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University of Notre Dame

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UNIVERSITY OF NOTRE DAME
NOTRE DAME, INDIANA

The University of Notre Dame publishes bulletins for the several Colleges of the University under the following titles:

THE GENERAL BULLETIN

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THE COLLEGE OF LAW

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THE SUMMER SESSION

To secure copies of any of the above bulletins, address the Office of the Director of Admissions, University of Notre Dame, Notre Dame, Indiana.
University Calendar for the Year 1954-1955

Fall Semester 1954

Sept. 20, 21, 22 .......... Registration with the Director of Students’ Accounts (Mon., Tues., Wed.) and with Deans for courses in the first semester. (No student will be permitted to register in courses at the University after the final date of registration, Sept. 22. See Academic Regulation No. 1.)

Sept. 23 (Thurs.) .......... Classes begin at 8:30 a.m.

Sept. 25 (Sat.) .......... Latest date for all class changes.

Sept. 26 (Sun.) .......... Formal opening of the schoolyear with Solemn Mass and sermon by the President.


Nov. 1 (Mon.) .......... All Saints Day (no classes).

Nov. 10 to 24 .......... Preregistration with the Deans for courses in the Spring Semester 1955. (See Academic Regulation 77, General Bulletin.)

Nov. 25 (Thurs.) .......... Thanksgiving Day (no classes).

Nov. 30 (Tues.) .......... Latest date for acceptance of transfer students within the colleges (of Notre Dame only). (See Academic Regulation 69, General Bulletin.)

Dec. 8 (Wed.) .......... Feast of the Immaculate Conception (no classes).

Dec. 18 (Sat.) .......... Christmas vacation begins after the last class.

Jan. 3 (Mon.) .......... Classes resume at 8:30 a.m.

Jan. 11 to 25 .......... Registration for Spring Semester 1955 for all students in attendance.

Jan. 21 to 28 .......... Semester examinations in all courses. (Fri. to Fri.)

Spring Semester 1955

Jan. 31 (Mon.) .......... Classes begin at 8:30 a.m.

Feb. 2 (Wed.) .......... Latest date for all class changes.

Feb. 22 (Tues.) .......... Washington’s Birthday (no classes).

Mar. 23 to Apr. 1 .......... Preregistration with Director of Students’ Accounts (Wed. to Fri.) for rooms.

Mar. 29 to Apr. 5 .......... Preregistration with Deans for courses in the Fall Semester 1955 and for the Summer Session of 1955. (See Academic Regulation 77, General Bulletin.)

April 6 (Wed.) .......... First day of Easter vacation (no classes).

April 18 (Mon.) .......... Classes resume at 8:30 a.m.

May 16 (Mon.) .......... Latest date for acceptance of transfer students within the colleges (of Notre Dame only).

May 19 (Thurs.) .......... Ascension Thursday (no classes).

May 26 to June 2 .......... Semester examinations in all courses. (Thurs. to Thurs.)

May 30 (Mon.) .......... Memorial Day.

June 5 (Sun.) .......... Commencement Exercises.
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Adviser to the Moot Court

Professor Barrett

Adviser to the Student Law Association

Dean O’Meara

Class Advisers

First Year: Professors Richter and Chrost
Second Year: Professor Barrett and Assistant Professor Ward
Third year: Dean O’Meara and Professor Rollison

Faculty Committee on Examinations and Review

Professor Richter, Chairman
Professor Rollison
Assistant Professor Ward

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Professor Chrost, Chairman
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Miss Lawrence
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"The legal profession is a public profession. Lawyers are public servants. They are the stewards of all the legal rights and obligations of all the citizens." Reginald Heber Smith, Survey of the Legal Profession: Its Scope, Methods and Objectives, 39 American Bar Association Journal 548 (1953).

"The first of the qualities [which a lawyer should possess is] . . . [a]lter fidelity to the cause of a client, with no thought of popularity to be won in his defense, no thought of unpopularity to be incurred by the assumption of his cause. When old Malesherbes came voluntarily from his serene and safe retirement to defend Louis XVI before the Revolutionary Convention in Paris, he lost his case, as it was predetermined that he should, Louis lost his head, and a few months later the venerable head of Malesherbes followed that of his King into the bloody basket. But generations of lawyers since have worshipped his memory as Christians worship the martyred Stephen. When John Adams came to the defense of Captain Preston and his British soldiers after the so-called Massacre in Boston's King Street, with all of Boston clamoring at his door; when Andrew Hamilton came from Philadelphia to New York to the defense of John Peter Zenger and struck that great blow for the freedom of the press in America, they but did what every lawyer should rejoice to do if a like summons came to him." John W. Davis in 24 American Bar Association Journal 461 (1938).

The College of Law

The College of Law (commonly referred to as the Law School) is the oldest Catholic law school in the United States. It traces its origin to a course on law established at The University of Notre Dame in 1869. Among its graduates are members of the Bar in every state of the Union. It is a member of the Association of American Law Schools and is approved by the American Bar Association.

