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The Future

THE BEGINNING OF THE SECOND CENTURY OF LAW AT Notre Dame coincides with a new era, the deanship of William Burns Lawless, who assumed office in July 1968. A graduate in law from Notre Dame, a past president of the Notre Dame Law Association and former member of the Advisory Council for the law school, Dean Lawless also brings to his new position a rich experience of private practice and public service. Of course, the inevitable, irresistible pun has circulated widely on campus that it took Notre Dame a hundred years to achieve a Lawless Law School.

William B. Lawless received his bachelor of laws degree with honors from Notre Dame in 1944. Immediately upon graduation, as a member of the Naval R.O.T.C., he was assigned to the Pacific combat area, and served as a gunnery officer for two years. On leaving the Navy, he became an associate in the law office of Kenefick, Cooke, Mitchell, Bass and Letchworth in Buffalo, and at the same time pursued night studies at the University of Buffalo in history and government, graduating with the degree of bachelor of arts in 1949. In the fall of that year he entered the Harvard Law School from which he received the master of laws in 1950. For the next ten years he divided his time between private practice and public service: trial lawyer in the firm of Williams, Crane and Lawless (1950–1953) and senior partner in the office of Lawless, Offermann, Fallon and Mahoney (1956–1959); Corporation Counsel for the city of Buffalo (1954–1956) and Special Counsel for Governor W. Averell Harriman (1955–1958). In 1960 he became a Justice of the Supreme Court of New York, from which position he resigned in order to come to Notre Dame. The assignments he has filled in public service on local, state and federal levels, and the assignments he has held in the American Bar Association are too many to list in detail. For these services he received recognition through several awards—Buffalo Junior Chamber of Commerce “Man of the Year” (1956), New York Junior Chamber of Commerce “Man of the Year” (1957), Notre Dame “Man of the Year” (1962), and Buffalo Chamber of Commerce “Good Government Award” (1968). In addition

to numerous articles in law journals, he co-authored *New York Pattern Jury Charges* (Lawyer's Co-op, 1965. 2 vols.).

It is a platitude that the human condition and indeed all things in the material universe are subject to constant change. But contrary to philosophers from the Greek Heraclitus to Jean-Paul Sartre and the modern prophet of general semantics, Alfred Korzybski, who seriously advocates abolishment of the verb "to be," a permanence remains in the midst of change. And so throughout the first hundred years many changes have taken place in the teaching of law at Notre Dame and in the activities which have supplemented the formal instruction. The greatest changes have quite naturally occurred at the beginning of new administrations, and this continues to be true as Dean Lawless enters upon his administration. A permanence remains, but this chapter will deal only with the changes and the forward thrust of new undertakings.

Some of the changes are striking and, following the topical sequence of preceding chapters, the first of these pertains to the curriculum—the elective system, abolished in the O'Meara era, has been re-instated, although limited to the second and third years. This gives upper classmen the opportunity to concentrate on areas of the law in which they have a particular interest. The prescribed courses adopted for 1969–1970 are: First Year: year courses in Torts, Contracts, Criminal Law, Procedure, Property, and Legal Bibliography (1 hr. each semester); Second Year: another year course in Procedure, and semester courses in Business Associations,

Labor Law, Criminal Law III, Comparative Law, Legal Research and Writing (1 hr.), Constitutional Law, Jurisprudence, Administrative Law, and Evidence; Third Year: another year course in Property, a year course in Practice Court, and semester courses in Federal Income Taxation, Legal Research and Writing (1 hr.), Family Law, and Secured Transactions.¹

The third-year electives are divided into courses and seminars. The courses are: Antitrust Law, Conflict of Laws, Admiralty, Community Property, Advanced Legal Research, Negotiable Instruments, Tax Planning and Insurance; and the seminars are Commercial Law, Copyright Problems, Social Problems, Air and Space Law, Organized Crime, Legal Counselling, Legal History, and Modern American Jurisprudence.²

A development rather than a change seems promised in a stronger emphasis on correlating law study and research with sociology and other disciplines without which many legal problems cannot be fully understood. Thus Dean Lawless has said: "Generally, legal education has concentrated on laws and procedures to train its practitioners. The new trend in law is to provide a research laboratory for our many social problems and to create better relations with the local and state bar associations in an effort to provide more opportunity for our students to confront the real problems they will face in practice." One aspect of this trend is the involvement of students in urban affairs, which was initiated during the O'Meara years. Hence, Dean Lawless continues: "We now have many of our second and third year students actively involved in local legal aid and

defender programs. They do basic case work, research, interviews, briefs and, in general, sense where their services will be most needed in the future.”³ And again he has said: “To study criminal law without relating it to sociology, penology and criminology is inadequate for our times. To study municipal law without relating it to the problems of cities, the problems of minority groups and the problems of the poor is inadequate in 20th century America. To study family law without . . . probing the social aspects of family decline is not to understand fully the legal problems in juvenile delinquency. Indeed, to study law without some deep understanding of the moral basis for all law is both futile and hopeless. . . . It is our mission to rise above the new wave of utilitarianism and secularism. It is our hope to provide our students with a unifying vision of the spiritual sources from which Western civilization flowed.”⁴

