation students become members of the Notre Dame Law Association. The general purpose of the Association is to promote the interests and increase the usefulness of the Notre Dame Law School and to foster a spirit of loyalty and fraternity among the alumni of the University of Notre Dame who are members of the legal profession.

The officers of the Notre Dame Law Association are:

Honorary President, Joseph F. Deeb of Michigan
President, Clarence J. Donovan of Indiana
Vice President, Donald M. Hamilton of Ohio
Secretary-Treasurer, Hugh E. Wall, Jr. of Ohio
Executive Secretary, Robert E. Sullivan of Indiana

Faculty-Student Relationship

One of the hallmarks of the Law School at Notre Dame is the close liaison between faculty and students. Members of the faculty are always accessible and devote to private conferences with students many more hours than they spend in the classroom. It is a point of pride with each instructor to demonstrate that he has a genuine interest in the welfare and progress of the students.

Veterans

The Law School welcomes veterans. Many of those who have served their country are confronted by problems which ordinarily do not concern a law student. The Law School makes every possible effort to be helpful to them.

Reserve Officers Training Corps Program

The University has Departments of Military Science and Tactics, of Air Science and Tactics and of Naval Science, offering Reserve Officers Training Corps programs. In certain circumstances these programs are open to students entering the Law School. Inquiries as to their availability should be addressed to the Dean, Law Building, Notre Dame, Indiana.

Employment


Part-time work is available for students. However, the study of law is not a side line and any student who, for pressing economic reasons, must work more than a maximum of 20 hours a week is urged to consult the Dean as to the advisability of spreading the prescribed program of instruction over more than the minimum of three academic years.

Research Assistantships

Each year a number of research assistantships in law are awarded on the basis of scholastic excellence and scholarly promise. These assistantships carry a substantial stipend for a period of twelve months. Qualified graduates of any approved law school are eligible. Application should be addressed to the Dean, Law Building, Notre Dame, Indiana.

Law Building and Library

The Law School occupies a handsome three-story structure of collegiate Gothic design at the entrance to the campus. This building, 157 feet long and 104 feet wide, has an assembly hall, classrooms, a courtroom, offices for the faculty and administrative staff, the *Notre Dame Lawyer*, the Moot Court and the Student Law Association, and a comfortable student lounge. In addition, it houses the Law Library, which includes a reading room 50 feet wide and 100 feet long, done in Tudor Gothic. A program has been put into effect to increase substantially the number of volumes in the library, presently in excess of 30,000. The book collection recently has been enriched by generous gifts from Mr. Sheldon Clark, Chicago, Mr. Earl F. Gruber, '05, Frankfort, Indiana, Mr. John T. Higgins, Detroit, Justice John C. Lewe of the Appellate Court of Illinois, Mr. Joseph B. McGlynn, '13, East St. Louis, Mr. Francis F. O'Brien, '36, Elmira, New York, Mr. Clarence R. Smith, '22, Bemidji, Minnesota, Mr. Charles L. Vaughn, '14, Lafayette, Indiana, and Mr. Leo B. Ward, '20, Los Angeles. In addition, Mr. Alvin A. Gould of Cincinnati has added substantially to the collection of volumes on the Natural Law, inaugurated through his generosity in 1949.



Requirements for Admission and Graduation

This Bulletin contains specific information concerning the program of instruction and the requirements for admission to and graduation from Law School. General information about the University of Notre Dame, including registration, fees and expenses, housing, discipline, etc., is contained in The General Bulletin of the University, which will be supplied upon request.

Admission

The following persons, if of good moral character, are eligible for admission to the Law School:

- (1) Graduates of an approved college.
- (2) Students who have secured the required semester hours of credit in the University's College of Arts and Letters, College of Commerce, College of Science or College of Engineering in prescribed combination programs. These combination programs enable Notre Dame students to obtain both an undergraduate and a law degree in a minimum of six academic years.
- (3) Veterans who have successfully completed at least three years of undergraduate study in an approved college.

