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## The O'Meara Era 1952-1968

ON THE RESIGNATION OF DEAN MANION, A SYSTEMATIC search was begun to find a successor. A list of some twenty names was compiled, most of them members of the law schools of the country, and each man on the list was evaluated according to his legal education, academic and practical experience, publications, recognition received from the legal profession, and so on. Before this lengthy process was completed and a dean appointed, an alumnus of the university sent the president, Father John J. Cavanaugh, a letter written by Mr. Justice Wiley Rutledge in recommendation of a Mr.

Joseph O'Meara, practicing lawyer in Cincinnati, and advised him that Notre Dame would do well to interview Mr. O'Meara. Father Cavanaugh acted on this advice, invited Mr. O'Meara to the campus, and called together the interviewing committee. There was a great deal of skepticism among the members of this committee; the name O'Meara was not on the list of men under consideration and no one had ever heard of Joseph O'Meara. But this skepticism dissipated as the searching interview proceeded, and after the interview, the decision was reached to offer Mr. O'Meara the appointment, a decision which has never been regretted.

Joseph O'Meara was born in Cincinnati on November 8, 1898. He received the bachelor of arts degree from Xavier University and the bachelor of laws degree from the University of Cincinnati's College of Law. Admitted to the Ohio bar in 1921, he continued in the practice of law in Cincinnati and in Columbus until his appointment as dean, bringing to that office the rich experience of thirty-one years. Both before and after his coming to Notre Dame he was honored by a large number of appointments to committees and commissions, but more important, perhaps, were the appointments he turned down after becoming dean. For example, in 1956 Mr. John P. Frank, former professor of law at Yale University, wrote the dean that he would like to present his name to the President of the United States for appointment to the Supreme Court as replacement of Mr. Justice Sherman Minton.<sup>1</sup> In his refusal to have his name recommended for this high office, Dean O'Meara wrote, "I came to Notre Dame to do a job and, God

willing, I mean to stay and finish it.”<sup>2</sup> A job, of course, is never finished, but when he retired twelve years later, he left behind him the strongest small law school in the country. One indication of this was given by the Ohio bar several years before Dean O'Meara's retirement. In a survey covering the results of students from out-of-state schools taking the Ohio bar examinations over an eleven year period the statement occurs:

Messrs. Diefenbach and Glenn selected the four law schools—Harvard, Michigan, Notre Dame and Yale—because the four out-of-state schools . . . are, or at least include, the best in the country. Furthermore, these four schools have more bar examination takers than other out-of-state law schools and therefore form the basis for a reliable statistical sample.<sup>3</sup>

To be ranked with Harvard, Michigan and Yale is encomium of which any law school can be justly proud.

In a meeting of the faculty early in his first year Dean O'Meara stated in regard to the admission of students to the law school: “There are two schools of thought. One, the so-called Harvard approach, tends to admit all with degrees and fail those who reveal inadequacies. The other view, the so-called Yale approach, favors selectivity in admissions and anticipates few failures. I favor the Harvard approach.”<sup>4</sup> At the outset, therefore, Dean O'Meara favored admitting to the law school all students who held a bachelor's degree from an approved college or university. He also thought that all Notre Dame students who were in good standing should be admitted to the combination programs. But experience

quickly changed his thinking. After a couple of years, all applicants were required to take the Law School Admission Test, prepared and administered by Educational Testing Service, Princeton, New Jersey. With each passing year admission standards were raised and selectivity increased. This was reflected in the attrition rate of students admitted; in Dean O'Meara's first years attrition ran as high as 40 percent for first-year students and to relatively high percentages for those in the second and third years; in the last year of the era, attrition was down to 2.4 percent for first-year men and to zero for second- and third-year men. Ever greater selectivity resulted from two other factors, the determination of the dean that the Notre Dame Law School remain small, never to exceed 300 students, and the increase in applications for admission which rose from 126 in 1954 to 502 in 1967. One other change in the admission requirements must be noted: beginning with the school year 1953-1954, war veterans were required to have completed three years of college instead of the two which had been the regulation for the preceding ten years.

The aim or purpose of legal instruction at Notre Dame remained substantially the same in the O'Meara era as it had always been, to produce the lawyer well grounded in the fundamentals of the law, trained in the essential skills of the practitioner, and deeply imbued with a sense of the moral responsibilities of the members of the legal profession. But this aim or purpose was more constantly insisted upon and expressed in several different ways. The fullest and best expression was achieved in the final *Bulletin* of the era:

Drawing inspiration . . . from the Christian tradition, the Law School, while aiming first of all at technical proficiency, aims at more than that. Its primary purpose is to impart the knowledge and cultivate the skills a lawyer needs to represent his clients efficiently in a twentieth century workaday world. But professional competence is not enough. The Law School believes that lawyers and law schools must face the great questions concerning the nature of man and of society, the origin and purpose of law and the lawyer's role in society. These questions are given searching examination throughout the curriculum, particularly in a course on the Lawyer's Professional Responsibility in the first year, and a course in Jurisprudence in the second year. Thus the School systematically endeavors to illuminate the great jurisprudential issues which . . . insistently press for answer; and to make clear the ethical principles and inculcate the ideals which should actuate a lawyer. The School believes that the lawyer is best served, and the community as well, if he possesses not only legal knowledge and legal skills but also a profound sense of the ethics of his profession—and something else which the curriculum is likewise designed to cultivate: pride in the legal profession and a fierce partisanship for justice. To that end the Law School participates in a local program to provide legal services, mainly in civil cases, to persons unable to pay counsel. This activity is part of the Legal Services Program of the Office of Economic Opportunity.<sup>5</sup>

This statement not only sets forth in detail the objectives of the law school but also indicates in part how they are to be achieved—through the program of courses and legal aid to the poor. Another important

means to their achievement has been the methods of instruction, which underwent significant changes during the O'Meara years.

