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# LEGAL EDUCATION AT ST. JOHN'S: A MODERN APPROACH

EDWARD T. FAGAN †

## INTRODUCTION

**T**HERE is, and always will be, disagreement among legal educators as to the best methods of training students for leadership in the field of law.<sup>1</sup> Indeed, one of the few unanimous opinions that are held by the members of all law school faculties is that no one program can furnish the ideal solution to the law student training problem.

A new approach in this area is, therefore, always subject to challenge.

It was just such a challenge, arising out of an exchange of differing opinions, which led to the writing of this article. The inspirational seeds of the first drafts were sown at the San Francisco convention of the Association of American Law Schools. There it was suggested to the delegates from St. John's, in an informal discussion with several other delegates, that a paper be prepared outlining the Honors Program which is in operation at St. John's University School of Law.

It was further suggested that the writer, as Director of the program, was the logical person to propound and prove, if possible, the validity of the program's thesis which had been advanced in the discussion. The specific proposition which had been argued posited that the Honors Program was unique in law school supervised student activity and that despite its unique features it was an acceptable method of training students for the mature responsibilities of professional life.

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† Director of the St. Thomas More Institute for Legal Research, and Professor of Law, St. John's University School of Law.

<sup>1</sup> See Cribbet, *Experimentation in the Law Reviews*, 5 J. LEGAL ED. 72 (1952).

Although appreciative of the fact that the present program at St. John's cannot be categorized as a panacea for all training difficulties, the writer agreed to undertake the original project, convinced that the challenged proposition could be substantiated.

Once the task of assembling proofs had begun, however, the full significance of certain facts became apparent for the first time. This belated awareness pertained to the fact of the essential inter-dependence of activities within a properly functioning law school as well as the inter-connecting relations within each operation of such activities. It pertained further to the fact that no program within a law school can be viewed as autonomous, apart from the law school itself. It must be described in context and appraised and evaluated as part of an over-all educational program in the light of the particular school's basic policies and objectives. Any other method would reduce the end result to a mere circumspensive evaluation of a student training program in vacuum. As such it would prove to be relatively useless as an aid to others in defining guiding principles for broad legal educational policy.

The final revision of the article, undertaken to forestall any such criticism, resulted in the present format. The inductive method which has been employed permits the specific analysis of the Honors Program to precede a general evaluation of the law school, which establishes the program in its proper perspective. With respect to the evaluation itself, the article is based in the main upon the official findings and conclusions made in a recent evaluation report of St. John's University School of Law by the American Bar Association.<sup>2</sup>

## PART I—THE HONORS PROGRAM

### *Prior Program*

Prior to the inauguration of the Honors Program at St. John's, the Law School had adhered basically to a tradi-

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<sup>2</sup> The evaluation was made on April 28-29, 1958. The evaluators were Rev. David C. Bayne, S.J., University of Detroit; Charles W. Fornoff, University of Toledo; and Edgar J. King, Western Reserve University.

tional, albeit prosaic, student training formula as a working hypothesis for its co-curricular activities.<sup>3</sup> This same formula is still utilized today by most American law schools with possible minor variations on its basic theme.

This basic theme is simple to state. It calls for an organization, staffed by students of high academic standing, who devote themselves almost exclusively to the preparation and publication of a legal periodical known as a law review. Research techniques and legal writing aptitudes are developed and perfected through law review participation in a manner far superior to formal classroom indoctrination. The so-called "law review" student is thus offered to the legal world upon graduation, as a legal scholar who has received exhaustive training in the meticulous arts of legal analysis, writing and research.

a) *Student Organizations.* True to this traditional approach, St. John's, in 1926, established its law review as the chief feature of its original undergraduate training program. The effectiveness of this forerunner of the present Honors Program is best evidenced by the fact that the many law review scholars whom it produced, have, by their subsequent activity in the legal world, reflected and continue to reflect great credit upon the Law School and the University as a whole.

Other student organizations were launched at relatively the same time to provide additional areas for the development of legal techniques.<sup>4</sup> In student appeal, however, the law review overshadowed all such activities by virtue of the importance which was attached to the label "law review" upon graduation. Not only did it overshadow the other student organizations but to some extent it stifled their effectiveness since the exacting work demanded of the law review student ordinarily necessitated his full time activity in this one specific area. This exclusive devotion, while certainly productive of much beneficial return to the student in the

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<sup>3</sup> "[T]he word 'co-curricular' is frequently used to distinguish those activities which have a particularly close relation to the curriculum itself. In this category might be classified law reviews, moot courts, legal aid clinics and clerkships." TINNELLY, PART-TIME LEGAL EDUCATION 184 (1957).

<sup>4</sup> See pp. 73, 74 *infra*.

area of pure legal theory, was subject to further criticism on the ground that it afforded no opportunity for the development of the forensic skills. In addition, the research approach required for the solution of the unusual and complex problems ordinarily treated by law reviews was far removed from the methods usually employed by the busy lawyer faced with the myriad problems involved in everyday practice.

It is no surprise, therefore, to note that violent have been the arguments, pro and con, among legal educators concerning the over-all effectiveness of the law review as an exclusive training device for the superior student, despite its admitted soundness which experience has established.<sup>5</sup>

b) *Research Institute.* There emerged finally from the controversy created by this traditional formula a growing recognition among law schools of the need for the development of group or institutional research. A major event exemplifying this organizational trend was the conference on Aims and Methods of Legal Research, held at the University of Michigan, on November 4, 1955. The papers presented at this conference indicated that undergraduate law students generally were competent to carry on directed or supervised research on a scale far beyond the recent decision, comment and note writing normally undertaken by law review personnel. It was further suggested that law schools establish research centers to conduct general studies, not only in law but also about law, and staff these centers primarily with student personnel.<sup>6</sup> In this manner research efforts, which were previously confined to law review materials, could be deepened and broadened, undergraduate and graduate training could be enriched, and the opportunity for professional training could be extended on a broader basis.

