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Notre Dame Law School

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Notre Dame Law School

Report of the Dean
1960-1961
I begin with some observations about our students — past, present and prospective — as I did in earlier reports.

**THE STUDENT BODY**

**ENROLLMENT**

First-year enrollment dropped to 63 from 78 in September 1959, a decline of 19.2%.

Total enrollment declined, too, but very slightly, that is, from 175 in September, 1959, to 169 or 3.4%.

Following are comparative data on beginning students registered in September of each of the last 10 years.

<table>
<thead>
<tr>
<th>ENTERING CLASS</th>
<th>Enrollment</th>
<th>Combination Students*</th>
<th>Veterans** ND</th>
<th>Non-ND</th>
<th>Degree Students*** ND</th>
<th>Non-ND</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>56</td>
<td>26</td>
<td>3</td>
<td>13</td>
<td>14</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>74</td>
<td>34</td>
<td>2</td>
<td>23</td>
<td>14</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>1953</td>
<td>104</td>
<td>66</td>
<td>1</td>
<td>18</td>
<td>20</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>63</td>
<td>21</td>
<td></td>
<td>18</td>
<td>24</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>1955</td>
<td>62</td>
<td>16</td>
<td>2</td>
<td>11</td>
<td>33</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>69</td>
<td>15</td>
<td>3</td>
<td>20</td>
<td>31</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>74</td>
<td>18</td>
<td>5</td>
<td>15</td>
<td>36</td>
<td>51</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>89</td>
<td>16</td>
<td>1</td>
<td>27</td>
<td>43</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>1959</td>
<td>78</td>
<td>17</td>
<td></td>
<td>18</td>
<td>45</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>63</td>
<td>13</td>
<td></td>
<td>10</td>
<td>37</td>
<td>47</td>
<td></td>
</tr>
</tbody>
</table>

*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 9 years is given in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1952</td>
<td>221</td>
<td>100</td>
</tr>
<tr>
<td>1953</td>
<td>244</td>
<td>110</td>
</tr>
<tr>
<td>1954</td>
<td>201</td>
<td>90</td>
</tr>
<tr>
<td>1955</td>
<td>167</td>
<td>75</td>
</tr>
<tr>
<td>1956</td>
<td>150</td>
<td>62.5</td>
</tr>
<tr>
<td>1957</td>
<td>150</td>
<td>65</td>
</tr>
<tr>
<td>1958</td>
<td>163</td>
<td>72.5</td>
</tr>
<tr>
<td>1959</td>
<td>175</td>
<td>80</td>
</tr>
<tr>
<td>1960</td>
<td>169</td>
<td>80</td>
</tr>
</tbody>
</table>

Last year's student body included students from 32 states. 26% of the students were married; slightly over 25% were veterans. Colleges and universities represented in the student body totaled 61.

The decline in first-year enrollment was due chiefly to the smaller number of students entering with an undergraduate degree from Notre Dame. A similar phenomenon occurred the year before. A glance at the table on page 1 will make this clear. As there appears, the number of students with a Notre Dame degree last September was smaller than in any other year of the 10-year period.

Happily, the number of applications for admission from Notre Dame men is substantially ahead of last year. There seems to be good reason to hope, therefore, that there will be more students with a Notre Dame degree in the class entering in September, 1961, than the handful last September.

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.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>1954</td>
<td>24</td>
<td>36.5</td>
</tr>
<tr>
<td>1955</td>
<td>35</td>
<td>56.5</td>
</tr>
<tr>
<td>1956</td>
<td>34</td>
<td>49.27</td>
</tr>
<tr>
<td>1957</td>
<td>41</td>
<td>55.4</td>
</tr>
<tr>
<td>1958</td>
<td>45</td>
<td>50.56</td>
</tr>
<tr>
<td>1959</td>
<td>45</td>
<td>55.1</td>
</tr>
<tr>
<td>1960</td>
<td>40</td>
<td>63.5</td>
</tr>
</tbody>
</table>

Applications for admission are running 23.8% ahead of last year. Concurrently there has been a substantial increase in the number of rejections; and withdrawals — usually because the applicant realizes he can't make the grade financially — are more numerous than last year. On balance I anticipate a further decline in first-year enrollment and in total enrollment as well.

As I have emphasized many times, we are convinced that a small law school can offer very great advantages. Some increase in our present enrollment, however, is very much to be desired.