In the early years of law at Notre Dame, law was taught through textbooks and class lectures, methods common to all law schools at the time. Then gradually the case method came into use and became the primary method by 1905. For almost fifty years this method was dominant in all three years of the law course, supplemented by textbooks and class lectures which were never abandoned, although today they are reduced to a minimal role. Since 1953 a rigorous case method has been retained in the first year but in the second and third years of the law program, it has been replaced by the problem method. The case method is intended to develop the power of diagnosis through intensive training in analysis, a skill essential to the lawyer. The problem method, in which the student learns the law by using it, is intended to develop ability "to find the law," to use the library efficiently. The problem method also develops the powers of interpretation, adaptation and creative utilization of the law; it trains the student in synthesis, the bringing together the law, seeing it as a whole so that it can be creatively utilized.<sup>6</sup> Case and problem methods, therefore, complement each other. A fringe benefit is that shifting to the problem method in the second year can prevent the boredom which the case method might bring on if used more than one year. Both methods recognize that the primary purpose of the classroom is not to impart complete information or knowledge, but rather to guide students in self-educational

tion by clarifying issues, correlating legal principles, stimulating interest and promoting understanding of the law. The problem method is especially conducive to this self-education. Perhaps it was for this reason that Mr. Howard C. Westwood, member of the Board of Visitors of Columbia University Law School, expressed the view, after visiting second and third year classes, that Notre Dame was doing a more constructive job of teaching the law than any other law school in the country.<sup>7</sup>

Diagnosis and analysis, synthesis and creative utilization of the law are at once abilities essential for achieving knowledge of the law and for developing skills indispensable to its successful practice. Other necessary practical skills, as every lawyer knows, are those of speaking easily and persuasively, marshalling arguments, thinking clearly under the stress of argumentation, and writing precisely and effectively. The first three of these skills are today, as always, developed principally in the law school courts, and to develop the students' writing skill a writing program was introduced in 1960. This program extended over the three years. In the first semester of the first year, in the Introduction to Law course, the student was given a thorough grounding in the use of the library. Emphasis was on research technique. At the beginning of the second semester, he was required to brief and argue an appellate moot court case; the emphasis shifted to writing technique. In the second year, the students were divided into groups of seminar size and each group was placed under the direction of a member of the faculty. Four

research papers were assigned to each student and these were criticized and graded not only on the basis of their legal content but also on the basis of clarity and coherence. In the last year the program became less formal but more professional and emphasis was on briefs, memoranda of extensive research undertaken in one of the elective research seminars available to third-year students and on memoranda for use in court by counsel assigned to represent indigent prisoners.<sup>8</sup> In addition, of course, the students who earned places on the *Notre Dame Lawyer* and those who engaged in the moot court competition were afforded special opportunity to sharpen and refine their writing skill. Finally, a two semester-hour course in Legal Research and Writing was included in the prescribed program.

A radical change in the examination system was a second significant change in the instructional methods adopted from the beginning of the O'Meara era. Previously, examinations had continued to be given as Professor Vurpillat had described and complained of in 1918: at the end of each semester a completely separate and independent examination was given in each course by the individual teacher. These examinations in individual courses are still given but in addition comprehensive, cumulative examinations are held at the end of every semester, and the questions are so devised that the co-operation of the faculty working as a team is required in their preparation. In other words, at the end of each semester students are examined not only in the courses of the semester but also on all subject matter covered up to that point; at the end of the first year



they are examined not only in the courses of the second semester but also on the courses of the entire year, and so on to the end of the sixth semester, when they are held responsible not only for the courses of that semester but for all subject matter of the three-year program. Moreover, questions in the comprehensive examinations are not labeled—e.g. Evidence, Contracts, Equity, Torts—but cut across several subjects, just as cases brought by clients to lawyers do. Such examinations oblige students to consistent study and continuous review. This results not only in the retention of their legal knowledge throughout their years of study but also in a gradual comprehension of the unity of the law and in a deeper understanding of the law. This constant review is also excellent preparation for bar examinations. To assure complete impartiality students remain anonymous and their examination papers, usually typed, bear only a number which they have drawn just before the examinations begin. Unproctored examinations—the so-called Honor System—were first proposed to the students in 1955 and put into effect for those students who voluntarily chose them. Since 1960 every law student has freely chosen the honor system and all examinations have been unproctored.

In the early years of law at Notre Dame, the program of courses was prescribed; there were no elective courses available to students, and this remained true down to the Konop era. This may have been a set policy or necessitated by the small faculty, but more probably it was simply a conformity to general procedure in most American law schools. Be that as it may,

Dean Thomas Konop introduced electives into the law curriculum, reasoning that since it was impossible to cover all aspects or areas of the law in a three-year program, each student should be permitted to build on a few prescribed fundamental courses his own full program of courses in accordance with his particular interests. Once introduced, the elective courses grew in number and by 1951–1952, as was pointed out in the preceding chapter, forty-six semester hours of a student's program were earned in electives.

