8-1-1968


Joseph O’Meara

*Notre Dame Law School*

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**Report of the Dean**

Print

*University of Notre Dame. Law School.*

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

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### Details

- **Description**: v.; 23-28 cm.
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- **Local Notes**: Title on 1973-74; 1974-75: Dean's report. Binder's title on 1953-56: Annual report of the dean.
- **Subject**: *University of Notre Dame. Law School -- Periodicals.*
- **Law schools -- Indiana -- Periodicals.*
- **Added Title**: Dean's report
- **Spine Title**: Annual report of the dean
From a member of the Class of 1967:

Already I miss Notre Dame and The Law School. It was the finest three years of my life.

From a member of the Class of 1963:

...If the Notre Dame Law School's program of excellence hadn't instilled in its young products a burning desire to be great lawyers, I could have looked forward to many quiet and comfortable years [in the law department of the corporation I have just left to return to private practice].
Dean's Report 1967-68

The most important feature of any law school is the student body. That was one of the insights I was blessed with when I came to Notre Dame. As in earlier reports, therefore, I begin with some observations concerning our students, past, present and prospective.

THE STUDENT BODY

ENROLLMENT

The class entering in August of 1967 numbered 120, more than can be accommodated comfortably in our present quarters. Ninety-three of these, or 77.5% had a degree from a college or university other than Notre Dame. When I assumed the deanship only 18% of our students held a degree not awarded by Notre Dame. This 59.5% increase in students from other campuses is a gratifying improvement. There is need for further broadening of the base of our student body by way of increase in the number of students who did their undergraduate work at colleges and universities not conducted under Catholic auspices and, especially, in the number of students from minority groups, that is, Negroes, Mexican-Americans and Puerto Ricans. We would profit, too, from more Jewish students. It was gratifying, therefore, when a number of our students banded together to recruit first-rate Negro students. This welcome development came too late in the year to be productive of benefit in 1968-69, but I am confident it will bring us some good Negro students in 1969-70.

Total enrollment in August of 1967 rose from 225 to 258, representing 86 colleges and universities, nearly half of them not conducted under Catholic auspices. The students came from 36 states (ranging from Oregon to Florida and from California to New Hampshire) and two foreign countries, Canada and Japan. Seventy-five of them, or 29.1% were married; sixteen, or 6.2% were veterans. They ranged in age from 20 to 44. The great majority, that is, 237, were between 21 and 25.

In his remarks at our graduation exercises, Mr. Justice Brennan of the Supreme Court of the United States emphasized the advantages enjoyed by students at a small law school. Ours is a small school and it has been our purpose to keep it small, with a stable student population of not more than 300. In a school of that size every teacher knows every student, every student has the advantage of learning from every member of the Faculty, and every student has the opportunity to know and profit from association with every other student. Thus our School has been a community, come together to study law
and, I should add, committed to justice. A member of the class of '68 put it this way. "The students work together, study together, play together. Their comradeship is impossible to understand unless you have been here." In consequence the morale of the Faculty, the students and the staff has been high. In short the School has been a happy as well as a busy place.

This fortunate situation could not survive overcrowding. And overcrowding will be hard to avoid. The number of inquiries from prospective students has risen sharply in the last 14 years, from 262 in 1955 to 1413 in 1968, a gain of 439%. More important, applications for admission have increased from 126 in 1954 to 554 in 1968, a gain of 340%. And already there are on file nearly 300 inquiries concerning the academic year 1969-70. A further increase in applications, therefore, can be expected. Hence it is evident that a technique will have to be adopted to keep the entering class from exceeding 110. There are ways of doing this and doing it with fairness to all applicants, and they will have to be utilized.

MORTALITY

Reflecting the progressively higher standards of admission, the failure rate for 1967-68 was the lowest in my years at Notre Dame. Any reduction in the requirements for admission would result in an increase in failures. For the last five years the failure rate has been as follows:

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<th>Year</th>
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<th>Second Year</th>
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<tr>
<td>1963-64</td>
<td>10.2</td>
<td>6.4</td>
<td>0.0</td>
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<tr>
<td>1964-65</td>
<td>16.2</td>
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<td>1966-67</td>
<td>4.2</td>
<td>1.8</td>
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</tr>
<tr>
<td>1967-68</td>
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Total first-year attrition (including voluntary as well as involuntary withdrawals) likewise declined. It equaled 18.3%, the lowest since I came to Notre Dame. This, again, was a function of our careful selection of applicants, according to high standards, fairly and uniformly applied.

STANDARDS OF ADMISSION

The mission of the Notre Dame Law School is to provide the best possible legal education to the best possible students. Accordingly our admission requirements have been raised progressively. Last summer (1967) they were raised again. In consequence, as of June 1, 1968, a study of accepted applicants indicated that the typical first-year student beginning the study of law later this month (i.e., on August 28) ranked in the top 10% of his college class. Few schools, if any, can better that.

Any erosion of the high standards of admission, adopted last summer after a slow and painful climb of 16 years, would be the worst possible folly. These standards reflect our own experience and have the pragmatic sanction — as is demonstrated by the obvious improvement in the quality of our student body. We have always had top students but we now have more top students than at any other time in the School's history. And we cannot rest until every student in the School is a top student. That must be the goal, pursued relentlessly, whatever the difficulties.

One can be a top student without achieving high scores on the Law School Admission Test. The number-one student in the second-year class had a morning score of 505. The number-two student in the class of '66 had a score of 487. The man who ranked fifth in the class of '68 had an even lower score — 385, very low indeed. Thirteen members of his small class, who ranked below him, had scores in the 600s and 700s. One of the most brilliant law teachers I know entered law school with a score of 423. On the other hand, a study of our last three classes (1966, '67 and '68) shows that 24% of those who failed entered with a score of 600 or better — scarcely a better showing than that made by those who scored from 500 through 524, 22% of whom failed. And, of all the students in these classes who entered with a score of 600 or better, 20% failed.

Furthermore, based on our experience with the three classes specified, applicants who score 450 through 474 can be expected to do as well as those who score 550 through 574. Even more striking and instructive, applicants who score 475 through 499 are likely to do better work in law school than those who score 575 through 599.

It cannot be said that the study of these three classes conclusively establishes the predictive value, or lack of it, of the Law School Admission Test. Taken in conjunction with the other data previously mentioned, however, it does discredit the argument for major reliance on the Law School Admission Test in the admission of students.

To be sure, some schools attach great importance to the Law School Admission Test and vie with one another for the highest average score. This is an unworthy competition, unjust to applicants and far from guaranteeing the best possible student body, which is the purpose of the admission process.

Common sense, that very rare commodity, supports the position taken in the preceding paragraphs. Is it likely that a one-day test
will tell more about an applicant’s ability than four years of college work? On the contrary, the courses an applicant has taken in college, the college where he has taken them, the grades he has achieved and, more particularly, his performance in comparison with his classmates (i.e., his rank in class) are far more indicative of what can be expected of him than his performance on the one particular morning when the Law School Admission Test was administered to him.

Finally, the Law School Admission Test is not an “aptitude” test. The 1964 Law School Admission Test Handbook itself specifies, at page 31, that the “Test should not be used as a tool for career choice.” The other side of that coin seems to be that the Test should not be used (or should be used sparingly and with discretion) as a tool to permit or deny applicants the opportunity to begin a legal career by entering law school.

When all is said the policy on admissions obviously should be based on experience. We have relied primarily on an applicant’s rank in his college class. This has produced a student body whose quality has improved year after year as the requirements have been raised. One indication of this improvement was mentioned earlier, that is, the fact that the failure rate is lower than at any other time in the last 16 years.