A form of application for admission will be furnished upon request addressed to the Director of Admissions, Notre Dame, Indiana.

Registration with Bar Authorities

The rules of many states require the filing of certain certificates, or registration, with the court or bar examiners *before the study of law is begun*. As soon as he decides to study law, a student should obtain instructions from the proper authorities (usually the State Board of Bar Examiners or the clerk of the court of last resort) in the state in which he intends to practice. Failure to comply with such instructions may delay admission to the bar for a substantial period.

Requirements for Satisfactory Academic Standing


The passing grade is 70%. To continue in the Law School a student must maintain a weighted average of 70%. Even though he maintains a weighted average of 70% a student will nevertheless be dismissed if he fails more than one course in any semester or if he accumulates a total of more than two failures.

Graduation

The degree of Bachelor of Laws (LL.B.) is conferred upon successful completion of the prescribed program of instruction, which requires not less than three academic years of law study. To complete the program successfully a student must pass a comprehensive examination covering all prescribed courses.

Change of Regulations

The Law School reserves the right to change at any time its regulations respecting admission to the School, continuance therein and graduation therefrom.



The Program of Instruction

The program of instruction is designed to prepare a student to practice law in any state of the Union. All courses are prescribed; electives are offered only in the summer session. Special instruction is arranged for any student who must have completed certain courses, not included in the prescribed program, in order to take the bar examination in the state where he expects to practice.

In a number of courses instruction is supplemented by bringing to the School eminent specialists for lectures and discussion with the students.

Drawing inspiration, as it does, from the Christian tradition, the Law School, while aiming first of all at technical proficiency, aims at more than that. It believes that lawyers and law schools must face the great questions concerning the nature of man and of society, the origin and purpose of law and the role of the lawyer in society. These questions are given searching examination in a sequence of courses beginning in the first semester of the first year and continuing through the curriculum: a course on the History of the Legal Profession in the first year, a Natural Law Seminar in the second year and a course on Jurisprudence in the third year. By means of this sequence of courses the Law School seeks to illuminate the great jurisprudential issues which, especially in this fateful age, insistently press for answer; and to make clear the ethical principles and inculcate the ideals which should actuate a Catholic lawyer. The School believes that a lawyer is best served, and the community as well, if he possesses not only legal knowledge and legal skills but also a keen sense of the ethics of his profession—and something else, which this sequence of courses is likewise designed to cultivate: pride in the legal profession and a fierce partisanship for justice.

Description of Courses

The schedule of courses and instructors for the academic year 1953-1954 appears on pages 24 and 25.

Law 111—Introduction to Law. The aim of this course is to help the student get his bearings as quickly as possible in the new field of study he is undertaking. The fundamental assumptions of our Anglo-American legal system are expressed in simple terms and their basic significance analyzed. This is followed by an elementary survey of the historical development of characteristic Anglo-American legal institutions and of the elements of procedure both at common law and under modern practice. This approach is taken in the belief that the student's understanding and progress will be facilitated by a simple introduction, at the threshold of law study, to the background and postulates of our legal system and to the institutions and procedures it utilizes. Teaching materials will be announced.

