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University of Notre Dame

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"The first of the qualities [which a lawyer should possess] is... utter 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."

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THE Notre Dame Law School was established in 1869 and is the oldest Catholic law school in the United States. In keeping with its character as a national law school, the program of instruction is designed to equip a student to practice law in any jurisdiction; and the School numbers among its graduates members of the bar in every state of the Union. It is approved by the American Bar Association and is a member of the Association of American Law Schools.

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 society, the origin and purpose of law and the lawyer's role in society. These questions are given searching examination throughout the curriculum, particularly in a course on the 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.
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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 with facility 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.

The first of these basic legal skills, skill in diagnosis, 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.

The School is committed to small classes in order to facilitate participation by every student in the discussion at every meeting of every class.

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 designed a system of 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 practicing lawyers have to wrestle. Except in the first year, each comprehensive examination covers the work of three semesters.

This system of examinations requires of the students consistent study. But the consistent study, and the systematic and continuous review which these examinations necessitate, reward the student with the kind of legal knowledge it is important to have—knowledge that is retained and kept current and so is always on call. Moreover, the interlocking system of comprehensive examinations and systematic and continuous review brings 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.

CLASS ADVISERS

One of the hallmarks of the Notre Dame Law School is the close liaison between faculty and students. Members of the faculty are always accessible. In addition, there is a class-adviser system, two members of the faculty being assigned as advisers to each class. First-year students are urged to consult at least twice a month, upper classmen at least monthly, with one of their class advisers. The aim is to encourage students to seek timely counsel respecting scholastic difficulties or any of the problems by which students sometimes are beset.

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

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**PLACEMENT**

The Law School recognizes a responsibility to assist its students in finding suitable employment upon graduation. To that end a placement service is operated as one of the functions of the Dean's office. Contacts are maintained with lawyers and law firms throughout the country and with corporate and government legal offices, and qualified applicants are put in touch with prospective employers. While the School obviously cannot guarantee employment, it does make every effort to assist in locating employment opportunities. In addition, the facilities of the University's Placement Office are available to law students.

**Student Activities**

*Notre Dame Lawyer*

The *Notre Dame Lawyer*, founded in 1925, is published quarterly by the students of The Law School. It affords an invaluable opportunity for training in precise analysis of legal problems and in 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 *Lawyer* is entirely student edited and its significance as an integral and important part of the School's instructional program derives in large measure from this fact.

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 1955-56 are:

- Editor, James E. Murray of Iowa
- Associate Editor, Peter H. Lousberg of Illinois
- Articles Editor, Edmund L. White of New York
- Managing Editor, James M. Corcoran, Jr., of Illinois
- Note Editor, Joseph B. Joyce of Iowa
- Note Editor, Patrick J. Foley of Ohio
- Case Editor, George N. Tompkins, Jr., of New York
- Case Editor, John L. Rosshirt of Maryland
- Case Editor, J. Robert Gelman of Illinois
- Book Review Editor, Lawrence J. Dolan of Ohio
- Staff Research Editor, J. Patrick O'Malley of Indiana

**Moot Court**

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**MOOT COURT**

The Moot Court, like the *Notre Dame Lawyer*, is con-
ducted 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, 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 practicing lawyer, a faculty member and a third-year 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 court 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 1954-55 competition was held on Tuesday evening, October 25. The court which sat on that occasion was composed of:

Hon. Tom C. Clark of the Supreme Court of the United States
Hon. Potter Stewart of the United States Court of Appeals for the Sixth Circuit
Hon. W. Lynn Parkinson of the United States District Court for the Northern District of Indiana

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

Edward F. Broderick of New Jersey
William P. Fagan of New Jersey
Edward J. Griffin of Tennessee
Ronald P. Mealey of New Jersey

Messrs. Mealey and Broderick were adjudged the winners.

The officers of the Moot Court for the academic year 1955-56 are:

Director, Ronald P. Mealey of New Jersey
Executive Director, William P. Fagan of New Jersey
Chancellor, John E. Roberts of District of Columbia
Directors of Public Relations, David J. Eardley of Ohio and Edward J. Menard of New York

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 Student 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. It likewise arranges a number of social functions throughout the year.

The officers of the Association for the academic year 1955-56 are:

President, John W. Thornton of Indiana
Vice President, Berry L. Reece of Mississippi
Secretary, Jack Economou of New York
Treasurer, Dean S. Jennings of Michigan

Rev. Jerome J. Wilson, C.S.C., the University’s Vice-President for Business Affairs, serves as Chaplain.