Re-introducing an elective system into the law program and a greater emphasis on correlating law studies with studies in other disciplines are not innovations, but a completely new departure from the past is the Year Abroad Program inaugurated in this centennial year. This program is open to second-year students, and twenty of them are in London this first year, taking a program of courses at the Faculty of Laws of University College, University of London, whose co-operation made the program possible. Their courses include International Law, Jurisprudence, and two elective courses which correspond to the prescribed second-year courses at Notre Dame. The students may also attend

classes at the Inns of Court Law School. The year abroad program offers law students unique opportunity to study on a comparative basis the law of the United States and of England, an opportunity which students of no other American law school have. Primary aims of the program, therefore, are first to give the students a broader base or perspective of the law, and to provide for students interested in international and comparative law and for those interested in practicing American law abroad.

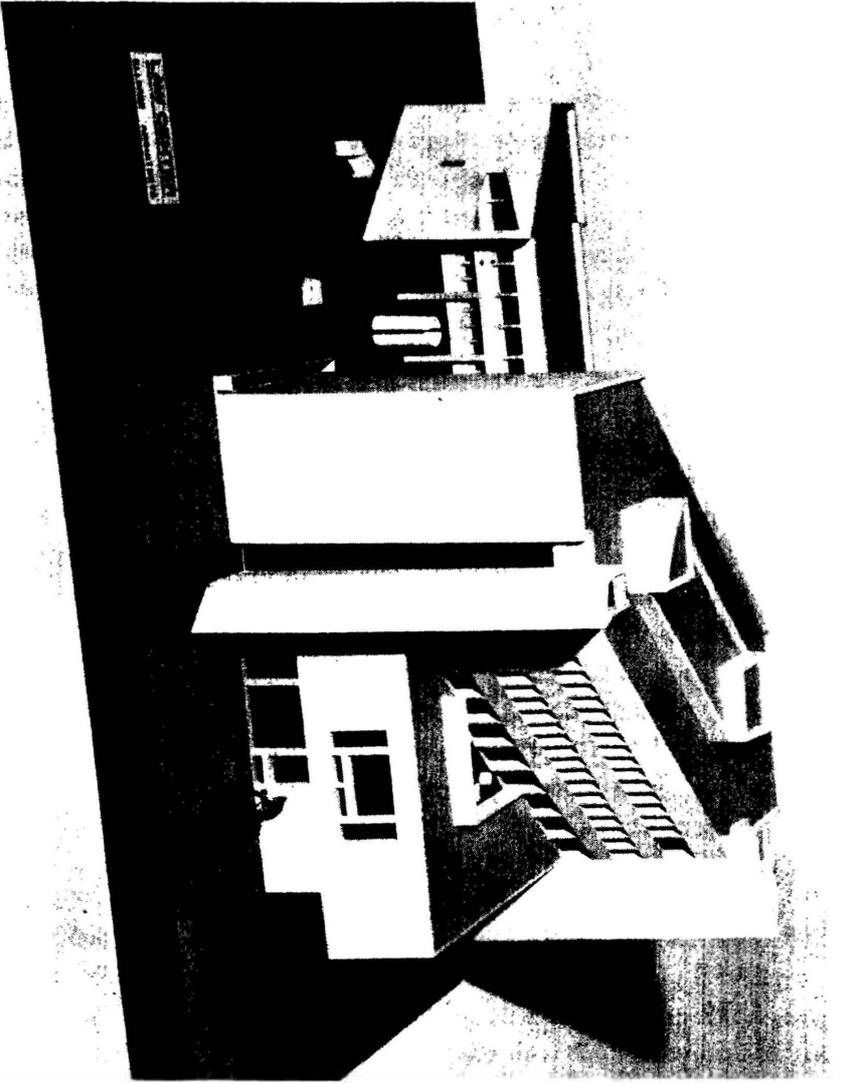
In this first year, two members of the Notre Dame law faculty are in residence with the students, Professor Conrad Kellenberg, who has been at Notre Dame since 1956, and Professor George W. Keeton, Fellow of the British Academy, who until recently was head of the Faculty of Laws at University College. These men will teach the students the American aspects of the courses they are following and supplement their study of English law with American materials. In addition, the students have access to an excellent American law library in London at the Institute of Advanced Legal Studies, close by the University College. On successful completion of their year of study, the students will be awarded a Certificate of British and American Law.