Purpose

Drawing inspiration, as it does, from the Christian tradition, the Law School, while aiming first of all at technical proficiency, aims at more than that. Its primary purpose is to impart the knowledge and cultivate the skills a lawyer needs to represent his clients effectively in a twentieth-century, workaday world. But professional competence is not enough; the Law School believes that lawyers and law schools must face the great questions concerning the nature of man and of society, the origin and purpose of law and the role of the lawyer in society. These questions are given searching examination throughout the curriculum, particularly in a course on the History of the Legal Profession in the first year, a Natural Law Seminar in the second year and a course on Jurisprudence in the third year. Thus the School systematically endeavors to illuminate the great jurisprudential issues which, especially in this fateful age, insistently press for answer; and to make clear the ethical principles and inculcate the ideals which should actuate a lawyer. The School believes that a lawyer is best served, and the community as well, if he possesses not only legal knowledge and legal skills but also a profound sense of the ethics of his profession—and something else which the curriculum is likewise designed to cultivate: pride in the legal profession and a fierce partisanship for justice.

In short, the aim is to graduate men competent to practice law successfully who are at the same time equipped for responsible leadership in a troubled world.

Methods of Instruction

Professional competence in the law comprises two elements, knowledge and skills. Hence the Law School is concerned not only with imparting knowledge but also with cultivating skills. What are the skills a lawyer needs? They are many and varied, but the basic skills essential to professional competence are three in number. First of all, a lawyer must be able to diagnose a situation; he needs the ability to penetrate to the core of a problem. Next, he must be able to "find the law," that is, he must be able to locate materials relevant to his problem and he must have the imagination to use those materials to advantage in his client's cause. Finally, he must be able to express himself clearly, accurately and persuasively.

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The first of these basic legal skills, skill in diagnostics, is developed by intensive training in analysis through rigorous use of the case method in the first year. The primary purpose is to sharpen the critical faculties of the student and, at the same time, to develop his creative abilities by keeping constantly before him this question: If you had been counsel in the case, how would you have presented it?

The remainder of the basic legal skills can best be cultivated by actual practice of the arts involved. Beginning with the second year, therefore, emphasis is shifted from the case method to the problem method, whereby students learn law by using it in working out specific legal problems. This gives the student intimate familiarity with the library and provides intensive training in the interpretation, adaptation and creative utilization of the materials he finds there.

Formal instruction is supplemented by lectures and panel discussions by eminent judges, practicing lawyers and legal scholars.

Comprehensive Examinations

As an aid to learning, the School has adopted cumulative comprehensive examinations. At the end of each semester students are examined not only on the work of the semester just concluded but on the work of preceding semesters as well; and the questions cut across various fields of law as do questions with which lawyers have to wrestle in real life. Ordinarily each comprehensive examination covers the work of three semesters but the final comprehensive examination covers all prescribed courses.

This system of examination requires of the student consistent study. But the consistent study, and the systematic and continuous review which these examinations necessitate, reward the student with knowledge that is retained and kept current and so is always on call. Moreover, the interlocking system of cumulative comprehensive examinations and systematic and continuous review brings the subjects already covered into juxtaposition with those currently under study and thus facilitates and deepens the student's understanding by helping him to see the law as an organic whole rather than as a succession of separate courses.

There are also examinations covering individual courses.

Faculty-Student Relationship

One of the hallmarks of the Law School at Notre Dame is the close liaison between faculty and students. Members of the faculty are always accessible. There is always on call. Moreover, the interlocking system of cumulative comprehensive examinations and systematic and continuous review brings the subjects already covered into juxtaposition with those currently under study and thus facilitates and deepens the student's understanding by helping him to see the law as an organic whole rather than as a succession of separate courses.

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Financial Aids

Scholarships. Tuition scholarships, provided by the Notre Dame Law Association, are available to a limited number of exceptionally gifted students. Inquiries should be addressed to the Dean, Law Building, Notre Dame, Indiana, prior to the first of April.

Loans. Loans may be obtained from the Fisher Education Fund by any approved law school are eligible. Applications should be addressed to the Fisher Student Loan Committee, Office of Business Affairs, Notre Dame, Indiana, prior to the first of July.

Employment. Part-time work is available for students. The study of law, however, is a full-time occupation; and any student who, for pressing economic reasons, must work more than a maximum of 15 hours a week, is urged to consult the Dean as to the advisability of spreading the prescribed program of instruction over more than the minimum of three academic years.

Research Assistantships

Each year a number of research assistantships in law are awarded on the basis of scholastic excellence and scholarly promise. These assistantships carry a substantial stipend for a period of twelve months. Qualified graduates of any approved law school are eligible. Applications should be addressed to the Dean, Law Building, Notre Dame, Indiana.

Veterans

The Law School welcomes veterans. Many of those who have served their country are confronted by problems which ordinarily do not concern a law student. The School makes every possible effort to be helpful to them.

Law Building and Library

The Law School occupies a handsome three-story structure of collegiate Gothic design at the entrance to the campus. This building, 157 feet long and 194 feet wide, has an assembly hall, classrooms, a courtroom, offices for the faculty and administrative staff, the Notre Dame Lawyer, the Moot Court and the Student Law Association, and a comfortable student lounge. In addition, it houses the Law Library, which includes a reading room 50 feet wide and 100 feet long, done in Tudor Gothic. A program has been put into effect to increase substantially the number of volumes in the library, presently in excess of 30,000.
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### Faculty-Student Relationship

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Notre Dame Law Association

Upon graduation students become members of the Notre Dame Law Association, a national organization composed of members of the bar who studied at Notre Dame. The general purpose of the Association is to promote the interests and increase the usefulness of the Notre Dame Law School and to foster a spirit of loyalty and fraternity among the alumni of the University of Notre Dame who are members of the legal profession.