### MORTALITY

The percentage of students dismissed for scholastic deficiency in each of the last eight 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>
</tr>
</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>
</tr>
<tr>
<td>1955-56</td>
<td>17.7</td>
<td>6.5</td>
<td>1.7</td>
</tr>
<tr>
<td>1956-57</td>
<td>27.6</td>
<td>12.8</td>
<td>5.4</td>
</tr>
<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>
<tr>
<td>1960-61</td>
<td>22.2</td>
<td>6.0</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>
<tr>
<th>Year</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1954-55</td>
<td>34.9%</td>
</tr>
<tr>
<td>1955-56</td>
<td>30.6%</td>
</tr>
<tr>
<td>1956-57</td>
<td>40.6</td>
</tr>
<tr>
<td>1957-58</td>
<td>54%</td>
</tr>
<tr>
<td>1958-59</td>
<td>30.3%</td>
</tr>
<tr>
<td>1959-60</td>
<td>29.4%</td>
</tr>
<tr>
<td>1960-61</td>
<td>34.9%</td>
</tr>
</tbody>
</table>

### RECRUITMENT

As I pointed out in my Report for last year (p. 4) the nationwide decline in the number and quality of law students imposes upon us a heavy burden of responsibility to take all suitable steps to improve our recruitment program. To that end alumni committees were set up in Buffalo, Chicago, Cincinnati, Cleveland, Day-
ton, Dubuque, Grand Rapids, Milwaukee, New York, Philadelphia, St. Louis and Washington, D.C. The function of these committees is to interview first-rate prospective law students and talk to them about the practice of law and the advantages of the Notre Dame Law School. Many of the committees did excellent work, and I am confident they will be increasingly fruitful. The following committee members should be accorded special praise: Raymond J. Broderick, '35; Valentine B. Deale, '39; Honorable William B. Lawless, '44L; Peter F. Finerty, '51L; George N. Tompkins, '56L; Thomas S. Calder, '57L; Richard P. Gorman, '57L; Lawrence A. Kane, Jr., '57L; Burton M. Greenburg, '58L; Eugene F. Way, '58L; Daniel W. Hammer, '59L.

We continued to visit Catholic colleges and universities in the states from which we draw the greater part of our students. The number visited last year was 21. The following members of the Faculty assisted me in making these visits: Assistant Dean Broderick and Professors Broden, Clark, Kellenberg, Murphy and Ward. In addition, every Catholic college and university and every active Newman Club chaplain was reached by mail at least three times.

A number of alumni and friends of the School, to whom grateful acknowledgement is due, were extremely helpful in this work, especially, Honorable Charles S. Desmond, Chief Judge of the New York Court of Appeals; Hugh E. Wall, '36L; Howard V. Burke, '53L; Patrick J. Berrigan, '57L; Robert P. Mone, '59L; and F. James Kane, '60L.

To supplement these visits we continued the practice, begun last year, of inviting pre-law advisors from representative colleges and universities to visit the Notre Dame Law School, see us in action and talk to our Faculty and students. Invitations were accepted by the pre-law advisors at Loras College, Dubuque, Iowa; Spring Hill College, Mobile, Alabama; and St. John Fisher College, Rochester, New York. The year before we had the pleasure of welcoming the pre-law advisors at LaSalle College, Philadelphia; Loyola College, Baltimore; and St. Norbert College, West De Pere, Wisconsin, as well as the Newman Club chaplains at Yale and the State University of Iowa.

SCHOLARSHIPS

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. This fact creates a problem for all of the privately-supported, high-cost law schools. It weighs more heavily on us than on most, however, because our students are more apt to come from large families, so often there are younger children whose education through high school and college will tax their parents' means, or older children whose education has already depleted the family's resources.

There was a time when an ambitious and energetic man could put himself through law school. Those days are gone. The law is an extent, both in magnitude and 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 outside employment 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 every one of our students has summer employment. At best, though, there is a differential of between $500 and $1000 a year between what a student can earn and the cost of studying law at Notre Dame.

As I said in my Report for last year (p. 6),

"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."

So it is most gratifying to report the success of the 1960-61 scholarship campaign. The amount raised (in the period from July 1, 1960 to June 30, 1961) increased from $25,935.65 the year before to a record-breaking total of $48,869.47. Credit for this magnificent achievement is due to the devoted efforts of many people, including former dean Clarence Manion, '22L, who served as National Chairman of the campaign; but most of all to Mr. Albert H. Monecelli, '34, who recently completed two terms as President of the Notre Dame Law Association. His interest was unflagging, his zeal immense, his energy inexhaustible. Every friend of Notre Dame is indebted to him.

