8-15-1960


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,

### Items

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### Details

**Description**  
v. ; 23-28 cm.

**Current Frequency**  
Annual.

**LocalNotes**  
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
Notre Dame Law School

Report of the Dean
1959-1960
From a graduate who, when this was written, was serving as law clerk for one of the justices of the Supreme Court of the United States:

"I have been impressed with the quality of the legal education that I received at Notre Dame. Here on the Court there is little time and much important work to do, and it is imperative that the clerk extract the kernel of the case as quickly as possible. Of course, there is more to be done once your analysis is completed, for the issues must be expressed clearly and concisely to a man who has no time to beat around the bush. In short, I find that I am called upon to perform a function that was made perfectly clear to me the first day I walked into the Notre Dame Law School. It is indeed gratifying to know that you have been well prepared for your profession."

From a 1959 graduate:

"The successes I have had since leaving the Notre Dame Law School are in many ways attributable to the high standards you set. Leaving The Law School I found that I continued to set the highest standards for myself in whatever I turned my hand to. By setting high standards for the students of the Notre Dame Law School I believe you are turning out better human beings in this world where mediocrity appears to be the ideal and "what do I need to do to get by" the password."

From a 1953 graduate:

"Recent graduates of the Notre Dame Law School that I have had contact with impress me as having a distinctly more professional approach and attitude than their counterparts from other national law schools."

As in earlier reports, I begin with some observations about our students—past, present and prospective.

59-60 THE STUDENT BODY

ENROLLMENT

First-year enrollment dropped to 78 from 89 in September, 1958, a decline of 12.3%.

Total enrollment, however, rose from 165 in September, 1958, to 175, an increase of slightly over 6%. Nationwide, law-school enrollment was up 3.6% over 1958.

Following are comparative data on beginning students registered in September of each of the last nine years.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
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<tbody>
<tr>
<td>1951</td>
<td>78</td>
</tr>
<tr>
<td>1952</td>
<td>175</td>
</tr>
<tr>
<td>1953</td>
<td>175</td>
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<td>1954</td>
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<td>1958</td>
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<td>1959</td>
<td>175</td>
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*Notre Dame undergraduates enrolled in one of the combination programs which enable a student to obtain both an undergraduate and a law degree in six years.

**Students accepted under the privilege extended to veterans of entering after completing three-fourths of the work required for an undergraduate degree. To illustrate, in 1951 three students were admitted under this privilege, all of whom had done their preparatory work at colleges or universities other than Notre Dame.

***Students who entered with an undergraduate degree. To illustrate, in 1951 twenty-seven students were admitted who had already obtained an undergraduate degree, 13 at the University of Notre Dame and 14 elsewhere.
Total September enrollment in each of the last nine years is given in the following table.

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>175</td>
<td>165</td>
<td>150</td>
<td>150</td>
<td>167</td>
<td>201</td>
<td>244</td>
<td>221</td>
<td></td>
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</tbody>
</table>

Last year's student body included students from 27 states plus the District of Columbia, Canada and Guam. Slightly over 28% of the students were veterans. Colleges and universities represented in the student body totaled 59.

As the table on page 1 makes clear, the decline in first-year enrollment (the first such decline since 1955) was due chiefly to the smaller number of students entering with an undergraduate degree from Notre Dame. One reason for the decline of interest on the part of Notre Dame undergraduates is the tremendous drive which has been made in recent years to recruit the best undergraduate seniors for a career in teaching. There is no question that a number of first-rate prospective law students have been influenced thereby to accept fellowships intended for prospective teachers. These fellowships are sufficiently lucrative to be a real temptation. They have been glamorized, moreover, and this heightens the temptation. There is, however, grave doubt whether, in the long run, the best interests of anyone are served when a man who has decided on a career in law yields to the temptation and accepts a fellowship designed to encourage a career in teaching.

As a corollary of the smaller number of students entering with a Notre Dame degree, the percentage of non-Notre Dame men (that is, students who did their undergraduate work in colleges and universities other than Notre Dame) increased, as the following table shows.

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</thead>
<tbody>
<tr>
<td>Number</td>
<td>20</td>
<td>24</td>
<td>35</td>
<td>34</td>
<td>41</td>
<td>45</td>
<td>43</td>
</tr>
<tr>
<td>%</td>
<td>18</td>
<td>36.5</td>
<td>56.45</td>
<td>49.27</td>
<td>55.4</td>
<td>50.56</td>
<td>55.1</td>
</tr>
</tbody>
</table>

Applications for admission are running somewhat behind last year. Moreover, the number of rejected applications is greater than in former years. In consequence, I anticipate a further decline in first-year enrollment. On the other hand, the class entering in September, 1960, will be one of the best in many years.

As I have said on more than one occasion, we are convinced that a small law school can offer very great advantages. Our growth will be controlled accordingly. We do, however, look forward to a gradual increase in enrollment until we have a student body of not more than 300.

It is encouraging, therefore, to note that, in every month since last January, inquiries (letters from prospective students seeking information) have exceeded those received in the preceding month of the previous year.