RECRUITMENT

We have believed in a policy of vigorous recruitment, notwithstanding the steady increase in the number of applications. It continues to be essential, because its purpose is not to attract students but to attract the most talented students. Its importance derives from the fact, referred to at the beginning of this Report: the most important feature of any law school is the student body. The best of faculties needs the stimulation of keen, alert, diligent students; and the students need stimulation and instruction from fellow students as well as from the Faculty. The simple fact is that no law school can become great or remain great without a truly gifted student body.

This puts primary emphasis on intellectual capacity. Whitehead was right:

In the conditions of modern life the rule is absolute, the race which does not value trained intelligence is doomed. The Aims of Education 26 (Mentor).

But no one knows better than I that a high order of intellectual capacity is not the only requirement. The purpose of our recruiting, therefore, has been to bring to Notre Dame students of exceptional intellectual ability who, at the same time, have character and qualities of leadership.

The most effective of those who have recruited for us have been graduates of the last 10 or 12 years. Of all of them, in this farewell Report I pay a special tribute to those who, year in and year out, have been ready and eager to help. They follow:

In Baltimore: Messrs. Thomas J. Kenney, Jr., ’66L, and Paul V. Niemeyer, ’66L.
In Boston: Mr. Charles J. O’Malley, ’64L.
In Champaign-Urbana: Mr. John C. Hirschfeld, ’61L.
In Cleveland: Mr. Daniel W. Hammer, ’59L.
In Columbus: Mr. Robert P. Mone, ’59L.
In North Dakota and Minnesota: Mr. H. Patrick Weir, ’64L.
In Lansing: Professor Edward Bartoli, ’58L.
In New York City: Mr. George W. Tompkins, ’56L.
In Niagara Falls: Mr. Patrick J. Berrigan, ’57L.
In Philadelphia: Mr. Eugene P. Waye, ’58L.
In Pittsburgh: Mr. Paul H. Titus, ’60L.
In St. Louis: Mr. Burton M. Greenberg, ’59L.
In St. Paul-Minneapolis: Mr. Joseph P. Summers, ’62L.

I ask forgiveness of any inadvertently omitted; and express my gratitude to all who have so generously and loyally given the word about Notre Dame to prospective students.
SCHOLARSHIPS

Scholarships are essential because most law students come from families not financially able to pay their expenses through law school. Who is to pay them? The student himself? There was a time when an ambitious and energetic student could put himself through law school. Those days are gone. We live in a changed and changing world, a world changing with constantly accelerating speed. And the law, like everything else, has changed and continues to change. It has changed and is changing to such an extent, both in magnitude and complexity, that getting a legal education has become, of necessity, a full-time occupation.

For years we have made clear to our students that we expect them to devote to it not less than 60 hours a week, not counting important extracurricular activities (enumerated under the heading “Students Activities,” beginning on page 14 of this Report). That leaves little enough time for a job. In point of fact, moreover, a student can devote to a job not more than 10 or 12 hours a week at most without damage to his legal education. This is a serious matter, because the best professional opportunities are available only to the students with the best law-school performance records. If there are any exceptions to that statement, they are rare indeed.

To be sure, a law student can and should work in the summertime and, to the best of my knowledge, every one of our students has a summer job — some have two or three simultaneously. If he is lucky and economical, a student can save enough from summer earnings to cover a substantial part of the cost of studying law at Notre Dame. But he cannot save enough to cover it all. There is a margin of up to $2,000 — sometimes more — over and above what a student can earn and save, which must come from somewhere else if he is to enjoy the advantages of studying law at Notre Dame.

There is only one answer. If we are to graduate our share of the lawyers so urgently needed to meet the challenges of these ominous days — lawyers at once professionally competent and equipped for effective leadership in a world in crisis — we must have adequate scholarship funds. Our endowment for scholarships is small, only $100,000. Necessarily, therefore, funds for scholarships must come from yearly giving by alumni and friends of the School. This yearly giving has grown in amount almost without interruption. The growth has been stimulated by The "500" Club of the Notre Dame Law School, established in 1960. It resulted from a suggestion — more exactly, from an inspiration — of Mr. Albert H. Monacelli, '34, then president of the Notre Dame Law Association. In 1960-61 its membership numbered 123; this year there are 287 names on the roster — a gain of 133%. Members agree to contribute not less than $100 annually to the Law Scholarship Fund. As the name suggests, the Club's goal is 500 members each pledged to contribute at least $100 annually. In the fiscal year ending June 30, 1968, the following either joined or renewed their membership in The "500" Club, many giving a great deal more than the required minimum of $100.

Mr. Anthony V. Amadio, '35L
Mr. Burton M. Apker, '48
Mr. Edward F. Aylward, '48
Mr. William D. Bailey, Jr., '59L
Mr. Donald P. Baiocchi, '67
Professor Edward F. Barrett
Mr. John A. Bartley, '25
Honorable George N. Beamer, '29L
Mr. Donald W. Bebenek, '54L
Mr. Bruno P. Bernabei, '51L
Mr. John A. Berry, '35L
Mr. Norris J. Bissett, '59L
Mr. James B. Bleyer, '54L
Mr. John F. Bodle, '50L
Honorable Hugh C. Boyle, '24
Mr. Roger W. Breslin, '28

SOURCE OF SCHOLARSHIPS

When I came to Notre Dame in the fall of 1952 there was not a single dollar of scholarship money available. Under the leadership of Mr. Clarence J. Donovan, '31L, when he was president in 1953-54, the Notre Dame Law Association undertook to correct that deplorable situation. It inaugurated a program of yearly giving designed to provide financial aid to students who want to attend the Notre Dame Law School but cannot afford to.

Other people like to win, too. Hence there is intense competition among the better law schools for outstanding college graduates. As Justice Walter V. Schaefiler of the Supreme Court of Illinois, a member of the Law Advisory Council, has pointed out, they are sought after as eagerly as outstanding young athletes. Accordingly, a really top student can obtain a scholarship at any of the Country's leading law schools. The justification for this, if one be needed, is set out at the very beginning of this Report: the most important feature of any law school is the student body.
Dean's Report 1967-68

Mr. Edward F. Broderick, Jr., '56L
Mr. Bernard D. Brecker, '30
Mr. William E. Brown, '28
Mr. J. Vincent Burke, Jr., '33
Mr. Richard P. Byrne
Mr. Louis C. Chapelleau, '30L
Mr. Joseph P. Clancy, '56L
Mr. Richard C. Clark, '59L
Mr. Thomas H. Clifford, Jr., '49L
Mr. James J. Clynes, Jr., '45
Mr. John C. Cochrane, '59L
Mr. J. Vincent Burke, Jr., '33
Mr. William B. Custer, '60L

Honorable Robert A. Grant, '30L
Mr. Camille F. Gravel, Jr., '35
Mr. Casper R. Grathwohl, '29L
Mr. John H. Gorman, '54L
Mr. George H. Gore, '48L
Mr. Robert K. Gordon, '25L
Mr. Lee J. Gary
Mr. Hugh F. Fitzgerald, '34
Mr. Patrick J. Fisher, '37L
Mr. John J. Fish, Jr., '55L
Mr. Louis J. Finske, '19L
Mr. James T. Finlen
Mr. Louis J. Finske, '49L
Mr. John J. Fish, Jr., '55L
Mr. Patrick J. Fisher, '37L
Mr. Hugh F. Fitzgerald, '34