- Law 112 and 122—**History of the Legal Profession I and II.** This course traces the origin of lawyers and their position and function in society throughout the ages. Attention is directed to the contributions of lawyers to the rise of Western civilization and the development of Western thought. The student is introduced to the great men of law whose courage and pioneering spirit have helped to further human progress within the framework of a free, democratic society; and whose ideals and ethical principles have contributed to the traditions and practice of law as a learned profession dedicated to justice. Pound, *The Lawyer from Antiquity to Modern Times* and assigned readings.
- Law 113 and 123—**Contracts I and II.** The reciprocal influence of contract law and economic life is stressed. Attention is focused on technical rules governing the rise of a contract situation, such as offer, acceptance, consideration and special forms required by the Statute of Frauds. The historical development of the contract theory, the operation of the parole evidence rule and the problems of drafting contracts are emphasized. The general scope of contracts, their assignment, their interpretation in the light of changed conditions, equitable solutions, questions of public policy, legal means of protecting the contract interest and the rights of third party beneficiaries, are thoroughly analyzed. A comparison of the contract situation with quasi-contract and tort is made and the effects of modern statutory developments on common law contract principles and the methods of discharging contract obligations are studied. Patterson and Goble, *Cases on Contracts*.
- Law 114 and 124—**Torts.** This course deals with civil wrongs committed by one person upon another, including assault, battery, false imprisonment, negligent injuries, defamation, malicious prosecution, fraud and other misrepresentation, as well as those committed in the course of competition by interference with contractual and other advantageous relations with other persons. An attempt is made to develop the fundamental concepts of public policy which give protection to persons who have been harmed by the intentional or wrongful conduct of others. Green, *Cases on Torts: The Judicial Process in Tort Cases*; Green, *Cases on Injuries to Relations*.
- Law 115—**Criminal Law and Procedure.** The course is intended to promote understanding of criminal law as one of the means to a good society. Modern criminal law is analyzed and evaluated as a means of preventing socially undesirable behavior. Common law principles are studied along with modern statutory developments. The practical workings of criminal procedure are examined, including arrest, investigation, indictment, bail, extradition, arraignment, trial, judgment and appeal. Special attention is given to such vital constitutional problems as self-incrimination, search and seizure, coerced confessions, double jeopardy and the right to counsel. Throughout the course the emphasis is on examination and evaluation of the administration of criminal law and, in particular, of the effectiveness of various types of corrective treatment. Michael and Wechsler, *Criminal Law and its Administration*.

Law 116—Legislation. This course is intended to familiarize the student with statutory law and its role in Anglo-American law. Consideration is given to the philosophy of democratic government and to the significant Anglo-American historical events underlying our self-government. Legislative procedure, the form of statutes, legislative language and the mechanics of modern legislative drafting are examined, as well as the role of courts and administrative agencies in the interpretation of statutes. The so-called rules of statutory interpretation and the use of legislative history are analyzed. Throughout the course the relationship of legislation to judge-made law and to the entire legal system is stressed. Read and MacDonald, *Cases and Other Materials on Legislation*, mimeographed materials and special assignments.

Law 121—Agency. This course deals with the consequences that follow from conducting business transactions through agents. It serves as an introduction to later courses dealing with other forms of business organization. Its accent is upon the risks which are run by business men who, as principals, employ agents, or who deal with agents representing other principals. After a brief treatment of the liabilities of employers for torts of their servants, the course takes up the general nature of the agency relations and the liabilities created by agents acting within the proper limits of their authority. The latter part of the course deals with the consequences to the parties of unauthorized acts by agents, and the legal effect of the principal's ratification of such acts. Steffen, *Cases on the Law of Agency* (2d ed.).

Law 125—Property I. This course deals with the nature of permissible property interests and their transfer. Introductory topics designed to explore the concept of ownership and modes of acquiring title to property are considered, and the elements of personal property and real property are examined and distinguished. The evolution of modern modes of conveyancing and the importance of the recording acts in effecting a transfer of land comprise a substantial part of the course. Every student is required to prepare a deed and take all steps necessary to effect a voluntary transfer of land, including the examination of an actual abstract of title. Aigler, Bigelow and Powell, *Cases on Property* (2d ed.) vol. I.

Law 126—Procedure I: Legal Writing and Research. The object of this course is to train students in legal research and in written and oral expression along lines hitherto limited to students participating voluntarily in the work of the *Notre Dame Lawyer* and the Moot Court. Preliminary instruction is given in Legal Bibliography and Legal Research. Each student must write reports in the nature of the familiar "recent decision" or "note" employed by the law reviews. He also is required to prepare simple appellate briefs and to participate in oral arguments involving subjects covered in the first semester of the freshman year. Texts and materials to be announced.

