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The University of Notre Dame: A Contemporary Portrait

Robert Schmuhl

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The University of Notre Dame
A Contemporary Portrait

by
Robert Schmuhl

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Construction of the new addition to the Law School
AT THE DEDICATION of the University of Notre Dame's London Law Centre in 1983, Chief Justice Warren E. Burger said: “American law schools for the most part perform very well the task of training in the law and in legal analysis. But a system of legal education that teaches lawyers to think brilliantly yet fails to teach them how to act with civility and according to high professional standards with a commitment to human values has failed to perform its mission.” The Chief Justice, however, was not completely critical of legal education. Calling Notre Dame a leader in integrating ethical and moral considerations into teaching and research, he noted that “Notre Dame has a rare opportunity to encourage a reexamination of the moral basis and the jurisprudential assumptions on which our legal system and our legal education are based.”

Fostering sensitivity to moral and ethical questions, especially their relationship to all aspects of the law, has been a continuing concern throughout the history of legal education and scholarship at Notre Dame. The Law School, the oldest law school under Catholic auspices in the United States, began in 1869. Providing legal instruction to Notre Dame students was one of Father Edward Sorin's earliest dreams for the school he founded in 1842. Indeed, in the first published catalog issued by the University in 1854, Father Sorin announced his intention of establishing a Department of Law. Four years later, courses in constitutional law appeared in the curriculum. A decade after these classes were offered, the Board of Trustees voted to create a distinct department.

From 1869 until the academic year of 1882–83, a student could earn a bachelor of laws degree by completing two years of course work, by participating in the weekly moot court proceedings, and by writing an essay on a specific legal matter. But in 1882–1883 Notre Dame became the fourth school in the country to institute a three-year program. Adding another year of study allowed more thorough instruction in the law and provided a greater degree of professionalism to the education students received. Notre Dame helped to pioneer the three-year course of legal studies, which subsequently became and continues to this day as the standard length of time to complete degree requirements at law schools throughout the United States.

Another significant occurrence of 1883 was the return to campus of William J. Hoynes, who was named the first dean of law in January of that year. Hoynes, an 1872 law graduate of the University
of Michigan, had received a master of arts degree from Notre Dame in 1878. Before accepting the deanship, he had practiced law in Chicago and had been a newspaper editor in New Jersey and in Illinois. Hoynes served as dean from 1883 until 1919 and as a visible (and vigorous) dean emeritus from 1919 until his death in 1933. Although never advancing beyond private in the Union Army during the Civil War, he came to be known as “Colonel” Hoynes throughout his fifty years at Notre Dame. During his long tenure as dean, he significantly improved legal education at the University. In fact, not long after Hoynes took over, the Chicago Law Journal reported that “within the past three or four years the Law Department of the University of Notre Dame . . . has taken rank among the very best law schools in the country.”

Hoynes taught no fewer than four classes each day and presided over moot court as part of his duties. His legendary teaching, his personal involvement with students, and his concern for the ethical and philosophical aspects of the law were highly influential, and several of his qualities took root in the Law School, and continue to flourish today. In A Century of Law at Notre Dame, Rev. Philip S. Moore, C.S.C., provides a telling assessment of Hoynes: “During those fifty years [1883–1933] he not only developed and strengthened what was then called the Law Department, but also became perhaps the best known and best loved professor ever to serve on the faculty of the university. He was at once a strong personality, a master teacher, and a ‘character’ whose little foibles and vanities charmed colleagues and students alike.”

With support from several administrators at Notre Dame, Hoynes made legal education an integral part of University life. He also oversaw and helped to guide the remarkable growth of the law program and its facilities. When Hoynes arrived in 1883, the Administration building was the home of law classrooms and offices. Then, from 1889 until 1918, Law occupied a portion of the first floor of Sorin Hall, where Hoynes himself lived as a “bachelor don” for many years. In 1919, a separate building, the Hoynes College of Law, was dedicated. (It is now the Crowley Hall of Music.) During the 1920s, Law continued to expand, and in 1930 the present law building near the entrance to the campus was completed. Renovations and additions in the 1970s and 1980s have almost tripled the size of the original facility, with both of these recent expansions helping to enlarge the library of the Law School and providing more classroom and office space.

The principal legacy of Colonel Hoynes (besides the humorous anecdotes that abound about him) was the firm foundation for legal studies that he constructed. He emphasized skill and service as being hallmarks of Notre Dame graduates in law. Succeeding deans and professors built on this base to strengthen the Law School, and to make it a more influential force in American legal education.