Others who did outstanding work include:

John A. McGrath, '48
Edmund J. Burke, '51L
Frederick K. Baer, '56L
James E. Fagan, '34
Francis X. Fallon, '33
Joseph F. Deeb, '33L
Honorable John C. Mowbray, '49L
Earl W. Brieger, '31
Timothy E. Kelley, '48

Washington, D.C.
Chicago, Illinois
South Bend, Indiana
Newark, New Jersey
Grand Rapids, Michigan
Grand Rapids, Michigan
Las Vegas, Nevada
Pittsburgh, Pennsylvania
Dallas, Texas
Special thanks are due also to the following benefactors:

Mrs. Mary Rafferty
Henry L. Schwartz
Weymouth Kirkland Foundation

Mrs. Hans Zack
William F. Ziska

At the suggestion of Mr. Monacelli, the 500 Club of the Notre Dame Law School was established by the directors of the Notre Dame Law Association. Members of this club agree to contribute not less than $100 annually to the Law Scholarship Fund. The name indicates the purpose in view — 500 members each pledged to contribute at least $100 annually. This would assure us of the minimum amount we need for scholarship purposes each year. Thus membership in the 500 Club is a symbol of deep interest in the Notre Dame Law School and a recognition of the generosity inspired by it. The following are charter members, many of whom gave much more than the minimum amount.

Paul J. Anderson
Edward F. Aylward, ’48
Norman J. Barry, ’48L
Honorable Hugh C. Boyle, ’24
Roger P. Brennan, ’33
Roger W. Breslin, ’28
Edmund J. Burke, ’51L
William A. Burke, ’35L
Arthur J. Callaghan, ’53L
John E. Cassidy, Sr., ’17L
Albert D. Castellini, ’24L
Thomas H. Clifford, Jr., ’49L
James C. Clynes, Jr., ’45
John T. Connolly, ’51L
Patrick F. Crowley, ’33
Robert E. Curley, ’59L
Gerald A. Currier, ’43
Thomas B. Curry, ’41L
Willielm J. Cusack, ’14L
Joseph F. Deeb, ’33L
Louis F. DiGiovanni, ’50L
Clarence J. Donovan, ’41L
Oscar John Dorwin, ’17
James C. Downey, ’43
William B. Dreux, ’33

As I noted in my report for last year (p. 7) our recent graduates are among the most generous of our alumni. One of them sent a letter with his contribution, which deserves to be quoted:

"As each month passes, I am more and more grateful for the opportunity which I had to study law at Notre Dame Law School..."
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School. And since it was the Notre Dame Law Association Scholarship which I received that made it initially possible to even think of going to Notre Dame, I know how valuable and helpful scholarship assistance can be to a prospective law student. Therefore, I would like to share, in some small way, right now, my own good fortune during the past 18 months of practice with some entering student who needs the help and who, in your judgment, deserves it. I hope to be able to send more as time passes.

OTHER FINANCIAL AIDS

Though scholarships are indispensable, they never can solve all of the financial problems of all of our students. It remains true, moreover, that the best way of solving many of these problems is that which makes solution possible on a self-help basis. Accordingly, a student-loan program was set up in 1958 with the cooperation of the Continental Illinois National Bank and Trust Company of Chicago, with which an arrangement was worked out enabling deserving second- and third-year students to borrow up to $500 a semester. This program is working well and has saved the academic life of a growing number of our students.

Along the same line, there is another step which could be taken and would help enormously. The wives of married law students possess a variety of skills, which would go a long way toward solving their financial problems if arrangements could be made for the proper care of their children during working hours. In short, there is urgent need for a day nursery, preferably in Vetville; and I am hopeful the University will establish one at the earliest possible time.

STUDENT ACTIVITIES

NOTRE DAME LAWYER

The Faculty Advisor reports that the Lawyer "realized substantial gains during the past year"; and, indeed, I think progress was achieved on many fronts, due in no small part to the able leadership of Mr. Thomas L. Shaffer, the Editor for 1960-61.

One innovation, which should prove fruitful, was suggested in the Faculty Advisor's report for last year, as follows. To qualify for a degree every third-year student (except members of the Lawyer staff) is required to submit a major research paper in order to demonstrate his capacity to work with legal problems in depth. The suggestion made by the Faculty Advisor was that senior research papers should be considered for publication in the Lawyer. One of the papers submitted last year was believed to meet the high standards required and will be published in the December issue of the Lawyer. This practice, which opens the Lawyer's pages to members of the senior class who are not on the staff of the review, should provide a powerful incentive to them.

Six representatives of the Notre Dame Lawyer attended the Seventh Annual Conference of Law Reviews in Madison, Wisconsin, on April 7 and 8. The Lawyer delegates were as follows: Mr. Thomas L. Shaffer, Editor for 1960-61; Mr. George P. McAndrews, Editor for 1961-62; Mr. Joseph P. Summers, Associate Editor for 1961-62; Mr. John J. Coffey, Legislation Editor for 1960-61; Mr. George A. Pelletier, Articles Editor for 1961-62; and Mr. William E. Kelly, Office Manager for 1961-62.