Law 131 and 141—Natural Law Seminar. This seminar is designed to encourage thoughtful analysis of contemporary legal and social problems in the light of the Natural Law. Students intensively discuss St. Thomas' *Treatise on Law* as well as past and present great books on the nature of man, political society, law and grace. Important modern legal and social problems are examined to find their relationship to the Natural Law and its use in their solution. Mimeographed materials and special assignments.

Law 132—Equity. The conviction that Equity is a distinct body of principles with dynamic possibilities for the attainment of justice in changing situations indicates the desirability of a separate course. The following subjects are covered: the historical background of equitable remedies, the adequacy or inadequacy of available common law remedies, injunction to prevent threatened evils, equitable procedure in cancellation, removal of cloud on title, reformation and declaratory judgment. Consideration of the equitable remedies of interpleader, bills of peace and class suits as well as the advantages of their use in situations involving three or more parties, are important aspects of the course. Cook, *Cases on Equity*.

Law 133—Constitutional Law. Attention is concentrated on significant present-day problems arising under the Constitution that are not given detailed consideration in other courses. Since conflicting views as to the principles and canons of interpretation are of perennial significance, they receive critical examination. The theory and practice of judicial review are also investigated. Other problems considered in detail are those involving the power of Congress under the Commerce Clause, conflicts between national and state power, the regulation of economic affairs by both the national government and state governments, limitations on the taxing power of the states, the protection of civil liberties, the making of treaties and their effect and the functions of the executive and the judiciary in the development of the law. Freund, Sutherland, Howe and Brown, *Constitutional Law, Cases and Other Problems*.

Law 134—Property II. This course deals with rights which are incidental to the possession of land, including support and water rights, and the various types of interests in land owned by others, including easements, profits and licenses, as well as nuisances and waste. Introductory materials deal with the physical extent of property in land, including air space. The impact of governmental regulation upon land use and ownership is considered, particularly with reference to zoning and limitations on private restrictive covenants. The incidents of the landlord-tenant relationship are examined with particular reference to historical development and types of leases in current use. Students are required to prepare leases and other instruments having to do with the possession and use of land. Aigler, Bigelow and Powell, *Cases on Property* (2d ed.) vol. II.

Law 135—Procedure II: Pleading and Practice. This course is designed to give the student a clear grasp of the significance of procedure in the

actual functioning of the law. To this end attention is concentrated on the Federal Rules of Civil Procedure. Concurrently, however, the procedural pattern of the several states is surveyed in the light of the minimum standards of judicial administration recommended by the American Bar Association. Thus the student, while learning the federal system, is at the same time introduced to the procedure of his own state and particularly to those features which differ from the federal system. Vanderbilt, *Cases and Materials on Modern Procedure and Judicial Administration*.

Law 142—**Business Associations.** This course deals with the promotion and organization of the various types of business organizations, their operation and financing. The various types of business organization are compared and the factors leading to the choice of a particular type are examined. Consideration is given to the extent of corporate authority and to the consequences of unauthorized corporate action. The authority and fiduciary obligations of management are explored with particular reference to the types of shareholder control and the limitations thereon. The nature and extent of control over the distribution of corporate funds, with particular emphasis upon statutory reduction of the capital stock, alteration of the share structure by charter amendment and insolvent partnership dissolution, are considered. The effects of governmental regulation are examined and detailed consideration is given to the administration of federal securities legislation by the Securities and Exchange Commission and the courts. Frey, *Cases and Materials on Corporations and Partnerships* (1951 ed.).

Law 143—**Administrative Law.** This course is intended to promote understanding of the administrative process with particular emphasis on administrative procedure and judicial review. General problems of modern administrative law are examined and the Administrative Procedure Act is fully analyzed. The diversity of activity of administrative agencies is illustrated by a survey of three important bodies of modern statutory law: Trade Regulation, Workmen's Compensation, and Old Age and Survivors Insurance. Davis, *Administrative Law*; also special assignments.