Admittedly these suggestions represented a radical departure from tradition, but as one paper stated :

As long as we have been able to discharge our obligations to research by exploiting the materials for study that the expressman and the book post deposit daily on our academic doorsteps, our lot

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<sup>5</sup> See Lee, *Administration of the Law Review*, 9 J. LEGAL ED. 223 (1956).

<sup>6</sup> See Emerson, *Organized Research Programs For the Medium-Sized and Smaller Law Schools*, 9 J. LEGAL ED. 213 (1956).

has been a comfortable one. Our discontent with the resulting limitations on our knowledge has not yet made us zealous in the cause of broader research.<sup>7</sup>

The results of the conference lent dramatic support to the following prophetic words written several years earlier by Dean Irwin N. Griswold:

Law schools should be the natural place to which various state and other governmental agencies will turn for extensive assistance as well as guidance. They should also make themselves available for various civic bodies interested in development and reform of the law, apart from governmental agencies. It should be natural for crime commissions, and administrative procedure commissions, and other agencies charged with investigations, to turn to law schools to do their basic work; and the schools should develop the staff to handle such matters, with the experience and ability not merely to take on the assigned work but also to contribute materially to the problems.<sup>8</sup>

One of the pioneers in this changing trend or new development in legal education was St. John's University School of Law which in 1954 had founded the St. Thomas More Institute for Legal Research. The Institute was staffed primarily with Research Fellows from the Graduate School of Law who acted under the direct guidance of lawyers experienced in legal research. This staff operated as a separate unit apart from the law review and the work of the two organizations in no way overlapped.

The work program undertaken by the Institute involved the preparation of studies and research memoranda for governmental agencies, commissions, courts, judicial bodies and religious or non-profit institutions. The Institute did not attempt to offer individuals or organizations services which should be provided by their own counsel. It did answer questions of a general nature and provided attorneys with information within the limits of its resources.

Harold F. McNiece, then faculty advisor to the *Law Review*, was appointed Director of the Institute and assumed the task of developing an organization capable of achieving

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<sup>7</sup> Cavers, *Manpower for Research*, 8 J. LEGAL ED. 267, 275-76 (1956).

<sup>8</sup> Griswold, *The Future of Legal Education*, 5 J. LEGAL ED. 438, 446 (1953).

the ambitious plans and goals ordained for it by the Law School faculty. Rose M. Trapani, then chief legal assistant to the Judicial Council of the State of New York, was appointed to the faculty, made Associate Director of the Institute and placed in direct charge of its research personnel.

Within a period of months, the Institute was in full operation and providing valuable services to many organizations and individuals. Among the significant tasks accomplished by it in this foundation period was the preparation of a detailed study on the child adoption laws of the forty-eight states, at the request of the National Conference of Catholic Charities.

c) *The Catholic Lawyer*. Almost immediately following the establishment of the Institute, Reverend Joseph T. Tinnelly, C.M., Dean of the Law School, saw in its organization an opportunity to provide an additional benefit to the bench and bar. The benefit which he envisioned was the publication of a magazine for Catholic lawyers which would promote and publish legal research in subjects of interest and importance to Catholics.

The idea of a magazine for Catholic lawyers had been developing in his mind for many years. Although the law reviews of various Catholic law schools had from time to time published articles or notes of general interest to Catholic lawyers which were most useful, he was well aware of the fact that the circulation of this material was extremely limited. In his judgment, to fulfill the obvious need for a centralization and wider dissemination of expression in this important area, it was imperative that a publication of general circulation be created. This publication would serve as a forum in which lawyers could join with canon lawyers, theologians, moralists, historians, physicians, psychiatrists and other experts in matters of interest to Catholics or to the Catholic Church where the solution to a legal problem depended upon specialized knowledge in other fields.

The establishment of the Institute provided a perfect solution to the personnel problem which had prevented the actualization of his thinking in prior years. It made available a permanent working staff to survey and research legal materials and assist in the editorial duties of the contem-

plated periodical. Furthermore, the Institute had already been assured of the co-operation and research assistance of other Catholic law school faculties and Catholic faculty members of non-Catholic law schools in the same area in which the new publication would operate.

Motivated by these factors and with the approval of the late Most Reverend Thomas E. Molloy, Archbishop-Bishop of Brooklyn, *The Catholic Lawyer* was launched as a quarterly legal periodical with the publication of its first issue by the Institute in January of 1955, under the editorship of Father Tinnelly. Since that first issue, four volumes containing sixteen issues have been completed and the magazine is in its fifth year of publication. In recognition of its consistent evidence of scholarship in content and high quality in format, it was the recipient of one of the top awards of the Catholic Press Association for the year 1957.<sup>9</sup>

### *Transition Period*

Although the original law student training program dealt separately with graduates and undergraduates, the suggestions made at the University of Michigan research conference concerning the untapped potential of the undergraduate student were of great interest to Father Tinnelly and the law school faculty.<sup>10</sup> In 1956, therefore, in view of the new areas of opportunity which could be opened up for the undergraduate if such suggestions could be verified, the Law Faculty undertook an extensive re-examination and re-evaluation of the whole law student training program then in operation at St. John's.

As a part of this re-examinational process they tested the research capacities of the undergraduate law students by permitting a select group of them to operate as part of the Institute staff. Under careful supervision, these students were given research projects which previously had been considered assignable only to Graduate Fellows. The quality of the work produced by the group over a six-month period strongly suggested that second and third-year undergraduates at St.

