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Law School Problems

Notre Dame Law Review Editors

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LAW SCHOOL PROBLEMS

No profession of the day has had quite the experience of the bar with regard to the number of young men wishing to study to join its ranks. For that reason, the problems that confront the heads of the various colleges of law are peculiar and, by virtue of that, demand that a great deal of study be given to the working out of the peculiar remedies that must be utilized in selecting the more fit for admission.

That there has been a large increase in the number of students attending law schools during the ten years just elapsed is quite evident. Most legal institutions report such a materially increased registration that a doubling of the number of students during that period has become the accepted thing. In view of this, some of the states have made two or three years of college work other than legal, a pre-requisite to an application for entrance to the bar. The leading colleges have operated under regulations calling for the spending of from three to four years in the academic school as an entrance requirement to the law colleges. And while the greatest increase has been in those schools not operating under such stringent regulations, nevertheless, the expansion in many of the highest grade university law schools has been most noticeable. Harvard may be taken as an example. In 1916, 789 students were enrolled; in 1923, the list had grown to 1,019; and, at the present time, its registration includes 1,534.

Such an experience has not been singular. As a matter of fact, while many of the leading schools have for some time past

restricted admission to college degree holders or those who have completed at least three years of college work, the results have not been entirely satisfactory. Not satisfactory because the manner of selection has not succeeded in bringing only those fitted for the study of law into the colleges. Almost inevitably some of these men were found unequipped to study law. The best should be selected. But how?

Speaking of such men, who despite the fact that they have spent four years of satisfactory work in another college fail as law students and so must be excluded at the end of the first semester or the first year, Mr. Young B. Smith, acting dean of the Columbia University Law School has this to say: "—To permit these men thus to waste a year of their lives is not only unfortunate for them but their presence in the school seriously interferes with the work of the more capable students. If there is a more practical way of detecting these men in advance of their admission, no one would question the desirability of denying them admission."

Dean Smith then proceeds (pamphlet: *Statement by Acting Dean of Columbia University Law School, New York, February 27, 1928*) to outline the method used at Columbia for such detection of a man's legal ability prior to his entrance into the college. After thorough search and long experimentation a carefully planned examination has been prepared by the Columbia faculty which has proved its worth in this field. It tests the individual's general capacity and also his capacity to deal with symbols and abstract propositions, in other words, his "fitness" or adaptability to the study of the law.

Having observed this plan's operations since 1921 the officials of Columbia announce that over ninety per cent of the men who scored below a certain grade on the capacity test did poor work in the law school. Many of them were either excluded from the school during the first two years or were unable to graduate. On the whole the capacity test has proved to be eminently practical. Of course it cannot insure good results merely because the man happened to score high in it,—nothing can insure anything of the kind; but it would seem that it has been most successful in pointing out those who have an aptitude for the law. In the future only those who can successfully pass such a capacity test will be admitted to Columbia.

The change that Columbia has brought about and that, no doubt, will be affected in other university law schools, points out a fact that has for some time, among certain educators, been held to be ruling, namely: that the smaller law college is the more advantageous for the student to attend. In support of this proposition they point to the fact that, first of all, there can be a more personal contact between the instructor and the pupils under him. In this manner, and it would seem in this manner alone, is the interchange of thought brought about which will mean so much to the student of the law. By the very nature of the study, there must be certain things which must be deleted from the lecture period, if for no other reason than that such time is limited. Also it allows the natural inquisitiveness of the pupil to be gratified and in a sense really gives him the benefit of supervised study into branches of the subject which will not be taken up thoroughly in the class room.

At Columbia, for example, a more elastic course of study is to be allowed in order that the really brilliant students will not be held back. To do this special classes made up of such students will be taught. It would seem that in the small college the same result is to be obtained through the more intimate contact with the instructors.

Schools realize the benefit accruing to the student through this phase of the smaller school. The instructor also benefits because it allows him to analyze his subjects and to improve his course as the years go on. Of course, this in time is to the distinct advantage of the pupil. The steps that have been taken from time to time, as characterized by the recent action of Columbia University, point to the truth of this doctrine.

Notre Dame has been indeed fortunate in this regard. Colonel Hoynes in founding the school had as a cardinal principal that "every student should know his professor and every professor should know his students." His successors have insisted upon this rule and as a result have voluntarily limited the number who may enroll. The immense advantage of this system over mere numerical strength is being clearly demonstrated at Notre Dame, and she is justly proud of her methods.