**Mortality**

The percentage of students dismissed for scholastic deficiency in each of the last seven academic years is shown in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>1st Year</th>
<th>2nd Year</th>
<th>3rd Year</th>
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</thead>
<tbody>
<tr>
<td>1953-54</td>
<td>19.2%</td>
<td>12.0%</td>
<td>10.5%</td>
</tr>
<tr>
<td>1954-55</td>
<td>15.9%</td>
<td>14.9%</td>
<td>5.0%</td>
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<td>17.7%</td>
<td>6.5%</td>
<td>1.7%</td>
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<td>1956-57</td>
<td>27.6%</td>
<td>12.8%</td>
<td>5.4%</td>
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<tr>
<td>1957-58</td>
<td>29.7%</td>
<td>2.8%</td>
<td>5.4%</td>
</tr>
<tr>
<td>1958-59</td>
<td>21.3%</td>
<td>2.6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>1959-60</td>
<td>25.6%</td>
<td>8.3%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Total first-year attrition, including voluntary as well as involuntary withdrawals, for the last seven academic years appears in the following table.

<table>
<thead>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>47.1%</td>
<td>34.9%</td>
<td>30.6%</td>
<td>40.6%</td>
<td>54%</td>
<td>30.3%</td>
<td>29.4%</td>
</tr>
</tbody>
</table>

**Recruitment**

Last year recruitment visits were made to 23 colleges and universities. In addition, every Catholic college and university and every active Newman Club chaplain was reached by mail at least three times.

The following members of the Faculty assisted me in the recruitment program: Assistant Dean Broderick and Professors Broden, Kellenberg, Murphy, Rodes, Ward and Wofford.

A number of alumni and friends of the School, to whom grateful acknowledgment is due, were extremely helpful in the recruitment program, especially, Roger P. Brennan, '33; Thomas S. Calder, '57L; Louis Clibeaux; Honorable Charles S. Desmond; Burton M. Greenburg, '50L; Daniel W. Hamner, '59L; Lawrence A. Kane, Jr., '57L; Robert H. Kein; '55L; Honorable William R. Lawless, '41L; Patrick F. McCarty, '59L; Thomas F. McDonald; Robert P. Mone, '59L; George W. VanderVennet, '32L; Hugh E. Wall, '36L.
Mr. Ross L. Malone made a very pertinent observation in his presidential address to the American Bar Association at its 1959 annual meeting:

"...a pressing current problem results from the fact that the legal profession is not attracting the share of outstanding and highly gifted students that it has in times past...legal education is the first responsibility of the profession. To a greater extent than any other agency or activity of the profession, the law schools determine the caliber of the lawyers who will compose the profession and the quality of service that they will render." "Our First Responsibility: The President's Annual Address," 45 American Bar Association Journal, 1023 at 1026, 1084 (1959).

More recently Mr. John G. Hervey, Advisor to the American Bar Association's Section of Legal Education and Admissions to the Bar, has used these solemn words:

"We are convinced that the preservation of our form of government and the institutions which characterize Western society may well depend on the continued development of a strong legal profession and that the profession is obligated to make available men of first rank in character, integrity, and competence. Other disciplines, and more especially the sciences, have made heavy inroads upon the pool of superior students who have been interested [heretofore] in the legal profession, and the reversal of this trend is a serious necessity."

And the number as well as the quality of law students has been declining. To illustrate, in 1949 there were 47 law students in this country for each million of the population whereas, in 1959, the number had dropped to 24 per million of the population. American Bar News, March 15, 1960.

We have a heavy burden of responsibility, therefore, to take all suitable steps to improve our recruitment program. To that end, in each important population center, alumni committees are being appointed whose members will talk to outstanding prospective law students about the practice of law and the advantages of the Notre Dame Law School. Those invited to serve on these committees have responded enthusiastically and there is good reason to hope that the committees will be most helpful.

Another and very important step was taken with the appointment by Rev. Chester A. Soleta, C.S.C., Vice President for Academic Affairs, of Professor Richard M. Lyon as Pre-Law Advisor for the College of Commerce and Professor Robert L. Brannan as Pre-Law Advisor for the College of Arts and Letters. I have no doubt that this move will be fruitful.

SCHOLARSHIPS

Effective recruitment, as I pointed out in my last Annual Report, is impossible without adequate scholarship funds to assist gifted young men eager to attend the Notre Dame Law School but unable to afford it. Illustrative of the difficulty confronting many prospective students is the following passage in a letter received from a talented young man who wanted very much to enter our school next September.

"My present plans are to study law, but I don't see how I can do this without some financial aid. I can expect no monetary support from my parents. My father works as a packer for a wage of approximately three hundred and eighty-five dollars a month. My mother does not work outside of the home; she stays home and takes care of my little brother and sister who are in the third and first grades respectively at our parish school. I have one older sister who is no longer dependent upon my father for support; she is a Benedictine nun.

"I have supported myself during my college years by working during the summers and during the school year. I worked in a stone quarry one summer, in a warehouse another summer and the last two summers I have worked for a construction company. During my freshman year in college I worked in the kitchen, sophomore year I was assistant prefect in one of the dormitories and for the last two years I have been officiating at intramural sports events. Christmas and Easter vacations I have spent working either as a janitor or in a grain elevator.