One of the most important figures to contribute to the development of the Law School was Joseph O'Meara, the dean from 1952 until 1968. O'Meara had as his primary goals academic excellence and professional competence for everyone associated with the Law School. Influenced by the achievements of Ivy League law schools, especially those at Harvard and Yale, O'Meara actively sought promising students from across the country through an extensive scholarship program. In addition to raising the standards of admission, introducing requirements to make the Law School more selective, and designing a more rigorous curriculum, O'Meara enlarged the faculty and hired professors who were expected not only to teach but also to challenge the students to meet high professional standards. O'Meara also supported the coeducation of the Law School, which occurred in 1965–66, seven years before the Notre Dame undergraduate program, and he established the Legal Aid and Defender Association to provide legal service to the poor. In A Century of Law at Notre Dame, Father Moore summarizes the accomplishments of O'Meara's tenure as dean: “The aim or purpose of legal instruction at Notre Dame remained substantially the same in the O'Meara era as it had always been, to produce the lawyer well grounded in the fundamentals of law, trained in the essential skills of the practitioner, and deeply imbued with a sense of the moral responsibilities of the members of the legal profession. But this aim or purpose was more consistently insisted upon and expressed in several different ways.”

O'Meara's insistence on competence and compassion as fundamental to the work and lives of students and faculty members brought greater recognition to the Law School than it had achieved in its first eighty years. One Ohio Bar Association survey conducted at this time ranked Notre Dame with Harvard, Yale, and Michigan as the best out-of-state schools in preparing students to take the state bar examination. John T. at Notre Dame from Contraception: A His Catholic Theologians it is acknowledged in a definitive study of its subject recently been appointed States Court of Appeals.

The years since the School's centenary have to enrich traditional curricula with new programs standing in legal education and the law and their relationships. Besides maintaining a central position in the University, the School of Law is a base for the students to know one another. It is easier to enjoy the friendship of the students and to feel a part of the University community. The School of Law is an integral part of the University, and the students are an integral part of the School. They are an important element in the tradition of the School.
of Colonel Hoynes notes that abound about Notre Dame graduates in legal studies that size, skill and service the Law School, and to make American legal education more competent to contribute to the Law School was from 1952 until 1968. The goals academic excellence for everyone, influenced by the Yale, O'Meara actively from across the scholarship program. In years of admission, in making the Law School a more rigorous curriculum the faculty and hired not only to teach students, to meet high O'Meara also supported the School, which occurs before the Notre Dame, and he established an Association to promote. In A Century of Law Shaffer summarizes the era's tenure as dean: instruction at Notre Dame the same in the been, to produce the fundamentals of law, of the practitioner, sense of the moral re- view of the legal program more con- expressed in several competence and com- work and lives of students, brought greater recognition than it had achieved the Ohio Bar Association's time ranked Notre and Michigan as the repairing students to take the state bar examination. In the realm of scholarship, John T. Noonan, a professor of law at Notre Dame from 1962 until 1969, published Contraception: A History of its Treatment by the Catholic Theologians and Canonists in 1965, and it is acknowledged internationally to be the definitive study of its subject. Professor Noonan has recently been appointed as a Judge of the United States Court of Appeals for the Ninth Circuit.

The years since the celebration of the Law School's centenary have been marked by efforts to enrich traditional areas of strength and to launch new programs that enhance Notre Dame's standing in legal education. The long-standing commitment to effective teaching and to a close relationship between students and faculty remains a central feature of the Law School's character. Instead of an intensely competitive experience similar to the one depicted in the popular movie and television series "Paper Chase," most professors and students see the Notre Dame Law School as a collegial endeavor. Professor Joseph Bauer, a graduate of Harvard Law School, who joined the Notre Dame faculty in 1973 and has also taught at the University of Michigan Law School and at the University of North Carolina School of Law, remarks, "One thing that would commend me to Notre Dame is the community. Law School is a less unpleasant experience here. Students know one another and have access to the faculty. It is easier to learn in that environment." Professor Kenneth Ripple adds, "We in the faculty try to be role models. Students are able to see how an integrated life in the law is led. We do clone ourselves here, and the students become our colleagues. When we choose a student body, we're, in effect, choosing our colleagues."

Collegiality or civility exists within the program despite the fact that there has been increased competition in recent years to become a law student at Notre Dame. Anywhere from ten to twelve applicants vie for each place in the first-year class. As the Law School has improved and become more recognized, the quality of potential students has reflected this advancement. Even though the school itself has more than doubled its size in the past two decades (from 180 in 1965 to 505 in 1985), there is now greater depth in the ability and potential of the student body.