With the advent of Dean O'Meara, the elective system was eliminated, although toward the end of this era a small choice was made available to third-year students. Ironically, the principal reason for eliminating electives was substantially the same reason that had been given for adopting them—since it was impossible to cover all aspects or areas of the law in a three-year program, a sound legal education should be limited to those courses which the faculty judged to be of most value in the preparation of lawyers. A supporting reason was that the elective system meant specialization, which Dean O'Meara held to be undesirable for students in a bachelor of laws program. And so a required program of courses was settled upon and put into effect in 1953–1954. It should be noted that the minutes of meetings of the faculty in 1952–1953 reveal that the subject of curriculum was heatedly debated throughout almost the entire year and some strong arguments were advanced in support of electives in the program. In the end, however, the vote to adopt the prescribed program was unanimous.

This program was as follows: First Year: year courses in the History of the Legal Profession, Contracts, Torts, and semester courses in Introduction to Law, Criminal Law, Legislation, Agency, Property I and Procedure I (Legal Writing and Research); Second Year: semester courses in Equity, Constitutional Law, Property II, Procedure II (Pleading and Practice), Procedure III (Evidence), Business Associations, Administrative Law, Labor Law, and a Natural Law Seminar, conducted throughout the year; Third Year: year courses in Jurisprudence, Federal Taxation, Estate Planning, and semester courses in Sales, Bills and Notes, Procedure IV (Practice Court), Fiduciary Administration, Credit Transactions, and Conflict of Laws.

This first program remained remarkably stable throughout the sixteen years under Dean O'Meara, but it also shows a flexibility which permitted it to meet changes in the legal situation, new areas of growing importance. A comparison of it with the last program of the era brings out the following differences: 1) Equity, the Natural Law Seminar, Sales, Bills and Notes, Estate Planning, and Fiduciary Administration have dropped out as designated courses, although their subject matter is treated in other courses; 2) Government Regulation of Business, Family Law, Secured Transactions and a Senior Seminar are new course titles; 3) History of the Legal Profession is replaced by Professional Responsibility; 4) Procedure courses have been increased from four to five with broader subject matter; and 5) there is some shifting in the order of courses in the program.

Except that Notre Dame dropped out of the regional

and national competitions in 1961, the moot court and the moot court competition remained in the O'Meara era pretty much the same as they were in the Manion era. But an innovated court was inaugurated in 1953—the Practice Court, which was a course in the prescribed program. Because of the importance placed on this practice court in the legal program, it seems well to cite its official description:

Each student must try a complete jury case in the "Superior Court of the State of Hoynes," which follows, in the main, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Student counsel interview parties and witnesses, and prepare and file pleadings and trial briefs. Motions before trial and after verdict are heard in The Law School and a jury of first year students is impanelled on the afternoon preceding trial. All trials are conducted on Saturdays before U.S. Circuit Judge Luther M. Swygert, who serves as chief judge, and before judges of the United States District Court for Northern Indiana and the Superior Court of St. Joseph County in their respective courtrooms. Faculty members from the various colleges of the University, their wives, local business and professional men and women, and members of the South Bend Police Department serve as parties and witnesses. The aim of the Practice Court is to broaden the understanding and deepen the insight of the students—not only the upperclassmen who try the cases but also the first year men who serve as jurors—and to achieve this greater understanding and insight through active participation in the resolution of controversy by jury trial—the

process which is central to and characteristic of our legal system.<sup>9</sup>

Full credit for the practice court goes to Professor Edward F. Barrett, its innovator. This is but one of the important contributions Professor Barrett has made to the law school since he joined its faculty in 1947 and for which he has the gratitude of all at Notre Dame who know of his work. Acknowledging these contributions, Dean O'Meara wrote several years ago, "His greatest achievement, in my opinion, is our Practice Court, which is almost solely his creation. It generates more intense interest than any other feature of our program of instruction, and far surpasses any other practice court anywhere."<sup>10</sup>

The methods of instruction, the curriculum and the courts accomplished in part the aims of legal education in the O'Meara era, the education of knowledgeable, proficient lawyers. The rest of the aim, the inculcating in the students a deep sense of moral responsibility, a pride in the legal profession and fierce partisanship for justice, has been carried out through specific courses in the program which have varied somewhat throughout the years. In the beginning they were History of the Legal Profession, a Natural Law Seminar and Jurisprudence for first-, second- and third-year students respectively. Later the Natural Law Seminar was combined with Jurisprudence and History of the Legal Profession was replaced by Professional Responsibility, which seems to be a more developed, improved course content of what was intended in the earlier course. Although this content extends far beyond the lives and writings

of some of the great men of the legal profession, these are held up to the students as models, "whose principles and ideals, courage and devotion reflect the canon of professional ethics in which they were grounded."

In the Manion era the building up of faculty progressed and at its end there were eight full-time and four part-time members on the staff. The time was past when a professor could write that he was carrying a teaching load that in other prominent law schools would be distributed among three professors. Under Dean O'Meara the increase continued and by 1968 there were twelve full-time and nine part-time members on the faculty. Since student enrollment did not go up, this increased number made possible for the first time the granting of leaves of absence to faculty members, and one or two men were on leave every year from the mid-1950s to 1968. It also enabled men to participate more widely, both at home and abroad, in conferences, symposia and meetings, to serve on various legal committees, and to devote some time to consultantships. Finally, though in the past faculty members had produced a fair number of publications, the reduced teaching schedules during the O'Meara years resulted in a notable increase of books and articles in legal journals. One publication, which received international recognition and therefore may fittingly be singled out for mention, was the monumental study of the history of contraception from "genesis to genetics" as set forth in the writings of Catholic theologians and canonists, by Professor John T. Noonan, *Contraception: A History of its Treatment by the Catholic Theologians and Canon-*

ists.<sup>11</sup> Of his faculty, Dean O'Meara could also say, "I don't believe that any group of men could work together more devotedly, more cooperatively, more industriously than this Faculty has done."