Law 144—**Labor Law.** By way of introduction the background of the English common law and statutes and their effect on early American labor law are reviewed. Problems relating to the development of labor organizations and collective bargaining are explored, with particular emphasis on the devices used to encourage unionization (such as economic pressure in terms of strikes, picketing and other concerted activities) and on the devices employed to hinder unionization (such as anti-union contracts, lock-outs, blacklisting and injunctions). A major portion of the course is devoted to the Labor-Management Act and its significance; and problems arising under this Act are analyzed. R. E. Mathews et al., *Labor Relations and the Law*.

Law 145—Procedure III: Evidence. The aim of this course is to develop proficiency in the techniques by which evidence of controverted facts is presented in litigation before judicial and other tribunals. The Model Code of Evidence proposed by the American Law Institute is examined in relation to present rules of evidence, and the advisability of adoption of this code by state legislatures is considered. Teaching materials will be announced.

Law 146—Domestic Relations. This course is concerned with the creation of the various family relationships from the standpoint of the positive law, with the rights and duties incident to such relationships once created and with their suspension and termination. The subjects considered, therefore, include the creation of the husband-wife relationship by contract, the reciprocal rights and duties of the spouses, the modification and termination of such rights and duties by separation decrees or agreements, and by annulment and divorce. The relationship of parent and child and the rights and duties arising therefrom are also considered. The interstate divorce problem is covered in the course on Conflict of Laws. Jacobs and Goebel, *Cases on Domestic Relations* (3d ed.).

Law 151 and 161—Jurisprudence I and II. The purpose of this course is to investigate the historical, philosophical, moral and sociological problems associated with the origin, nature and function of law. Among the problems explored are those having to do with law as a means of preserving social peace and order, as a standard applied in the protection of established ethical, social, political and economic values, as a device for reconciling conflicting interests, and as a form of social policy and control. Special emphasis is placed upon an examination of the role of law in relation to human rights and human responsibilities. Assigned readings.

Law 152—Federal Taxation I. Legal problems involving the federal income tax which commonly arise in actual practice constitute the chief matter for study in this course, but questions of policy are also considered in the light of fiscal history and with a view to likely future developments. The constitutional basis for the growth of the law of federal income taxation is examined; and the functions in tax matters of Congress, the President, the Treasury (including, of course, the Bureau of Internal Revenue) and the courts (including the Tax Court) are explored. Practice in the use of the various relevant materials, particularly the statutes, regulations, rulings, decisions and committee reports, is insisted on for the purpose of developing facility in working with such materials, as well as an appreciation of their practical importance and relative worth. Consideration is given to procedure in tax controversies, but major emphasis is placed on substantive problems involving business activities of individuals, partnerships and corporations; family problems, including a study of the special provisions applicable to trusts and estates; and the problems of stockholders and others affected by corporate reorganizations and readjustments. Surrey and Warren, *Federal Income Taxation, Cases and Mate-*

rials (1953 ed.); *Federal Taxation—Current Law and Practice* (Surrey and Warren; Commerce Clearing House).