The challenge that was successfully faced by Dean Thomas L. Shaffer (1970—1975) was how to maintain the quality of both the student body and the program despite the increase in the number of students. Dean Shaffer first established a principle of critical size. The student body would have to be large enough to justify sufficient faculty positions needed to offer a comprehensive curriculum. On the other hand, Notre Dame should never go beyond the "small law school" category because, as a medium or large law school, it would not be possible to maintain both the atmosphere of collegiality and the concentration on values. Since "small law schools" are generally considered to be those having 550 or fewer students, Notre Dame still remains comfortably within that category.

Dean Shaffer was also determined to maintain some of the essential features of the Notre Dame Law School. He strove to maintain a diverse, concerned, and academically excellent student body, a faculty committed to quality teaching and research, and an environment in which ethical, normative, and moral questions are addressed adventurously and without embarrassment.

JOSEPH P. BAUER
Law School

The Notre Dame Law School is striving to maintain a diverse, concerned, and academically excellent student body, a faculty committed to quality teaching and research, and an environment in which ethical, normative, and moral questions are addressed adventurously and without embarrassment.
atmosphere. Small class size and a low student-faculty ratio were among his goals and the concept of "open door" faculty offices was maintained. The "open door" policy specifies that no faculty member at Notre Dame is permitted to list office hours since students should feel welcome to consult with the faculty at any time except when the teacher is preparing for class. Most importantly, Dean Shaffer began experiments which have resulted in Notre Dame's unique admissions system. Although many law schools base admissions primarily on grade point averages and Law School Admissions Test scores, Notre Dame has developed a highly personalized program that looks at many aspects of a student's background. Notre Dame goes beyond the grade point average by doing a transcript analysis looking for factors such as progress made during the applicant's undergraduate career and whether the student has challenged himself or herself through difficult electives. Of more importance than the standardized test scores is an applicant's capacity for leadership and a demonstrated concern for exploring value questions and issues. Decisions about admission are based on these latter factors because the legal education Notre Dame students receive continues to combine substantive understanding of the law's practices and procedures with sensitivity to the ethical and human implications of what a lawyer does in professional life. The value orientation of the Law School distinguishes it from most of the other law schools, whether public or private, in the United States. While pursuing moral considerations might be an adjunct activity elsewhere, it is an integral component to the Notre Dame law program.

This commitment, which draws much of its strength from the Catholic character and religious orientation of the University, pervades the teaching, research, and service activities of the Law School. In the classroom, for instance, students are required to take courses on "law and ethics" during three of their six semesters. In addition, a class in jurisprudence is a requirement at Notre Dame, making the Law School one of only two in the country where having background in the philosophy of law is a necessity.

Exploring value questions, however, goes beyond the required courses that revolve principally around such issues. As Professor Fernand N. Du- ttle observes, "Most of us in all of our classes seize the opportunity to address ethical issues. You have to be alert to it, and the Law School and the University provide that mandate. If you don't do it, you've neglected the professional training a lawyer needs." By combining substantive knowledge and moral sensitivity, the Law School seeks to educate men and women who possess professional competence as well as a partisanship for justice, an ability to respond to human need, and a compassion for their clients, colleagues, and others affected by the legal process.

Another unique feature of Notre Dame Law School is its development in recent years of distinctive teaching and research projects in international and comparative law. The centerpiece of this work is the Concannon Programme of International Law, which supports a Notre Dame London Law Centre as well as scholarly endeavors on international law conducted on campus. Founded in 1968, the Notre Dame London Law Centre is unique in American legal education. It is the only program that offers law study abroad on a year-round basis, including a summer school session. Second-year students are able to enroll in classes traditionally offered in American law schools—courses in such areas as business associations, commercial transactions, evidence, trusts and estates, and jurisprudence. This programme offers an additional opportunity for the study of law subjects in their comparative aspects. Other differences between this programme and that of comparable institutions include: an additional year of study, an additional year of study standards, and a greater emphasis on the study of law in its comparative aspects. The programmes of study at the Concannon Programme of International Law are designed to provide a broad and comprehensive understanding of the law's practices and procedures within a particular country, as well as a comparative perspective on the development of law in other countries. The programme is open to students from any country who have completed at least one year of law study and are interested in pursuing a career in international or comparative law. Students are also encouraged to participate in the programme as part of a group from their own country, in order to promote cross-cultural exchange and understanding.