Honorable Thomas F. Dalton, '34
Mr. William T. Daly, '41
Mr. Benedict R. Maloney, '34
Mr. Louis R. DaPra, '40L
Mr. Robert W. David, '52L
Mr. Anthony J. DeDario, '29L
Mr. John D. Deeh, '51L
Mr. Joseph F. Deeh, '33L
Honorable John T. Dempsey, '21
Mr. Victor A. DeSimone, '49L
Mr. Robert B. Devine, '36L
Mr. Dana C. Devee, '56L
Mr. Thomas J. Dixon, '59L
Mr. Henry I. Dockweiller, '12
Mr. Lawrence J. Dolan, '56L
Mr. Clarence J. Donovan, '31L
Honorable Thomas C. Donovan, '24L
Mr. M. Edward Doran, '20L

Mr. John W. Dorgan, '29
Mr. Donley L. Brady, '49L
Mr. Oscar John Dorwin, '17
Mr. William P. Dowdall, '29L
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Mr. James F. Dwyer, '29
Mr. Carl A. Ech, '56L
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Mr. Robert T. Fanning, '47L
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Mr. F. Gerard Feeney, '47L
Mr. James L. Ferstel, '50L
Mr. William G. Ferstel, '00
Mr. Edward J. Fillenwarth, Jr., '63L
Mr. Louis J. Finske, '49L
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Mr. Patrick J. Fisher, '37L
Mr. Hugh F. Fitzgerald, '34

Honorable William T. Fitzgerald, '23
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Mr. Theodore P. Frewick, '42L
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Mr. Joseph B. Joyce, '56L
Mr. Gerald A. Kamm, '47L
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Mr. Walter W. Hessey, '25L
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Mr. Paul F. Hellmuth, '40
Mr. James C. Higgins, '55L
Mr. John T. Higgins, '22
Mr. Eugene M. Hines, '23
Mr. John C. Hinchfield, '61L

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Mr. Walter W. Hessey, '25L
Mr. and Mrs. William N. House,
Mr. George B. Morris, Jr., '40L
Mr. Maurice James Moriarty,
Thirty-seven contributions totalling $742 were made in memory of the late John R. Coryn of the Appellate Court of Illinois, who was killed in a plane crash October 5, 1967. R.I.P.

The contributions of Mr. Patrick E. Hughes, '58, and Miss Virginia Hughes were made in memory of the late James W. Hughes.

Special thanks are due, also, to the following benefactors other than "500" Club members.

Bernell Foundation, Inc.
J. Frederick Brown Foundation
Mrs. Charles Davis
Farmers Insurance Group
Federal Market Co., Inc.
Calouste Gulbenkian Foundation
Five Twenty-Five Foundation
The Johnson’s Wax Fund, Inc.
National Distillers & Chemical Foundation
Priebe Family Foundation
E. E. D. Shaffer Foundation
South Bend Tribune
Weymouth Kirkland Foundation
Hans Zack Law Scholarship Fund

In the fiscal year ended June 30, 1968, $131,180.97 were contributed to the Law Scholarship Fund. In addition pledges amounting to $223,410 were received. I am deeply grateful to the benefactors who made this achievement possible. I especially appreciate the contributions of those who were graduated since I came to Notre Dame, beginning with the Class of ’53. They are among our most generous alumni, and this is true whether or not they themselves received scholarship assistance.

I should point out, furthermore, that every friend of the Notre Dame Law School is greatly indebted to Mr. James W. Frick, the University’s Vice President for Public Relations and Development, for his friendship and all-out cooperation.

The benevolences I have noted enabled us to provide financial aid to 135 students in the total sum of $200,735.
BASIS OF SCHOLARSHIP AWARDS

From the inception of the Law Scholarship Fund, need and talent have been decisive factors. This is spelled out in our 1968-69 Bulletin as follows:

Scholarships are awarded on a strictly competitive basis. The factors taken into account are college grades, scores on the Law School Admission Test, extracurricular activities and, of course, need. But need by itself is never sufficient. In other words, the needy student must equal or excel his competitors in academic excellence and leadership qualities. All other things being equal, however, the needy student is preferred.

With respect to need, the situation may change, after an award has been made and accepted, as a result of lucrative summer employment, a wife’s earnings, an inheritance or other fortunate circumstances. It is not considered feasible, however, to monitor sums received by a scholarship student in ways such as those just indicated. Nor is it necessary. Given the high caliber and sense of honor and responsibility of the student body, the School is confident that scholarship holders, on their own initiative, will call attention to any information which might have a bearing on their continuing need for financial assistance.

The situation is different in respect of funds, over and above his scholarship, which a scholarship holder receives from the University. Fairness requires that the School’s resources should be so managed as to benefit the largest possible number of deserving students. The School’s policy, therefore, is as follows. The total sum which a student receives from the University (by way of scholarship aid, compensation for services or in any other way) is limited to the amount of the top scholarship, namely, $2,800 annually, that is, tuition plus a cash grant of $1,400.

To put that in context it should be added that we estimate the annual cost of attending the Notre Dame Law School is $3,300.

OTHER FINANCIAL AID

Student loan programs are proliferating. Many of these programs make use of bank loans guaranteed by a sum deposited in the lending bank by a State bar association or other interested group. This is the format of our own pioneering loan program, inaugurated early in 1959 with the cooperation of the Continental Illinois National Bank and Trust Company of Chicago. It has functioned effectively. At the end of the academic year 1967-68 there were 44 loans outstanding for a total of $21,000. No loan was in default.

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We have been allocated a substantial amount of the total to be loaned under the auspices of the American Bar Foundation.

The figure given above ($21,000) does not represent the extent to which our students are in debt. Since there are many places where they can and do borrow, we have no way of knowing their total indebtedness.

In this final Report I repeat what I have said twice before, because I feel so strongly about it. A student while in law school is acquiring a capital asset and should be willing to borrow a reasonable amount to enable him to do so. Too many, it seems to me, are willing to borrow too much. Then, when the time comes to set up housekeeping, as the saying used to be, there are all sorts of things a young couple must have which were unheard of only a generation or two ago. A refrigerator, a washer, a dryer — all these things and many more must be purchased in addition to the furniture and other house- hold articles their parents and grandparents had to buy. And, of course, everybody has to have a car these days; and everybody wants a home. Everything, it goes without saying, will have to be bought on credit — so much down and so much a month, including interest and other charges. If the burden of all this debt is superimposed upon a large indebtedness created to complete one’s education, will not these young lawyers, in all likelihood, spend the rest of their lives in hock? Pressure to meet the payments necessarily will curtail freedom to satisfy normal desires of wife and children. Will this have no effect on domestic peace and tranquility?

All this underlines and re-emphasizes the essentiality of adequate scholarship funds.
STUDENT ACTIVITIES

NOTRE DAME LAWYER

Volume 43 consisted of six issues and nearly 1,000 pages.

The number of requests from legal journals for permission to republish articles appearing in the first four issues of the Volume was significantly higher than the number received in past years. In all, 15 such requests were received and granted. More important, the great majority of these requests expressed an interest in student articles. This interest reflects the quality of the legal scholarship appearing in the student section of the Lawyer, and the republishing (with appropriate credit) has immense value for both the Lawyer and The Law School.

One piece of student writing in particular, which attracted wide attention, was an extensive Note on the dangers of unnecessary x-rays by Mr. James H. Seckinger, '68, of New Rockford, North Dakota. Dr. Karl Z. Morgan, Director of Health Physics at the Oak Ridge National Laboratory, wrote a letter of commendation, and the following asked for reprints, indicating a desire to circulate the Note:

- National Center for Radiological Health of the Department of Health, Education, and Welfare;
- American Dental Association;
- National Council on Radiation Protection and Measurements;
- the Virginia Council on Health and Medical Care;
- and the Department of Health of Colorado, Minnesota, New Jersey, Texas, and Wyoming; and, finally, the Michigan Health Council.