The Notre Dame Law School will be host to the next annual Conference of Law Reviews, which will be held here on April 5-7 of next year. Burke Marshall, Assistant Attorney General, Civil Rights Division, will deliver the principal address at the concluding session of the Conference.

MOOT COURT

The judges who heard the final argument in our Annual Moot Court Competition last October were:

Honorable Stanley F. Reed, Supreme Court of the United States
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
Honorable Edward J. Devitt, United States District Court for the District of Minnesota

Thus for the fifth consecutive year a member of the Supreme Court of the United States presided over our Moot Court. Next October the Supreme Court will be represented by Mr. Justice Douglas.

The students who participated in the argument before this distinguished tribunal were:

Mr. Richard P. Bartsch of Aurora, Illinois
Mr. James S. Casey of Kalamazoo, Michigan
Mr. John L. Hoffer, of Jacksonville, Florida
Mr. E. Michael O'Brien of Augusta, Kansas

Mr. Casey was the winner and Mr. Hoffer the runner-up; they received the newly created A. Harold Weber Awards of $150 and $100, respectively.
For some years we have been dissatisfied with the way in which the National Moot Court Competition has been conducted. Accordingly, we have determined not to continue our participation in that Competition beyond the present year.

STUDENT LAW ASSOCIATION

The Student Law Association rose to the occasion and collected from its members a considerable sum of money for a student whose wife required extensive hospitalization. This was a real demonstration of esprit de corps.

GRAY'S INN

The high point of the year's program was the meeting addressed by former dean Clarence Manion, who was invited to discuss the John Birch Society because the officers of the Inn wanted to be sure they had both sides of the story. A lively question-and-answer period, which followed Dean Manion's address, continued until midnight.

PUBLIC DEFENDERS PROGRAM

On the initiative of a group of second-year students, a modest program was set up under which a small number of interested students worked closely with the two South Bend public defenders, namely, Messrs. Alexis T. Cholis, '42L, and Edward V. Minczeski, '41L. The students interviewed the accused, checked points of law and fact and, in those cases in which a plea of guilty was entered, investigated the background of the accused and prepared a memorandum for use at the time of sentencing.

The public defenders were helpful, the students found their work rewarding and have recommended that the program be continued, as it will be.

This activity is in line with our constant effort to develop in our students a sense of public responsibility and a readiness to engage in public-service activities.

PRIZE WINNERS

Mr. Thomas L. Shaffer, who was top man in the graduating class and Editor of the Lawyer, was the recipient of the Hoynes Award of $100, the Harry English Award, a $25 U.S. Savings Bond, and the Lawyers Title Award of $100, provided by the Lawyers Title Insurance Corporation of Richmond.

The Farabaugh Prize of $25 was awarded to Mr. Paul B. Coffey of Lorain, Ohio.

Mr. Richard S. Beske of Belleville, Illinois, received the Law Week Award, a year's subscription to the Law Week.

Notre Dame Law School

The A. Harold Weber Awards for the best senior research papers went to Mr. Richard F. Lark of East Williston, New York (first prize $150) and to Mr. Richard S. Beske of Belleville, Illinois (second prize $100). These awards were established last year by Mr. A. Harold Weber, '22, of South Bend, a member of the Law Advisory Council. At the same time he established similar prizes for the winner and runner-up in the Annual Moot Court Competition. As is noted elsewhere in this Report (p. 9) these latter awards went to Mr. James S. Casey of Kalamazoo, Michigan and John L. Hoffer of Jacksonville, Florida.

Mr. Daniel R. Webber of Saginaw, Michigan, received a Scholastic Achievement Award of $300 from Recording for the Blind, Inc. He was one of three blind students so honored. The awards were presented by President Kennedy in a special ceremony at the White House on May 19.

STUDENTS APPOINTED

Mr. James S. Casey, '61L, of Michigan and Mr. Edward M. O'Toole, '61L, of Montana, will serve as law clerks for United States District Judges Luther M. Surgeot, '27L, and Robert A. Grant, '50L, respectively. Mr. Casey was the winner of the Annual Moot Court Competition. Mr. John R. Martz, '61L, of Louisiana, will serve as law clerk for United States District Judge J. Skelly Wright of New Orleans. Mr. Gerald M. Gallivan, '61L, of New York, has been appointed law clerk for United States District Judge James C. Connell of Cleveland; Mr. Daniel R. Webber, '61L, of Michigan, will serve as law clerk for United States District Judge Frank A. Picard in Detroit. Mr. Thomas M. Cluserath, '61L, of Indiana, received and accepted an offer from the Securities and Exchange Commission under that Agency's recruitment program for honor law graduates.