GRAY’S INN

Gray’s Inn was founded in 1954 by members of the Class of 1957. It has as its primary purpose cultivation of the arts of advocacy. Named for one of the four major Inns of Court in Old England, it follows much the same procedure used by the original Gray’s Inn. At its semi-weekly meetings, conducted
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The officers of the Association for the academic year 1955-56 are:

- President, John W. Thornton of Indiana
- Vice President, Berry L. Reece of Mississippi
- Secretary, Jack Economou of New York
- Treasurer, Dean S. Jennings of Michigan

Rev. Jerome J. Wilson, C.S.C., the University’s Vice-President for Business Affairs, serves as Chaplain.

GRAY’S INN

Gray’s Inn was founded in 1954 by members of the Class of 1957. It has as its primary purpose cultivation of the arts of advocacy. Named for one of the four major Inns of Court in Old England, it follows much the same procedure used by the original Gray’s Inn. At its semi-weekly meetings, conducted
off-campus in an informal atmosphere, the members may be
called upon, without prior notice, to discuss a given subject or
to take part in a mock trial. In addition, the Inn invites
speakers to discuss various legal questions, especially those of
scholarly or cultural interest. Students become eligible for
membership upon successful completion of their first semester
in The Law School. The only other requisite is an active
interest.

Officers of Gray's Inn for the academic year 1955-56 are:

   Treasurer, William C. McLaughlin of Massachusetts
   Vice-Treasurer, William L. Schierberl of
       Pennsylvania
   Keeper of the Black Book, Lawrence A. Kane of Ohio
   Master of Revels, Robert P. Gorman of Illinois

Housing and Health

LIVING ACCOMMODATIONS

Two floors of Fisher Hall are reserved for law students.
Fisher Hall, which combines modern functional architecture
with the collegiate Gothic prevailing on the campus, was
dedicated November 29, 1952. It is conveniently situated on
the southwestern edge of the campus overlooking the golf
course. There are a few double rooms; the rest are single
rooms. All rooms are well lighted and harmoniously fur-
nished in blond oak. Each room is equipped with a desk,
chest of drawers, wardrobe, bookcase, study lamp and bed
with innerspring mattress. Students living in Fisher Hall
take their meals in the University Dining Hall next door.
For information concerning the cost of living in Fisher Hall
see “Fees and Expenses” beginning on page 35.

A student who desires a room in Fisher Hall is advised
to apply to the Director of Student Accounts, Notre Dame,
Indiana, promptly upon approval of his application for ad-
mission to The Law School.

Desirable furnished rooms in approved private residences
are available for students who cannot be accommodated in
Fisher Hall or who prefer to live off-campus, and the Univer-
sity makes every effort to assist them in locating suitable
quarters. The average rate for a single room is $7, for a
double room $6. This includes linen, blankets and care of
room. Since the more desirable rooms are in great demand, it
is recommended that off-campus students plan to arrive well
in advance of registration. The facilities of the University
cafeteria are available to off-campus students.

Unfurnished apartments on campus are available for
married students with children. The rent is $30 per month,
which includes gas range and hot water heater. It does not
include a refrigerator and the occupant must pay for all gas
and electricity consumed. The Northern Indiana Public Serv-
ice Company requires a $25 deposit from each new tenant
and the University requires a $10 deposit. Rental of these
accommodations is handled by the Mayor of Vetville, Notre
Dame, Indiana. As the supply of residential units is insuf-
ficient to meet the demand, a prospective student who is
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interested in these accommodations is urged to act *immediately* upon approval of his application for admission to The Law School.

**PHYSICAL WELFARE**

Every opportunity is afforded the student to engage in healthful exercise. The indoor program is centered in the Rockne Memorial, which is devoted to the physical welfare of the students and faculty of the University. In the central part of the structure is a standard swimming pool. Surrounding the pool are 12 courts for handball and squash, and rooms for boxing and wrestling. Above the pool is a large gymnasium for basketball, indoor tennis, indoor baseball, badminton and other games. In the wings flanking the central part of the building are general apparatus rooms and rooms for corrective work. The building is under the supervision of the University’s Department of Physical Education. Facilities for outdoor play include an 18-hole golf course, 22 tennis courts and a 27-acre play field laid out for all common games.

The Students’ Infirmary, which is in charge of the Sisters of Holy Cross, is a modern three-story building. Two physicians are in attendance daily, and out-patient care, and bed care when necessary, are available to all students. No charge is made for these services, except that students living off-campus pay the nominal sum of $3.50 a day for bed care. The University does not provide diagnostic tests, medication or X-rays.
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Requirements for Admission and Graduation

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 or College of Commerce 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

Beginning students are not admitted in the spring semester.