Student enrollment was 222 in 1952. The next September it had jumped to 244, but then it gradually declined to a low of 150, in 1956 and 1957. Then began a steady climb, but it was almost ten years before the 1952 level was regained, 225 students in 1966. By September 1967 enrollment went to 258, and in September 1968 to 269. Several factors account for both the fall and rise of student enrollment, factors which can be distinguished but which must be considered together in judging their impact on enrollment. Enrollment dropped because of rising standards of admission, increased selectivity, the small number of applications, especially from Notre Dame students, for the combination programs without compensating applications from other schools for some years, heavy attrition of not only first-year students but also of second- and third-year students, and the high cost of legal education at Notre Dame coupled with lack of scholarships and other financial aid. The reasons for the steady rise of enrollment after the early years of the O'Meara era were correlative with the reasons for its fall, except for the first two, rising standards of admission and increased selectivity.

Rising standards of admission and greater selectivity strikingly reduced the number of first-year students during the years when applications were few, such as in 1954 when they numbered only 126. On the other hand, when the applications increased to 502 in 1966, this

problem disappeared, although a limit on acceptances was maintained because of Dean O'Meara's determination to keep the Notre Dame Law School under 300 students.<sup>12</sup> Applications for combination programs began falling as early as 1953, and though they rallied for a while gradually decreased until 1969, when they numbered only six, and the combination programs have now been eliminated. The first drop in applications for the combination program seems to have been caused at least in part by a student grapevine; second- and third-year law students, reacting unfavorably to the higher standards and harder work, passed the word on to undergraduates not to apply for admission to law at Notre Dame. The later decline had two possible causes, a growing realization on the part of students that it would be better for them to complete college before going into law and the preference of the law school for applicants who held a bachelor's degree. This preference was not openly expressed, but it probably was inferred so that there was an interaction between these causes, the second having some influence on the first. At the same time, however, applications from students of other colleges and universities, Catholic and non-Catholic, private and public, grew steadily as a result of an intensive recruitment program and the widening reputation of the law school. The result of all this has been a tremendous change in the composition of the student body; in 1953, 82 percent were from the colleges of Notre Dame and 18 percent from other schools; in 1967, 77.5 percent were from other schools, and 22.5 percent were from Notre Dame; most of these had com-



pleted their college work. In 1968–1969, eighty-six colleges and universities are represented in the student body. Attrition rates have dropped from around 40 percent of first-year students and relatively high percentages of upperclassmen in the early 1950s to 2.4 percent of first-year students and zero percent of upperclassmen in the last year of the O'Meara era.

Before passing on to the final reason for the fall and rise of student enrollment during the years under consideration, it is appropriate to mention a significant change of policy which could conceivably modify the composition of the student body rather drastically in the years to come: in the school year 1965–1966 the first women students were admitted to the law school. "The old order changes, yielding place to new, and God reveals Himself in many ways."

The high cost of legal education at Notre Dame has perhaps always deterred students from applying for admission to the law school and also has caused a fairly large number of those applying to fail to register after they were informed of their admission. Tuition and fees have ranked with the most expensive law schools in private universities and have been more than double those in public or state universities, and this has become an increasingly acute problem. A generation ago parents were willing to finance the professional education of their children and the children were willing to accept this financial aid. Now a growing number of young men refuse to accept such aid even from parents who are able to give it. Also, costs have mounted not only absolutely but also relatively, with the deprecia-

tion of the purchasing value of money. To choose at random an illustration of this, in 1923 tuition and fees for a year of law at Notre Dame were \$260 and the total cost for a year at the university was \$847; in 1967 tuition and fees were \$1,400 and the total cost was estimated to be \$3,300. Competition among law schools for the most promising students has become as keen as that among college coaches for promising athletes. Other schools have been able to offer attractive scholarships not only to the best students but also to other applicants, whereas until 1952 the Notre Dame Law School had no scholarship funds, and the only financial assistance that could be offered prospective students was student employment, which was limited to a few. In the early O'Meara years these problems of costs were unquestionably one cause of the decline in applications for admission to law at Notre Dame and for the sharp drop in enrollment. An eventual growth in scholarship funds and other financial aids accounted in large measure for the steady increase in applications and enrollment in the later years of the era.

Aids other than scholarships have been loans and student employment. A student loan fund was established in 1959 in co-operation with the Continental Illinois National Bank and Trust Company of Chicago. Second- and third-year students could borrow five hundred dollars a semester up to a total of two thousand dollars for the four semesters. Loans were also available from the American Bar Association and from loan programs administered by the university's Office of Financial Aid. Student jobs requiring a service of twelve hours a week were allotted to a few law students who were judged

able to carry the workload without injurious consequences to their legal education.