Mr. John A. DiNardo, '60L, has accepted appointment as law clerk for the Honorable Roger J. Kiley, '23L, recently appointed to the United States Court of Appeals for the Seventh Circuit; and Mr. George A. Patterson, '58L, upon completion of his tour of duty in the Air Force, will serve as law clerk for the Honorable Joseph C. McCarthy of the United States District Court for the District of Columbia.

BAR EXAMINATION RESULTS

Of the Class of 1960, 88.59% passed the bar examination on the first try — a result virtually the same as the year before. What I said in my Annual Report for 1956-57 seems to me to bear repeating:

"... I do not think a law school ought to be judged by the success or failure of its students on the bar examination:..."
training men to be lawyers is not the same thing as training men to pass a bar examination. I adhere to the view, nevertheless, that, on the average, graduates of a good school should make a good showing."

In my opinion, the record of our 1959 and 1960 graduates is not good enough.

As for the Class of 1961, the first results are in; and I am happy to report that, so far, everybody has passed on the first try and that Mr. Paul J. Schierl was top man in Wisconsin. One of the bar examiners wrote me about him. In his letter he said:

"This is the second successive year that our top man has been from Notre Dame. Mr. John Beggan topped our group a year ago. These young men are an honor and a credit to your law school. We are very glad to have them in the Bar at Wisconsin."

PROGRAM OF INSTRUCTION

No curriculum is perfect and none will ever be. In my opinion the chief weakness of our curriculum has been the absence of a course on Government Regulation of Business. The Faculty has acted to remedy this omission and, also, to provide a course on International Organizations and Problems. As I have said many times, professional competence is not enough. We seek to train lawyers who will be more than highly qualified technicians; our purpose is to train competent lawyers who are likewise equipped to be leaders. We consider the course on International Organizations and Problems to be primarily important from the point of view of the second of these objectives, that is, the training of lawyers equipped for leadership.

To make room for these new courses, Property II has been shortened from four hours to three by eliminating some aspects of the subject having little more than antiquarian interest (such as the acquisition of title to wild animals) and integrating other topics into Contracts, Procedure II (Remedies) and Secured Transactions, where we think they can be taught to better advantage; and the course on Sales has been discontinued. The more important aspects of the latter subject will be taught in Contracts, which has been expanded by the addition of one credit hour during the fall semester. Both Property II and Contracts will be improved by these changes, in the opinion of the men who teach them, Professors Kellenberg and Murphy, respectively.

THE FACULTY

Assistant Dean Broderick was the principal speaker at a meeting of the Notre Dame Law Association held in connection with the annual meeting of the Indiana State Bar Association at French Lick in September, and at the Winter Meeting of the St. Joseph County Bar Association at Sturgis, Michigan, in February.

Professor Rollison delivered a paper on the History of Estate Planning at the Central States Conference of the American Society for Legal History, held in Indianapolis in conjunction with the Mid-Central Regional Meeting of the American Bar Association. As a token of esteem, the Class of 1961 presented to the School a portrait of Professor Rollison; and I accepted the portrait, on behalf of the School, as a fitting recognition of his more than 30 years of devoted service.

Professor Barrett has completed a revision of our Practice Court Manual. This is a most useful volume of approximately 60 mimeographed pages.

A paper entitled "Historical Note on Estate Tax Treatment of Lifetime Transfers with Interest Retained" was read by Professor Peters at the Midwest Conference of the American Society for Legal History at Notre Dame in March.

Professor Broden delivered an address entitled "Legal Facets of Mental Health" at the Annual Meeting of the Indiana College Health Association on December 3, 1960.

Professor Wagner was promoted to the rank of full professor. For a number of years he has been a consultant to a group working on comparative law at Cornell under a grant from The Ford Foundation. The statute of the International Court of Justice, and the constitution and laws of certain states, permit, and sometimes require, that, in deciding controversies, judges shall apply "general principles of law recognized by civilized nations." No study has ever been undertaken to ascertain what these general principles are. The Cornell project is designed to remedy this omission. To push it forward an international study group will convene at Cornell in the fall. Eight or ten legal scholars from various nations will participate. Professor Wagner received an urgent invitation to be one of them. He was given leave of absence for the first semester to enable him to accept. In addition, he received and accepted an invitation to participate in the Summer Research Training Institute on the Administration of the Law of Torts, held at Dartmouth College June 26-August 11 under the sponsorship of the Social Science Research Council.
Mr. John A. Buczkowski of the South Bend Bar will teach Torts in the first semester of the coming year in Professor Wagner's absence. In view of increasing demands on his time, Adjunct Professor Nathan Levy, of the South Bend Bar, felt it necessary to resign, to my great regret. Mr. Levy has taught our third-year Secured Transactions course since 1955. He brought to his classes something only a dedicated practitioner can contribute. We are greatly in his debt.