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<sup>9</sup> See 4 CATHOLIC LAWYER (Summer 1958).

<sup>10</sup> See p. 51 *supra*.



John's were fully capable of doing depth research and had the maturity of thought necessary for original legal analysis and deduction.

Meanwhile, these tentative conclusions were borne out by similar experiments that were being conducted in several other law schools and governmental agencies. The Louisiana State Law Institute, which is the official advisory law revision commission, law reform group, and legal research agency of the State of Louisiana, had decided, after testing, that much of its research activities could be adequately performed by undergraduate Louisiana law students.<sup>11</sup> The Institute of Judicial Administration located at nearby New York University School of Law was also readily and successfully drawing on undergraduate law students for the conduct of its legal research.<sup>12</sup>

Another important consideration in this re-examinational process was the fact that each of the then separate student activities required its own separate student operative and supervisory staff. While the work performed by each student organization was in no way duplicative, it seemed feasible to the faculty that a plan could be established whereby the greater part of these activities would be integrated under one central organization. These separate staffs could then be dissolved and the total work load of the combined organizations apportioned equitably over the whole group.

This would be particularly practicable in the instance of separate publication staffs. Here the integration could be achieved merely by spacing the publication dates pursuant to a timetable which would gear the peak activity of one with the low intervals of the others, thereby permitting all staffs to work together as one on each publication. Furthermore, the students in charge of the broad operations of such an integrated organization would have a far greater opportunity to develop their supervisory talents than if confined to the administration of only one activity.

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<sup>11</sup> See Smith, *Louisiana's Unique Adjunct to Law School Training*, 1 J. LEGAL ED. 600 (1949).

<sup>12</sup> Emerson, *Organized Research Programs For the Medium-Sized and Smaller Law Schools*, 9 J. LEGAL ED. 213, 215 (1956).

As a result of these and other conclusions stemming from this re-examination and re-evaluation, the Law Faculty at St. John's decided to abandon its traditional student training formula and to substitute instead the present Honors Program. Since experimentation had satisfactorily established that the research capacities of the superior undergraduate law student at St. John's were sufficient to be utilized in all phases of the Research Institute activity, the new program called for incorporation of the law review staff into the Institute. Both the *St. John's Law Review* and *The Catholic Lawyer* would henceforth be published solely by undergraduate Research Institute personnel, and Graduate Fellows would work in conjunction with undergraduates in organizational research. This, however, was to be but the first step in activities integration under the new plan.

### *Present Program*

Although other factors were involved, it is undeniably true that the faculty decision to integrate the majority of the co-curricular legal activities at St. John's resulted primarily from an awareness on its part of the significant additional benefits which would accrue to the individual participating undergraduate student from such integration over and above those afforded by the old program.

The superior student, operating under the traditional formula which makes the law review the chief feature of all co-curricular activity, is forced to make a rather difficult election. If he chooses to compete for law review, he must ordinarily forego any of the opportunities otherwise available to him at law school such as intermural moot court activity, legal aid work, and the broader research experience available from institutional research. On the other hand, his decision to reject a law review appointment in favor of these other benefits sometimes prejudices his employment opportunities upon graduation since he lacks the "law review" label.

In some law schools, where law review staffs are large, or where the publication schedule does not demand more than two or four law review issues a year, it is theoretically possible for a student to engage in one or more of these other

activities in addition to law review work. On a practical basis, however, the uncoordinated demands which each separate organization makes on the student requires the election even in these cases if he wishes to reap any worthwhile benefits from co-curricular activities participation.

It is not necessary for the student to make such an election under the Honors Program. The superior student who participates in the program is afforded an opportunity to engage in many, if not all, of these activities, thereby getting a much wider variety of experience than he would if he were limited to law review work. The benefit of the "law review" title remains to him, however, since he serves as an editor of the *Law Review* in addition to his other activities.

a) *Initial Merger.* The problem of achieving integration of separate student organizations is not one which is subject to ready and easy solution. There is a certain *esprit de corps* which exists in each separate group, particularly the law review, which must be diverted and channelled into the integrated body with a minimum of loss en route.

Appreciating therefore that the most significant loyalties and traditions which would be affected by the new program were those connected with the basic organizations of the old, student legal activities integration at St. John's was begun by the merger of the law review with the Research Institute. The writer was appointed as the new Director of the Institute and was placed in charge of the Honors Program with Rose Trapani continuing as Associate Director. The former Director, Harold F. McNiece, who by that time had become Associate Dean of the Law School, was appointed a Consultant to the Institute on administrative matters. Father William F. Cahill was appointed Consultant on matters of philosophy, theology and canon law.<sup>13</sup> The Institute was designated as the central organization for the operations of the Honors Program and Institute membership was made a condition precedent to Honors Program participation.