A beginning has been made with the twenty students in London this year. Plans call for the continuation of the London program and for establishment of overseas programs in Japan and South America at an early date. Dean Lawless has expressed his enthusiasm for the program and the reason which prompted its inauguration: "Imagine the excitement with which our third year

seminars will be conducted when Notre Dame Law students who have studied in England, Japan and South America rejoin their third year class. We don't mean to suggest that we are going to abandon the traditional training in American law for the majority who wish to emphasize it; rather we agree with the founders of the international legal studies at Harvard Law School that the practitioner of the future must understand in a general way, at least, legal systems other than his own."⁵

Other changes planned for the future will be in student enrollment, number of full-time faculty members, expansion of facilities, especially library facilities, and increase in library holdings. But these changes are dependent upon the construction of a new law building —A Notre Dame Law Center. For years Dean O'Meara pleaded in vain for an addition to the present law building to meet urgent needs. Now a new building is to be built. The architect's drawings have been completed, drawings based on his close study of twenty-five modern law school buildings. As planned, the new building will provide space for six hundred students, a minimum of twenty-five faculty offices, offices for the dean, associate and assistant deans, registrar and secretaries, eighteen classrooms including seminar rooms, a research institute, a library with shelf capacity for 160,000 volumes, and lounges for students and faculty. Estimated cost of this new Notre Dame Law Center is three and one half million dollars for construction and one half million for equipment and furnishings. In addition, one million dollars will be allocated for faculty development and one million for law books. This

Artist's Conception of New Law Center



is surely far beyond the wildest dreams of the founders of the law department a century ago.

A student body of six hundred! This is indeed a notable change, the beginning of a truly new era of law at Notre Dame. Once facilities are provided, there seems to be no great difficulty in building up to this number over the next few years. For September 1969, approximately one thousand applications have been received. This greatly increased number of applications is in large part due to intensive recruitment procedures. Recruitment was started at Notre Dame and letters were sent to all juniors and seniors in the colleges of the university who were on a Dean's List; sixty applications were the result of this effort. Then, every member of the faculty spent one week visiting colleges and universities in all parts of the country. And finally, eight students, four black and four white, went to the campuses of twenty-nine institutions in the South. The special objective of these students was to recruit black students, and their efforts were fruitful—one hundred fifty-seven applications from black students of whom forty-seven were admitted and fifteen awarded scholarships. It is now established policy to recruit law students among minority groups, blacks, Mexican-Americans, American Indians, from homes that could not possibly provide the means for a legal education. If this policy is to prove successful several things are necessary. Applications must be carefully screened to assure as far as possible that applicants admitted give promise of being successful in their law studies; it is evident that the applications for September 1969, have

been thus screened. In the measure possible, interviews should be held with these applicants. When students are admitted even though their qualifications are somewhat questionable, they must have clear understanding that they will have to take a pre-law school training program (CLEO), and also receive remedial work while in law school, because there can be no lowering of standards for them. And finally, scholarships and other financial aid must be available.

The preceding chapter described in some detail the law school scholarship program and the rapid growth in scholarship funds during the past few years. This has been the most intensive program in the nation; per capita, Notre Dame offers two and a half times more scholarships than does the Harvard Law School. This intensive program will be continued, and in addition a new loan program has been negotiated. In this new program first-year law students will be eligible for loans instead of only the second- and third-year students, and the money that can be borrowed will be twenty-five hundred dollars a year instead of one thousand, as under the previous program. Hence there is good hope that adequate financial assistance will be available for minority groups students and for others in need.

In this centennial year the law faculty numbers fifteen full-time members, one adjunct professor, five lecturers and two librarians, who are part-time members. The goal is to build the faculty to twenty-five full-time members. Two chairs for distinguished professors have thus far been endowed. Dean Vurpillat with his faculty of two full-time men in 1919 was fifty years too early.

When the present law building was built in 1929–1930, the shelf capacity of its library was thirty-five thousand volumes; the projected law center will have a library for one hundred sixty thousand volumes. Space for books and other legal documents will, therefore, be provided and the most urgent problem facing the law school is the strengthening of library holdings as expeditiously as possible. Although library holdings increased in the O'Meara years, they did not increase nearly fast enough, as Dean O'Meara never tired of repeating to the university administration. Today with sixty-nine thousand volumes the law library falls below the basic requirements of the American Bar Association and of the Association of American Law Schools. The latter association has recently upgraded its requirements for law school libraries, but Notre Dame does not meet even the previous requirements. It is no exaggeration to state that continuing accreditation of the Notre Dame Law School could depend on a clear intention to increase library holdings rapidly. In view of this, effort will be made to raise one million dollars for book purchases over the next few years.