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 and in some foreign countries as well. 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.

Applicants are admitted subject to, and while in attendance are bound by, all applicable academic, disciplinary and other regulations (and amendments thereto) of The University of Notre Dame.

PRE-LAW STUDIES

There are no particular courses which must be taken by a pre-law student in order to qualify for admission to the Notre Dame Law School. The qualities it is most important for a law student to possess are not the product of any one course or combination of courses. They can be developed in any course which is well taught by an exacting teacher who requires his students to extend themselves. In the words of Chief Justice Stone, "the emphasis should be put on the intellectual discipline which the student derives from courses and [from] particular teachers, rather than [on] the selection of particular subjects without reference to the way in which they are taught." There is only one subject that is specifically recommended: a working knowledge of accounting is so helpful in the study of law that every pre-law student is urged to take at least six hours of basic accounting. For the rest, his college days should be devoted to the cultivation of intellectual and cultural interests and to the formation of habits of inquiry, of accuracy and of intensive study. As already indicated, any number of courses in various fields of learning, such, for example, as English, History, Mathematics and Philosophy, will serve this purpose, provided they are well taught by exacting teachers.

REQUIREMENTS FOR SATISFACTORY ACADEMIC STANDING

In addition to the comprehensive examination described on page 8, a written examination covering individual courses is given at the end of each semester. The passing grade in all courses, as well as on the comprehensive examinations, 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.

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To be eligible to take the examinations a student must at-
tend class regularly and punctually, and his classroom performance must be satisfactory.

**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. The degree will not be conferred upon any student who has been guilty of dishonest or dishonorable conduct.

**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 1956-57 appears on pages 32 and 33.

**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 atti-
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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 directed 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 Goble, *Cases on Contracts*.
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. Karlen, Primer of Procedure and assigned readings.

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THE LAW SCHOOL

LAW 114 and 124, TORTS I AND II—This course is concerned with the legal rules which determine whether civil liability attaches 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, Cases on Injuries to Relations and Green, The Judicial Process in Tort Cases.

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 evaluated; this is particularly true of the various types of correctional treatment. Michael and Wechsler, Criminal Law and Its Administration and assigned readings.

LAW 116, LEGISLATION—This course is intended to familiarize the student with the development of 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. Throughout the course the relationship of legislation to judge-made law is stressed. Nutting and Elliott, Cases on Legislation (2nd ed).

**LAW 121, AGENCY**—The theory and application of the rule imposing liability on the employer for an employee's torts are 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. Mechem, Cases on the Law of Agency (4th 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 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 (2nd ed) vol. I.

**LAW 128, 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 collateral estoppel. Introductory materials describe the historical development of the modern law suit 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 131 and 141, NATURAL LAW I and II**—This bi-weekly seminar is designed to awaken interest in natural law, and to encourage the habit of scrutinizing legal problems in the light of natural law principles. To this end, actual present-day problems are assigned for individual study, and thereafter are intensively discussed in class—problems whose just solution inescapably involves objective consideration of the essential nature of man. Mimeographed materials and assigned readings.

**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.
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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. Aigler, 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. To this end, the functions, powers and procedures of administrative agencies are examined. The conditions of valid administrative action, and the role and scope of judicial review are likewise considered. Special attention is given to the provisions of the Administrative Procedure Act. Davis, *Cases on 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 Institute. Ladd, *Cases and Materials on Evidence*.

**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. The course includes a series of lectures by Father Sheedy on the Canon Law of marriage and divorce. Non-Catholics are excused from these lectures on request. Clark, *Cases on Domestic Relations*.

**LAW 151 AND 161, JURISPRUDENCE I AND II**—This course, in the words of Woodrow Wilson, is devoted to an examination of "the essential nature and processes of law . . . the methods by which the law has grown, the vital principles by which . . . it has been pervaded, its means of serving society and its means of guiding it." Assigned readings.

**LAW 152, FEDERAL TAXATION I**—Legal problems involving
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. Aigler, 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. To this end, the functions, powers and procedures of administrative agencies are examined. The conditions of valid administrative action, and the role and scope of judicial review are likewise considered. Special attention is given to the provisions of the Administrative Procedure Act. Davis, *Cases on Administrative Law* and assigned readings.

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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 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, department 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.