- Law 153 and 163—**Estate Planning I and II.** This course is an integration of the law relating to wills, trusts and future interests. The historical development, execution and operative effect of wills and trusts, and the function and significance in estate planning of various types of testamentary and inter-vivos transfers are examined, along with related problems in future interests, especially the rule against perpetuities, restraints on accumulation of incomes, restraints on alienation, class gifts and powers of appointment. The tax aspects of these matters are emphasized. The various instruments useful in estate planning are studied and actual drafting of such instruments is required. Until a comprehensive collection of cases and materials can be prepared, the following will be used: Scott, *Cases on Trusts* (4th ed.); Costigan, *Cases on Wills* (3d ed.); Powell, *Cases on Future Interests* (2d ed.); Rollison, *Estate Planning and the Drafting of Wills and Trusts*.
- Law 154—**Sales.** This course analyzes the problems involved in the passing of title to goods, and of rights and duties created by sales contracts and conditional sales contracts. Practical problems arising out of contemporary sales practices are emphasized, and students are required to prepare various types of contracts for the sale of goods. Bogert and Britton, *Cases on Sales* (2d ed.).
- Law 155—**Bills and Notes.** This course is based upon the conviction that the law of negotiable instruments has an integrity of its own. The course, therefore, involves a careful and critical study of the text of the Uniform Negotiable Instruments Act in the light of decided cases, with due attention to local variations and amendments. The topics of the course are those of the Uniform Act, considered in the order of their appearance therein: the form of a negotiable instrument, transfer by delivery and indorsement, the equities and defenses of the parties, their respective liabilities, and the discharge of a negotiable instrument. The course has, therefore, an incidental but important value as a practical lesson in statutory construction and interpretation. In addition, emphasis is placed upon careful study of various forms of negotiable paper in current business use. Britton, *Cases on Bills and Notes* (3rd ed.).
- Law 156—**Procedure IV: Practice Court.** An essential part of the work in procedure is the Practice Court, wherein a case is tried each week. Every student must participate in the preparation and trial of at least one case. The aim is to co-ordinate the student's knowledge of procedure with his understanding of substantive law.
- Law 162—**Federal Taxation II.** The operation and effect of the federal estate and gift taxes are emphasized, and the constitutional basis for these taxes is examined and policy questions are explored. Attention is concentrated

on the different types of property interests that are subject to the two taxes; the tax treatment of powers of appointment; the operation of the marital deduction and split-gift provisions; and the valuation of estates and gifts. Warren and Surrey, *Federal Estate and Gift Taxation, Cases and Materials* (1952 ed.); *Federal Taxation—Current Law and Practice* (Surrey and Warren; Commerce Clearing House).

Law 164—Fiduciary Administration. This course deals with the administration of trusts and decedents' estates and the estates of minors. The topics included are duties, liabilities, appointment, qualification and removal of fiduciaries, and jurisdictional problems. Simes, *Cases and Materials on Fiduciary Administration*.

Law 165—Credit Transactions. This course is designed to give the student a comprehensive view of the law regulating the field of credit and security. That part of the course devoted to the use of land as security includes examination of the rules pertaining to real estate mortgages, equitable mortgages, equitable liens, methods and problems of foreclosure, personal liability, moratorium laws, priorities, assignment of mortgages, marshalling, payment, and the lien and title theories. The use of chattels and intangibles as security, problems of priority and conditions that make valid security also are explored, including pledges, chattel mortgages, conditional sales, trust receipts, equitable liens and certain rules of the Bankruptcy Act which may affect the position of the secured creditor. The course likewise deals with problems of personal suretyship, the scope of the surety's rights and obligations, the questions of remedy, reimbursement, indemnity and quasi-suretyship. Dunfee, *Cases on Security*.

Law 166—Conflict of Laws. This course examines and analyzes the principles followed by the courts of one state in recognizing and enforcing rights and duties created by the laws of a second state by reason of the occurrence of acts within the boundaries of the latter. The general subject of jurisdiction is considered first, including the jurisdiction of a foreign state to create rights and duties recognized elsewhere, and the jurisdiction of the forum to entertain suits based upon such foreign-created rights and duties. The balance of the course is concerned with the choice-of-law problem in the fields of Torts, Contracts, Property, Business Organizations, Domestic Relations and Decedents' and Debtors' Estates. Emphasis is placed upon the theoretical bases of the Conflict of Laws, the general principles guiding the forum in choosing the applicable law and the American constitutional limitations defining the freedom of the forum in this regard. Lorenzen, *Cases on Conflict of Laws* (6th ed. by G. W. Stumberg).

Summer Session

Electives are offered only in the summer session, lasting approxiamtely six weeks. A list of electives follows the Schedule of Courses on pages 24 and 25.

Electives to be offered in the 1954 summer session will include the Law of Oil and Gas and Legal Problems of Radio and Television.

Certain courses from the prescribed program are also offered in the summer session. By taking some of the required courses during the summer, students who are working their way through school can lighten the course load of the regular semesters.