The growth of scholarship money since 1952, when there was not a dollar in the scholarship till, has been one of the more exciting episodes in the history of the law school. This growth has been almost entirely interwoven with development of the Notre Dame Law Association and a radical change in its purpose.<sup>13</sup> Chapter VI dealt with the founding of the association in 1948 and pointed out that its purpose was to promote a better community among its members, alumni of the law school, and to thereby further their interests. Only indirectly was it to benefit the university or the law school. One project devised to accomplish its purpose was the publishing of a current *Legal Directory* which would list the name and address of all Notre Dame lawyers by locality both in the United States and abroad. The weakness of the association, as was pointed out, was the lack of a central office with a paid full-time executive secretary who could efficiently do the work necessary to achieve the purposes, especially the publishing and constant up-dating of the *Legal Directory*. Nevertheless, the association continued to make progress, however haltingly, almost entirely because of the dedicated service of its officers and directors. But a contributing cause of this progress was a new direction, a new primary purpose for the association—the sponsorship of scholarship fund raising. Dean O'Meara lost little time in notifying the association of the urgent need of scholarship money, especially if Notre Dame were to compete for the best students, and he proposed that the association assume responsibility for the raising of

money. The proposal was favorably received and in 1953–1954 a scholarship program was inaugurated, though it would be another four years before noticeable results appeared.<sup>14</sup> In 1957 the sum raised was just short of ten thousand dollars. The annual fund grew rapidly, but never quite rapidly enough to satisfy Dean O'Meara's expanding realization of what was necessary if Notre Dame was going to attract the quality of student that would make the law school great. When he first took his proposal to the association in 1953–1954, he said that twenty thousand in scholarship money must be made immediately available. Ten years later he stated "... we must have assurance for an absolute rock bottom minimum of \$135,000 a year for scholarships."<sup>15</sup> This was quite a jump even for a ten-year span, and a larger jump to \$275,000 was requested by Joseph O'Meara in his final year as dean.

Contributing to the steady growth of the annual scholarship fund were two developments, the establishment of name scholarships and the founding of the 500 Club. The name scholarships first appeared in 1955–1956 and numbered six in addition to the two in honor of Father John J. Cavanaugh; today they number sixteen; some are funded and some on annual basis. The 500 Club was founded in 1960, the inspiration of Mr. Albert H. Monacelli. As the name implies the goal of the club was five hundred members; the annual donation of each member was set at one hundred dollars. The halfway mark of membership was reached in 1967–68. While this club has given impetus to the growth of

the scholarship fund, it could be a handicap in that older alumni financially able to give much more than a hundred dollars a year might limit themselves to the club donation.

In 1964 a very important event for the Notre Dame Law Association occurred—Mrs. Jeannette Allsop was hired as full-time executive secretary. Dean O'Meara reported several times that she was doing a superb job and officers and directors of the association who have worked with her are in hearty accord. Records and files in the central office were quickly put in order; by 1966 a completely revised edition of the *Legal Directory* was put out and an annual edition has appeared since; through the *Legal Directory* and regular communications out of the central office membership in the association increased from twenty-five hundred in 1964 to thirty-three hundred in 1969. The impact on the annual scholarship fund was not felt immediately but contributions rose from \$86,000 in 1966 to \$123,000 in 1967, and the amounts for 1968 and 1969 grew to \$202,000 and \$220,000 respectively. The amounts for corresponding years in the 1950s were \$10,000 in 1957, \$15,000 in 1958 and \$21,000 in 1959.<sup>16</sup> Scholarships were awarded to 5 students in 1957 and to 98 in 1967; to 8 students in 1958 and to 143 in 1968; to 14 students in 1959 and to 152 in 1969. Cold statistics, these figures are nevertheless exciting. The Notre Dame Law School is now on a fairly competitive basis with the other strong law schools of the country, and its competitive position will probably improve steadily in the coming years.

When the law department was established in 1869,

its students had the same status as collegiate students in the university, and the thought of challenging this status most likely never occurred to anyone for many years. Possibly a question was raised around the turn of the century, for the status of the law students was officially spelled out for the first time in 1904–1905: “[Law students] are inmates of the University, authorized to attend the collegiate or other classes, subject to the rules of discipline prescribed for collegiate students, and entitled to equal rights and privileges.”<sup>17</sup> They were also subject to the same academic regulations; law students at the time were of the same age and on the same educational level as all other collegiate students. Dean Francis Vurpillat seems to have been the first to complain about this and to underscore that law studies were professional studies and that law students should have a separate, professional status with appropriate disciplinary and academic regulations.<sup>18</sup> But no change of status was made, although as the years went by and completion of two, three and finally four years of college were required for admission to law, the students began to feel that they were above and apart from the general student body. If Deans Konop and Manion recommended a change, their efforts were ineffectual, and it remained for Dean O'Meara to take up where Dean Vurpillat left off some thirty years earlier, and to bring the issue to fruition. He insisted from the very outset that law students must be given a distinct status, a professional status which would engender a professional spirit or *esprit-de-corps* among them. In his first *Annual Report* he argued, and rightly, that in the Notre Dame

context "college" denoted "undergraduate," and that the College of Law was simply one of the five colleges with undergraduate status. This militated against the fostering of a professional attitude and spirit; it lessened the prestige which law should have as a professional study; and it was not conducive to attracting to Notre Dame students from other colleges and universities who were required to have obtained the bachelor's degree before they were eligible for admission to law. As a first step toward extricating law students from undergraduate status, therefore, he fought for a change of name from College of Law to Law School; for him this change, small though it may seem in itself, was of great importance, and semantics were of genuine significance. Moreover, law school was the name generally used in American universities. Opposition to the change of name did not yield easily, but after two years the change was made in 1954-1955, and the new name appeared on the *Bulletin* for 1955-1956. Then step by step complete professional status was achieved. The final step, again small in itself, was the adoption in 1966 of an academic calendar distinct from the calendar for the rest of the university.