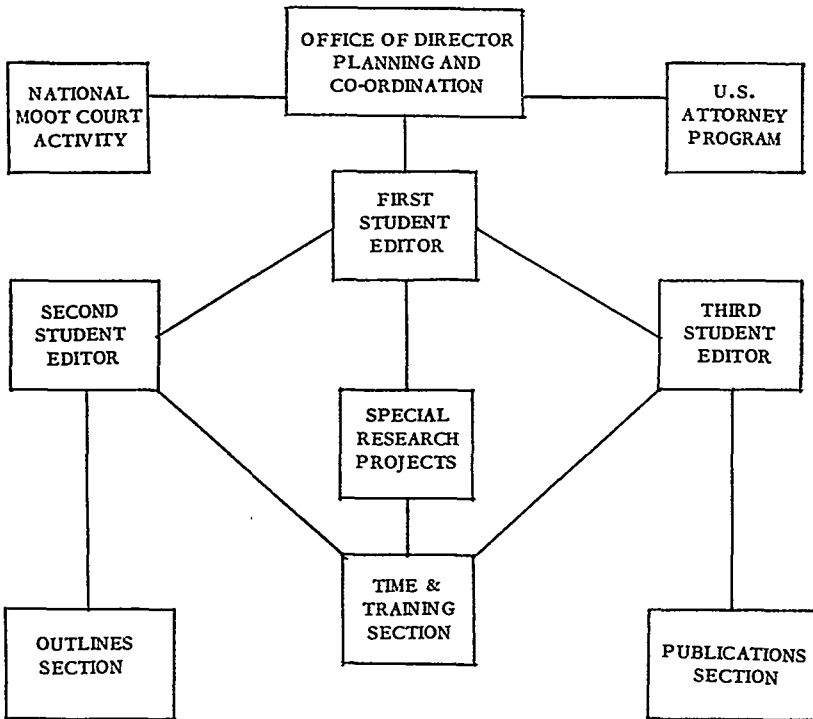
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<sup>13</sup> Father Cahill is a member of the Federal Bar and the New York Bar. For ten years he served in the Chancery of the Albany Diocese, as Notary, Assistant Chancellor, Pro-Synodal Judge, and Vice-Officialis. He received the degree of Doctor of Canon Law summa cum laude from the Pontifical Institute of Canon and Civil Law of the Lateran University in Rome, in 1952.

The first student participants in the program were recruited from the hand-picked, specially-trained group of undergraduates who had served the six-month trial period in the Institute and from the former staff of the *Law Review*. Since the academic standing and prior research training of these students was essentially the same, one of the interesting results of the merger was the immediate strengthening rather than weakening of their organizational morale. All of them readily appreciated the fact that combination of functions rather than dissolution was the product of the merger plus a greater degree of efficiency in organizational operation. Their awareness of the resulting advantages to them personally was the strongest selling point in obtaining a rapid student adjustment to the new program.

b) *Organizational Structure.* The present student staff is divided into three categories: Student Editors, Student Associate Editors and Research Assistants. The first, or highest category, is limited to three students. At the time of the merger these offices were filled by the former Editor and Associate Editor of the *Law Review* and the top student of the former special undergraduate Institute group.

As illustrated on the following organizational chart, the main controls flow from the Director and Associate Director in Planning and Co-ordination through the First Student Editor, who is responsible for activities co-ordination on a student level and who is also in direct charge of Special Research Projects on a student level. Daily planning conferences are held by the Director with the Associate Director and the First Student Editor to supervise and apportion the Institute work in process and to schedule future assignments. Co-ordination information is obtained primarily from weekly reports which are submitted to the Student Editors and to the office of the Director from the Time and Training Sections. The Director also maintains complete personnel records on all Institute members including detailed and current summaries of individual student achievement in Institute activities.



### ORGANIZATION CHART

#### ST. THOMAS MORE INSTITUTE FOR LEGAL RESEARCH

The choice of topics and materials for the student work which appears in the Institute publications is under the direct supervision of the Second Student Editor. Once the topic or material which his staff chooses has been screened by Planning, it is assigned to a member of the Institute for research and outline. Outlines are submitted to a member of the faculty teaching in the field of law pertinent to the outline. Following submission and consultation, the outline is then developed as a note or recent decision.

After editing by an Associate Editor, the final product is submitted to the Third Student Editor who is in direct charge of the processing of all Institute publications. If the writing meets publication standards, he will then supervise its placement in type.

The significant role which the whole St. John's Law Faculty plays in insuring the successful functioning of this organizational structure cannot be overemphasized. Faculty members freely make available many hours of their time to Institute personnel for consultation in the areas of their specialization. This is a most vital contribution to a program which by its very nature requires constant professional guidance.

c) *Program Personnel.* Manpower for the present program in the main is provided by the awarding of fifty scholarships to St. Thomas More Scholars who are required to compete for Institute membership. The scholarships are offered to graduates of high scholastic standing from Catholic colleges in the New England states, Pennsylvania, New Jersey and New York. These particular scholarship awards are limited to Catholic colleges because a large part of the Institute work necessitates a background training in scholastic philosophy which is normally obtainable only from these schools.

In addition to the St. Thomas More Scholars, other students may compete for an invitation to join the Institute provided they are on the Dean's List for scholastic achievement.

Although St. John's University School of Law is a multiple division law school, participation in the Honors Program is ordinarily open only to the full-time day student. The Institute operates normally on a five-day work week, Monday through Friday, from 1:30 P.M. to 6:00 P.M. All Institute members are required to devote a minimum of twenty-two hours a week to Institute work. Part-time evening students are usually unable to fulfill these time requirements because of employment commitments.

The eligible competitor is required to undergo a five-month intensive training program comparable to the preliminary research courses given in many graduate research institutes. Upon successful completion of the course the competitor is admitted to the Institute as a Research Assistant. Advancement to the rank of Associate Editor is dependent upon the extent and quality of work performed in respect to Institute publications and research projects.

d) *Special Research Projects.* The group research activities of the original Graduate Research Institute are continued at the same high quality level today at St. John's with the only change being the addition of undergraduate students to the Research Fellows. Typical of the studies and memoranda which were completed and submitted during the year 1958 are the following:

1. *Study:* Conciliation Procedures and Related Constitutional Questions in Marriage.<sup>14</sup>

*Requesting Agency:* Joint Legislative Committee on Matrimonial and Family Laws of the State of New York.

2. *Study:* Suggested Code of Professional Ethics for Public Officers and Employees.