Schedule of Courses

The following program, though definitely planned at the date of this Bulletin, is subject to change.

ACADEMIC YEAR 1953-54

First Year

First semester

- Law 111, Introduction to Law, Dean O'Meara, two hours
- Law 112, History of the Legal Profession I, Professor Chroust, two hours
- Law 113, Contracts I, Professor Richter, three hours
- Law 114, Torts I, Mr. Wagner, three hours
- Law 115, Criminal Law, Assistant Professor Broden, three hours
- Law 116, Legislation, Assistant Professor Broden, three hours

Second semester

- Law 121, Agency, Mr. Wagner, two hours
- Law 122, History of the Legal Profession II, Professor Chroust, two hours
- Law 123, Contracts II, Professor Richter, three hours
- Law 124, Torts II, Mr. Wagner, three hours
- Law 125, Property I, Assistant Professor Sullivan, three hours
- Law 126, Procedure I, Professor Barrett, two hours

Second Year

First semester

- Law 131, Natural Law Seminar I, Father Hesburgh and Judge Kiley, two hours
- Law 132, Equity, Professor Richter, three hours
- Law 133, Constitutional Law, Professor Peters, four hours

Law 134, Property II, Assistant Professor Sullivan, three hours

Law 135, Procedure II, Assistant Dean Broderick, three hours

Second semester

Law 141, Natural Law Seminar II, Father Hesburgh and Judge Kiley, two hours

Law 142, Business Associations, Assistant Professor Sullivan, four hours

Law 143, Administrative Law, Assistant Professor Broden, three hours

Law 144, Labor Law, Assistant Dean Broderick, three hours

Law 145, Procedure III, Assistant Dean Broderick, three hours

Third Year

First semester

Law 151, Jurisprudence I, Professor Chroust, two hours

Law 152, Federal Taxation I, Professor Peters, four hours

Law 153, Estate Planning I, Professor Rollison, three hours

Law 154, Sales, Professor Rollison, two hours

Law 155, Bills and Notes, Professor Barrett, three hours

Law 156, Procedure IV, Judge Peak, one hour

Second semester

Law 161, Jurisprudence II, Professor Chroust, two hours

Law 162, Federal Taxation II, Professor Peters, two hours

Law 163, Estate Planning II, Professor Rollison, three hours

Law 164, Fiduciary Administration, Professor Rollison, two hours

Law 165, Credit Transactions, Professor Richter, three hours

Law 166, Conflict of Laws, Professor Barrett, three hours

In addition, a reading course on Domestic Relations (Law 146) is required, including a series of lectures on the Canon Law of marriage and divorce. Non-Catholics are excused from these lectures on request.

Electives are offered in the summer session from the following list of courses:

- Law 171, Civil and Political Rights
- Law 172, Comparative Law
- Law 173, Corporate Receiverships and Reorganizations
- Law 174, Creditor's Rights
- Law 175, Damages
- Law 176, Government Regulation of Business
- Law 177, Insurance
- Law 178, International Law
- Law 179, Law of Oil and Gas
- Law 180, Legal Problems of Radio and Television
- Law 181, Municipal Corporations
- Law 182, Patent and Copyright Law
- Law 183, Public Utilities
- Law 184, Quasi-Contracts
- Law 185, Roman Law
- Law 186, Workmen's Compensation
- Law 187, World Organization and the United Nations

"The worst enemy to the law is the man who knows only its technical details and neglects its generative principles. . . . We need lawyers now, if ever, who have drunk deeper at the fountains of the law, much deeper, than the merely technical lawyer, who is only an expert in an intricate and formal business; lawyers who have explored the sources as well as tapped the streams of the law. . . ." WOODROW WILSON, Legal Education of Undergraduates, 17 American Bar Association Reports (1894) 439, 441.

UNIVERSITY OF NOTRE DAME

NOTRE DAME, INDIANA

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THE COLLEGE OF SCIENCE

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THE COLLEGE OF ENGINEERING

—

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THE SUMMER SESSION

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