The officers of the Notre Dame Law Association are:

Honorary President, Clarence J. Donovan of Indiana
President, Hugh E. Wall, Jr. of Ohio
Vice-President, H. Clay Johnson of New York
Secretary-Treasurer, Patrick J. Fisher of Indiana
Executive Secretary, F. Gerard Feeney of Indiana

Student Activities

Notre Dame Lawyer

The Notre Dame Lawyer, founded in 1925, is published quarterly by the students of the Law School, and affords an invaluable opportunity for training in precise analysis of legal problems and clear and cogent presentation of legal issues. The Lawyer contains articles and book reviews by eminent members of the legal profession as well as comments and notes by the Editorial Board. The significance of the Lawyer as an integral and important part of the School's instructional program derives in large measure from the fact that it is entirely student-edited.

Members of the Editorial Board are selected in competition on the basis of scholarship and literary ability, and appointment to the Board is recognized as a distinct honor. Eligibility for positions on the Board is determined by the record a student makes during the first semester of his first year. A student whose academic record measures up to the required standard of excellence may join the in-training group conducted throughout the second semester by senior members of the Editorial Board. Members of the Board are selected from this in-training group in the order of the excellence of their scholastic and literary achievements.

The officers of the Editorial Board for the academic year 1954-55 are:

Editor, Robert D. LeMense of Michigan
Associate Editor, John A. Vuono of Pennsylvania
Articles Editor, Wilbur L. Pollard of Missouri
Managing Editor, John P. Coyne of Ohio
Note Editor, Harry D. Snyder, Jr. of New York
Note Editor, Michael C. Dionne of Michigan
Case Editor, Norman H. McNeil of California
Case Editor, Robert J. Hepler of Indiana
Case Editor, Richard E. Shipman of Indiana
Book Review Editor, Allan C. Schmid of Michigan

Moot Court

The Moot Court, like the Notre Dame Lawyer, is conducted by the students themselves. First-year students are required to brief and argue at least one appellate case. Second-year students are eligible for the annual Moot Court Competition. The elimination rounds of the Competition are conducted throughout the year; appellate cases, based on hypothetical factual situations prepared by senior students in collaboration with the faculty, are briefed and argued before the imaginary Supreme Court of Hoynes, so called in honor of the late Col. William James Hoynes, dean of the School from 1883 to 1918. During the elimination rounds the Supreme Court of Hoynes consists of a
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Book Review Editor, Allan C. Schmid of Michigan

Moot Court

The Moot Court, like the Notre Dame Lawyer, is conducted by the students themselves. First-year students are required to brief and argue at least one appellate case. Second-year students are eligible for the annual Moot Court Competition. The elimination rounds of the Competition are conducted throughout the year; appellate cases, based on hypothetical factual situations prepared by senior students in collaboration with the faculty, are briefed and argued before the imaginary Supreme Court of Hoyanes, so called in honor of the late Col. William James Hoyanes, dean of the School from 1883 to 1918. During the elimination rounds the Supreme Court of Hoyanes consists of a
practicing lawyer, a faculty member and a senior student. Four second-year students act as counsel in each case. The two students whose presentation is adjudged superior by the Court continue in the Competition, the other two being eliminated.

For the final argument of the annual Competition the Supreme Court of Hoynes is composed of eminent judges of federal and state courts. The two winners receive the Clarence E. Manion Award, provided annually by former dean Clarence E. Manion; they represent the School in the National Moot Court Competition. In addition, cash prizes are presented to the participants by the Notre Dame Law Association. Quite apart from these awards, participation in the final argument is a coveted distinction.

The final argument in the 1953-54 Competition will be held on Wednesday evening, October 20. On that occasion the Supreme Court of Hoynes will be composed of:

Chief Justice George W. Bristow of the Supreme Court of Illinois
Chief Justice Horace Stern of the Supreme Court of Pennsylvania
Chief Justice Carl V. Weygandt of the Supreme Court of Ohio
Judge Frank E. Gilkison of the Supreme Court of Indiana
Justice Harry F. Kelley of the Supreme Court of Michigan

The students who will participate in the argument before this distinguished court are:

Armand P. Deatrick of Michigan
James J. Kelly of Illinois
John W. Houck of Wisconsin
Wilbur L. Pollard of Missouri

The officers of the Moot Court for the academic year 1954-55 are:

Director, George E. Lang of Kentucky
Executive Director, Armand P. Deatrick of Michigan
Chancellor, Andrew D. Walsh of Missouri
Adviser, Thomas J. Bergan of Indiana

The Student Law Association operates the Law School's placement service with the assistance of its faculty adviser and the generous support of the Notre Dame Law Association. Contacts are maintained with individual alumni, with law firms throughout the country and with corporate and government legal offices; and every effort is made to locate suitable professional opportunities for members of the graduating class. In addition, the facilities of the University's Placement Office are available to law students.

As part of its program the Student Law Association arranges a number of social functions throughout the year.