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 incomes, 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* (2d ed); Rollison, *Estate Planning and the Drafting of Wills and Trusts.*

LAW 154, SALES—This course analyzes the problems involved in the passing of title to goods, the 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* (2nd 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’s,” 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 impanelled 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 the several 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
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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 these 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. Warren and Surrey, Federal Estate and Gift Taxation, Cases and Materials (1956 ed) and Surrey and Warren, Federal Taxation, Current Law and Practice.

**LAW 165, SECURED TRANSACTIONS**—This course is designed to give the student an understanding of the law regulating various security devices available to creditors. The first part of the course is devoted to the use of land as security and includes a study of the lien and title theories of the real estate mortgage, and of the rules pertaining to foreclosure, redemption, priority, assignment and related questions. This is followed by a study of the use of chattels and intangibles as security, including an investigation of the law concerning pledge, chattel mortgage, conditional sale, trust receipt and equitable lien. Provisions of the Bankruptcy Act which affect the validity and priority of security devices are considered. Finally, the law of suretyship is examined, particular attention being paid to the rules pertaining to the obligations of sureties, the relations of co-sureties, and problems of quasi-suretyship. Durfee, Cases on Security.

**LAW 166, CONFLICT OF LAWS**—This course is concerned with the principles followed by the courts of a state when asked to enforce the rights or duties created by the laws of another state. The general subject of jurisdiction is considered first, including the jurisdiction of a foreign state to create rights and duties enforceable elsewhere, and the jurisdiction of the forum to entertain suits based upon such rights and duties. The balance of the course is concerned with the choice-of-law problem in the fields of Torts, Contracts, Property, Business Organizations, Domestic Relations and Decedents' and Debtors' Estates. Emphasis is placed upon the theoretical bases of the Conflict of Laws, the general principles guiding the forum in choosing the applicable law and the American constitutional limitations on the freedom of the forum in this regard. Lorenzen, Cases on Conflict of Laws (6th ed by G. W. Stumberg).

**ELECTIVES**

The following elective courses are taught only in the Summer Session.

- Law 171, Civil and Political Rights
- Law 172, Comparative Law
- Law 173, Corporate Receiverships and Reorganizations
- Law 174, Creditors Rights
- Law 175, Damages
- Law 176, Government Regulation of Business
- Law 177, Insurance
- Law 178, International Law
- Law 179, Law of Oil and Gas
- Law 180, Legal Problems of Radio and Television
- Law 181, Municipal Corporations
- Law 182, Patent and Copyright Law
- Law 183, Public Utilities
- Law 184, Quasi-Contracts
- Law 185, Roman Law
- Law 186, Workmen's Compensation
- Law 188, Air Law
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. Warren and Surrey, Federal Estate and Gift Taxation, Cases and Materials (1956 ed) and Surrey and Warren, Federal Taxation, Current Law and Practice.

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LAW 166, CONFLICT OF LAWS—This course is concerned with the principles followed by the courts of a state when asked to enforce the rights or duties created by the laws of another state. The general subject of jurisdiction is considered first, including the jurisdiction of a foreign state to create
Schedule of Courses

FIRST YEAR

FIRST SEMESTER

Law 111, Introduction to Law, Dean O'Meara and Assistant Professor Kellenberg, 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, Mr. McGowan, three hours
Law 116, Legislation, Mr. Grant, 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, Assistant Professor Kellenberg, three hours
Law 126, Procedure I, Assistant Professor Ward, two hours

SECOND YEAR

FIRST SEMESTER

Law 131, Natural Law I, Judge Kiley and Professor Luna, one hour
Law 132, Equity, Professor Richter, three hours
Law 134, Property II, Assistant Professor Kellenberg, four 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 II, Judge Kiley and Professor Luna, one hour
Law 133, Constitutional Law, Professor Peters, four hours
Law 143, Administrative Law, Judge Dempsey, 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. Buczkowski, three hours

The foregoing program for the academic year 1956-57, though definitely planned at the date of this Bulletin, is subject to change.
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The foregoing program for the academic year 1956-57, though definitely planned at the date of this Bulletin, is subject to change.
Summer Session

To assist students in planning, it is the policy of the School to offer certain courses in the Summer Session at regularly recurring intervals.

Upon request of a sufficient number of students, the following electives will be offered in the year indicated and every third year thereafter:

Law 184, Quasi-Contracts, 1956
Law 175, Damages, 1957
Law 174, Creditors Rights, 1958

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, upon request of a sufficient number of students. In 1956 and every other year thereafter:

Law 116, Legislation
Law 143, Administrative Law
Law 155, Bills and Notes

In 1957 and every other year thereafter:

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

By taking some of the required courses during the summer, students can lighten the course load of the regular semesters.