In 1967-68 the first steps were taken to set up a series of committees spread across the Country to aid in the solicitation of lead articles. The effectiveness of a solicitation program is greatly enhanced by personal contact. Hence these committees, staffed by former members of the Lawyer, will be of great assistance in insuring a steady supply of high-quality lead articles.

Two major surveys appeared in Vol. 43, each jointly written by four members of the staff. One survey was the Church-State Survey, which appears as a regular feature of the Lawyer every two years. This time, however, the Survey does not attempt to cover all the areas related to Church-State matters. Instead, it offers an in-depth examination of a few areas of much present concern, such as financial aid to private education and the recent activity in passing abortion laws. The other, a survey dealing with riots, which appeared in the Symposium issue, offers an extensive review of the law relevant to the current phenomenon of mass civil disorders.

Last year the Lawyer assumed a great amount of responsibility for its own financial affairs, a responsibility formerly resting on the University Administration. In order to properly perform its new duties, the position of Business Manager was created. The new arrangement worked out to the satisfaction of all concerned. Also on the financial side, revenue more than doubled over the previous year, due mainly to an increase in the subscription price to $7.50 a year.

The Editorial Board for Volume 43 was composed of:

- Editor-in-Chief, Mr. Frank H. Smith, Jr. of Connecticut
- Executive Editor, Mr. Dennis C. Thelen of New York
- Articles Editors, Messrs. James H. Seckinger of North Dakota and Charles A. Weiss of Missouri
- Case Editor, Mr. Hugh C. Griffin of Illinois
- Development Editor, Mr. Michael S. Williamson of Indiana
- Managing Editor, Mr. William H. Scall of Indiana
- Survey and Book Review Editor, Mr. Robert J. Wilczek of Illinois

MOOT COURT

The number of participants in the second-year competition was increased from 16 to 20. Three appellate cases were argued and each of the 20 contestants argued on one side or other of each of the three. Each case was argued three times before the same court. The contestants rotated from court to court, but the court (a Faculty member, a practicing lawyer, and a third-year student) did not rotate as in the past. Instead, it heard the same case on each of the three occasions on which it was argued. This made for more consistent and, therefore, fairer scoring.

After each of the 20 contestants had briefed and argued these three cases, as set out in the preceding paragraph, the eight with the highest scores argued a fourth case before a five-member court presided over by Judge F. Kenneth Dempsey of the Superior Court of St. Joseph County. The four who scored highest in this fourth and semifinal argument were named to participate in the final argument this fall (1968).

Honorable John W. Peck of the United States Court of Appeals for the Sixth Circuit presided over the court hearing the final argument on November 18, 1967, in our 1966-67 Moot Court competition. Sitting with Judge Peck were:

- Honorable Frederick J. R. Heebe of the United States District Court for the Eastern District of Louisiana
Honorable James A. Walsh of the United States District Court for the District of Arizona.

The students who participated in the argument before these distinguished judges were:

Mr. John R. Pusey of Bellefontaine, Ohio, a graduate of the University of Notre Dame
Mr. John F. Sandner of Chicago, a graduate of Southern Illinois University
Mr. Richard L. Manning of Niles, Illinois, a graduate of the University of Notre Dame
Mr. Andrew F. Tranovich of Reading, a graduate of LaSalle College.

Mr. Sandner won the first prize of $150; the second-place award of $100 went to Mr. Manning. These prizes were provided, in accordance with his practice, by Mr. A. Harold Weber, '22, a member of the Law Advisory Council. Messrs. Sandner and Manning received, in addition, the Dean's Award, established by former Dean Clarence E. Manion, '22L.

Mr. Justice Thurgood Marshall will preside over the court hearing the final argument in the 1967-68 Competition. The other members of the Court will be:

Honorable Wade H. McCree, Jr. of the United States Court of Appeals for the Sixth Circuit
Honorable Myron H. Bright of the United States Court of Appeals for the Eighth Circuit.

If we include Mr. Justice Marshall, in 11 of the last 13 years a member of the Supreme Court of the United States presided over the court hearing the final argument in our Annual Moot Court Competition. Their names and dates follow:

October, 1955: Mr. Justice Tom C. Clark (retired June 12, 1967)
October, 1956: Mr. Justice John M. Harlan
October, 1957: Mr. Justice William J. Brennan
October, 1958: Mr. Justice Sherman Minton (died April 9, 1965)
October, 1959: Mr. Justice Harold H. Burton (died October 28, 1966)
October, 1960: Mr. Justice Stanley F. Reed
October, 1961: Mr. Justice William O. Douglas
October, 1962: Mr. Justice Byron R. White

In addition, Justices Potter Stewart and Charles E. Whittaker (retired April 1, 1962) sat on our Moot Court in this period. Mr. Justice Stewart was then (in 1955) a member of the United States Court of Appeals for the Sixth Circuit and Mr. Justice Whittaker (in 1956) was a member of the United States Court of Appeals for the Eighth Circuit.

Altogether, in the period beginning in October of 1955 and including for this purpose the final argument scheduled for November 2, 1968, the membership of our Moot Court has included 11 Supreme Court Justices, 21 United States Circuit Judges and 15 United States District Judges—a Moot Court in which we take great pride.

The officers of the Moot Court for 1967-68 were:

Director, Mr. Emilio V. Belluomini, Jr. of Texas
Assistant Director, Mr. Steve J. Madonna of New Jersey


STUDENT BAR ASSOCIATION

This is the student body's governing organ. Among its most important responsibilities are administration of (1) the School's Honor Code (covering, primarily, our system of unproctored examinations) and (2) our student loan program.

The Association functioned smoothly. Its officers were mature and responsible men, and contributed largely to the good spirit pervading the student body.

The officers for 1967-68 were:

President, Mr. James J. Barba of New York
Executive Vice-President, Mr. Thomas J. Bonner of Pennsylvania
Secretary, Mr. Robert E. Greene of New York
Treasurer, Mr. James E. Cooling of Missouri
Third-Year Class President, Mr. Steve J. Madonna of New Jersey
Second-Year Class President, Mr. John M. Dwyer of Illinois

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GRAY'S INN

Named for one of the four major Inns of Court, this student organization invites qualified speakers to discuss current social, economic and cultural topics which have a bearing on law, as well as strictly legal subjects. The speakers then are expected to answer questions which, at times, are extremely searching.

The 1967-68 program featured speakers of wide-ranging interests and sharply conflicting opinions. The first speaker was Mr. Roy M. Cohn, Chief Counsel for the Senate Investigating Committee headed by the late Senator Joseph R. McCarthy.

He was followed by Police Commissioner Howard R. Leary of New York City. Commissioner Leary detailed the ways in which the police are adapting their procedures so as to comply with recent Supreme Court decisions holding invalid certain police practices of long standing; and outlined the means whereby the police are attempting to cope with the problems of urbanization in a rapidly changing society.

The final speaker of the fall semester was the well-known trial lawyer, Mr. Louis Nizer. Mr. Nizer discussed "The Art of the Jury Trial." Throughout his address he emphasized the critical importance of "preparation, hard work and industry."

The spring semester featured addresses by the 1964 Republican Vice Presidential nominee, Mr. William E. Miller, and the Executive Director of the National Urban League, Mr. Whitney M. Young, Jr.

Mr. Miller's presentation was followed by a two-hour question-and-answer period, during which he responded to a wide variety of questions.

Mr. Young addressed himself to the present status and direction of the civil-rights movement and, specifically, to the role of the Urban League.