The growing inadequacy of the present law building, especially the library room, was mentioned in Chapter V. The situation grew gradually worse during Dean O'Meara's tenure. His repeated request for an addition to the building to meet the pressing needs went unanswered, but in the summer of 1964 modifications were made which buoyed the spirits of the dean temporarily: ". . . modifications have been made in the Law Build-

ing . . . which enable us to accommodate a student body of up to 275. . . . the Library is no longer a dungeon; for the first time since the building was erected, the Library is adequately lighted and comfortably furnished. Our seminar room has been enlarged; an additional office has been provided as well as space for two faculty secretaries. . . . These improvements . . . have transformed the building. It is still inadequate but I am hopeful that with our ingenuity we can solve what remains of the problem." He went on to say that stack space was still inadequate, then adds: "But space has been assigned for our exclusive use in the Memorial Library and little-used books will be transferred from time to time to this Law Library segment of the Memorial Library. . . . Not a desirable arrangement, but a viable one."<sup>19</sup> Under the stress of the inadequacies, however, this buoyancy soon disappeared.

In 1953 a special appropriation of fifty thousand dollars, to be expended over a five-year period, was made for the purchase of books, and by the end of the period library holdings had increased from approximately twenty-eight thousand to fifty-one thousand. By 1958, therefore, available stack space in the law library had been exceeded by approximately fifteen thousand volumes and in that year fifteen thousand volumes were put in dead-storage in the tower of the law building. Another important event of 1958 was the removal of the law library from the jurisdiction of the Director of University Libraries, as recommended by the Association of American Law Schools; it became autonomous under the dean and the law faculty. Under their direction was



Miss Marie Lawrence who became law librarian in 1945. Miss Lawrence had had years of library experience at the university before she transferred to the law library and of her the dean wrote: "She is described in a report on our Library, prepared by Professor A. C. Pulling, as 'one of the top librarians of the country.' " Professor Pulling, Director of the Harvard Law Library for many years, went on to say: "[Miss Lawrence] knows her bibliographies and what an excellent law collection should contain. As a result, she is building a well rounded out collection that will prove of inestimable value to faculty, students and those who may wish to carry on research. Miss Lawrence commands the respect of all law librarians, East and West."<sup>20</sup> Under her direction and that of her successors since 1966, Mr. and Mrs. Stanley L. Farmann, library holdings have been increased to approximately sixty-nine thousand volumes.

What are now called student activities have differed from era to era in the history of the law school from the founding of the Debating Society in the Hoynes era to the establishing of Gray's Inn in the O'Meara era. Those that survived two or more changes of administration, the Student Bar Association, the *Notre Dame Lawyer* and the Moot Court Competition, have been dealt with in earlier chapters. But here notes should be added to what has been said of the Student Bar Association and of the Moot Court Competition. In 1966, on recommendation of the executive board of the Student Bar, a Student-Faculty Coordinating Committee composed of three faculty members and three students was formed. The reason stated for the creation of this com-

mittee was "that the students and the Faculty have common concerns and that these concerns can best be pursued together rather than separately. The function and purpose of the Committee is to consider any problem or any issue that pertains to the Law School and to formulate policies which will enable the School to maintain and improve its academic standing."<sup>21</sup> In regard to the Moot Court Competition, during the Manion era the judges of the local competition were South Bend attorneys and State and Federal judges; throughout the O'Meara era a Justice of the Supreme Court of the United States acted as presiding judge, assisted by two Federal judges. The presence of a United States Supreme Court Justice greatly enhanced the prestige of the competition.

Gray's Inn was begun under Dean O'Meara as were a Legislative Bureau, a Legal Aid and Defender Association and a Law Wives Club. Gray's Inn, named for one of the four major Inns of Court, was founded in 1954 by the class that graduated in 1957, but for some reason it was announced for the first time in the *Bulletin* for 1960-1961. Its purpose is the discussion of current social, economic, scientific and cultural topics so that its members may be made more keenly aware of the social responsibility of the legal profession. These monthly discussions, held off campus in an informal atmosphere, are introduced by civic and business leaders, public officials and scholars who present an analysis of contemporary problems. The presentation is followed by general discussion during which the speakers may be subjected to vigorous questioning. The very

existence of Gray's Inn witnesses to the alertness of the law students to the world they are living in as students and which they will face more immediately as lawyers.

The Student Legislative Bureau and the Legal Aid and Defender Association are service organizations. The bureau was established in the 1964–1965 school year. Its purpose is to “draft legislation at the request of legislators or others with substantial legislative programs. The actual drafting . . . is preceded by exhaustive research into existing law and legislation in other jurisdictions.”<sup>22</sup> No small number, including several members of the Indiana General Assembly, have taken advantage of this service. Obviously, the exhaustive research into law and legislation is excellent training for the students.

The Legal Aid and Defender Association, established in 1965–1966, provides legal service to persons not able to pay legal fees. A year after its founding, it entered into a co-operative project to expand legal aid to the poor of South Bend. In conjunction with the St. Joseph County Bar Association, the St. Joseph County Legal Aid Society, the local Office of Economic Opportunity, the Community Action Agency and the local United Fund, a neighborhood law office was opened to which those who could not pay for private counsel could apply for legal help.<sup>23</sup> Motivated primarily by a desire to help the poor with their legal problems, the Legal Aid and Defender Association, like the Student Legislative Bureau, provides the students with excellent experiences for their future work as lawyers.