Fees and Expenses

Matriculation Fee—A matriculation fee of $10 is required of all students upon entering the University for the first time.

Tuition Fee—The tuition and general fee for students who do not reside on the campus is $375 a semester. Payment of this fee entitles the student to instruction; use of the Law Library and the University Library; admission to lectures, concerts, etc., in Washington Hall; medical services as indicated on page 17; use of the Rockne Memorial, the athletic fields and the University golf course (a green fee of 25 cents is charged); admission to athletic contests at Notre Dame; a copy of each issue of The Scholastic, news magazine of the University; and a copy of the Dome, yearbook of the University.

Combined Fee for Residence, Board, Tuition, etc.—A student who lives in Fisher Hall is charged a combined fee of $765-$835 a semester, the precise amount being determined by the room occupied. Payment of this fee entitles the student to residence in Fisher Hall, meals in the University Dining Hall, laundry to the extent of normal requirements, and to the other services and facilities enumerated above under Tuition Fee.

Deposit for Special Fees—Students are required to deposit $20 at the beginning of the academic year. This deposit represents an estimate of the cost of special fees payable during the academic year. Against the sum deposited there is a fixed annual charge of $1.75, the price of a year's subscription to the Notre Dame Lawyer. A diploma fee of $10 is charged against the deposit of third-year students. Any difference between the estimated and the actual charges during the year is adjusted at the end of the year.

Late Registration Fee—If a student is permitted to register after the final date fixed for registration (page 44), a late-registration fee of $25 is charged.
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PAYMENT OF FEES—All fees are payable in advance prior to the beginning of each semester.

The regulations regarding fees, portions of which are summarized above, are set out in full in The General Bulletin of the University. Any fee may be changed at any time without prior notice, and new charges may be added without prior notice.

Financial Aids

SCHOLARSHIPS

THE JOHN J. CAVANAUGH LAW SCHOLARSHIPS—Founded by Rev. Theodore M. Hesburgh, C.S.C., President of The University of Notre Dame, in honor of his predecessor, Rev. John J. Cavanaugh, C.S.C. The University awards annually two 3-year tuition scholarships for study in the Notre Dame Law School, one to a graduating senior in the University’s College of Arts and Letters and the other to a graduating senior in the College of Commerce. These awards are made only to students who have demonstrated exceptional scholastic ability.

THE CHARLES F. WILLIAMS LAW SCHOLARSHIPS—Established in June of 1954 under the will of Charles F. Williams of Cincinnati, Ohio, a member of the Associate Board of Lay Trustees from 1948 until his death in September of 1952. The income from $50,000 will be awarded annually, in amounts to be determined from time to time, to students of unusual promise.

THE F. HENRY WURZER AND LOUIS C. WURZER LAW SCHOLARSHIPS—Established in May of 1954 by relatives and friends of F. Henry Wurzer, ’98, and Louis C. Wurzer, ’96. The stipend is $1,500, which may be awarded to one outstanding student or divided among several.

THE JOHN M. TUOHY LAW SCHOLARSHIPS—Established in February of 1955 in honor of the late John M. Tuohy of the Appellate Court of Illinois. The stipend is $1500 annually, which may be awarded to one student of outstanding ability or divided among several.

THE ANDREW A. HELLMUTH LAW SCHOLARSHIP—Established in April of 1955 by Paul F. Hellmuth, °40, a member of the Advisory Council, in honor of his father, the late Andrew A. Hellmuth of Springfield, Ohio. The stipend is $650.

THE GEORGE G. HUGHES LAW SCHOLARSHIP—Established in October of 1955 in honor of the late George G. Hughes of
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The George G. Hughes Law Scholarship—Established in October of 1955 in honor of the late George G. Hughes of
New York City by two of his friends in South Bend. The stipend is $750.

The Advisory Council Scholarship—Established in November of 1955 by a member of the Advisory Council. The stipend is $750 a year for three years.

The Notre Dame Law Association Scholarships—Provided annually by the Notre Dame Law Association to a limited number of exceptionally talented students.

Employment

Part-time work is available for students. However, the study of law 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.

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 attended Notre Dame. The Association seeks 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. Each year the Association provides the funds for a number of tuition scholarships, and its members render invaluable aid to the School in its placement activities. Mr. Frank J. McCarthy of Washington, D.C., is National Chairman of the Association's scholarship program.