*Requesting Agency:* Counsel to the Council of the City of New York.

3. *Study:* Constitutionality of Favorable License Rates for Parochial School Buses.

*Requesting Agency:* The Diocese of Richmond, Virginia.

4. *Study:* The M'Naghten Rule and Its Proposed Modifications.

*Requesting Agency:* Chief Judge of the Court of Appeals of the State of New York.

5. *Study:* Historical Survey of the Development of the County Court.

*Requesting Agency:* Chief Judge of the Court of Appeals of the State of New York.

In addition to group research projects, individual Institute members are sometimes assigned to members of the bench or bar who request assistance in research projects which involve questions of sufficient importance to warrant the co-

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<sup>14</sup> Reported in full in 1958 LEG. DOC. NO. 26, REPORT ON MATRIMONIAL AND FAMILY LAWS, N.Y. JOINT LEGISLATIVE COMMITTEE 138 (1958).

operation of the Institute or which present issues having good pedagogical value. Assistance is also given on occasion when the library facilities of a firm or an individual practitioner or judge are inadequate for the research problem with which they are faced.

e) *United States Attorney Program.* The United States Attorney student assistants' program, which was inaugurated five years ago in the Southern and Eastern Districts of New York, is an ideal method of providing Institute members with practical experience in legal practice. The program is open to honor students from law schools in the New York metropolitan area and enables them to work in association with Assistant United States Attorneys in the preparation and trial of actual civil and criminal cases involving the United States as plaintiff or defendant.<sup>15</sup>

The Director of the Institute is also faculty advisor to the United States Attorney program as it operates at St. John's. This dual position enables him to co-ordinate the time schedules of the both programs so as to permit a maximum number of Institute members to participate. During the year 1958 eighteen members of the Honors Program spent an average of ten hours a week per person in this novel form of legal aid work. For some of them it has developed into a source of summer employment and a means of natural ingress into the ranks of Assistant United States Attorneys.

f) *National Moot Court Activity.* The same techniques which are employed in co-ordinating the Honors Program with the United States Attorney program are utilized to permit Institute personnel to compete for participation in the national intermural moot court contests.

All undergraduate students are required to take part in the Practice Court Program at St. John's, as described in Part II of this article. In addition to this program, Edward D. Re, who is its faculty advisor, conducts an annual voluntary moot court competition among the undergraduates to choose the team which represents St. John's in all national moot court arguments.

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<sup>15</sup> For a detailed description of this program see Williams, *Legal Internships*, 8 HARV. L.S. BULL. 7 (1956).



Institute members are encouraged to enter this competition and are permitted to apply whatever time they devote to it towards fulfilling their Institute time requirements. In 1958, over three-quarters of the competitors were Institute personnel—two of whom were chosen, as a result of the competition, to make up the St. John's national moot court team.

g) *Employment Opportunities.* All Institute members are cautioned by the Director, upon their entry into the Institute, that participation in the Honors Program carries with it no ironclad guaranty that any position which they desire will be open to them upon graduation. Experience has indicated, however, that the additional benefits derived from the Program have greatly increased the employment opportunities available to such a participant.

Several Institute members who have recently graduated are now serving as law clerks to judges on the New York Court of Appeals. Others have been appointed as Assistant United States Attorneys. One was chosen to participate in the Honor Graduate Program of the United States Department of Justice. Still others were employed by governmental agencies on projects which they had commenced as part of their Institute work. Many were able to obtain advantageous positions with law firms in upstate New York or in the metropolitan area despite the keen national competition for these openings.

The Director of the Institute works in close co-operation with the Associate Dean who is in charge of the Placement Office at the Law School. The complete personnel file of each Institute member is transferred to the Placement Office upon his graduation. The excellent employment record which former Institute members have achieved to date is due in no small measure to the zealous and untiring efforts of the Law School placement committee.

### *Summary*

The unique feature of the present law student training program at St. John's is the fact that it successfully combines theory and application. This in itself is a significant

rebuttal of the criticism: "Application is sacrificed to theory in the modern law school."<sup>16</sup>

The program affords a unique opportunity to each participating student to engage in a maximum number of diversified legal activities—each of which is geared to the development of a particular attribute essential to over-all legal competency. The integration of activities which permits this unique feature provides a broad operational area for the student which closely matches that which a lawyer faces in actual practice.

An appreciation of legal theory is gained from the editorial work required for Institute publications as well as from group participation in the general studies in law and about law which are carried on by a research institute. The practical application of this theory is made in special research assignments which deal directly with concrete legal, sociological and moral problems. The application is made also by directly participating, as assistants to counsel, in actual civil and criminal litigation through the United States Attorney program.

It is submitted that such integration of activities can be effectively achieved by law schools other than St. John's. The operational structure and general description of an integrated program which this article provides is intended only as an illustration of one method whereby it may be accomplished. The problems involved in its achievement are many but if the school administration is co-operative and progressive, and the proper facilities and prerequisites are present, then the rewards to the participating students more than justify the time and effort required to put it into effect. Such has been the experience at St. John's.

## PART II—GENERAL EVALUATION

It is the purpose of the remainder of this article to establish that the Honors Program at St. John's in its present

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<sup>16</sup> See, e.g., Cantrall, *Law Schools and the Layman: Is Legal Education Doing Its Job?*, 38 A.B.A.J. 907 (1952); Reed, *The Missing Element in Legal Education*, 1929 ANN. REV. OF LEGAL ED. 3, 4. But see McClain, *Is Legal Education Doing Its Job? A Reply*, 39 A.B.A.J. 120 (1953).

and in its contemplated future operation utilizes and will continue to utilize a sound framework and high quality material in the most effective manner possible.