The Law Wives Club, or Barrister Wives, was formed

in 1955–1956, but announcement of it appears for the first time in a *Bulletin* for 1969–70. Its primary purpose is to foster the social and cultural life of law students' wives together with the wives of other Notre Dame students and of faculty members. But there is a secondary purpose—to give the women a better understanding of professional life and the life they will lead as wives of lawyers. A special event for the Barrister Wives each year is the sponsoring of a reception for the judges and lawyers attending the Final Argument in the Moot Court Competition.<sup>24</sup>

The Law Honors Banquet became more than a social event during the O'Meara era. Not only did it provide occasions to give recognition to students of outstanding achievement, but it also added to the prestige of the law school because the principal address at the annual dinner was delivered by the president of the American Bar Association.

The founding of the Natural Law Institute was one of the major achievements of the Manion era. Between 1947 and 1951 the Institute held five convocations at the law school in which prominent American and foreign jurists participated, and out of which came five published volumes of papers read at the convocations. On the advent of Dean O'Meara the convocations were discontinued but there was no intention of abolishing the Institute. On the contrary, in Dean O'Meara's first year discussions were begun on how the Institute could best accomplish its purpose. Scholars both at Notre Dame and from outside were consulted. Discussions and consultations were a search for a way in which the

Institute might function more effectively on a year-round rather than on a once-a-year basis. Late in 1953–1954 decision was reached to found a natural law journal which, it was hoped, could be published quarterly. This decision led to a meeting of seventeen distinguished men, representing various views on natural law, at the university on October 8 and 9, 1954. At this meeting the publishing of the journal, to be known as the *Natural Law Forum*, was definitely decided. This journal would comprise articles, notes or short communications, and book reviews. Its editor-in-chief would be assisted by a board of associate editors, and a large number of scholars around the world would be invited to serve as advisory editors. The first issue of the *Natural Law Forum* appeared in 1956, and the thirteenth issue, in 1969. Professor Antonio de Luna of the University of Madrid, who was a visiting professor at Notre Dame in 1956, was named the first editor-in-chief. The board of associate editors numbered ten, and the advisory editors, twenty-eight. On the return of Professor de Luna to Spain in 1957, Professor Anton-Hermann Chroust of the Notre Dame Law Faculty became editor-in-chief and served until 1961, when he was succeeded by Professor John T. Noonan, also of Notre Dame. In 1957 a managing editor was appointed, Professor Andrew Smithberger of the Notre Dame English faculty. The associate editors, men of outstanding scholarly distinction, were Vernon J. Bourke, St. Louis University; Anton-Hermann Chroust, Notre Dame Law School; George W. Constable, Baltimore; William J. Curran, Boston College Law School; H. P. d'Entrèves, Oxford

University; Lon L. Fuller, Harvard University Law School; Myres S. McDougal, Yale University Law School; F. C. S. Northrop, Yale University Law School; H. A. Rommen, Georgetown University; and Leo Strauss, University of Chicago.

An evaluation of the *Forum*, made shortly after the first issue appeared, is contained in a letter of Professor Filmer Northrop of the Yale University Law School and associate editor of the journal, to Dean O'Meara: "You and Professor de Luna and your Notre Dame colleagues must feel proud. The *Foreword* is superb, the *Statement of Policy* completely escapes the defensive for the positive and the concise, and the subsequent material sets a standard which must win the respect of scholars everywhere. . . . I deem it an honor to be asked to be an Associate Editor."<sup>25</sup>

The *Foreword* mentioned by Professor Northrop was written by Dean O'Meara; the *Statement of Policy*, a joint-announcement of the editors. Dean O'Meara wrote in part:

How? is the job of the jurist, the legislator, the political scientist. And that job requires them endlessly to search out, assay and interpret facts, and to explore their interrelationships. But what facts are relevant? According to what standard are facts to be evaluated? What guide is to be used in seeking to interpret them? In these perplexities we regard natural law as a source of inspiration and guidance. . . .

We are interested in exploring, with all the resources of scholarship and modern science, the full extent of the contribution natural law can make to the solution

of today's problems. At the same time we do not expect detailed answers to specific questions. Too often "the natural law" has been dragooned by partisans to fight their wars. That is a danger we are very conscious of and mean to avoid. Illumination of problems—that is what we expect from natural law rather than a blueprint of detailed solutions.

The most significant paragraph in the *Statement of Policy* reads:

The *Forum* will not be identified with any particular school or doctrine of natural law; nor will it rule out contributions which are basically opposed to the whole conception. We are interested in promoting a serious scholarly investigation of natural law in all its aspects, not in defending any established point of view. We will welcome any article in the area of philosophy, of social or behavioral science, or of jurisprudence, which leads to a more adequate understanding and evaluation of natural law, whatever its point of view may be; and we hope to publish relevant contributions from a maximum variety of sources. In this way it is our purpose to avoid the bias of any particular institutional orientation or political outlook, and thus to encourage the widest search for universal standards relevant to the solution of contemporary problems.

Thirteen years and thirteen issues after these words were written we can say that the *Natural Law Forum* has lived up fully to its expressed policy and that it has won in high degree "the respect of scholars everywhere" which Professor Northrop anticipated for it.

In concluding this account of the *Natural Law Forum*, some observations on it versus the convocations and published volumes of the Manion era must be made. Those who participated in the programs of the convocations were men of prominence but they did not measure up to the contributors to the *Forum* as legal scholars. The advantage of the convocations was the opportunity offered all who attended them to discuss at length the papers read and the views presented. But distinct advantages of the *Forum* seem to more than offset this advantage; in the convocations only the papers of those selected to appear on the programs made lasting contribution to the study of natural law; in the *Forum*, which is an established, internationally known journal, all scholars working in the area of natural law can submit writings for publication; this applies especially to the shorter writings published under Notes; and finally the book reviews in the *Forum* perform a valuable service to natural law students. One hope of those who founded the *Forum*, that it would quickly develop into a quarterly, has not been realized, and, therefore, it has failed in one objective—the functioning of the Natural Law Institute on a year-round rather than on a once-a-year basis.