The officers of the Association for the academic year 1954-55 are:

President, Robert J. Maley, Jr. of Indiana
Vice-President, Daniel F. Daly of Pennsylvania
Secretary, Paul R. Jackiewicz of Michigan
Treasurer, Berry L. Reece of Mississippi

Rev. Jerome J. Wilson, C.S.C., the University's Vice-President for Business Affairs, serves as Chaplain.
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The Student Law Association

All students are eligible for membership in the Student Law Association. The purpose of the Association is to foster the professional development and the social life of the students, and to represent their interests. It is a member of the American Law Students Association, which is sponsored by the American Bar Association.

The Student Law Association has many important functions. Each year distinguished members of the bar are brought to the Law School under its auspices in order to acquaint the students with the ideas and attitudes of outstanding practicing lawyers, judges and legal scholars.

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Requirements for Admission and Graduation

This Bulletin contains specific information concerning the program of instruction and the requirements for admission to and graduation from the Law School. General information about The University of Notre Dame, including fees and expenses, housing, discipline, etc., is contained in The General Bulletin of the University, which will be supplied upon request.

Admission

A form of application for admission will be furnished upon request addressed to the Office of the Dean, Law Building, Notre Dame, Indiana.

The following persons, if of good moral character, are eligible for admission:

1. Graduates of an approved college
2. Students who have secured the required semester hours of credit in the University’s College of Arts and Letters, College of Commerce or College of Science in prescribed combination programs. These combination programs enable Notre Dame students to obtain both an undergraduate and a law degree in a minimum of six academic years
3. Veterans who have successfully completed at least three years of undergraduate study in an approved college.

All applicants for admission are required to take the Law School Admission Test, prepared and administered by Educational Testing Service of Princeton, New Jersey. The Test is given four times a year at examination centers throughout the country, including The University of Notre Dame. A form of application to take the Test and a Bulletin of Information concerning it can be obtained from the Office of the Dean, Law Building, Notre Dame, Indiana, or from Law School Admission Test, Educational Testing Service, 20 Nassau Street, Princeton, New Jersey.

Registration with Bar Authorities

The rules of many states require the filing of certain certificates, or registration, with the court or bar examiners before the study of law is begun. As soon as he decides to study law, a student should obtain instructions from the proper authorities (usually the state board of bar examiners or the clerk of the court of last resort) in the state in which he intends to practice. Failure to comply with such instructions may delay admission to the bar for a substantial period.

Requirements for Satisfactory Academic Standing

Written examinations are given at the end of each semester. The passing grade in all courses, as well as on the comprehensive examination (p. 8) is 70. To continue in the Law School a student must maintain a weighted average of 70. Even though he maintains a weighted average of 70 a student will be dismissed if he fails more than one course in any semester, or if he accumulates failures in more than three courses or in courses totaling more than eight hours.

To insure impartiality examinations are taken anonymously; prior to each examination the student draws a number and it is this number, not his name, which appears on his examination papers. All examination papers are read and graded personally by the members of the faculty.

Graduation

The degree of Bachelor of Laws (LL.B.) is conferred upon successful completion of the prescribed program of instruction, which requires not less than three academic years of law study. To complete the program successfully a student must pass a comprehensive examination covering all prescribed courses.

Change of Regulations

The Law School reserves the right to change at any time its regulations respecting admission to the School, continuance therein and graduation therefrom.
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The Program of Instruction

The program of instruction is designed to prepare a student to practice law in any state of the Union. All courses are prescribed; electives are offered only in the summer session. Special instruction is arranged for any student who must have completed certain courses, not included in the prescribed program, in order to take the bar examination in the state where he expects to practice.

In a number of courses instruction is supplemented by lectures and discussions by visiting specialists.

The Law School believes:

"The worst enemy to the law is the man who knows only its technical details and neglects its generative principles. . . . We need lawyers now, if ever, who have drunk deeper at the fountains of the law, much deeper, than the merely technical lawyer, who is only an expert in an intricate and formal business; lawyers who have explored the sources as well as tapped the streams of the law. . . ." Woodrow Wilson, Legal Education of Undergraduates, 17 American Bar Association Reports (1894) 439, 441.

In addition to other requirements, therefore, students are expected to read each summer a number of books having a bearing on the historical background and development of Anglo-American legal institutions. An examination on these books is given in September and must be passed before the student can continue.

Description of Courses

The schedule of courses and instructors for the academic year 1954-55 appears on pages 24 and 25.

Law 111—Introduction to Law. The idea back of this course is that the student's understanding and progress will be facilitated by an elementary survey, at the threshold of law study, of the nature and operation of the Anglo-American legal system. To that end the fundamental assumptions of the Common Law are spelled out and its characteristic attitudes, methods and procedures are described. One of the primary purposes of this approach is to enable the student to grasp, early in his law-school career, the reasons why he studies cases and how to do so to advantage. After this first phase of the course has been completed, the student is given practical instruction in effective methods of using the law library. Stoft, Handbook of Law Study and Karlen, Primer of Procedure.