Chief Justice Warren appointed Professor Ward to be the Reporter of the Advisory Committee on Appellate Rules of the Judicial Conference of the United States. This Committee has been directed to make a comprehensive study of appellate rules and procedures with a view to formulating improved and uniform appellate rules for all of the United States Courts of Appeals.

Professor Rodes spent the year at Oxford University in England. As noted last year, this was made possible by the award to him of a Law Faculty Fellowship by The Ford Foundation. We will be glad to have him back.

In the absence of Professor Rodes, Business Associations and Legislation were taught by Mr. Richard C. Clark, '59L, and he also served as Faculty Advisor to our law review. It was a privilege to have Mr. Clark with us. He has resumed the practice of law in Chicago.

Professor Wofford was given leave of absence to serve as one of President Kennedy's Special Assistants.

Professor Kellenberg expects to have his new book on the law of real property in mimeographed form by the time classes begin in September.

On June 29 Professor Murphy addressed the National Social Studies Committee of the Christian Brothers Educational Association. His subject was "The Perspective of Pre-legal Education."

Governor Welsh appointed me to the Indiana Civil Rights Commission, and I was reappointed a consultant to The Ford Foundation, serving as a member of the Law and Public Affairs Screening Committee.

SPECIAL EVENTS

AMERICAN SOCIETY FOR LEGAL HISTORY

The Notre Dame Law School was host to the Midwest Conference of the American Society for Legal History in March. Among those appearing on the program were Professor Francis A. Allen and Philip B. Kurland of the University of Chicago Law School, Professor Nathan L. Nathanson of Northwestern University Law School and Professor Peters of our Faculty.

NEXT STEPS TO EXTEND THE RULE OF LAW

One of the means by which we have sought to dramatize public-law problems and responsibilities has been a series of symposia, each dealing with a highly controversial problem of urgent national concern. First, there was a Symposium on Legislative Investigations. This anticipated recommendations subsequently made by the American Bar Association, which Congress has, in part, effectuated. Then there was a Symposium on the Role of the Supreme Court in the American Constitutional System; next, a Symposium on the Problems and Responsibilities of School Desegregation; then, in the spring of 1960, a Symposium on Labor Union Power and the Public Interest. The papers presented at these symposia have been published in our law review, the Notre Dame Lawyer, and have received wide distribution. In this way we have sought to make a contribution to public law.

The most recent in this series of symposia was held in April. The subject was "Next Steps to Extend the Rule of Law." In opening the Symposium I sought to bring the subject into focus with the following remarks:

"The institutions which we finally succeed in achieving to preserve mankind from self extinction — whatever they may be — will be the product of an evolutionary development, no blueprint of which is possible in advance. Hence the greatest contribution we can make, in my view, is always to press on with the next steps as they become discernible.

"What are now the next steps? The purpose of our Symposium is to explore and, if possible, to illuminate that problem.

"First and foremost on my own list of next steps is prompt repeal of the Connally Reservation. Our present posture vis-a-vis the International Court of Justice is a disservice to peace, because it expresses unwillingness to be bound by the Rule of Law in our relations with other countries. Hence the cause of peace would be advanced by repeal of the reservation and by our acknowledgement, which repeal would proclaim to the world, of the Court's jurisdiction over international controversies.

"We are fortunate in the speakers we have been able to bring together for this important occasion. I present them in the order in which they will address you.

"Professor Wallace McClure, World Rule of Law Center, Duke University, Durham, North Carolina

"Professor Arthur N. Holcombe, Chairman of the Commission to Study the Organization of Peace, New York, N.Y.

"Professor Stanley D. Metzger, Georgetown University Law Center, Washington, D.C.

"Dean Louis H. Mayo, Graduate School of Public Law, The George Washington University, Washington, D.C.

"Mr. Charles S. Rhyne, Washington, D.C., Chairman of the American Bar Association's Committee on World Peace Through Law."

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The papers they presented are to be published in a special Symposium Issue of the Notre Dame Lawyer and will be widely distributed.