The Association meets at The Law School each June in conjunction with the University's annual reunion week-end. It holds a meeting, also, in conjunction with the annual convention of the American Bar Association.

The officers of the Notre Dame Law Association are:

Honorary President, Hugh E. Wall, Jr.,
Dayton, Ohio
President, Norman J. Barry,
Chicago, Illinois
Vice-President, William E. Voor,
South Bend, Indiana
Secretary-Treasurer, Poyntelle Downing,
Decatur, Illinois
Executive Secretary, F. Gerard Feeney,
South Bend, Indiana

In addition to the officers, the following are directors:

George Brautigam, Miami, Florida
Roger P. Brennan, Cleveland, Ohio
Patrick J. Fisher, Indianapolis, Indiana
J. Lee Johnson, III, Fort Worth, Texas
James H. Kelleher, Kent, Washington
John J. Locher, Jr., Cedar Rapids, Iowa
Thomas L. McKevitt, Washington, D.C.
John J. Ryan, Farmingdale, New York
Thomas J. Welch, Kewanee, Illinois
New York City by two of his friends in South Bend. The stipend is $750.

**THE ADVISORY COUNCIL SCHOLARSHIP**—Established in November of 1955 by a member of the Advisory Council. The stipend is $750 a year for three years.

**THE NOTRE DAME LAW ASSOCIATION SCHOLARSHIPS**—Provided annually by the Notre Dame Law Association to a limited number of exceptionally talented students.

**EMPLOYMENT**

Part-time work is available for students. However, the study of law 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.

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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 attended Notre Dame. The Association seeks 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. Each year the Association provides the funds for a number of tuition scholarships, and its members render invaluable aid to the School in its placement activities. Mr. Frank J. McCarthy of Washington, D.C., is National Chairman of the Association's scholarship program.

The Association meets at The Law School each June in conjunction with the University's annual reunion week-end. It holds a meeting, also, in conjunction with the annual convention of the American Bar Association.

The officers of the Notre Dame Law Association are:

Honorary President, Hugh E. Wall, Jr.,
Dayton, Ohio
President, Norman J. Barry,
Chicago, Illinois
Vice-President, William E. Voor,
South Bend, Indiana
Secretary-Treasurer, Poyntelle Downing,
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Natural Law Institute

The Natural Law Institute, a function of the Notre Dame Law School, was organized in 1947. Five annual convocations were held under its auspices, the last one in December of 1951. Thereafter, a search was undertaken for a way in which the Institute could function effectively on a year-round rather than a once-a-year basis. After exploring many possibilities, it was decided to publish a journal of natural law studies, to be known as the Natural Law Forum. The Forum will have two main functions. In the first place, it will publish articles of the highest scholarship on natural law in the context of today's world. In this way it is hoped that natural law can be brought to bear on some of the problems of these troubled times, not as providing a catalog of detailed solutions but as a source of inspiration and guidance. In addition, the Forum will feature reports from all over the world concerning natural law developments, thus making Notre Dame the worldwide center of information about natural law.

The Forum will be published by the following editorial board:

EDITOR-IN-CHIEF
Professor Antonio de Luna, The University of Notre Dame and the University of Madrid.

ASSOCIATE EDITORS
Professor Vernon J. Bourke, St. Louis University
Professor A.-H. Chroust, Notre Dame Law School
Mr. George W. Constable, Baltimore, Maryland
Professor William J. Curran, Boston College Law School
Professor A. P. d'Entreves, Oxford University, England
Professor Lon L. Fuller, Harvard Law School
Professor Myres S. McDougall, Yale Law School
Professor F. C. S. Northrop, Yale Law School
Professor H. A. Rommen, Georgetown University
Professor Leo Strauss, The University of Chicago
Professor John Wild, Harvard University

In addition, there will be a board of advisory editors which, it is hoped, eventually will include every recognized scholar anywhere in the world who is actively interested in natural law, regardless of race and religion.

The first issue of the Forum is expected to come off the press early in 1956.
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### Calendar

#### FALL SEMESTER 1956

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<td>Classes begin at 8:30 a.m.</td>
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The University of Notre Dame publishes bulletins for the several Schools and Colleges of the University under the following titles:

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- The Graduate Bulletin
- The Law School
- The College of Arts and Letters
- The College of Science
- The College of Engineering
- The College of Commerce
- The Summer Session

To secure a copy of any of the above bulletins, address the Office of the Director of Admissions, University of Notre Dame, Notre Dame, Indiana.