The officers of Gray's Inn for 1967-68 were:

Treasurer, Mr. Peter T. King of New York
Vice-Treasurer, Mr. Thomas M. Ward of Pennsylvania
Master of Revels, Mr. Bryan J. Hughes of New York
Keeper of the Black Book, Mr. Hugh F. Mundy of New York

LEGAL AID AND DEFENDER ASSOCIATION

This organization, the embodiment of our commitment to justice, continued to prosper under the inspired leadership of Mr. Terrence R. Kelly of Decorah, Iowa. It grew in size and expanded its activities. In four years, in fact, it has grown from a handful to a membership of 37 second- and third-year students.

It responded to approximately 60 inquiries received by mail from prisoners concerning post-conviction remedies, that is, members interviewed the prisoners and, in cases which seemed deserving, prepared memoranda and briefs. It helped staff the three legal aid offices in South Bend; made itself useful to the two Public Defenders and the Prosecuting Attorney, and expects to do the same for the Assistant United States Attorney in South Bend next year (1968-69). It assisted a number of organizations, including ICU and NAACP, by means of legal research and otherwise, and also prepared some materials for civil-rights lawyers in Mississippi.

The Association was instrumental in inaugurating a bail-bond project in neighboring Mishawaka. The project's purpose is to obtain the release of prisoners on their own recognizance if, after an interview by a member, reasonable safeguards are found to be satisfied. It is hoped the project can be initiated in South Bend next year.

The mission of the organization is legal service to the community, especially to persons most in need of it and least able to pay for it. There is much that the Association's members cannot do, because they are law students, not yet lawyers. But there is much they can do and have done and done well. Their motivation is completely unselfish. There is, nevertheless, an important fringe benefit: a top-notch educational experience which will make them better lawyers and better men.

Last year I referred to a small grant received by the Association, which enabled it to carry on its work. I have every expectation that it will receive a further grant in the near future, which will insure continuation of its operations through 1968-69.

In my Report for 1966-67 I was able to call attention to the public recognition received by Mr. James L. Lekin, '63L, of Buffalo "for the time and skill which he devoted" as assigned counsel to the case of an indigent client. As noted last year, Mr. Lekin was successful in the United States Court of Appeals for the Second Circuit. The Attorney General of New York then appealed to the Supreme Court of the United States. That tribunal recently decided in favor of Mr. Lekin's contentions. In the words of the Buffalo Evening News for June 22, 1968 (p. A-7), "[a] precedent-setting U.S. Supreme Court decision . . . represents a victory for a hard-working young Buffalo attorney . . . James L. Lekin," who served throughout the case "without any compensation."

In addition to Mr. Kelly the following served as officers for 1967-68: Messrs. Ivan Bodensteiner of West Union, Iowa; John J. Coyle of Phillipsburgh, New Jersey; Richard Hennessey of Jackson
LEGISLATIVE BUREAU

The purpose of the Bureau is to draft bills requested by legislators or others having substantial legislative programs. In 1967-68 it drafted bills on a variety of topics, including adoption, protection of debtors and electronic surveillance. The actual drafting, of course, is preceded by exhaustive research into existing law and legislation. Any second- or third-year student may participate. Mr. James A. Hancock of Reno was Director of the Legislative Bureau.

PRIZE WINNERS

Mr. James H. Seckinger of New Rockford, North Dakota, number-one man in the Class of '68, was the winner of three prizes, namely, the Hoyes Award of $100, the Dean Joseph O'Meara Award and the Prentice-Hall Award, a year's subscription to the donor's Federal Tax Guide. The Dean Joseph O'Meara Award, established by the Class of '64, is presented annually to a member of the graduating class for outstanding academic achievement. It consists of a plaque on which the recipient's name is engraved. Mr. Seckinger was Articles Editor of the Notre Dame Lawyer. He will serve as law clerk for United States District Judge William E. Doyle in Denver for 1968-69.

Mr. John E. Amerman of Belleville, Michigan, was the recipient of two prizes, namely, the Farabaugh Prize of $25, given in memory of the late Gallitzin A. Farabaugh of South Bend, and the A. Harold Weber Award of $150 for the best senior research paper. Mr. Amerman, number-two man in the class, was employed last fall by the Detroit law firm of Honigman, Miller, Schwartz and Cohn.

Mr. Paul A. Gore of Ft. Lauderdale, Florida, was the winner of the Law Week Award, a year's subscription to the United States Law Week, given by the Bureau of National Affairs. This prize goes to the student whose work shows the greatest improvement in his senior year.

As already noted, the A. Harold Weber Moot Court Awards went to Messrs. John F. Sandner of Chicago ($150) and Richard L. Manning of Niles, Illinois ($100).

PLACEMENT

First-rate young lawyers are in demand; and graduates of the School who bestir themselves can obtain attractive professional op-

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portunities. To the best of my knowledge all members of the Class of '68 have been satisfactorily placed, that is, all of them not already committed to a tour of duty in the Armed Forces.

Nine members of the Class were appointed to judicial clerkships. Mr. William T. Coleman of Riverside, Illinois, will clerk for United States Circuit Judge Roger J. Kiley of Chicago; Mr. Dennis M. Kelly of Cleveland for United States Circuit Judge Myron Bright of Fargo, North Dakota; Mr. Owen M. Lopez of Albuquerque for United States Circuit Judge Oliver Seth of Santa Fe; Mr. Charles A. Weiss of Perryville, Missouri, for United States Circuit Judge M. C. Matthes of St. Louis; Mr. John A. Burgess of Carpenterville, Illinois, for United States District Judge Robert A. Grant of South Bend; Mr. John Scripp of Chicago for United States District Judge John F. Kilkenny of Portland, Oregon; Mr. James H. Seckinger of New Rockford, North Dakota, for United States District Judge William E. Doyle in Denver; Mr. Robert J. Sidman of South Euclid, Ohio, for United States District Judge Joseph P. Kinneary of Columbus, Ohio; and Mr. Steven J. Madonna of New Providence, New Jersey for Judge Joseph H. Stamler of the Superior Court of New Jersey.

In addition Mr. Paul J. Meyer, '67L, of Chicago will serve as one of the law clerks for the Chief Justice of the United States. This year he clerked for Justice Walter V. Schaefer of the Supreme Court of Illinois. Mr. Meyer follows Mr. Francis M. Gregory, Jr., '66L, of St. Louis in the Supreme Court of the United States. Mr. Gregory was one of Mr. Justice Brennan's law clerks for the 1967-68 term.

The University of Pennsylvania Law School, the University of Michigan Law School and the United States Office of Economic Opportunity are sponsoring a program offering 100 young lawyers a year of training and service with an OEO-funded office rendering legal services to the poor. It is known as the Reginald Heber Smith Community Lawyer Fellowship Program. These are coveted fellowships, only one applicant in four being selected. We had seven applicants, five of whom were selected, namely, Messrs. Richard Hennessy of Jackson Heights, New York, Robert W. Herr of South Gate, Michigan, Terrence R. Kelly of Decorah, Iowa, John P. Rowe of Elgin, Illinois, all members of the Class of '68, and Mr. J. Gregory Walta, '67L, of Brookings, South Dakota. The largest number of Fellowships went to the University of Pennsylvania Law School and Harvard Law School, each receiving eight. We received five. Considering the difference in enrollment, it is apparent that Notre Dame was number one by a substantial margin.
BAR EXAMINATION RESULTS

Eighty-five and five-tenths percent of the Class of '67 passed the bar examination on the first try — not a showing to be proud of. Except for the disastrous results in one state, however, the percentage passing on the first try would have been 98.1.