At the Centre, Father Van Houtte serves as the Director. The Centre's work encompasses a wide range of activities, including the organisation of conferences and workshops on international and comparative law, the publication of a series of monographs and other academic publications, and the provision of legal advice to individuals and organisations. The Centre also serves as a focal point for the study and research of international and comparative law, with a particular focus on the development of law in the Americas. The Centre's programmes of study are designed to provide a broad and comprehensive understanding of the law's practices and procedures within a particular country, as well as a comparative perspective on the development of law in other countries. The programmes of study at the Centre are open to students from any country who have completed at least one year of law study and are interested in pursuing a career in international or comparative law. Students are also encouraged to participate in the Centre's activities as part of a group from their own country, in order to promote cross-cultural exchange and understanding.
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tiates, and jurisprudence—but these courses are offered on a comparative law basis making comparisons between foreign legal systems and American law. Other courses focus directly on subjects like public international law, common market law, and international regulation of trade and business. European professors compose the majority faculty of the Law Centre, but the presence of a Director from the home campus and other American professors assures that the London student will not fall behind his or her stateside colleague on developments in American law. Hans Van Houtte, the noted international law scholar at Catholic University in Louvain, Belgium, served as the first Distinguished Visiting Concannon Professor and has taught in the London Summer Programme since 1983. In 1981 Professor Van Houtte was a member of the home campus faculty at Notre Dame, teaching and doing research under the auspices of the Concannon Programme of International Law.

At the dedication ceremonies for the London Centre, Father Theodore Hesburgh stated, “It’s a marvelous thing for young lawyers to be citizens of the world and to know how law is a force for peace (because it’s for justice) and also how it’s a force for civilizing the rest of the world.” Calling Notre Dame a pioneer in legal education, Chief Justice Burger added, “It’s what we need to have a broader gauged profession, and I think Notre Dame is on the way to producing that. I suspect it will be copied by other law schools.”

The Notre Dame London experience is more than the enrollment of American students in a foreign law school and is different from an American law program run abroad. It is an international and comparative law program, taught in a foreign centre but designed to be an integral part of a normal American law school curriculum. Students are exposed to law subjects within a foreign environment through a distinguished international faculty, all of this within the framework of a rigorous American law school structure. Students in this program can take advantage of this international environment outside the Centre classroom atmosphere as well as in it. Students can supplement the Centre’s curriculum by doing academic work at the University of London, at King’s College, and at the School of Oriental and African Studies. Many students enjoy clerking experiences with London law firms or corporate or government offices, and some participate in London legal aid activities. Students also engage in a variety of co-curricular activities. One such activity involves the publication of the Notre Dame International and Comparative Law Journal. Started in 1983 to coincide with the formal dedication of the London Law Centre that featured the address of Chief Justice Burger, the Journal includes original articles by scholars and students as well as the English translations of significant court cases that have taken place in foreign countries. In some instances, the Journal is the only English source to provide the actual decisions that have been rendered in key international cases.

One of the most popular co-curricular activities for Law Centre students is the moot court competition. Oral arguments take place in the Royal Courts of Justice, seat of Britain’s highest courts, before American attorneys and, at times, British judges. The moot court proceedings in London are a part of the tradition of Notre Dame students receiving extensive practical experience in legal affairs as part of their education. During the early years of the Law School, moot court was a weekly exercise, and it was conducted to give students (in the words of one catalog) “the opportunity to gain poise, self-command, and quickness of decision.” In 1950 intramural and intercollegiate competition became integral to the moot court activities. Today there are three divisions in moot court competition—appellate, trial, and international—as well as the Notre Dame Law School Trial Competition. A highlight of moot court each year is the Moot Court Final Argument, which involves the most successful third-year students in oral argument before a Mock Supreme Court composed of federal and state judges. In recent years several Justices of the United States Supreme Court—Thurgood Marshall, Potter Stewart, William Rehnquist, John Paul Stevens, and Harry Blackmun—have come to campus to judge the winner of the Final Argument.

Since the late 1940s, the Law School has been recognized nationally for its pioneering efforts in trial advocacy. Professor Edward Barrett, who joined the faculty in 1948 and served on it over thirty years, created a “practice court” to acquaint students with actual courtroom procedures. An imaginative teacher who understood the value of “learning by doing,” he introduced several techniques in the teaching of trial advocacy that were later adopted at law schools across the country. Now enhancing Notre Dame’s work and reputation in this area is the National Institute for Trial
Advocacy, which moved its headquarters to the Law School in 1979.