In a recent issue of *Time* magazine the writer of the section on law noted that "Early in the 1960's a small number of law schools began to issue [*sic*] the Doctor of Jurisprudence (J.D.) degree instead of the standard Bachelor of Laws (LL.B.). Soon a few holders of the J.D. discovered that they got job offers ahead of LL.Bs. solely on the basis of their impressive sounding degree. The significance was not lost on the American Bar Association, which endorsed the new degree with uncharac-

teristic haste. . . . Without fanfare more than 109 of the 150 accredited law schools in the United States have now switched.”⁶ The Notre Dame Law School is among those that made the change, and henceforth the *juris doctor* degree will be conferred in place of the bachelor of laws at the end of the three-year law course. The doctor of jurisprudence, however, is not a new degree at Notre Dame; former Dean Clarence Manion was one of the first to receive it here in 1922, and a *University Bulletin* announcement preceded that by several years: “The degree of Doctor of Laws (J.D.) or Doctor of Civil Law (D.C.L.) presupposes the degree of Bachelor of Laws and the Bachelor’s degree in Arts or Science.”⁷ Then in the *Bulletin* for 1925–1926 appears the statement: “Students entering the College of Law with a bachelor’s degree who complete the full program with an average grade of 85% [later raised to 90%], and submit a thesis acceptable to the faculty of the College of Law, may receive the degree of Juris Doctor (J.D.) in place of the degree Bachelor of Laws.”⁸ In the past, therefore, to be eligible for the J.D. degree required more pre-legal and legal education than did the LL.B. That will no longer be true, and when large numbers of young lawyers are entitled to sign the J.D. after their names, the degree will lose the “status” value which it apparently has at present and will no longer give the advantage which it now does to the few who have received it. Nevertheless as professional degree the doctor of jurisprudence (J.D.) is perhaps preferable to the bachelor of laws (which represents three years of study beyond the college bachelor degree), corresponding as

it does to the professional degree of doctor of medicine (M.D.).

The centennial celebration which marked the end of a century of law at Notre Dame and the beginning of a second century was held at the university on February 7 and 8, 1969. It was both an impressive academic event and a gala celebration. Hundreds of law alumni returned to the campus to participate in the events. A symposium on Human Rights and the Law opened on the Friday afternoon and closed Saturday at noon. The topics of its three sessions were: The Moral Basis of Human Rights, The Moral Basis of Violence, and The Moral Basis of Legal Education. An Academic convocation followed the symposium. The convocation address was given by the Honorable William J. Brennan, Jr., Associate Justice of the Supreme Court of the United States, and honorary degrees of Doctor of Laws were conferred on Dean Emeritus Joseph O'Meara and Professor Emeritus William D. Rollinson, who served on the law faculty from 1930 to 1963.

At the law school reunion dinner Friday evening, the Honorable Raymond Broderick, Lieutenant Governor of Pennsylvania and past president of the Notre Dame Law Association, reviewed the highlights of the first hundred years in his talk, "Notre Dame Law School: The Past." At the centennial banquet the next evening, Dean Lawless struck the note of the future, a note of high hopes and great expectations. And James Barba, president of the Student Bar Association, summed up well the Notre Dame Law School of the present as it looks to the years ahead: "Thus as we turn toward a

new century, I may confidently report to you that the state of the Law School is one of change, movement, innovation, enthusiasm and firm confidence in the future.”

NOTES

1. Of the prescribed courses, a noticeable difference from the prescribed program of the preceding era is that Professional Responsibility is missing. However, a note states that “Professional responsibility is integrated with each law course and a series of lectures on Professional Responsibility is given by the Law Faculty.” *Bulletin of the Law School* (1969–70), 27.
2. *Ibid.*, 26–27.
3. *Notre Dame: Insight* (Fall 1968), 14.
4. Much of what is written in this chapter is based on an address delivered by Dean Lawless at the centennial banquet on February 8, 1969 and on the minutes of the spring 1969 meeting of the Advisory Council for the law school.
5. Address delivered at centennial banquet, February 8, 1969.
6. *Time* (April 25, 1969), 63.
7. *University Bulletin* (1908–09), 102.
8. *Ibid.* (1925–26), 170.