**LAW HONOR BANQUET**

The President of the American Bar Association, Mr. Whitney North Seymour of New York City, was the featured speaker at the Law Honor Banquet on April 26. 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 each of the last two years, 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. Seymour's predecessor as President of the American Bar Association, Mr. John D. Randall of Cedar Rapids, Iowa, addressed last year's Law Honor Banquet; and his successor, Mr. John C. Satterfield, of Jackson, Mississippi, will be the featured speaker in 1962. Mr. Satterfield's visit will mark the fifth consecutive year in which the Law Honor Banquet has been addressed by the President of the American Bar Association.

In my introduction of Mr. Seymour I called attention to a serious American weakness, which greatly benefits our Communist adversaries. My remarks follow:

"Contrary to what we are wont to assume, freedom is an oddity. As Ambassador Stevenson has pointed out, 'Tyranny is the normal pattern of government. . . .' Quoted in Life, February 9, 1959, p. 31. The overwhelming majority of all the men who have inhabited this globe were born, lived and died under the rule of a despot. What is more, they accepted it as a matter of course; they did not yearn for freedom. Save in the West freedom has not been even an ideal and is not an ideal today. And even in the West it has been cherished only here and there, now and again.

"So the cards are stacked against the West in our contest with the Communists in the uncommitted countries. What do we have to offer? A commodity most people in the world care little or nothing about. That gives the Communists a tremendous advantage. But they do not rest on that advantage. The Communists' assault on civilization is dynamic, purposeful and dedicated. On the basis of his own on-the-spot observations, Ambassador Stevenson has reported that 'no effort, no dedication, no sacrifice is too great that may help realize the Communist party's goals.' "

*Id.*

"Meanwhile, we are preoccupied with a shorter work day, a shorter work week, fringe benefits and early retirement. We want to make things easy. 'Life without effort,' says Admiral Rickover, 'appears to be our national goal.' Unpublished address at The University of Notre Dame February 22, 1961. According to the press, the John Birch Society even wants to be relieved of the income tax: it's burdensome, you know. Talk about being soft on Communism! Moscow and Peiping would jump with joy. At that, being soft on Communism is far less hazardous than being soft on ourselves.

"Communism, as I remarked on a prior occasion, is the only fighting faith in the world today. In contrast, our own ideal has become ease and security. Mr. Krushchev has boasted that the Communists will bury us. Can we be confident that he was wrong?

"This is not a challenge that will go away if we ignore it. It confronts us with the hardest kind of competition. Nothing will enable us to meet that competition but the hardest kind of work, and a strength of will and purpose at least equal to that of an implacable enemy.

"Today we are making the future. We are deciding right now the fate of the next generation — and the next, and the next. I do not see how the event can be anything but bad unless we rediscover the joy of work, whose 'essential element', according to Jacques Barzun, 'is passion. It is passion in work and for work,' he says, 'that makes the outcome a possession of the worker, that becomes habit-forming and indeed obsessive. Of all the deprivations that modern life imposes on intellectual man, the abandonment of work is the cruelest, for all other occupations kill time and drain the spirit, whereas work fills both.' "*The House of Intellect*, p. 125.

"We need to shake off what Admiral Burke has described as 'the danger . . . of not wanting to excel;' we need to abandon our devotion to the cult of mediocrity, defined by Admiral Halsey as 'an unforgivable sin.' We could use some of the spirit of the French paratroopers, whose so-called prayer is said to ask for a difficult life.

"Is it too late? Are we too much addicted to the easy way? Is there time to recover the vigor, the enterprise and resourcefulness, the eager acceptance of long hours and long odds, which characterized our ancestors who tamed the wilderness? A knowledgeable bookmaker, I suggest, would refuse an even-money bet.

"These gloomy reflections seem to me appropriate for LAW DAY because, if the West must bow to the Communist tyranny, the Rule of Law, which we celebrate today, will disappear from the face of the earth."
THE LAW BUILDING AND LIBRARY

In April, 1960, it was announced that, upon completion of the proposed new University Library, the present Main Library, after suitable alterations, would be made available to The Law School. It became apparent, however, that the necessary remodeling would cost more than could be invested prudently in an old building and that, even so, not much more than a makeshift could be achieved. Accordingly, steps already have been taken to make our present quarters habitable for at least a few more years. The Law School will celebrate its centenary in 1969. Perhaps by that time some benefactor will appear who wants nothing so much as to put up a new building for us.

NATURAL LAW INSTITUTE

Mr. John T. Noonan, Jr., has been appointed associate professor of law and editor of the Natural Law Forum. After receiving a B.A. summa cum laude from Harvard College in 1946, Mr. Noonan spent a year in graduate studies at Cambridge University in England. From there he went to the Catholic University of America where he earned a Ph.D. in Philosophy. He then entered the Harvard Law School and was graduated magna cum laude. In 1954-55 he was a special staff member of the National Security Council. For the last five years he has been practicing law in Boston with the firm of Herrick, Smith, Donald, Farley and Ketchum. Professor Noonan is the author of The Scholastic Analysis of Usury, published by the Harvard University Press in 1957, and of numerous articles and book reviews.