Directed by Notre Dame Professor James Seckinger, the Institute exists to help develop effective and professionally responsible trial lawyers in the United States. Established in 1970, the Institute annually conducts some twenty programs and workshops at university sites throughout America. Lawyers and law school professors attend these sessions to improve their skills in the courtroom and in the classroom. In its first fifteen years of operation, over seven thousand lawyers and teachers have participated in programs sponsored by the Institute. Besides these formal training activities, the Institute creates educational materials—books, videotapes, and audiotapes—that can be used for the continuing education of lawyers or in law classes. Over a hundred audio-visual tapes and more than thirty publications are available from the Institute. Many of the materials have been developed at Notre Dame by members of the Law School faculty. Commenting on the impact of the Institute, which works closely with the American Bar Association and other professional groups, Professor Seckinger says: "In most law schools, faculty members use professional training legal assistance be an indigent worker seeking federal board. By par
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NITA teaching methodologies, and in most cases they also use our materials."

Another dimension to the practical, professional training of law students is the Notre Dame Legal Aid and Defender Association. Combining learning with service, students involved in this program work as interns who help to provide legal assistance to people in need. The client might be an indigent facing a small claims matter, a migrant worker with legal problems, or a prisoner seeking post-conviction remedies in a state or federal court or before a parole or clemency board. By participating in the Legal Aid and Defender Association, which has existed since 1965, second- and third-year students are actually able to make court appearances on behalf of lower income individuals in Indiana and Michigan. In addition, Notre Dame is one of the law schools authorized to provide students the opportunity to prepare legal briefs and to present oral arguments at the appellate level. The students, under the supervision of faculty members, represent indigent clients in the United States Court of Appeals for the Seventh Circuit, which is located in Chicago.

Besides the various courtroom experiences that
are available, the Law School recognizes the significance of clear and cogent writing to the effectiveness of any lawyer. A course in legal writing is a requirement during a student’s first semester. However, unlike other schools where a law professor with an interest in writing or drafting offers such a class, Notre Dame is unique in having a trained teacher of writing with a doctorate in English as a faculty member. As a result, the emphasis throughout the course remains fixed on effective writing and how to achieve it in preparing legal documents. Advanced students seeking to develop greater expertise in legal writing have the opportunity to work on one of the several publications emanating from the Law School.

One of the oldest, university-based legal journals in the United States is The Notre Dame Law Review, which is entirely edited by students under the supervision of a faculty advisor. Founded in 1925 as The Notre Dame Lawyer, the publication changed its name in 1982. Appearing five times a year, The Law Review circulates nationally and includes articles, case notes, and book reviews by students, professors, judges, and practicing attorneys. It is frequently cited in court opinions and by other authors.

The present and future of the Law School lies in taking on new challenges while maintaining traditional strengths. To accomplish this, the present administration has developed a long-range plan that explains the traditional law school mission as: “To be an outstanding teaching Law School, continuing to prepare attorneys who have both competence and compassion and whose decisions are guided by the values and morality which Notre Dame represents.” In addition, the Law School has defined a newly intensified mission of: “Through faculty scholarship and institutional projects to be recognized as a leader among institutions making contributions to the development of law, the system of justice, the legal profession, and legal education, concentrating on the unique qualities of the Notre Dame value system.” The taking on of the objectives presented by that second mission has not only been accomplished without de-emphasizing the first, but has enhanced the quality of teaching.

In the long-range planning process, the Law School first examined those aspects of its history which gave it a strong teaching reputation. In instances where Notre Dame had been drifting away from its traditional strength, the Law School disregarded the trends of other law schools and returned to former practices. In other areas, action was taken to guarantee continuation of certain basic academic principles at Notre Dame. A rigorous curriculum has been adopted changing the emphasis from mainly elective to heavily required. A traditional grading system has been imposed and is applied in such a way that a student’s academic accomplishments are not only properly evaluated but distinguishable from others in the student’s class (in contrast to trends toward pass/fail grading and other techniques of grade inflation).

The maintaining of the Law School in the “small school” category has been guaranteed by
the design of the building additions in 1973 and 1986. Classrooms are arranged so as to accommodate only small classes, and faculty offices are sufficiently large to allow for the after-class discussions between faculty and students which are encouraged by the "open door" policy. Many aspects of the physical plant emphasize the personalized training objectives of the Law School, including one of the most extensive video systems available at a legal institution. This system is used, among other purposes, for replay of student work in client counseling, moot court, and trial advocacy. Faculty have the opportunity to critique student technique on a one-on-one basis.

The experiments of the highly personalized admissions system have now been firmly implanted as an established practice. Notre Dame is perhaps the only major law school where the Dean makes the final decision on every admissions file. This system has worked so well that the administration is satisfied that there is no way of materially improving on the depth of quality of the student body other than by increased financial aid to students. Despite concerns to the contrary, the emphasis in the admissions process on demonstrated leadership and value-orientation has neither lowered the median academic qualifications nor produced students who are so competitive that they cannot work civilly within the unique collegial atmosphere of Notre Dame. Current students are highly competitive against their own standards but rarely feel the need to focus competition on their classmates. Therefore, student study groups, cooperative projects, and a general collegial atmosphere abound.