Law 112 and 122—History of the Legal Profession I and II. Legal history is still written in terms of kings and courts and official acts; it should be written around practicing lawyers. That is the approach which is taken in this course. The origin of lawyers is traced and their position and function in society throughout the ages examined. In the process the student is introduced to the great men of the profession who have advanced the cause of human freedom within the framework of orderly government. Particular attention is directed to the contribution made by lawyers to the rise of Western civilization and the development of Western thought. The course concludes with an examination of the Canons of Professional Ethics, for the Canons reflect the principles and ideals, the courage and devotion of the great lawyers who have made the practice of law a learned profession dedicated to justice. Pound, The Lawyer from Antiquity to Modern Times and assigned readings.

Law 113 and 123—Contracts I and II. The first part of the course is given over to a study of the elements of a contract and the general principles of contract law. Offer, acceptance, consideration, the Statute of Frauds and the parol evidence rule are considered, together with general problems in drafting and interpreting contracts. Attention is then given to the remedies available against parties who fail to perform their agreements, to the effect of unforeseen changes in conditions and impossibility of performance, restrictions imposed by law and public policy upon individual freedom of contract, assignment of contracts, and to third-party beneficiaries. Actions sounding in contract are compared with those sounding in quasi-contract and tort. Patterson and Gebe, Cases on Contracts.

Law 114 and 124—Torts I and II. This course is concerned with the legal rules which determine whether civil liability will attach to conduct resulting in harm to others. Intentional injuries to the person, fraud, misrepresentation, libel and slander, unfair competition, interference with contractual relationships and invasions of personal interests are considered. Particular attention is given to the rules which determine responsibility for what are commonly called accidents and to the expanding field of liability without fault. The effect of legislation upon the common law of torts is studied through the medium of wrongful death and survival statutes, statutes permitting tort actions against the state and federal governments and the federal employers' liability acts. Green, The Judicial Process in Tort Cases and Green, Cases on Injuries to Relations.

Law 115—Criminal Law and Procedure. This course is intended to promote understanding of criminal law as one of the means to a good society. Modern criminal law is analyzed and evaluated as a means of preventing socially undesirable behavior. Common law principles are studied along with modern statutory developments. The practical workings of criminal procedure are examined, including arrest, investigation, indictment, bail, extradition, arraignment, trial, judgment and appeal. Special attention is given to such vital constitutional problems as self-incrimination, search and seizure, coerced confessions, double jeopardy and the right to counsel. Throughout the course the actual administration of criminal law is
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Law 126—Property I. This course is principally concerned with the owner-
ship of land and the rules respecting its transfer. By way of introduction
the concept of ownership, the distinctions between real and personal
property and the methods of acquiring title to property are considered.
The remainder of the course is given over to a study of the development
of modern methods of conveying and the importance of the recording
acts in present-day land transactions. Each student is required to take
all steps necessary to effect a voluntary transfer of land. Aigler, Bigelow
and Powell, Cases on Property (2d ed) vol. I.

Law 126—Procedure I. This course presents a study of the role of courts in
the settlement of controversies. The remedies available to those who use
the courts, the courts in which these remedies may be sought, the manner
of bringing adversaries before the courts and the effects of judgments
upon the parties—these form the major outlines of the study. Specific
topics include legal and equitable remedies, jurisdiction, venue, process,
res judicata and estoppel. Instructor materials describe the historical development of the modern law and the present judicial
system of the United States, viewed as a whole composed of state and
federal courts. Field and Kaplan, Materials for a Basic Course in Civil
Procedure.

Law 132—Equity. This course reflects the belief that the dynamic poten-
tialities of equitable principles will be better appreciated by the student
if the traditional procedure is followed of teaching the subject as a
separate course. The historical background and growth of equitable
remedies are studied, their present status is examined, and indications of
future development are explored. Cook, Cases on Equity.

Law 135—Procedure II. This course is concerned with the rules of proce-
dure which govern the conduct of civil suits. The phases of a lawsuit
are followed from the commencement of an action through the taking of
an appeal. Special attention is given to pleading, discovery, pre-trial confer-
ence, summary judgment, trial and appeal. The heart of the course is a
study of the Federal Rules of Civil Procedure. Significant variations
from federal procedure found generally in state procedural systems are
considered, and problems are assigned which are designed to familiarize
Law 116—Legislation. This course is intended to familiarize the student with statutory law and its role in the Anglo-American legal system. Consideration is given to the philosophy of self-government and to significant historical events underlying our democracy. Legislative procedure, the form of statutes, legislative language and the mechanics of modern legislative drafting are studied, as well as the role of courts and administrative agencies in the interpretation of statutes. The so-called rules of statutory interpretation and the use of legislative history are examined. Throughout the course the relationship of legislation to judicial codes is stressed. Read and MacDonald, Cases and Other Materials on Legislation, mimeographed materials and assigned readings.

Law 121—Agency. The theory and application of the rule imposing liability on the employer for an employee's torts in the course of service is first examined. Attention is then concentrated on the establishment of the principal-agent relation, the power of the agent to bind the principal in contracts with third parties, the effect of the principal's ratification of the agent's unauthorized acts and the various rights of the principal, agent and third party against each other during the existence of the agency and after its termination. Steffen, Cases on the Law of Agency (2nd ed).