"I have incurred a debt of approximately seven hundred dollars during the last four years. This is largely due to the fact that I had a six-week military obligation to fulfill last summer, so I could only work for half of the summer."

The typical law student does not come from a well-to-do family. In point of fact, most law students can expect little if any help from their parents; they are on their own financially. In this situation the high cost of attending the Notre Dame Law School creates for many a problem that is simply insoluble unless we are able to provide financial assistance by way of scholarships and loans. Our tuition is $1000 a year. By way of contrast, a resident student can attend each of the following state university law schools for the amount indicated: Indiana, $250; Michigan, $350; Minnesota, $255.

There are some who argue that a student should be able to put himself through law school. These people do not realize that times have changed. The pace in law school is no longer leisurely;
it cannot be. The law has grown to such an extent, both in magnitude and in complexity, that getting a legal education has become, perforce, a full-time occupation. We expect our students to devote to it not less than 60 hours a week. That doesn't leave much time for a job. Indeed, we feel that a student cannot devote to a job more than 10 or 12 hours a week at the most without damage to his legal education.

Of course, law students can work in the summertime. So far as I know everyone of our students has summer employment. At best, though, there is a differential of between $300 and $1000 a year between what a student can earn and the cost of studying law at Notre Dame.

There is only one answer. If we are to turn out our share of the lawyers so urgently needed to meet the momentous challenges of these ominous days—lawyers at once professionally competent and equipped for effective leadership in a world in crisis—we must have adequate funds to provide scholarships for promising students.

It is gratifying, therefore, to report the success of the 1959-60 scholarship campaign. The total amount raised (in the period from July 1, 1959 to June 30, 1960) declined somewhat to $25,935.65, due to the fact that some large gifts were not repeated; but the number of contributors increased from 191 to 345, a gain of 81%. This latter fact augurs well for the future.

Many people contributed to the success of last year's campaign. Primarily, however, it was due to the inspired and untiring labors of Mr. Albert H. Monacelli, '34, President of the Notre Dame Law Association. He is entitled to the abiding gratitude of every friend of the Notre Dame Law School.

Special thanks are due, also, to the following for generous scholarship contributions made or secured by them:

J. Frederick Brown Foundation

A number of local chairmen did outstanding work. These included:

Frederick K. Bac, '36L
Edmund J. Burke, '51L
M. Prial Curran, '38L
William P. Dixon
James E. Fagan, '34
Frank D. Hamilton, '30
Timothy E. Kelley, '48
Martin P. Torborg, '54L

South Bend, Ind.
Chicago, Ill.
Chicago, Ill.
Denver, Colo.
Newark, N. J.
Dodgeville, Wis.
Dallas, Texas
Fort Wayne, Ind.

Special thanks are due, also, to the following for generous scholarship contributions made or secured by them:

James C. Booth, '57L
Roger P. Brennan, '35
J. Frederick Brown Foundation
William A. Burke, '33L
John E. Cassidy, Sr., '17L
Mrs. Edith Mae Davis

Clarence J. Donovan, '31L
Oscar John Dorwin, '17
Thomas B. Dunn, '27
Patrick J. Fisher, '37L
Peter F. Flaherty, '51L
Harold S. Foley, '21L

Edmund J. Meagher, '21L
John Meehan
Honorable John F. Mendoza, '31L
Albert H. Monacelli, '34
W. Gerald Moore Educational Foundation
John R. Moran, '25L
John P. Murphy, '12L
Robert M. Ortale, '39
James M. Pearson, '26L
Peter J. Repetti, '39
Elton R. Richter, '26L
John W. Schindler, '43L
E. E. D. Shaffer Foundation
A. C. Stephens, Jr., '21
Bernard J. Voll, '17
William E. Voor, '25L
Hugh E. Wall, Jr., '26L
Weymouth-Kirkland Foundation
Chester A. Wynne, '22L

It is worth noting that our graduates of the last eight years are among the School’s most generous supporters.

Grateful acknowledgment should be made, also, of the generosity of Mr. A. Harold Weber, '22, of South Bend and Mr. Norman J. Barry, '45L, of Chicago, who have underwritten the cost of a study on the basis of which we hope to obtain a foundation grant.

STUDENT ACTIVITIES

NOTRE DAME LAWYER

In my Report for 1958-59 I referred to a note in Volume 34 on “Civil Liberties Within the Labor Movement,” written by three members of the Class of 1960, namely, G. Robert Blakey of North Carolina, John A. Slevin of Illinois and Paul H. Titus of Pennsylvania. Subsequently, Mr. Blakey, one of the authors, received a gratifying letter from a member of the faculty at one of the best known eastern law schools. The following well deserved tribute is quoted from this letter.