Making contributions to legal research and literature is not new to the Notre Dame Law School but regarding scholarship with a national impact as a major mission without de-emphasizing the teaching mission requires some major developments in the Law School. The faculty size has been increased, reducing individual classloads and making time available for scholarship. Also, sabbaticals may be provided for those faculty members needing released time to complete a major piece of research. The Summer School sessions have been eliminated allowing the faculty, on an annual basis, a solid block of work time to do research. (The faculty had concluded that the average student was disadvantaged by trying to accelerate his law program through summer studies.) Student research assistants are now assigned to faculty, and faculty are provided scholarship in-
and merit pay tiering of new the criteria for the national plan is pay-due only a ny academic nes the KENNETH F. RIPPLE Law School
The Catholic university must not only encourage the development of new knowledge and critical thinking, it must also assist committed men and women in their efforts to deepen and articulate their faith.

Some of the lecturers have included Lon J. Fuller, John Rawls, and Robert Nozick.

In 1984 the first issue of The Notre Dame Journal of Law, Ethics & Public Policy appeared. This quarterly publication is unique among legal periodicals because it analyzes legal and public issues from an ethical perspective. Each issue of the journal focuses on a single topic, and scholars, policymakers, and advanced law students from Notre Dame explore the subject from a variety of viewpoints and use differing approaches and methodologies. The inaugural issue on “Law and Morality” featured articles by President Ronald Reagan, Governor Mario Cuomo of New York, Congressman Henry Hyde, Rev. Theodore M. Hesburgh, C.S.C., president of Notre Dame, and Oxford scholars John Finnis and Joseph Raz. Other topics of early issues were “The Line Item Veto,” “Liberty as a Value in the Constitution,” and “The Role of the U.S. in International Organizations.”

Describing the objective of the publication, Professor Douglas W. Kmiec wrote in the foreword of the first issue that “the journal’s aim is to draw upon religious teaching and philosophy within the broad spectrum of Judeo-Christian values in order to make practical application of those insights to timely issues of public concern.”

The Notre Dame Journal of Law, Ethics & Public Policy is published under the auspices of the Thomas J. White Center on Law and Government, which Professor Kmiec directs. The White Center was established at the Law School in 1977. Besides the journal, the White Center sponsors a lecture series that brings prominent men and women from government, academia, and religion to Notre Dame. Such people as Gerald Ford, Gary Hart, Nancy Landon Kassenbaum, Leonard Woodcock, Phyllis Schlafly, Eleanor Smeal, and William Bennett have delivered lectures. In the Fall of 1985 the Center brought Joseph Cardinal Bernardin of Chicago and John Cardinal O’Connor of New York to the University to discuss their views of the relationship between Catholicism and contemporary political and social issues.

Many of the lectures are later revised and published in the Notre Dame Journal of Law, Ethics & Public Policy. Much of the editorial work that is done on the journal is completed by second- and third-year law students who are chosen to be White Scholars. Selected on a competitive basis, these scholars take part in the various activities of the Center, and they also conduct research on the ethical implications of public policy questions and topics. This research takes place on campus and during summer internships in Washington, D.C., where the students work in governmental and policy-related agencies. A specific goal for each scholar is the preparation of a publishable article for the journal. The larger objective of the White Center’s programs for students is the training of men and women for public service through the combining of a value-oriented legal education with practical governmental experience.

The heart of law school scholarship is the Law School library. The library is the law scholar’s laboratory and scholarship can be no better than the library materials available for any particular project. Ovebrary has bui but it had n qualify for c brary. In oth Law library sion, faculty of the in-dep were engage

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The Law School project. Over the years the Notre Dame Law Library has built up an adequate working collection, but it had neither the materials nor the staff to qualify for classification as a quality research library. In other words, although the Notre Dame Law Library was sufficient for the teaching mission, faculty had to use other libraries for much of the in-depth scholarship research in which they were engaged.

As part of the planning process the University has recognized that if the Law School is to accomplish its scholarly mission the Law Library must be converted into a high quality research facility. This means increasing the depth of the book and microfilm holdings and putting the Law School on the cutting edge of computer research, video disc storage, and other techniques of modern legal research. It also means staffing the Law Library with librarians who are themselves lawyers and qualified legal researchers.