Law 125—Property I. This course is principally concerned with the ownership of land and the rules respecting its transfer. By way of introduction, the concept of ownership, the distinctions between real and personal property and the methods of acquiring title to property are considered. The remainder of the course is given over to a study of the development of modern methods of conveyancing and the importance of the recording acts in present-day land transactions. Each student is required to take all steps necessary to effect a voluntary transfer of land. Angier, Bigelow and Powell, Cases on Property (3d ed) vol. I.

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COLLEGE OF LAW

Law 131 and 141—Natural Law Seminar. This bi-weekly seminar is designed to encourage thoughtful analysis of contemporary legal and social problems in the light of the Natural Law. Students read and write about selections from leading authors, past and present, on the Natural Law. Significant parts of St. Thomas' Treatise on Law are intensively discussed, and important modern legal and social problems are examined to find their relationship to the Natural Law and its use in their solution. Mimeographed materials and special assignments.

Law 132—Equity. This course reflects the belief that the dynamic potentialities of equitable principles will be better appreciated by the student if the traditional procedure is followed of teaching the subject as a separate course. The historical background and growth of equitable remedies are studied, their present status is examined, and indications of future development are explored. Cook, Cases on Equity.

Law 133—Constitutional Law. Attention is concentrated on significant present-day problems arising under the Constitution. Conflicting views as to the principles and canons of interpretation are critically examined. The theory and practice of judicial review are investigated. Problems involving the extent of Congressional power, the co-existence of our national and state governments, the protection of civil liberties, the making of treaties and their effects, and the functions of the executive and the judiciary in the national legal process are considered. Freund, Sutherland, Howe and Brown, Constitutional Law, Cases and Other Problems.

Law 134—Property II. This course deals with rights which are incidental to the ownership of land and with the types of interests which may be held in land owned by others. Introductory materials deal with the physical extent of property in land. The impact of government regulation upon land use and ownership is considered, particularly with reference to zoning and limitations upon private restrictive covenants. The incidents of the landlord-tenant relationship are examined with particular reference to types of leases in current use. Students are required to prepare leases and other instruments having to do with the possession and use of land. Angier, Bigelow and Powell, Cases on Property (2d ed) vol. II.

Law 135—Procedure II. This course is concerned with the rules of procedure which govern the conduct of civil suits. The phases of a lawsuit are followed from the commencement of an action through the taking of an appeal. Special attention is given to pleading, discovery, pre-trial conference, summary judgment, trial and appeal. The heart of the course is a study of the Federal Rules of Civil Procedure. Significant variations from federal procedure found generally in state procedural systems are considered, and problems are assigned which are designed to familiarize
the student with the procedural rules of the state in which he intends to practice. Field and Kaplan, *Materials for a Basic Course in Civil Procedure*.

**Law 142—Business Associations.** The two important forms of business association, private corporations and partnerships, are considered. The course is concerned primarily with the corporate form. Promotion, incorporation, state and federal regulations respecting the issuance of securities, powers and duties of directors, rights and remedies of shareholders, creditors' rights and dissolution are considered. The Uniform Partnership Act is considered contemporaneously with the study of private corporations to the extent necessary to make clear the differences between the two forms of organization, particularly with regard to control, liability of the associates and the rights of creditors. Frey, *Cases and Materials on Corporations and Partnerships*.

**Law 143—Administrative Law.** This course is intended to promote understanding of the administrative process. Administrative procedure and judicial review are emphasized. General problems of modern administrative law are examined, and the Administrative Procedure Act is analyzed. The diversity of activity of administrative agencies is illustrated by a survey of two important bodies of modern statutory law: Workmen's Compensation and Old Age and Survivors Insurance. Davis, *Administrative Law* and assigned readings.

**Law 144—Labor Law.** By way of introduction the English common law and statutes affecting labor disputes and their effect on early American labor law are reviewed. Factors related to the development of labor organizations and collective bargaining are explored, with particular reference to methods used to encourage and to impede unionization and to their social, political and economic consequences. A major part of the course is devoted to an analysis of the Labor-Management Act. Criticisms of the act and the more important suggested amendments are considered. Matthews et al., *Labor Relations and the Law*.

**Law 145—Procedure III.** The aim of this course is to develop familiarity with the techniques by which evidence of controverted facts is presented in litigation before judicial tribunals. Traditional rules are compared with the Model Code of Evidence proposed by the American Law Institutes and collective bargaining are explored, with particular reference to the Code, regulations, judicial decisions, departmental rulings and committee reports, is insisted on for the purpose of developing facility in working with these materials and an appreciation of their practical importance and relative weight. Teaching materials will be announced.

**Law 146—Domestic Relations.** The subjects covered in this survey include the creation of the husband-wife relationship, the reciprocal rights and duties of the spouses, separation agreements, property settlements, divorce, alimony and custody of children. This course includes a series of lectures

**COlLLGE OF LAW**

by Father Shreedy on the Canon Law of marriage and divorce. Non-Catholics are excused from these lectures on request. Jacobs and Goebel, *Cases on Domestic Relations* (3d ed).

**Law 151 and 161—Jurisprudence I and II.** The purpose of this course is to investigate the historical, philosophical, moral and sociological problems associated with the origin, nature and function of law. Among the problems explored are those having to do with law as a means of preserving social peace and order, as a standard applied in the protection of established ethical, social, political and economic values, as a device for reconciling conflicting interests and as a form of social policy and control. Special emphasis is placed upon an examination of the role of law in relation to human rights and human responsibilities. Assigned readings.