“During the last week I have been going over a substantial amount of material in this area preparing for a seminar. In the course of this I have had occasion to refer to your work and to read it with a great deal of care. In my judgment it is the best
Dean's Report 1959-60

collection of student material I have seen on this subject and, I believe, is one of the best student symposiums on any subject that I have ever seen. It is really extremely comprehensive and the quality is first class. The three of you who did this enormous piece of work deserve to be highly complimented, and it may give you some satisfaction to know that I am recommending it to my students in a seminar on Internal Union Affairs.

STUDENT LAW ASSOCIATION

I noted last year that the Student Law Association had been given responsibility for administering our system of unproctored examinations, commonly known as the Honor System. This System had been in effect since 1955 on an elective basis, each student deciding for himself whether to accept the privilege of unproctored examinations and the corresponding responsibilities.

Last January, for the first time, every student in the Notre Dame Law School elected to write the examinations on the Honor System. Thereupon, at the request of the Student Law Association, the Honor System was put into effect for the entire student body, beginning with the examinations in May. From now on every student will automatically be accorded the privileges and held to the obligations of the Honor System.

In a recent letter to students who will enter our School in September, the President of the Student Law Association, Mr. Paul J. Schierl of Wisconsin, made the following pertinent comment on the Honor System:

"The first and most important thing to tell you about is the Honor System here at the Notre Dame Law School. Last year every student voluntarily undertook to bind himself to the Honor System; and, as a result, the Student Law Association petitioned the Dean to make the system compulsory for everyone in the Law School. The Dean approved this petition, so that everyone is now bound by the system; and since there is nothing in the past editions of the Bulletin pertaining to this, and since you will be bound by it, I thought it necessary to explain it to you.

"Under the Honor System at Notre Dame a student, by the very fact of entering Notre Dame, agrees to neither give nor receive any aid in an examination, and also pledges himself to report to the President of the Student Law Association any infractions of this rule which he might observe. As you know, examinations here are written under the number system, under which no names are put on the papers, only a number which the student has drawn; and nobody except himself knows any student's number until the papers have been corrected. It is a violation of the Honor System to make known your number to anyone, especially the Professors; and it is a violation to attempt to ascertain grades from the Professors before they have been posted.

"I would like to point out that the above is only a skeleton of the whole but it contains the main aspects; and the whole system will be more fully explained when you arrive here. In case the imposition of such rules is in any way offensive to you, it should be noted that the things asked of you — basic fairness and honesty — are only some of the qualities required of any professional man. It is also to be stressed that we are serious about these rules and will expect you to be the same."

The extension of the Honor System to the entire student body, on the initiative of the students themselves, is one of the most gratifying occurrences so far in my tour of duty as Dean of the Notre Dame Law School.

MOOT COURT

In the Regional Round of the National Moot Court Competition in Chicago last November, our team (Messrs. Paul H. Titus of Pennsylvania, Lawrence D. Wichman of Kentucky and William B. F. Custe of New York) lost by one percentage point to Loyola University School of Law.

The judges who will hear the final argument in our Annual Moot Court Competition next October are:

Honorable Stanley F. Reed, Supreme Court of the United States
Honorable David L. Bazelon, United States Court of Appeals for the District of Columbia Circuit
Honorable F. Ryan Duffy, United States Court of Appeals for the Seventh Circuit
Honorable Henry J. Friendly, United States Court of Appeals for the Second Circuit
Honorable Clifford O'Sullivan, United States Court of Appeals for the Sixth Circuit

Last fall the Supreme Court of the United States was represented by Mr. Justice Burton.

GRAY'S INN

Gray's Inn, newest of the student organizations, has as its immediate purpose the discussion of current social, economic and cultural topics which bear on law. In this way the Inn hopes to make its
members aware of the social responsibilities of the legal profession. Subjects discussed at last year's meetings included the following:

- Civil Disobedience
- The Problem of Extra-legal Arrest
- The Labor Management Reporting and Disclosure Act
- Church and State in 1960

Police Commissioner Herbert W. Hart of Detroit addressed the meeting devoted to extra-legal arrests.

STUDENTS APPOINTED

Notre Dame is on the list of law schools visited annually by representatives of the Attorney General of the United States in connection with the Attorney General's Recruitment Program for Honor Law Graduates. An offer of employment under that program was received by two members of the Class of 1960, both of whom accepted, namely, Mr. John F. Beggan of Wisconsin and Mr. G. Robert Blakey of North Carolina. Mr. Blakey was associate editor of the Notre Dame Lawyer and Mr. Beggan was articles editor.

Mr. Paul H. Titus of Pennsylvania and Mr. William E. Borr of Indiana will serve as law clerks for United States District Judges Luther M. Swygert, '27L and Robert A. Grant, '30L, of the Northern District of Indiana. Mr. Titus was the winner of the Annual Moot Court Competition and Chancellor of Gray's Inn. Mr. Nicholas J. Neiers of Iowa who, like Messrs. Titus and Borr, is also a member of the Class of 1960, will serve as law clerk for Judge Roger J. Kiley, '25L, of the Appellate Court of Illinois. Mr. Neiers was case editor of the Lawyer.