Much has been done to begin to convert the Law Library to a quality research facility. The Law School has begun the process by recognizing that it already has two special collections that contain works which are unique and can form the nucleus of further library development. One of these collections is the Law School holdings in the field of jurisprudence. Many of these books, including some rare old manuscripts, came to the University through the gift of the Gould Natural Law Library collection. With Notre Dame’s special collection of the American Journal of Jurisprudence is published at Notre Dame, the Law School plans to build on this special collection.

The library and archive in American civil and international human rights is particularly noteworthy. Maintained by the Center for Civil and Human Rights, which was founded in 1973, the library and archive contain all of the publications of the U.S. Commission on Civil Rights, including the personal papers of Father Hesburgh, who served fifteen years (from 1957 through 1972) as a Commission member. He was Chairman of the Commission from 1969 until he resigned at the end of 1972. Other materials in this unique collection are the publications of several international human rights organizations, the records of President Gerald Ford’s Clemency Board about Vietnam-era draft violations and military absence offenses, the trial and appellate court briefs of the Civil Rights Division of the Department of Justice, documents on American Indian law, and information about the status and treatment of refugees around the world.

Besides serving as a rich resource for scholars doing research about domestic, civil, and international human rights, the Center for Civil and Human Rights has sponsored publications, symposia, and lectures. A major study of the Clemency Program that led to President Jimmy Carter’s declaration of amnesty was carried out by the Center, and it has conducted conferences on the treatment of the terminally ill and the rights of the parents in the education of children. Such public figures as Earl Warren, Arthur Goldberg, and R. Sargent Shriver have come to campus under the Center’s auspices.

The University has made a major commitment to the research library concept. The 1986 building addition is designed mainly to accommodate the expanded collection, new technology, and staff of a research library. A substantial increase in the library’s operating budget has been authorized and significant amounts have already been allocated. Perhaps most significantly, the University has hired one of the nation’s most respected law librarians, Roger Jacobs, who is a professor of law, as director of the law library at Notre Dame. Professor Jacobs, who until 1985 was the Head Librarian of the Library of The United States Supreme Court, has served as president of both the American and the Canadian Associations of Law Librarians. His experience will be critical to the development of a research library. He has already hired a talented and service-oriented library staff to assist both faculty and students. As director of research and law librarian, he has the goal of building the Kresge Law Library into, in his words, “one of the nation’s best.”

In future years, the Law School will continue to pursue its traditional mission of preparing students to become lawyers who combine technical competence with compassion and a conscience. The foundation to do this extends back to the nineteenth century and is rooted in the values and spirit of the institution. The contemporary environment, however, is quite different from the past. Scholarly research and professional activities outside the classroom have assumed much greater significance, the success in these areas serving to enhance the standing of the Law School within the legal community at large. During the next decade, the Law School has a dual challenge: retaining its distinctive character and continuing to improve its national impact.
PROFIE

DEAN DAVID T. LINK

THE LAW SCHOOL

WHEN DEAN DAVID T. LINK talks about the Law School, he emphasizes the distinctive nature of a Notre Dame legal education and the "tremendous sense of change" in the Law School since 1970. Link bases the assessment on a diversity of experience in three different capacities at the Law School. He is a Notre Dame law graduate (class of 1961), a professor (since 1970), and the dean (since 1975).

Link, who also received his bachelor's degree from Notre Dame's College of Commerce in 1958, sees "an orientation towards the value questions involved in the law" as the distinguishing characteristic of the Law School. "The moral and ethical questions are raised here with the same intensity that the substantive and procedural issues are discussed," he says. "There are simply very few law schools that emphasize this aspect to the same degree. That does not mean that I would not like to see this emphasized even more, and our new curriculum plan suggests ways that will happen."

A teacher of several classes that focus on legal ethics and professional responsibility, Link believes that faculty members and students have to be careful in considering the value questions that surround the law. "We should not indoctrinate students with some set of pat answers," he notes. "Ethical questions are not that easy and moral philosophy is very personal. But we try to get people to explore all sides of the moral and ethical dilemmas that confront both the lawyer and the lawyer's client."

Teaching future lawyers how to develop a professional and ethical relationship with clients is a fundamental concern for Link, who was a trial attorney and administrator in the Department of the Treasury in the 1960s before becoming a senior partner in a large Chicago law firm. He is currently on a leave of absence from the firm of Winston and Strawn. His experience also involves significant civil rights work. He served on two Human Relations Commissions, participated in civil rights litigation, and is the author of model fair housing legislation. Link remarks, "A lot of people don't realize it, but in the code of professional responsibility for lawyers there is a responsibility put on the lawyer to raise the moral questions with his client. Not many lawyers do. Not many lawyers were ever trained to do that. Lawyers who have gone to Notre Dame are trained to raise the moral questions with their client. I hope no one will leave this law school without knowing how to do this."