### *School Administration and Objectives*

The evaluators find and conclude that:

1. The subject school operates in full compliance with the standards for legal education of the A.B.A.
2. It has an able, hard-working, progressive administration at both the School and University levels.<sup>17</sup>

St. John's University School of Law, although established in 1925, is an integral part of a university which was founded in 1870. The school is a member of the Association of American Law Schools; accredited by the American Bar Association and is approved under the Rules of the Court of Appeals of New York. A three-year day and a four-year evening division are in operation. The school grants the LL.B., LL.M. and J.S.D. degrees. The total undergraduate and graduate enrollment in 1957-58 was 706.

St. John's is operated by the Congregation of the Mission (Vincentian Fathers), which is an order of the Roman Catholic Church. As the school of law of a Catholic university, it strives to integrate a sound legal education with a love of God, a respect for His laws and a zeal for the equitable administration of justice. With a few important exceptions the content, materials and teaching methods of the various courses are similar to those in other leading law schools. The chief differences are the conscious creation of an environment for all students, Catholic and non-Catholic alike, which is favorable to the development of high ethical standards and of a sound and mature philosophy of law compatible with Catholic philosophy and with the principles upon which our American government is founded.

Very Reverend John A. Flynn, C.M., President of St. John's University, gave recognition to this ultimate objective

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<sup>17</sup> 1958 A.B.A. EVALUATION REPORT, ST. JOHN'S UNIVERSITY SCHOOL OF LAW I.

of the Law School in the following excerpts from his letter to the graduates of the Class of 1952:

The ageless Natural Law, founded in human nature, dictated by the human intellect and executed by the normal human will, is—you have learned—the only correct system of ethics which can be properly integrated with the study and practice of the Law.<sup>18</sup>

In addition to a firm jurisprudential foundation, and in the interests of a sound legal education, St. John's strives to impart to its students:

1. competency in the basic skills and techniques of the legal profession;
2. a grasp of the history and system of the common law as it has been developed and modified by the courts, legislatures and administrative agencies in the United States;
3. familiarity with the more important statutes and decisions in federal and leading state jurisdictions, particularly the State of New York.

The school, being multiple division, is particularly mindful of the problems associated with the study of law on a part-time basis. Reverend Joseph T. Tinnelly, C.M., Dean of the Law School, is a recognized authority in this area, as evidenced by his recently published treatise *Part-Time Legal Education* which has already received wide acclaim in the field of legal education.<sup>19</sup> In it, the Dean stresses the fact that part-time legal education, especially as developed at St. John's, is "an educational, economic and social necessity in present-day America. . . ." <sup>20</sup> The faculty believes that part-time students must be held to the same high standards as full-time students but that certain modifications or changes

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<sup>18</sup> 1952 RES GESTAE 2. *Res Gestae* is the yearbook of St. John's University School of Law.

<sup>19</sup> See Samore, *Are Evening Law Schools Better Than Day Schools?* 7 CLEV.-MAR. L. REV. 317 (1958). See also TINNELLY, *PART-TIME LEGAL EDUCATION* (1957), 44 A.B.A.J. 969 (1958).

<sup>20</sup> TINNELLY, *PART-TIME LEGAL EDUCATION* vii (1957).

in emphasis are necessary to overcome the handicaps and to exploit the advantages of this type of legal education.

Recognition of the success which the school has achieved in its administration and attainment of professed objectives can be found in the following excerpt from the body of the American Bar Association evaluation report:

Great credit should be given to the Very Reverend John A. Flynn, C.M., President of the University, and to the Reverend Joseph T. Tinnelly, C.M., Dean of the School of Law, for the substantial progress which this school has made during their respective administrations.<sup>21</sup>

### *The Faculty*

The evaluators find and conclude that :

. . . .

12. The faculty reflects the care with which selection of new members has been made in the past decade. It is a group of high potential, excellent morale and strong cohesion. The growing program of the school is ambitious enough to require a steadily developing group in stature and numbers. This appears to be understood by both the University and School administrations. Wholesome control of School policies is exercised by the faculty. In research the faculty is commendably productive.<sup>22</sup>

The eighteen members of the full-time faculty of St. John's University School of Law establish a faculty to student ratio of 1:36. This ratio is superior to the minimum requirement of 1:100 established in the standards of the American Bar Association. The ratio of one full-time faculty member to every thirty-six students permits a great degree of cohesion or rapport between instructor and pupil in that it affords ample opportunity to the student for individual consultation and guidance throughout his course of instruction. The opportunity for improvement afforded to the student from this ratio is particularly good in view of the high caliber of the teaching personnel, the majority of

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<sup>21</sup> 1958 A.B.A. EVALUATION REPORT, *supra* note 17, at 3.

<sup>22</sup> *Id.* at 2.

whom have already attained graduate degrees from other universities.

Maximum utilization is made of the ratio by the law school administration through the employment of a probationary system which is conducted by the faculty. Students whose cumulative average falls below the minimum graduation requirement of 73% are assigned to faculty advisors who act as tutors in an attempt to overcome individual problems. The success of the system is evidenced by the marked increase in rehabilitated students since it has been put into operation.

In addition to the full-time faculty, fourteen part-time Professorial Lecturers are also currently teaching. These part-time faculty members have all established themselves in legal practice as experts in the particular field in which they teach.