Notwithstanding he has a law degree, a graduate cannot practice law until he has taken and passed a bar examination. Ours is a professional school. Students come to us who want to practice law. Hence we cannot be indifferent to their success or failure when they take a bar examination. A bar examination is not a test of the capabilities of those who take it or of the quality of their legal education. Only the poorest schools gear their instruction to the bar-examination success of their students. On the other hand, if a man has a quality education, there is no excuse for him to fail, except in case of illness or other untoward circumstance. But a quality education, without more, will not suffice in many cases. For one thing, the bar examinations cover three years' work. It is folly to go into such an examination without having systematically prepared for it. This is the most frequent cause of failure on the part of our students.

Why don’t they prepare? They are too cocky, too sure of themselves; and this causes their downfall. Somewhere Edmund Burke has said: “Is experience nothing? It is the school of mankind and they will learn no other.” So, too many of our students disregard our warning that they must review systematically for the bar examination and that the best way to do this is to take one of the bar-review courses offered in every jurisdiction.

HOUSING

A limited number of apartments are available for married students in University Village on the campus. For the rest, law students live off campus with the exception of a few who serve as prefects in undergraduate residence halls. They live off campus because there are no on-campus accommodations for them and have not been since the academic year 1965-66.

This unhappy situation imposes an obligation on us to do everything within our power to assist our students — in particular the new students, who are unfamiliar with Notre Dame and its environs — to find suitable living quarters. In the summer of 1966 and again last summer we were able to provide useful information and other help, with the result that all members of the incoming class, I believe, were satisfactorily housed.

Credit for this fortunate outcome is due solely to the selfless devotion and seven-day-a-week labors — from early in the morning until late at night — of my Administrative Assistant, Mrs. Cordia Bender. Her interest was unflagging, her zeal immense, her energy inexhaustible. Every friend of Notre Dame is indebted to her. For myself, I could not be more grateful than I am for all she has done for the Notre Dame Law School and its students. Her contributions to their welfare have been magnificent.
The absence of Professors Broden and Lewers, each of whom was given leave of absence, necessitated some curricular changes which, I believe, improved our program.

Natural Law and Jurisprudence were combined into one three-hour course, taught in the second semester of the second year. A course on Federal Income Tax Planning was inaugurated in the final semester. It was taught by three practitioners who specialize in that field, namely, Messrs. James F. Thornburg, John L. Carey and Edward J. Gray, '58L, every Saturday morning from 8:45 until noon, with a break midway through the session. The course was a huge success, rivaling the Practice Court in the interest it generated.

Procedure II (jurisdiction, venue and process) taught in the first semester of the second year, was increased from three to four hours and a corresponding reduction from three to two hours was made in Procedure III (pleading and practice) in the second semester of that year. International Organizations and Problems was abolished. Finally, Mr. John A. Buczowski was recalled to the Faculty to teach Torts.

Surely what is needed is some scheme whereby the tyro is given practice in advocacy in simulated cases and has his efforts subjected to skilled, constructive criticism. That is quoted from Megarry, Lawyer and Litigant in England 102-03 (1962). We have exactly what Mr. Megarry advocates, namely, our Practice Court, established shortly after I became Dean.

The trials are held on Saturday in the courtroom of the United States District Court in South Bend or in one of the courtrooms of the Superior Court of St. Joseph County. The witnesses and parties are South Bend business and professional men and their wives, and members of the local Police and Fire Departments. Medical testimony, when appropriate, is given by physicians from the South Bend Medical Foundation and from two local hospitals.

The student counsel are supplied with the name and address of their client (always someone unknown to them) and with nothing else. All they ever know about the case is what they elicit from their client and from the witnesses, whose names and addresses they must obtain from their client.

Having gotten the facts by interrogating their client and the witnesses, they must decide what to do, what sort of pleading to file, what to prove, which witnesses to use and in what order. They must then prepare and file, three days before the case is heard, a trial brief covering fully the issues of fact and law involved and containing requested instructions.

The cases are called promptly at 8:30 in the morning and, more than once, the jury (made up for the most part of first-year law students and girls from St. Mary's College) has not brought in its verdict until 8:30 that evening.

The critique called for by Mr. Megarry is given by the trial judge while the jury is out and elaborated by Professor Barrett at a regularly scheduled class on the following Monday morning.

Judge Luther M. Swygert, '27L, of the United States Court of Appeals for the Seventh Circuit is Chief Judge of the Practice Court. Other members of the court are Chief Judge Robert A. Grant, '30L, and Judge George N. Beamer, '29L, of the United States District Court for the Northern District of Indiana; and Judges F. Kenneth Dempsey, E. Spencer Walton, '36L, and Norman Kopek, '51L, of the Superior Court of St. Joseph County.

Sadly I report that the Fellowship Program was not repeated this summer. Too many of the key professors are either on leave or otherwise occupied away from campus.
THE FACULTY

One of the distinguishing characteristics of the Notre Dame Law School is the close liaison between Faculty and students. This is a tribute to the Faculty, whose members spend endless hours working with the students individually. This recognizes that "Each individual is a miracle." Saint Exupery, *Wind, Sand and Stars* 248 (Harcourt, Brace & World, 1940). Even so it requires an extraordinary degree of interest, dedication and diligence on the part of the Faculty. For the most part, moreover, they are productive legal scholars. In short, as I have said before, *no law school has a better faculty.*

Professor Edward F. Barrett, who has been chiefly responsible for the unrivalled success of our Practice Court, was appointed to the Committee on Advocacy of the Section on Judicial Administration of the American Bar Association. Professor Barrett is the only academic member of the Committee, which is studying means of improving advocacy in the trial courts of the Nation.

Professor G. Robert Blakey continued his work in the area of electronic surveillance. Throughout the year he served as a special consultant to the Committee on the Judiciary of the United States Senate in drafting and presenting Title III of the Omnibus Crime Control Act. At the completion of his work, Senator McClellan wrote Professor Blakey:

The adoption of Title III by a vote of 68-12 was most gratifying to all who worked with us, and was due in no small measure to the tremendous contribution which you made. Your preliminary work in helping to draft Title III and your sound advice, counsel, and assistance, both in committee and on the floor of the Senate during our deliberations on the bill, proved invaluable.

Professor Blakey also served as Reporter for the American Bar Association's study of electronic surveillance, part of its Project on Minimum Standards for Criminal Justice. The study, a 250-page book, was published in June.

In September he served as a special consultant to *Life* in the preparation of its two-part series on organized crime. Professor Blakey:

Addressed the sixth annual conference on Organized Crime held at Oyster Bay under the sponsorship of the School of Criminal Justice of the State University of New York at Albany and the New York City Police Department.

Spoke before the annual meeting of the National Legal Aid and Defender Association on the question of pre-trial criminal discovery. Appeared on a panel with Honorable Ramsey Clark, Attorney General of the United States, Honorable Elliot Richardson, Attorney General of Massachusetts and Honorable George C. Edwards of the United States Court of Appeals for the Sixth Circuit. The panel, sponsored by the National Council on Crime and Delinquency, discussed organized crime.

Spoke on aspects of the evidence-gathering process in organized crime cases before the Organized Crime Task Force of the Pennsylvania Crime Commission.

Addressed the annual meeting of the National District Attorneys' Association. Excerpts from his speech were published in the *Wall Street Journal.*

Spoke on the subject of organized crime before the Michigan Council on Crime and Delinquency.

In addition Professor Blakey served as a consultant to the National Advisory Commission on Civil Disorders.

Professor Thomas F. Broden resigned as Assistant Dean. Professor Broden, who is on leave, is serving as Chief of the Training and Technical Assistance Division of the Community Action Program of the Office of Economic Opportunity.

Professor John J. Broderick was Co-Director of the annual Union Management Conference, devoted this year to "Future Trends in Negotiations." The Conference has been jointly sponsored for 16 years by the Department of Economics and The Law School.