Two members of the Class of 1959 are serving clerkships in Cleveland. Mr. Robert P. Mone of Ohio, after a tour of duty in the Army, accepted appointment as law clerk for United States District Judge Charles J. McNamee. Mr. Daniel W. Hammer has accepted reappointment for another year as law clerk for United States District Judge James C. Connell.

BAR EXAMINATION RESULTS

Of the Class of 1959, 37 have taken the bar examination in the state where they intended to practice. 33 passed on the first try, that is, 89.18%.

This, I am told, is a very good showing. For the life of me, however, I cannot see why any of our graduates should fail. To be sure, there will be an occasional failure induced by illness or some other untoward circumstance. Beyond that, I repeat, it seems to me our graduates should all pass on the first try.

Notre Dame Law School

As for the Class of 1960, the first results are in, and I am glad to be able to report that Mr. John F. Beggan was top man in Wisconsin. One of the bar examiners wrote me about him as follows:

"John F. Beggan of Watertown . . . was today admitted to the Wisconsin Bar. I participated in his examination and was tremendously impressed with his showing. He stood first and well deserved the position."

PROGRAM OF INSTRUCTION

One of the major unsolved problems of legal education today is boredom. Dean Griswold of the Harvard Law School has taken cognizance of this fact in these words:

"Students typically find great intellectual excitement in the first year of law school. But for some students stimulation appears to fall off in the later years and the rate of accomplishment seems lower." Harvard Law School, Dean's Report 1958-59, p. 3.

Similarly, a faculty committee of the University of Michigan Law School referred to the "deterioration of student motivation after the first year." The author of a recent article put it this way: "It is well known that the interest of the full-time law student drops steadily in the second and third years"; and he called his article "Boredom in Legal Education," 9 Cleveland-Marshall Law Review, 374 (1960).

With his customary sagacity, Dean Griswold put his finger on the trouble: it may be due, he said, "to a lack of intellectual progression through the three years — too much of the sameness of method and objective in each year." Harvard Law School, Dean's Report 1958-59, p. 3. In short, too much preoccupation for too long with analysis of judicial opinions and endless professorial lecturing thereon. It was Chief Justice Stone, I believe, who remarked that the lecture as a source of information became obsolete with the invention of the printing press. Even so, as I have pointed out elsewhere, lecturing has all but superseded the case method in American law schools, "The Notre Dame Program: Training Skilled Craftsmen and Leaders," 43 American Bar Association Journal 614, 616 (1957). No wonder law students are bored.

Yet, to fulfill its mission, legal education must somehow inspire in students what Father Hesburgh has called "burning dedication [and an] enlightened curiosity," and must stimulate them (again in Father Hesburgh's words) to "hard, unrelenting mental labor." Hesburgh, Patterns for Educational Growth 59 (1958).

I have called this an unsolved problem but, for us, there is not really a problem at all: there is little, if any, boredom in the Notre
Dame Law School. The problem method, which we use in the second and third years, gives the student a new lease on life. It accomplishes this by turning from concentration on already solved problems (decided cases) to concentration on problems still awaiting solution. This is a challenge, as unsolved problems have always been. "Since its birth," said Père Teilhard de Chardin, "knowledge has made its greatest advances when stimulated by some particular problem of life needing a solution." The Phenomenon of Man 249 (1960).

Similarly, students respond to the challenge of unsolved legal problems. Hence the problem method revives interest and puts new zest into the study of law.

Then, in the first semester of the third year, every student must try a jury case from beginning to end in our Practice Court, under the direction of Professor Barrett and United States District Judge Swygert, '27L. This stimulates more intense interest than any other feature of our instructional program. The trials are held in the courtroom of the United States District Court in South Bend and are presided over by Judge Wygert. 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.

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.

There has never yet been a case not carefully prepared and, in many of the cases, proceedings after verdict are pursued with vigor by the student lawyers who lost at the trial. Recently the American Bar Association embarked upon a program calling for re-inspection of every approved law school at 5-year intervals. Pursuant to this program, we were inspected by Dean Harold Reuschlein of the Villanova University School of Law, acting upon the request and by the authority of the American Bar Association's Section of Legal Education and Admissions to the Bar. Dean Reuschlein spent three days with us in February, examined our records, attended classes and talked with all members of the Faculty and with many of the students. His Evaluation Report contains the following:

"The standards of scholarship in the School are quite exacting... The educational program is sound. The program, by comparison with other American law schools, is unique in that it consists of required courses in its entirety. Reasonable men may differ with the wisdom of this, but there is little doubt but that the School is doing a thoroughly good job of preparing men for the practice of law. There is an adequate program of legal writing and research, and the student body and faculty are doing an inspiring amount of work."

THE FACULTY

Assistant Dean Broderick was one of a panel of three experts in the field of labor relations who participated in a Regional Advisory Conference held in Chicago in April under the auspices of the National Labor Relations Board. The purpose of the Conference was to consider methods of improving the Board's procedures in various matters over which it has jurisdiction.

Professor Rollison's casebook on Estate Planning was published by the University of Notre Dame Press. In May he addressed the members of the Bar of the five counties of Western New York on that subject.