Much of the value of a law school lies, of course, in the quality of its faculty. A qualified law faculty can best be described as being a united group of experts in the teaching and legal profession, each member working together for the best interests of the school, yet each acting individually in the conduct of his own teaching activity to the best of his established ability with a minimum of administrative regulation. Whether St. John's has such a qualified law faculty is best answered by the American Bar Association evaluation report:

The faculty does more than teach. It participates in the selection of teaching personnel and the formulation of School policy to a noteworthy degree, controlling admissions, dismissals, curriculum, etc. About eight faculty meetings are held per year with the dean presiding. Minutes of these meetings are recorded and preserved. A large share of school business is carried on by faculty committee. The professional appearance of the faculty to the extent observed both in the classroom and out was impressive. Also, the faculty is to be commended for the degree of its participation in professional organizations and the amount of research produced. Moreover, it appears that in the ten-year interval of 1947-57, the professional staff produced twenty books, fifty-five law review articles, and thirty-eight book reviews.<sup>23</sup>

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<sup>23</sup> *Id.* at 9.

*The Law Library*

The evaluators find and conclude that:

. . . .

14. The library is fast developing in quality and number of holdings to a point commensurate with the program of the School. Acquisitions and service features are well handled by a fine staff. Space is the hobble on library development.<sup>24</sup>

The law library is at once the scholar's workshop, the student's drafting room, and the lawyer's laboratory. These are all invalid similes unless the law library is equipped to offer three equally well-rounded essentials: (1) an adequate collection of legal resources, (2) adequate housing, and (3) facility of use.

In order to offer such elements in high degree at St. John's a program of improvement was initiated in 1947 by the present Dean. The floor space of the library was enlarged to the entire area of the second floor of the 96 Schermerhorn Street building. The stacks were relocated to form an open shelf arrangement, placing all reports, statutes, search books and citators within ready access of the users. Custom-made library furniture was obtained providing comfortable seating and table accommodations for approximately 260 students at one time. Simultaneous with other interior decoration projects the illumination was doubled by the installation of heavier electrical cables. With large windows completely filling two sides, the reading rooms now present a cheerful, pleasant and inviting environment in which to work by day or night.

As new stacks were added, the intellectual aspect of the collection kept pace with the physical aspect of the general library improvement campaign by an expansion program of guided acquisition. Concentrating on basic materials and certain other areas where there were strong beginnings, the collection grew from about 17,000 in 1947 to 48,000 volumes in 1958. It now represents a sound quality collection of primary and secondary Anglo-American authority.

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<sup>24</sup> *Id.* at 2. Since the evaluation, there has been additional space allotted to the library by the University which considerably relieves this hobble.

The library is open regularly seventy-six hours per week throughout the year. This meets all needs satisfactorily. The staff responsible for the entire operation consists of three full-time professional library personnel who are assisted in routine essentials by several student pages.

Verification for this substantial advance in the library facilities is found in the following excerpt from the American Bar Association evaluation report:

Acquisitions have been more than 2,500 volumes for each of the last several years. Expansion to 75,000 has been authorized. Library holdings are in excellent condition. During the academic year 1956-57, \$18,498 was expended on acquisitions of which approximately \$12,500 was for continuations. The library is completely catalogued, the original cataloguing having been done by a member of the Columbia Law Library staff according to the system used there. Other technical processes, such as accessioning, are well organized. The basic elements of a good working library are all present: several complete sets of New York reports; two or more copies of the federal reports and U.S.C.A.; Reporter system and official reports prior to Reporter complete; high Shepherd coverage; statutes of all states with annotated sets where available; Statutes of England complete from Statutes of the Realm; some 9,000 volumes of texts and treatises; etc. Outstanding is the legal periodical collection with about 350 journals almost all complete; 315 are being received currently. The library is giving special attention to ecclesiastical law and international law and is fast building creditable collections in these areas. The selection of books for purchase has been well keyed to the development of the instructional program and the increasingly broad program of research in which the School engages.<sup>25</sup>

### *Curriculum*

The evaluators find and conclude that:

. . . .

15. The curriculum of the School has various distinctive features. While the bulk of the required courses are traditional in character, carefully planned emphasis is given to the procedural courses and to courses aiming primarily at the development of specific skills. Elective offerings are exceedingly rich but unfortunately the LL.B. candidate normally

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<sup>25</sup> *Id.* at 10-11.



will take only eight hours from the list. Canon law is an unusual feature and a comparative law method of presentation is used.<sup>26</sup>

To carry out one of the basic school objectives, the curriculum has been planned to provide the student with the necessary preparation in depth and, at the same time, to afford him a professional insight into the intricacies of contemporary practice.

While elective courses are available in abundance, the student is required to pursue, in proper sequence, a course of studies which will thoroughly ground him in the system of Anglo-American law. The unifying factor between required courses is not economics, nor sociology, however defined; but rather natural-law jurisprudence as applied in each course.

The following schedule contains the sequence of the required curriculum. Every student must complete every listed course to graduate:

FIRST YEAR		SECOND YEAR		THIRD YEAR	
First semester		First semester		First semester	
Contracts	6	Equity	4	Evidence I	4
Torts	4	Corporations	4	Practice I	4
Introduction to Civil Procedures	2	Taxation I	2	Future Interests	2
Legal Bib.	1	Elective	2	Trusts	2
		Ethics & Leg. Prof.	1	Practice Skills	1
	—		—		—
	13		13		13
Second semester		Second semester		Second semester	
Property	4	Bills & Notes	3	Evidence II	2
Criminal Law	3	Part. & Agency	3	Practice II	4
Dom. Rel.	2	Sales	2	Conflicts	3
Jurisprudence	2	Wills	2	Elective	2
Const. Law	2	Admin. Law	2	Elective	2
Legal Writing	1	Elective	2		
	—		—		—
	14		14		13

<sup>26</sup> *Id.* at 2. The LL.B. candidate may take advantage of many electives in the optional summer program, thereby adding to the eight hours of electives provided in the regular program.