Mr. and Mrs. Stanley Farmann completed their second year as Law Librarians, and assumed the task of instructing first-year students in the mysteries of Legal Bibliography. Mrs. Farmann served as one of the Moot Court judges. Mr. and Mrs. Farmann represented the Notre Dame Law School at the organization meeting of the Indiana Constitutional Revision Commission and at the Ohio State University Annual Law Recruitment Day. They attended the spring and fall meetings of the Ohio Association of Law Libraries and the annual meeting of the American Association of Law Libraries.

Professor Conrad L. Kellenberg served as Placement Director and as The Law School's representative on the University's Committee on Research and Sponsored Programs. He was Faculty Director of the Neighborhood Legal Services Program, which operates with funds from the Office of Economic Opportunity; and was a director of the Greater South Bend Housing Corporation, a non-profit corporation which sponsors housing programs for the poor.

Justice William B. Lawless, of the New York Supreme Court, succeeded me as Dean on July 1st. He is a past President of the Notre Dame Law Association.

Dean Lawless was graduated *Cum Laude* by our School in 1944. As a senior, he was Editor-in-Chief of the *Notre Dame Lawyer.*
During the next two years, he served as Legal Officer aboard the U.S.S. President Polk and U.S.S. Montague. In the period 1946-49 he practiced law with a well-known firm in Buffalo. He then entered the Harvard Law School for the academic year 1949-50 and was awarded an LL.M. degree. From 1950-53 he was a trial partner of Williams, Crane & Lawless in Buffalo. He then became Corporation Counsel of the City of Buffalo, a post he held for two years. For the next three years he was the senior partner of Lawless, Offerman, Fallon and Mahoney. During this period (1956-59) he served as President of Buffalo's Common Council. In 1960 he was elected to a 14-year term on the New York Supreme Court, which is the court of original jurisdiction in that State. He is an elected member of the American Law Institute and co-author of New York Pattern Jury Charges (1965).

Professor Edward J. Murphy was elected the first chairman of the University's newly formed Faculty Senate. In May he was re-elected for the 1968-69 academic year.

Professor Robert E. Rodes completed another chapter of his history of the Church of England which, he hopes, will illuminate some of our Church-State problems. He revised his materials on Jurisprudence. In addition he prepared a set of problems which made it possible, for the first time, to teach the entire course by the problem method. This was a real breakthrough.

Professor Thomas L. Shaffer received a grant to attend and participate in an Institute on the methods of the social sciences in legal education, held at the University of Denver this summer. His interest in this general subject was demonstrated last year when he began an experimental program in law and psychology with a group of third-year students and Rev. Joseph B. Simons, C.S.C. of the University's Counselling Center.

Professor Shaffer was awarded the Emil Brown Prize in Preventive Law for his article entitled "Nonestate Planning" in 42 Notre Dame Lawyer 153 (1966). The prize is awarded on a national basis to the author of the article appearing in a legal journal which contributes most to the field of preventive law, i.e., solving legal problems by taking the proper steps to keep them from arising. The prize-winning article has been reprinted in five periodicals and two books.

Professor Shaffer was elected to the Academic Council and continued to serve as legal advisor to the University's Honor Council and as secretary of the Notre Dame Chapter of the American Association of University Professors. In addition he was appointed a director of the following organizations: St. Joseph County Legal Aid Society, the Greater South Bend Housing Corporation and the Indiana Civil Liberties Union; and was appointed also to a special committee on abortion of the American Civil Liberties Union.

He discussed estate planning in Peoria and at the University of Montana; and spoke on civil liberties to local groups on and off campus and at Oberlin College.

Professor Bernard J. Ward's five years of painstaking and diligent work, as Reporter for the Advisory Committee on Appellate Rules of the Judicial Conference of the United States, has paid off: the new rules went into effect on July 1. In that connection the Chief Justice of the United States wrote him as follows:

Your work on this project was of the highest quality and, on behalf of the Federal Judiciary, I want to express to you our deep gratitude for your distinguished service to the bench and bar.

Professor Ward addressed the Judicial Conference of the Eighth Circuit at Hot Springs, Arkansas, of the Fourth Circuit at Hot Springs, Virginia, and of the Third Circuit in Atlantic City—all in connection with the new rules.

He has now been appointed Reporter for the Standing Committee on Rules of Practice and Procedure of the Judicial Conference for two years from July 1, 1968.

Professor Ward will spend the academic year 1968-69 at the University of Texas School of Law as a visiting professor.
SYMPOSIUM

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 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
- Interstate Organized Crime
- The Constitutional Amendments Proposed by the Council of State Governments
- Violence in the Streets
- Poverty and Justice
- Fair Trial vs. Free Press

Next Steps to Extend the Rule of Law

In keeping with the tradition thus established a symposium on The Challenge of Crime in a Free Society was held on February 12, 1968. Various aspects of the Report of the President's Crime Commission were discussed by the following experts:

- Professor Henry S. Ruth, Jr., University of Pennsylvania Law School, former Deputy Director of the President's Crime Commission
- Professor Lloyd Ohlin, Harvard Law School, former Associate Director of the President's Crime Commission
- Mr. Irving Lang, Counsel, Narcotics Addiction Control Commission, New York
- Mr. Peter Barton Hutt, Washington, D.C., former Consultant to the President's Crime Commission
- Professor G. Robert Blakey, Notre Dame Law School
- Mr. Eliot Lumbard, New York, former Special Counsel on Law Enforcement to Governor Nelson Rockefeller
- Professor Norman Abrams, University of California Law School at Los Angeles, former Special Counsel on Law Enforcement to Governor Nelson Rockefeller
- Professor Frank J. Remington, University of Wisconsin Law School
- Mr. Herbert H. Isaacs, Los Angeles, former Consultant to the President's Crime Commission

The Symposium was the responsibility of Professor Blakey, who made all of the arrangements. The papers presented at the Symposium were published in a special issue of the Notre Dame Lawyer.

It is a source of pride that one of the participants in our first symposium in 1954 was Abe Fortas, recently nominated to be Chief Justice of the United States, then a Washington lawyer.

LAW HONORS BANQUET

The President of the American Bar Association, Mr. Earl F. Morris of Columbus, Ohio, was the featured speaker at the Law Honors Banquet on April 18, 1968. 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 U.S.A. by the Notre Dame Law School and the St. Joseph County Bar Association. Mr. Morris' predecessor as President of the American Bar Association, Mr. Orison S. Marden of New York, addressed last year's Law Honors Banquet; and his successor, Mr. William T. Gossett of Detroit, will speak in 1969. Mr. Gossett's visit will mark the twelfth consecutive year in which the Law Honors Banquet has been addressed by the President of the American Bar Association. I have referred already to the fact that the recently appointed Chief Justice of the United States was one of the participants in our first symposium. Mr. Gossett presided over that symposium.

Mr. Morris' address contained the following pertinent observations:

Law Day USA was conceived by the American Bar Association as a means of calling the attention of the American people to the blessings of liberty under law. As its eleventh celebration approaches on May 1, its meaning has never borne greater significance and no Law Day slogan has ever been more timely, more vibrant with the imperative of the hour, than the theme of Law Day, 1968:

"Only a lawful society can build a better society."

A lawful society is unquestionably the key to America's effort to build a more mature, more understanding, more intelligent, more just society—in a word, a better society. For alternatives to a society ruled by law are anarchy and chaos. Lawfulness is, of course, a two-way street. Every citizen has the right to demand that society and its institutions respond to his quest for individual rights and individual dignity. In exchange for these guarantees and these privileges, society has the right to demand that every citizen obey the law.
We—all of us—seek a better society for all Americans. Such a society must have as its foundation the law, respect for law, adherence to law, and a belief, profound and real, in the dignity of man, whatever his creed, his color or his station in life. This is the truly lawful society to which and for which we must all strive if this country is to measure up to its complete, its glorious, its God-given destiny.