Upon learning of Professor Noonan’s appointment to the editorship of the Forum, Professor Paul A. Freund of the Harvard Law School wrote me as follows:

“I was particularly glad to learn that my friend John Noonan is going to be with you to work primarily, as I understand it, on the Natural Law Forum. He will add learning and vigor to the community as he would anywhere.”

NOTRE DAME LAW ASSOCIATION

Honorable William B. Lawless, ’44L, of Buffalo, New York, was elected president of the Notre Dame Law Association at the annual meeting at The Law School on June 10. Also elected were:

\begin{itemize}
  \item Honorary President, Mr. Albert H. Monacelli, ’34, of New York City.
  \item Vice President, Mr. Frederick K. Baer, ’36L, of South Bend.
  \item Secretary-Treasurer, Mr. Francis X. Fallon, ’33, of Grand Rapids.
  \item Executive Secretary, Mr. Thomas L. Murray, ’51L, of South Bend.
\end{itemize}

Newly elected directors of the Association are:

\begin{itemize}
  \item Mr. Valentine B. Deale, ’39, of Washington, D.C.
  \item Mr. Peter F. Flaherty, ’51L, of Pittsburgh.
  \item Mr. John J. Reidy, Sr., ’27L, of Cleveland.
  \item Mr. George N. Tompkins, ’56L, of New York City.
\end{itemize}

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

LAW ADVISORY COUNCIL

Honorable Charles S. Desmond, Chief Judge of the New York Court of Appeals, and Chief Justice Walter V. Schaefcr, of the Supreme Court of Illinois, are members of a team representing the American Bench and Bar who spent two weeks in England in July studying British appellate procedures. In January a British team will visit the United States to study appellate procedures in this country. Other members of the American team are Mr. Justice William J. Brennan, Jr., of the Supreme Court of the United States; Chief Judge J. Edward Lumbard, of the United States Court of Appeals for the Second Circuit; Honorable Archibald Cox, Solicitor General of the United States; Honorable Stanley Mosk, Attorney General of California; and Professor Delmar Karlen, Associate Director of the Institute of Judicial Administration at New York University. The British team includes Lord Evershed, Master of the Rolls; Professor Arthur Goodhart, Master of University College, Oxford; and Sir George Coldstream, permanent secretary to the Lord Chancellor.

We mourn the loss of Aaron H. Huguenard, ’22L, who died March 5, 1961. Requiescat in pace.

Mr. Robert F. Kennedy was appointed Attorney General of the United States.

Honorable Roger J. Kiley, ’23L, was appointed to the United States Court of Appeals for the Seventh Circuit and took the oath of office on July 17.

CONCLUSION

“Any given measure of success,” says Father Murray, “demands enlargement on penalty of instant decline.” We Hold These Truths, p. vii. There is no possibility of standing still; we must either gain ground or lose ground. On the whole, we moved ahead in 1960-61.
Many people contributed to our progress. We 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, Mr. Albert H. Montecelli, to the Law Advisory Council and to the student body, particularly Mr. Thomas L. Shaffer, Editor of the *Notre Dame Lawyer*—and to many others, not all of whom could be mentioned in this Report. For all the help and the many kindnesses I have received, I am profoundly grateful.

Respectfully submitted,

JOSEPH O'MEARA
Dean

August 15, 1961

FACULTY PUBLICATIONS
1960-61

EDWARD F. BARRETT


THOMAS F. BRODEN, JR.


JOHN J. BRODERICK


RICHARD C. CLARK


EDWARD J. MURPHY


JOSEPH O'MEARA

*Article:* Foreword, Labor Union Power and the Public Interest, *35 Notre Dame Lawyer* 591 (1960).
ROGER PAUL PETERS

Book Reviews:


WILLIAM D. ROLLISON

Article:

W. J. WAGNER

Articles:


L’Enseignement du Droit aux Etats-Unis, accepted for publication in Les Etudes Sociales.


Book Reviews:


Limpens, Rapports Généraux au Ve Congrès International de Droit Comparé (Bruxelles: Etablissements Emile Bruylant, 1960), accepted for publication in the American Journal of International Law.

Inst. de Droit Comparé-Université de Paris, Contributions Françaises aux III et IV Congrès Internationaux de Droit Comparé — Section II (1959), accepted for publication in Notre Dame Lawyer.