From the day he took office, Dean O'Meara began planning a symposium on a subject of national interest. In his first year a Symposium on Legislative Investigations was held in the law school auditorium. These symposia became annual events in which lawyers, government officials and scholars in several fields participated.<sup>26</sup> They stimulated not only students and faculty members of the law school but also many others in



both the university and the South Bend communities. An evaluation made by the writer in 1953 could be enlarged upon today: "... the Symposia and Conferences you are arranging to which are invited outstanding lawyers and men in government are giving new tone to the College and increasing its prestige."<sup>27</sup>

During the precarious years of World War II, the entire university was in many ways as much curtailed in its functioning as was the law school. This did, however, give time to think about and plan for the postwar years. One result of this planning was the inviting of some twenty prominent scientists, engineers and industrialists to serve on an Advisory Council for the Colleges of Science and of Engineering. This council met for the first time in October 1945. Notre Dame was not deceived in the help it anticipated from such a group of men in the areas of science and engineering, both on the undergraduate and graduate levels. When this first council was well established, the second council was set up in 1948—the Advisory Council for the College of Business Administration. Today there are advisory councils for the four colleges, the law school and other units of the university, such as the library. That an Advisory Council for the Law School be inaugurated was first proposed by Dean O'Meara in the *Dean's Report* for 1953–1954 and this proposal was acted upon in the following year. Presently there are twenty-one members of the council, and following the pattern of the other councils they have been chosen from both alumni and non-alumni and include non-Catholics as well as Catholics.

"Excellence is our platform and we can be content

with nothing less"—these words were repeated so many times by Dean O'Meara that they could well serve as legend on his academic coat-of-arms. They were a rallying call to all to whom they were addressed, students, alumni, faculty, university administrators, friends of the law school. To attain this excellence, wrote Dean O'Meara, "required, on the part of the Law School, the highest of standards and, on the part of the students, sustained hard work. In no other way can our graduates be properly prepared for the great responsibilities and opportunities that lie ahead." And on this rallying call the O'Meara era and the first century of law at Notre Dame ended. It has been said that excellence is relative, depending on time and circumstances, so that what is judged to be excellent at a given time may at later time be judged to fall considerably short of excellence. Perhaps it is better to say that excellence is never achieved but remains always a goal to be striven for, a goal which is never reached. But it can be said that at the end of the O'Meara era and the first century of law at Notre Dame, the law school reached the highest point on the curve of excellence that it had ever attained.

## NOTES

1. Frank to O'Meara, September 21, 1956. Office of the Vice-President for Academic Affairs, O'Meara file.
2. O'Meara to Frank, September 27, 1956. *Ibid.*
3. 36 Ohio Bar 725 (July, 1963).
4. Minutes of Law Faculty Meeting, November 20, 1952.

5. *Bulletin of The Law School* (1968-69), 7.
6. Both research problem assignments and problems for immediate class discussion are used. Of these the research assignments are obviously more important; it is they that take the student to the library and lead him to learn the law by using it. Time allotted for out-of-class research problems varies from one to three weeks, depending on their complexity. Such a problem is assigned for every course in the second year, and in the third year one exhaustive research problem is given to each student for solution.
7. *Notre Dame Law School: Report of the Dean* (1958-59), 13.
8. Cf. *Bulletin of The Law School* (1968-69), 9-10.
9. *Ibid.*, 30-31.
10. *Notre Dame Law School: Report of the Dean* (1965-66), 23.
11. The author is keenly conscious that a list of publications by the law faculty during the century of law at Notre Dame would be valuable part of this history, but for several reasons attempt to compile such a list has not been undertaken.
12. Cf. *Notre Dame Law School: Report of the Dean* (1966-67), 7, where Dean O'Meara gives the reason for his insistence that the law school remain small: "... in a small school, more particularly our School, every teacher gets to know every student and every student gets to know every teacher and every other student. Thus we are a community come together to study law and committed to justice."
13. In 1954, Father Theodore Hesburgh, President of the University, established two law scholarships in honor of his predecessor, Father John J. Cavanaugh, but these are the only scholarships independent of the Notre Dame Law Association scholarship fund-raising efforts.

14. *Notre Dame Law School: Report of the Dean* (1955–56), 6.
15. *Ibid.* (1963–64), 5.
16. These figures are all rounded out numbers.
17. *Special Law Department Bulletin* (1904–05), 7.
18. Francis J. Vurpillat to John J. Cavanaugh, March 10, 1918. UNDA, Vurpillat Papers.
19. *Notre Dame Law School: The Dean's Report* (1964–65), 23–24,
20. *Ibid.* (1957–58), 16–17.
21. *Ibid.* (1966–67), 20.
22. *Ibid.* (1964–65), 12.
23. *Ibid.*, 11–12.
24. Cf. *Bulletin of the Law School* (1969–70), 18–19.
25. Northrop to O'Meara, September 1956. Office of Academic Vice-President, O'Meara file.
26. Among the subjects of these symposia in addition to Legislative Investigations were Role of the Supreme Court in 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, Violence in the Streets, Poverty and Justice, Fair Trial versus Free Press, the Challenge of Crime in a Free Society.
27. Moore to O'Meara, October 29, 1953. Office of the Vice-President for Academic Affairs, O'Meara file.