LAW LIBRARY

A small supplemental appropriation enabled the Library to add 689 new titles and 1,675 continuation volumes. As can be seen from the inconsiderable number of new titles, the Law Library is a step-child.

LAW BUILDING

The following is quoted from my Report for 1966-67:

This is a problem I have pointed out again and again and again. It demands solution. To be specific, as I have said repeatedly in earlier Reports, there is need for additional room in the stacks and for offices. The Building has two wings, both on the east side, one at the north and the other at the south end. According to the University’s architect, the simplest and most economical way to obtain the necessary additional space is to extend the Building by running a wall south from the eastern tip of the northern wing, and then west to the southwest corner of the Building. This would convert the present L-shaped structure into a rectangle. The space thus gained would provide shelf room for almost twice the number of volumes we now have, as well as student carrels and urgently needed Faculty and staff offices.

The estimated cost of the addition is $664,446. We have obtained a grant of one-third of this amount, or $214,815, from the United States Office of Education. The balance, or $449,631, is microscopic in comparison with the millions of dollars being poured into the erection of new structures and the remodeling of old ones for almost every purpose except education in law. Does not this overlook “the fundamental fact that law directs the ongoing of society? It is rooted in the past, determines the present, and protects the future.” James A. Michener, Hawaii, p. 530 (Random House, Bantam).

I began talking about the inadequacies of our physical plant thirteen years ago, and have continued to talk about it ever since. It’s time to move.

But there has been no movement, no movement of any sort. In consequence there is real danger of losing the grant from the United States Office of Education—$214,815 down the drain on account of neglect and lack of judgment.
NOTRE DAME LAW ASSOCIATION

Our School is dependent for its very life on the Notre Dame Law Association. This is so because the Association raises the money so desperately needed for scholarships for talented students—students who want to come to Notre Dame but need financial help to do so. Under the leadership of its President, Mr. Joseph A. Tracy, '42, of New York City, the amount raised last year for the Law Scholarship Fund was $131,180.97.

For a number of years the Notre Dame Law Association has been gathering momentum. I have no doubt it will continue to do so. I am equally certain that its effectiveness and value to our School will continue to increase.

In large measure the increasing effectiveness of the Association has been due to the dedicated and efficient services of its Executive Secretary, Mrs. Jeannette Allsop, who has done a superb job.

The annual meeting of the Association will be held on October 18 and 19. New officers and directors will be elected at that time.

LAW ADVISORY COUNCIL

Senior members of the Council are:
Mr. Oscar John Dorwin, '17, New York
Honorable Charles Fahy, Washington, D.C.
Mr. James T. Findlen, Fort Lauderdale

Active members follow:
Mr. Norman J. Barry, '48L, Chicago
Honorable Hugh C. Boyle, '24, Pittsburgh
Mr. John E. Cassidy, '17L, Peoria
Mr. Patrick F. Crowley, '33, Chicago
Honorable Charles S. Desmond, Buffalo
Mr. John W. Dorgan, '29, Chicago
Mr. Louis J. Finske, '19L, Jacksonville
Mr. Thomas P. Ford, '40, New York
Mr. George H. Gore, '48L, Fort Lauderdale
Mr. Paul F. Hellmuth, '40, Boston
Mr. John T. Higgins, '22, Detroit
Mr. H. Clay Johnson, '34L, New York
Honorable Roger J. Riley, '23L, Chicago
Mr. J. W. Mullin, Jr., Los Angeles
Honorable Walter V. Schafer, Chicago
Mr. Edmund A. Stephan, '33, Chicago
Mr. James F. Thornburg, South Bend
Mr. Bernard J. Voll, '17, South Bend
Mr. A. Harold Weber, '22, South Bend

Mr. Henry M. Hogan, a faithful member, died June 2, 1968. We mourn his passing. R.I.P.

THE CHALLENGE

It begins with a dream — the achievement of perfection. The challenge is to make the dream a reality. Impossible, of course. But

nothing keeps a poet in his high singing mood
Like his unappeasable hunger for his unattainable food.

And it is not impossible to achieve virtual perfection, that is, to get as close to perfection as mortal man may.

To achieve virtual perfection it is necessary to look forward, never back; in Colonel Glenn's words, "to take the dare of the future."
Imogen Cunningham, one of the outstanding art photographers in the United States, has a quick answer to the question which is her greatest photograph.

“It’s the one I’m going to take tomorrow,” says the woman who [is now] 84 . . . South Bend Tribune, January 25, 1967, at p. 24.

To achieve virtual perfection, moreover, it is necessary to exert ourselves to the outermost limit of our ability. Thus the Director of the Vienna Boy Choir, in preparation for each new season, pores over and rethinks scores he has been familiar with for 50 years. And the Moravian Choir at Bethlehem, Pennsylvania, practiced for two years for the first performance in America, in 1841, of the Bach Mass in B minor.

There is never any rest on the way to virtual perfection. Dame Margot Fonteyn, prima ballerina, said in an interview:

“One’s always doing something wrong and never the way one wants. That’s why I take class every day.” That includes the days she performs. “I have lazy muscles,” she says, “so I don’t spoil them with rest or massage. The first thing I do in the morning is take class and wake them up.” Newsweek, June 5, 1967, at p. 89.

And Danny Kaye says: “You know, unless you keep stretching yourself you’re never going to grow.” South Bend Tribune, February 17, 1967 at p. 40.

The way to virtual perfection is not for the lazy, the weak or the timid. It can be traveled only by those with stout hearts and what Whitehead called an “habitual vision of greatness.” The Aims of Education 77 (Mentor).

Those who travel the way to virtual perfection will be contemptuous of copying what others do, remembering always that “nothing was ever yet done which someone was not the first to do, and that all good things which exist are the fruits of originality. . . .” Mill, On Liberty 80-81 (The World’s Classics, Oxford University Press). They will be mindful of the fact that legal education would lack the case method save for Christopher Columbus Langdell and his refusal to bow to bitter opposition.

Such are the men and women — Faculty, students and staff — who will make the Notre Dame Law School in the days to come. They will rest on what has been accomplished but will press on. They will have in their minds and hearts the fact that anything less than total success is failure. And they will scale new peaks.
FACULTY PUBLICATIONS

1967-68

G. ROBERT BLAKEY

Books:

Article:

JOHN J. BRODERICK

Book:

KATHLEEN FARMANN

Book Review:

EDWARD J. MURPHY

Article:
- Another “Assault Upon a Citadel”: Limiting the Use of Negotiable Notes and Waiver-of-Defense Clauses in Consumer Sales, accepted for publication in the Ohio State Law Journal.

Book Review:

JOSEPH O'MEARA

Articles:

Robert E. Rodes

Article:
- Sub Deo Et Lege, A Study of Free Exercise, 4 Religion and the Public Order 1 (1968).

Thomas L. Shaffer

Articles:
- The Overture in a Well-Drawn Will, 14 The Practical Lawyer 45 (1968).
- Judges, Repulsive Evidence and the Ability to Respond, 43 Notre Dame Lawyer 504 (1968).
- Non-Residuary Legacies, 106 Trusts and Estates 813 (1967).

Book Review:
- W. Barton Leach, Property Law Indicted (Lawrence: The University of Kansas Press) 43 Notre Dame Lawyer 140 (1967).

BERNARD J. WARD

Articles:
Only excellence counts; only achievement endures.