The unique nature of studying for a year abroad at the London Law Centre is another distinctive feature of the Law School. This program, which has no counterparts in American legal education, is significant for several reasons, according to Link. "There's a growing need for people with knowledge in international and comparative law because many legal questions are now going beyond the border, and many important issues have major legal aspects, like arms treaties, immigration issues, and world hunger questions. We need more people interested in the world's problems who are trained in more than one legal system. But, even beyond that, this type of training is helpful to the lawyer who never does international and comparative work. Studying in London develops creativity. One of the problems with the legal profession in this country is that many people have been trained in only one system and they don't know there are different ways of doing things." Link notes that several issues facing the American legal system—for example, the value of jury trials in deciding civil suits and whether losing parties should pay legal expenses in certain circumstances—have already been confronted in foreign countries. Lawyers with backgrounds in international and comparative law are better equipped to understand and to resolve these domestic legal concerns.

Many of the changes affecting the Law School since 1970 involve growth: Two major building expansions. Enlargement of the library collections. Significant increases in the student body and faculty. The establishment of new research centers. A greater number of scholarly publications
The Law School
either written by faculty members or published under the auspices of the Law School. More participation by students and professors in legal proceedings and in other professional activities.

Although their number is larger, Dean Link sees few qualitative differences between law students today and those who came to Notre Dame before 1970. "As we have expanded the student body size, we have maintained great depth of quality. We don't get very many students who cannot perform at a very high level. I don't think we're getting any better top students because we couldn't. We were always getting some of the best legal talent in the country. As we've expanded we've been able to maintain that quality deep in the class.

"There's also a greater diversity of students coming to Notre Dame to study law. Students come here from every part of the country and from foreign countries. We send them out into every environment and have one of the most diversified placements of any law school. We have graduates in most major law firms, in government positions, and in small general practices. Some of our graduates are engaged in public service and others are in teaching."

Link credits the maintaining of student quality and diversity of ambition to several factors, but he thinks a modification of the admissions procedures is largely responsible. Standardized tests and other indicators of intellectual ability are but some of the criteria in selecting a potential law student. Leadership qualities and existing signs of value orientation play key roles in evaluating an applicant. Link works with an admissions committee, but he is one of the few law deans in the country who personally makes the final decision on each student. "I can think of only one more important thing I do," he says. "That, of course, is my role in the selection of the faculty."

In choosing a faculty today, the Law School seeks men and women who possess more diversified talents and ambitions from many of their predecessors. Scholarship and professional activities to advance the law now receive greater emphasis than before. Link, the co-author of a three-volume series of books on Law of Federal Estate and Gift Taxation and the chairman of several significant committees of the American Bar Association and the Federal Bar Association, describes his current faculty as being composed of "teacher-scholars." He notes that the Law School has "always had a reputation of being a good teaching institution. Now we are publishing at a rate comparable to any law school in the country. We have become a very good scholarly place. We've done that, interestingly enough, despite warnings from people that we might sacrifice quality in teaching. There is no evidence that we in any way sacrificed good teaching."

The scholarly productivity of recent years has been a major factor in enhancing the Law School's national reputation, according to Link. Notre Dame is also working to become a University with a nationally recognized legal research center with noted library collections open to all scholars in such areas as human rights and jurisprudence. Doubling the library's size and appointing Roger F. Jacobs as the director of research and librarian are efforts to achieve this goal. As Link says: "Why does Roger Jacobs, the librarian of the United States Supreme Court, leave what is probably the most prestigious job to get involved with us? Well, his coming here tells something about what people believe is the future of this place. Roger believes he can make Notre Dame one of the nation's best research centers."

In Link's opinion, the future standing of the Law School depends on strengthening long-term commitments to teaching and to ethical examination of the law, sustaining the current emphasis on research, and continuing the selective process for choosing the best possible student body and faculty. The impact of completing such work has wide ramifications. "If we're really as good as we think we are and if we really have a special message in values, then we should be training all kinds of people for all kinds of practices," Link states.

"From the big firm lawyer to the solo practitioner, from the business specialist to the legal services litigator, from the lawyer representing the Chase Manhattan Bank to the one going to the Peace Corps, we want Notre Dame lawyers, exposed to the value system that is a part of this place, involved. And our faculty's scholarship should also reflect a deep concern with moral and ethical values. The Notre Dame law message is a special message, and we should carry it to all segments of society."

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