**Law 152—Federal Taxation I.** Legal problems involving the federal income tax which commonly arise in actual practice constitute the chief matter for study in this course. Major emphasis is placed on substantive problems involving business activities of individuals, partnerships and corporations; family problems, especially those having to do with the provisions applicable to estates and trusts; and the problems of shareholders and creditors affected by corporate reorganizations and readjustments. Questions of policy are also considered in the light of fiscal history and with a view to likely future developments. The constitutional basis for the growth of federal income taxation is examined; and the functions in tax matters of Congress, the President, the Treasury (including the Internal Revenue Service) and the courts (including the Tax Court) are explored. Practice in the use of the various relevant materials, particularly the Code, regulations, judicial decisions, departmental rulings and committee reports, is insisted on for the purpose of developing facility in working with these materials and an appreciation of their practical importance and relative weight. Teaching materials will be announced.

**Law 153 and 163—Estate Planning I and II.** This course is an integration of the law relating to wills, trusts and future interests. The historical development, execution, operative effect and administration of wills and trusts, and the function and significance in estate planning of various types of testamentary and inter-vivos transfers are examined, along with related problems in future interests, especially the rule against perpetuities, restrictions on accumulation of income, restraints on alienation, class gifts and powers of appointment. The tax aspects of these matters are emphasized. The various instruments useful in estate planning are studied and drafting of such instruments is required. Until a comprehensive collection of cases and materials can be prepared, the following will be used: Scott, *Cases on Trusts* (4th ed); Costigan, *Cases on Wills* (3d ed); Powell, *Cases on Future Interests* (3d ed); Rollison, *Estate Planning and the Drafting of Wills and Trusts*.
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Law 146—Domestic Relations. The subjects covered in this survey include the creation of the husband-wife relationship, the reciprocal rights and duties of the spouses, separation agreements, property settlements, divorce, alimony and custody of children. This course includes a series of lectures on the creation of the husband-wife relationship, the reciprocal rights and duties of the spouses, separation agreements, property settlements, divorce, alimony and custody of children. This course includes a series of lectures on the creation of the husband-wife relationship, the reciprocal rights and duties of the spouses, separation agreements, property settlements, divorce, alimony and custody of children.

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Law 152—Federal Taxation I. Legal problems involving the federal income tax which commonly arise in actual practice constitute the chief matter for study in this course. Major emphasis is placed on substantive problems involving business activities of individuals, partnerships and corporations; family problems, especially those having to do with the provisions applicable to estates and trusts; and the problems of shareholders and creditors affected by corporate reorganizations and readjustments. Questions of policy are also considered in the light of fiscal history and with a view to likely future developments. The constitutional basis for the growth of federal income taxation is examined; and the functions of tax matters of Congress, the President, the Treasury (including the Internal Revenue Service) and the courts (including the Tax Court) are explored. Practice in the use of the various relevant materials, particularly the Code, regulations, judicial decisions, departmental rulings and committee reports, is insisted on for the purpose of developing facility in working with these materials and an appreciation of their practical importance and relative weight. Teaching materials will be announced.

Law 153 and 163—Estate Planning I and II. This course is an integration of the law relating to wills, trusts and future interests. The historical development, execution, operative effect and administration of wills and trusts, and the function and significance in estate planning of various types of testamentary and inter-vivos transfers are examined, along with related problems in future interests, especially the rule against perpetuities, restraints on accumulation of income, restraints on alienation, class gifts and powers of appointment. The tax aspects of these matters are emphasized. The various instruments useful in estate planning are studied and drafting of such instruments is required. Until a comprehensive collection of cases and materials can be prepared, the following will be used: Scott, *Cases on Trusts* (4th ed.) ; Costigan, *Cases on Wills* (3d ed.) ; Powell, *Cases on Future Interests* (3d ed.) ; Rollison, *Estate Planning and the Drafting of Wills and Trusts*. 

College of Law
Law 154—Sales. This course analyzes the problems involved in the passing of title to goods, rights and duties created by sales contracts and conditional sales contracts, and the liability of the seller for defects in title and quality of goods sold. Practical problems arising out of contemporary sales practices are emphasized, and stress is laid on the application of statutes such as the Uniform Sales Act, Conditional Sales Act and the Uniform Commercial Code. Bogert and Britton, Cases on Sales (2d ed.).

Law 155—Bills and Notes. This course involves a critical study of the text of the Uniform Negotiable Instruments Act in the light of decided cases, with due attention to local variations and the Uniform Commercial Code. The topics considered, in the order of their appearance in the Uniform Act, are: the form of a negotiable instrument, transfer by delivery and endorsement, the equities and defenses of the parties, their respective liabilities and the discharge of a negotiable instrument. Careful study of various forms of negotiable paper in current business use is emphasized. Britton, Cases on Bills and Notes (4th ed.).