Professor Barrett delivered addresses in South Bend on "The Constitution of the United States" and "Trial By Jury." "Reflections on the Life of St. Thomas More" was the subject of an address he delivered in Alton, Illinois.

Professor Peters addressed the St. Joseph County Bar Association on "Recent Attacks on the Supreme Court of the United States." Last spring Professor Broden was promoted to the rank of full professor. Earlier in the year he had been named to the Committee on Administrative Law of the Association of American Law Schools; and had participated in a panel discussion in Washington sponsored by the Special Subcommittee on Legislative Oversight of the House of Representatives, dealing with various problems the Committee then had under consideration.

Professor Wagner, having been awarded a Fulbright lectureship, spent the year in Europe lecturing at the University of Paris and other European universities. He will receive a warm welcome when he returns early in September.

Professor Ward was elected a director of the Legal Aid Society of St. Joseph County. In November he was a delegate to the National Conference on Judicial Selection and Court Administration in Chicago. At the invitation of the undergraduate Student Senate, Professor Ward debated Mr. L. Brent Bozell, Editor of the National Review.
The subject of the debate was the hotly disputed loyalty oath in the National Defense Education Act of 1958.

Professor Rodes was awarded a Law Faculty Fellowship by The Ford Foundation and will spend next year at Oxford University in England, doing research on the church-state problem approached from the point of view of legal history.

Professor Wofford was one of the participants in a Civil Rights Seminar at the University of Buffalo in December. During the year, he made a number of addresses on the subject of civil rights, including one at Oberlin College.

We were glad to have Professor Kellenberg with us again after his year at the Yale Law School, where he completed the first draft of a book on real property.

Professor Murphy's paper on "Contract Trends" received the third award in the Annual Lincoln Award Competition of the Illinois State Bar Association.

I was appointed by the Chief Justice of the United States to an Advisory Committee on Appellate Procedure in the federal courts. In February I delivered a public lecture at the Yale Law School on "Natural Law and Everyday Law." Last fall I participated in a panel discussion of "Legal Education: Present and Future" at the annual meeting of the Association of General Counsel. Before that I had participated in the Conference on Legal Education held at the University of Michigan Law School and have been selected as one of the representatives of the Association of American Law Schools to the Conference of British, American and Canadian law teachers in New York in September. Recently, I was reappointed a consultant to The Ford Foundation, to serve as a member of the Law and Public Affairs Screening Committee.

SPECIAL EVENTS

CIVIL RIGHTS

A one-day conference on the recommendations of the Civil Rights Commission and on civil-rights measures pending in Congress was held at Notre Dame on Sunday, February 14, under the auspices of The Law School. The Conference was arranged to provide the occasion for an exchange of views between legislators and law teachers from Indiana and the neighboring states of Michigan, Illinois, Kentucky, Ohio and Wisconsin, and others professionally interested in the problems involved.

The subjects considered were: Protecting the Right to Vote, Assisting School Desegregation and Equal Opportunity in Housing. These topics were introduced by brief preliminary statements by Professors Wofford, Ward and Broden of our Faculty. The rest of the time was devoted to questions and comments by the participants, the discussion being led by Congressman John Brademas.

In opening the Conference, I outlined its scope and purpose as follows:

"America is equal opportunity or it is nothing: not equal opportunity as regards this or that but equal opportunity in every area of American life. In all frankness, I do not see how an American could seriously challenge this proposition. We have our differences as to method and timing, but the central idea, the affirmation of equal opportunity for all, is not only part of the American dream but a built-in and essential feature of the fundamental law of the land. That is a postulate of this Conference. We are met to consider how best to bring the promise of the Constitution to fulfillment.

"On this day, Sunday, a day on which many of us are expected to concern ourselves in a special way with spiritual values, and in these academic surroundings, I hope we will be able to lay aside prejudice and partisan considerations, and approach this important subject with as much objectivity as humans are capable of.

"If we can do that, this Conference should, and I hope it will contribute to a better understanding of the difficult legislative problems involved, and will be helpful both to law teachers and to those in positions of public responsibility."

The Conference was attended by members of Congress from the states mentioned above. Governor Williams of Michigan was present and Governor Handley of Indiana was represented by his Administrative Assistant. The Commission on Civil Rights was represented by Father Hesburgh (who addressed the Conference at luncheon in the Morris Inn) and Commissioner George H. Johnson. Also present were Mr. John D. Calhoun, Assistant Deputy Attorney General, staff counsel of the congressional committees having to do with civil rights legislation and representatives of the major organizations concerned with civil rights.

The transcript of the Conference was published in the Congressional Record.

LABOR UNION POWER

"Labor Union Power and the Public Interest"—that was the subject of a symposium at The Law School on April 27 and 28, the fourth in our series of symposia dealing with highly controversial problems of urgent national concern. Professor Charles O. Gregory of the University of Virginia Law School presided.

