

## INTRODUCTORY REMARKS AT FOURTH SESSION

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This is our fourth and final act, and we are happy to have all of you with us again to see how the play comes out. I welcome with particular esteem the younger members of the profession—for a law student becomes that the day he enters law school—who have stayed the course to this final session of the Centennial Conference.

Tonight's discussion of "The Role of the Universities in Continuing Professional Education" is our concluding session, not only in the sense that it is our last one but also in the sense that the other three would be incomplete without it. For professional education, yours and mine, is but the first stage in a lifelong learning process in which the professional must engage. University professional education, however much enriched by instruction, research and clinical experience, is unfinished business unless followed up by serious and sustained continuing education.

It is often said that the chief distinguishing characteristic of the professions is that each involves the application of learning and an intellectual technique to the ordinary business of life. But knowledge advances and techniques multiply, and today's problems are not the problems of yesterday. How is the conscientious professional to keep abreast of the developments that have come about in his discipline since he left medical school or engineering school or law school with his shiny new professional degree?

The problem characterized by sociologists in terms of "information flow" or "communication system" exists in every profession: medicine, law, engineering, social work—even, in these days, the ministry. The best studies in point are probably in medicine, where the flow of scientific and technological information has been closely examined as a central aspect of the sociology of the medical profession, but we are aware, sometimes painfully aware, of the comparable problem in law.

Any serious study of the "communication systems" of the legal profession would have to take account of at least four factors: (1) the law school case method, an educational technique designed less to communicate present information, which may quickly become outdated, than to develop skill and imagination in the use of future as well as existing legal sources; (2) the existence in law, due primarily to the enterprise of private law publishers, of an extraordinarily complete system of information digesting and indexing, which enables the law practitioner to find what he needs when he needs it; (3) the growth of specialization within the profession, calculated, as in medicine and other fields, to keep the in-flow of new knowledge within reasonably manageable bounds; and (4) the expansion and recent intellectual vitalization of institutional programs for continuing legal education.

Mind you, I am not asserting perfection or anything like it for these components of the legal profession's adjustment to the problem of information flow. Thus, the case method of law study is increasingly under fire, perhaps because, like Beethoven's last quartets, it is very hard to play. Our legal digests, indexes and citators, remarkable as they seem to admiring professionals in other fields, sometimes lead to the discovery of more useless than useful information. And the increasing specialization of the legal profession is a painful development for those of an older school who like to think of the lawyer as our society's one surviving professional generalist.

Continuing professional education, in law at least, remained for years in about the state of medical education in the pre-Flexner era. There is nothing surprising about that. It is considerably easier to devise effective programs for undergraduate professional education than to establish firm foundations for serious continuing study by busy practicing professionals. Few people have yet realized the extent of the commitment that was made when the new Code of Professional Responsibility of the American Bar Association declared it to be a matter of *ethical* obligation (Canon 6) that the practicing lawyer keep abreast of current legal literature and developments by participating in continuing legal education programs, concentrating in particular areas of practice and utilizing other means of avoiding personal professional obsolescence.

What, then, are the prospects and problems of continuing professional education, and, in the terms of our conference subject, what is the role of the universities in the enterprise? But, first, a word or two about this evening's principal speaker, Mr. Norris Darrell. At first glance, Mr. Darrell would seem to be the prototype of what present day students call an "Establishment" figure. He confesses to a business address at 48 Wall Street. He is a partner of Sullivan and Cromwell, which is one of the law firms our top-ranking Columbia law graduates most want to go to, want to, that is, if they cannot find currently higher status employment at the legal aid society or in a neighborhood law office.

So it is with some surprise that we learn that Mr. Darrell does not fit the establishment stereotype at all. He was born neither in Boston nor on Fifth Avenue in Manhattan but on the island of St. Kitts. He studied law not at Harvard or Yale but at the University of Minnesota. Similarly as to his interests: He is a director of Harper & Row—that was to be expected—but also of Goodwill Industries of New York. He has been prominent not only in the work of the Tax Foundation—which is in the Establishment character—but also in the Council on Foreign Relations and the National Legal Aid and Defenders Association. For years he has been a trustee of the Practicing Law Institute, a pioneering venture in the area of this evening's discussion. Indeed, if Mr. Darrell were not a bigger and

sturdier man than I, I would be tempted to call him a do-gooder in Wall Street clothing.

One of the great men of the American practicing bar, Mr. Darrell is uniquely well qualified to begin our discussion at this final session of the Centennial Conference. He is the President of the American Law Institute, which in recent years has done more than any other institution, professional or academic, towards bringing quality and intellectual excellence to continuing legal education.