Law 156—Procedure IV. Every student must participate in at least one jury trial. A complete case is tried each Saturday in the "Superior Court of Hoyne," which follows, in the main, the Federal Rules of Civil Procedure. Student counsel interview parties and witnesses, and prepare and file pleadings and a trial brief. All preliminary matters are heard by Professor Barrett and, on the afternoon preceding the trial, the jury is impaneled by him. The trials are presided over by Honorable Luther M. Swygert, Judge of the United States District Court for the Northern District of Indiana. First-year students are required to serve as jurors. Faculty members from other colleges of the University, their wives, local business and professional men, and members of the South Bend Police Department serve as parties and witnesses. Proceedings after verdict and judgment are heard by Professor Barrett. The aim of the Practice Court is to broaden the understanding and deepen the insight of the students—not only the upper classmen who try the cases but also the first-year men who serve as jurors—and to achieve this greater understanding and insight through active participation in the resolution of controversy by jury trial—the process which is central to and characteristic of our legal system. Stryker, The Art of Advocacy and Goldstein, Trial Technique.

Law 162—Federal Taxation II. The operation and effect of the federal estate and gift taxes are emphasized, and the constitutional basis for these taxes is examined and policy questions are explored. Attention is concentrated on the different types of property interests that are subject to the two taxes; the tax treatment of powers of appointment; the operation of the marital deduction and split-gift provisions; and the valuation of estates and gifts. Teaching materials will be announced.
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ACADEMIC YEAR 1954-55

First Year
First semester
Law 111, Introduction to Law, Dean O'Meara and Professor Barrett, two hours
Law 112, History of the Legal Profession I, Professor Chroust, two hours
Law 113, Contracts I, Professor Richter, three hours
Law 114, Torts I, Assistant Professor Wagner, three hours
Law 115, Criminal Law, Assistant Professor Broden, three hours
Law 116, Legislation, Assistant Professor Broden, three hours

Second semester
Law 121, Agency, Professor Barrett, two hours
Law 122, History of the Legal Profession II, Professor Chroust, two hours
Law 123, Contracts II, Professor Richter, three hours
Law 124, Torts II, Assistant Professor Wagner, three hours
Law 125, Property I, Mr. Jackson, three hours
Law 126, Procedure I, Assistant Professor Ward, two hours

Second Year
First semester
Law 131, Natural Law Seminar I, Father Hesburgh and Judge Kiley, one hour
Law 132, Equity, Professor Richter, four hours
Law 134, Property II, Mr. Jackson, three hours
Law 142, Business Associations, Assistant Professor Ward, four hours
Law 144, Labor Law, Assistant Dean Broderick, three hours

Second semester
Law 141, Natural Law Seminar II, Father Hesburgh and Judge Kiley, one hour
Law 133, Constitutional Law, Professor Peters, four hours
Law 143, Administrative Law, Assistant Professor Broden, three hours
Law 135, Procedure II, Assistant Professor Ward, three hours
Law 145, Procedure III, Assistant Dean Broderick, three hours
Law 146, Domestic Relations, Assistant Professor Wagner, one hour

Third Year
First semester
Law 151, Jurisprudence I, Professor Chroust, two hours
Law 152, Federal Taxation I, Professor Peters, four hours
Law 153, Estate Planning I, Professor Rollison, three hours
Law 154, Sales, Assistant Professor Wagner, two hours
Law 156, Procedure IV, Judge Swygert and Professor Barrett, one hour
Law 165, Secured Transactions, Mr. Levy, three hours

Second semester
Law 161, Jurisprudence II, Professor Chroust, two hours
Law 162, Federal Taxation II, Professor Peters, two hours
Law 163, Estate Planning II, Professor Rollison, five hours
Law 166, Conflict of Laws, Professor Barrett, three hours
Law 155, Bills and Notes, Mr. Buczakowski, three hours

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Summer Session

Electives are offered only in the summer session, lasting approximately six weeks. Electives are listed on the next page.

The following electives will be offered in the year indicated and every third year thereafter:

- Law 174, Creditors Rights, 1955
- Law 184, Quasi-Contracts, 1956
- Law 175, Damages, 1957

Law 176, Government Regulation of Business will be offered in 1956 and every other year thereafter.

The following courses from the prescribed program are also offered in the summer session. In 1955 and every other year thereafter:

- Law 125, Property I
- Law 132, Equity
- Law 165, Secured Transactions

In 1956 and every other year thereafter:

- Law 116, Legislation
- Law 144, Labor Law
- Law 155, Bills and Notes

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"If anyone . . . believes he can practice law without the investment of many hours of wearisome toil and actual physical labor, without the shouldering of many heavy burdens of care, without the suffering of many bitter disappointments, and without being subjected to harsh and unfounded accusations of unfaithfulness to his trust, let him change his course now before it is too late. The practice of law does indeed offer compensations other than financial, but it should be constantly borne in mind that whoever aspires to eminence in that field must love it and live it, for none other can survive its rigors." From an address by Chief Justice Floyd S. Draper of the Indiana Supreme Court before a Special Convocation at Valparaiso University on May 6, 1954.
UNIVERSITY OF NOTRE DAME
NOTRE DAME, INDIANA

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THE GRADUATE BULLETIN

THE COLLEGE OF ARTS AND LETTERS

THE COLLEGE OF SCIENCE

THE COLLEGE OF ENGINEERING

THE COLLEGE OF LAW

THE COLLEGE OF COMMERCE

THE SUMMER SESSION

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