In my opening remarks I emphasized that it was not our purpose to speak either for management or for unions; that our concern was to explore ways of protecting the public, so frequently caught in the cross-fire of labor strife:
"Power to bring the Nation's economy to a virtual standstill cannot be immune from legal accountability. That such power is lodged in some, at least, of the great national and international labor unions has been demonstrated repeatedly, most recently by the United Steelworkers. One can be wholly sympathetic with labor's aspirations and still reject the notion that the Nation's economic health and safety should be dependent upon unilateral decisions by a group of private individuals — union members and their leaders — decisions taken for their own ends, however legitimate. So vast a power — terrifying in its potentialities — must be brought under reasonable legal controls.

"The reason is simple and, in other contexts, long has been taken for granted: the public interest is paramount. Hence the law must intervene to protect the whole from the consequences of private action designed to benefit a few.

"Partisans can be expected to dissent, but I believe most Americans will agree with the proposition I have just put forward. That, at any rate, represents the thinking behind this Symposium, whose purpose is to explore the sources and extent of labor-union power, its effects in terms of the public interest and how best to deal with the complex and difficult problems it raises.

"This is a subject of urgent national concern. It is also a subject of hot debate, involving deep-seated loyalties and strong emotional commitments. It is fitting, therefore, that it should be examined in an academic setting; and it is our hope to approach the subject as objectively as is humanly possible, avoiding any bias in favor either of unions or of management. What we want to do is to focus attention on the fact that there is a third party involved, namely, the public — the innocent bystanders, whose interests are seldom adequately represented and, indeed, are apt to be ignored.

"The intent of our Symposium is to speak out for them."

The participants in the Symposium, in addition to Professor Gregory, were:

Professor Bernard D. Meltzer, University of Chicago Law School
Professor Sylvester L. Petro, New York University School of Law
Professor David McCord Wright, McGill University, Canada
Professor Archibald Cox, Harvard Law School
Professor Daniel O'Connell, University of Adelaide, Australia

Mr. Gus Tyler of the International Ladies' Garment Workers' Union, who was to have participated, was compelled to withdraw because of a conflict in his schedule.

The papers presented at the Symposium will be published in a special Symposium Issue of the Notre Dame Lawyer, which is to be distributed in October.

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LAW HONOR BANQUET

The President of the American Bar Association, Mr. John D. Randall of Cedar Rapids, Iowa, was the featured speaker at the Law Honor Banquet on April 29. This annual affair affords an opportunity to salute the members of the graduating class and to recognize the achievements of all members of the student body who have distinguished themselves in one way or another. In addition, as in 1959, it was the occasion for a joint observance of LAW DAY USA by the Notre Dame Law School and the St. Joseph County Bar Association.

Mr. Randall's predecessor as president of the American Bar Association, Mr. Ross L. Malone of Roswell, New Mexico, addressed last year's Law Honor Banquet; and his successor, Mr. Whitney North Seymour of New York City, will be the featured speaker in 1961. In my introduction of Mr. Randall I pointed out that LAW DAY USA should be more than an occasion for celebrating achievements of the legal profession and paying homage to an ideal. My remarks follow.

"As Father John Courtney Murray has pointed out, there is a virtue in the Western tradition of law that warrants us in calling it redemptive. Western man,' he says, 'has sought in the idea of law a manifold redemption — from the arbitrary despotism of uncontrolled power; from the threat or fact of injustice to his person or his property; from dispossession of his human and his civil rights; from the degradation that ensues upon social inequalities destructive of his personal significance and worth; from disruption of his life by the irrational forces of passion, caprice and chance.' Today we reaffirm our faith in that tradition and re dedicate ourselves to the Rule of Law.

"At the same time we confront the shameful and tragic fact that right now, today, LAW DAY USA 1960, the police-state thrives in America — not, thank God, throughout the country, but, unhappily, in parts of it. By all accounts that is the situation, for example, in Birmingham, Alabama. There, instead of Hitler's gestapo terrorizing the Jews, Bull Connor's gestapo terrorizes the Negro population and all who seek to befriend them.

"In every community, there are those whose latent sadistic drives can be fed and strengthened and unleashed by the brutal tactics of an ambitious, brutal leader. The result is terror, fostered and protected by public officials — at times, indeed, assuming the guise of law. That appears to have happened in Birmingham and, unhappily, not only in Birmingham. Sooner or later it will happen in every community lacking leadership which is not only competent but courageous.
"It is well to remember, therefore, the words of Sir James Stephen:

'. . . the whole legal profession is a pre-eminently manly one. It is a calling in which success is impossible to the weak or timid, and in which everyone, judge or barrister, is expected to do his duty without fear or favor to the best of his ability and judgment.'

"Law schools do not discharge their responsibility simply by turning out skilled technicians. There should be in every law school — and I hope there is in ours — a tradition of public service. At Notre Dame we will accomplish our mission only as we further develop that tradition and produce lawyers of the highest professional competence who have the moral and physical courage — the guts — to resist a political boss like Bull Connor and his goons. "One aspect of public service which receives far too little attention and needs to be upgraded in public esteem is law enforcement. Crime in our day is a public problem of increasing urgency, and poses a growing challenge. It would be greatly in the public interest if more educated, talented young men were to respond to that challenge and dedicate themselves to the war against lawlessness - in and out of public office.

"Without lawyers there can be no law and without law brute force reigns supreme. Law is the rational and moral alternative to the arbitrary rule of brute force. But this is true only to the extent that lawyers make it so. Thus LAW DAY USA should be more than an occasion for paying homage to an ideal and celebrating our achievements. It should be the occasion, also, for profound soul-searching on the part of the legal profession."

THE LAW BUILDING AND LIBRARY

Again and again in his Evaluation Report (supra, page 13), Dean Reuschlein refers to the inadequacy of our physical facilities. Our building is a handsome structure and well maintained, but we have simply outgrown it. In particular, we have urgent need for more shelf space in the Library.

Last April, the University's Executive Vice President, Rev. Edmund P. Joyce, C.S.C., announced that, upon completion of the proposed new Main Library, the present Main Library, after suitable remodeling, would be made available to The Law School. I was gratified by that decision, which seemed to promise the solution of our problem. It now appears, however, that the cost of the necessary remodeling will far exceed the original estimates, thus posing a serious dilemma. The way out of it I don't yet know.

NATURAL LAW INSTITUTE

Professor Iredell Jenkins of the University of Alabama accepted appointment to the Editorial Board of the Natural Law Forum. In his letter of acceptance he said:

"I am deeply convinced of the importance of the work that the Forum is carrying on, and it is a privilege to participate in the task and contribute to it as I may."

Another comment that deserves to be mentioned came from a well known teacher in a prominent eastern law school:

"I greatly admire the Natural Law Forum; you are effecting reasoned communication, on a high level, where hostile posturings were too much the order of the day, on both (or on all) sides."

NOTRE DAME LAW ASSOCIATION

Mr. Albert H. Monacelli, '34, of New York City was re-elected President of the Notre Dame Law Association at the annual meeting at The Law School on June 11. Also elected were:

Honorary President, Mr. Roger P. Brennan, '33, of Cleveland, Ohio
Vice President, Mr. Robert F. Graham, '28, of Chicago, Ill.
Secretary-Treasurer, Mr. Thomas L. Murray, '51L, of South Bend, Ind.

Newly elected directors of the Association are:

Honorable William B. Lawless, '44L, of Buffalo, N. Y.
Honorable John C. Mowbray, '49L, of Las Vegas, Nevada
Mr. Frederick K. Baer, '36L, of South Bend, Ind.
Mr. Camille F. Gravel, Jr., of Alexandria, La.

I have full confidence they will make a real contribution to the Association and thus to The Law School.

LAW ADVISORY COUNCIL

It is gratifying to be able to report that Mr. Paul F. Hellmuth, '40, Managing Partner of Hale and Dorr, Boston, was elected chairman of the Council; and Mr. Oscar John Dorwin, '17, Senior Vice President and General Counsel of Texaco, Inc., New York City, was elected vice chairman. Both Paul Hellmuth and John Dorwin are devoted to Notre Dame and both have made major contributions to The Law School.
"We are confronted," said Père Teilhard de Chardin, "with two directions and only two: one upwards and the other downwards, and there is no possibility of finding a half-way house." *The Phenomenon of Man* 232 (1960)  As I said last year, we cannot stand still, we must either press forward or fall back. On the whole, 1959-60 was a year of progress — progress to which many people contributed. We have continued to enjoy the full support of the Administration, without which nothing could be accomplished. Special thanks are due, also to the Faculty, to the Notre Dame Law Association and its President, to the Law Advisory Council and to the student body — and to many others, not all of whom are mentioned in this Report. For all the help and the many kindnesses I have received I am most grateful.

Respectfully submitted,

JOSEPH O'MEARA
Dean

August 15, 1960

**FACULTY PUBLICATIONS**

1959-60

THOMAS F. BRODEN, JR.

*Articles:*


The Straw Man of Legal Positivism, 34 *Notre Dame Lawyer* 530 (1959).

Joint Venture Corporations, 1 *Corporate Practice Commentator* 67 (1959).

JOHN J. BRODERICK

*Book:*


*Articles:*

The Role of the Psychiatrist and Psychiatric Testimony in Civil and Criminal Trials, 35 *Notre Dame Lawyer* 508 (1960).


CONRAD L. KELLENBERG

*Article:*

The Law of Insanity, accepted for publication in *Encyclopaedia Britannica*.

EDWARD J. MURPHY

*Article:*


JOSEPH O'MEARA

*Book:*


*Articles:*

Natural Law and Everyday Law, 5 *Natural Law Forum* 83 (1960).

ROGER PAUL PETERS

Book Reviews:

WILLIAM D. ROLLISON

Book:

W. J. WAGNER

Articles:
La Théorie de l'Acte de Gouvernement dans le Droit des Etats-Unis, accepted for publication in The Quarterly of the University of Algiers.
World Law and International Courts, accepted for publication in World Federalist, The Hague, Holland.

Book Reviews:

HARRIS L. WOFFORD, JR.

Articles:

"... It is a very real privilege to have been born in this particular period of history, face to face alike with the opportunity for the alert and the challenge to the valiant which always exists in a time like the present. ..."

— Bishop Wright