Each course is taught as a co-ordinated part of the whole curriculum and is designed to explore and probe the origins, growth, present status and validity of the legal principles involved in light of the fundamental natural-law principles. Upon this jurisprudential base, the social and economic realities of the day are elaborated.

One important aspect of the program is the fact that Taxation I (Basic Federal Income Taxation) is required in the early stages of the student's legal education, on the assumption that tax aspects are an essential consideration in practically all law courses today. Students may supplement this course with electives in Accounting for Lawyers, Advanced Income Taxation, Estate and Gift Taxation, State and Local Taxation and a Taxation Seminar.

In line with this approach, the course in Partnership and Agency undertakes to integrate the concepts of these two relationships and to establish an understanding of them by comparing their similarities and differences. At the same time, the federal income tax laws applicable to them are applied in the concrete side by side with the Uniform Partnership Act and the common law. The course furnishes excellent training in legal characterization.

As indicated in the schedule, all students are required to complete a historical survey course in Jurisprudence, as well as a course in Ethics and the Legal Profession which is conducted by the Dean and which aims at more than routine information. A problem is assigned to each student and a written critique is required. In addition to being considered by the instructor, this critique is considered by the student's sponsor, a member of the New York Bar.

The school has also organized additional courses with a view primarily toward acquainting the student with the mechanics of the practice of law. A seminar is offered in Arbitration, as well as in Trial Practice, Office Practice, and Criminal Law and Procedure. In addition, every student must take the courses in Legal Bibliography, Legal Writing, Evidence Practically Applied and Practice Skills.

From the body of the American Bar Association evaluation report comes this further comment on the program of study at St. John's:

The School has developed an extensive program of graduate courses (currently 36) which are open as senior electives. This greatly increases the electives available and gives the undergraduates the advantage of advanced courses in small groups in stimulating company. A significant element of the curriculum is special emphasis on procedural law.

The elective course subjects show alertness to the enrichment of the program: Lawyer and Government, Medical Jurisprudence, Admiralty, Copyright Law, Education Law, three courses in International Law, Legal History, Legal Education, Local Government, Military Law, etc.<sup>27</sup>

### *Student Participation*

The evaluators find and conclude that:

. . . .

11. Scholarships are being used effectively to attract and to stimulate high quality students.

. . . .

16. School publications are meritorious.<sup>28</sup>

While a law school can supply the mold for the qualified lawyer by formulating an adequate curriculum for the student and providing him with a competent faculty and superior library facilities, coupled with an atmosphere conducive to learning and high moral awareness, the successful molding, in the last analysis, depends greatly upon his own efforts to develop within the framework proposed and afforded to him. Realizing the importance of this individual student participation, St. John's University School of Law has established a student activities program which affords an opportunity to the participating student to engage in a maximum number of diversified legal activities.

Operating in conjunction with this program is a scholarship plan which provides a number of full scholarships each year to top ranking college graduates who are required to participate extensively in extracurricular activities as a condition to the maintenance of such scholarships. Apart from

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<sup>27</sup> *Id.* at 11-12.

<sup>28</sup> *Id.* at 2.

regular scholastic scholarships, additional scholarships are awarded regularly to matriculating students in good academic standing who evidence a high degree of interest in such activities through active participation.

In order that students may more readily visualize the cases they study, become familiar with the atmosphere of the courtroom, and comprehend the problems which confront the lawyer in the preparation, trial, and appeal of cases and in the writing of legal memoranda and briefs, the School of Law maintains a system of Trial and Appellate Practice Courts in which all students are required to participate as attorneys, witnesses, court clerks, and bailiffs.

In addition to this required Practice Court activity, students participate on a voluntary basis in the Annual National Moot Court Competition sponsored by the Association of the Bar of the City of New York. In past years, teams from St. John's have distinguished themselves in this competition by reaching the finals on more than one occasion.

The yearbook is practically an obsolete publication in the majority of law schools today—not so at St. John's. *Res Gestae* is published annually by a student staff as the law school yearbook for the current year's graduates. In this publication lies some of the essence of the school, permanently preserved as a tribute to the progress and advancement which is annually reflected in its pages. Conversation with alumni establishes that the book is used frequently in later years by the practitioner who seeks to renew former school contacts.

Another pioneer student association is the Student Bar Association. Interest in student bar activities was first fostered in 1947 under the influence of the present Dean, who was then Chairman of the Committee on Relations with Law Students of the Junior Bar Conference of the American Bar Association.

In 1949 the Committee on Relations with Law Students organized the American Law Student Association and St. John's was made a charter member.

In carrying out its objectives of fostering professional and extracurricular activities, the Student Bar Association has sponsored the semi-annual Freshman Reception, the annual Formal Dance, and the annual Communion Breakfast.

It is a liaison between the student body and the administration of the law school in the truest sense of the word.

Last but not least on the list of these student activities is the Honors Program itself, which was discussed in detail in Part I of this article. Under this program, scholarship and other qualified students are eligible to compete for student membership in the St. Thomas More Institute for Legal Research. Research Institute members spend a minimum of twenty-two hours a week on assigned projects under the guidance of faculty members.

The significant role which the St. Thomas More Institute plays in the Honors Program is brought out graphically by the following comment from the body of the American Bar Association evaluation report:

Subject School established the St. Thomas More Institute for Legal Research in 1954. The Institute provides an opportunity for participating students to engage in diversified research activities. Only exceptionally well qualified students are eligible. The Institute is responsible for publication of *St. John's Law Review* and *The Catholic Lawyer* and conducts special research projects for governmental, religious, and non-profit agencies. The Institute should and does appear to have the effect of attracting good students and stimulating their interest in the study of law, particularly in the area of research.<sup>29</sup>

### *Summary*

The evaluators find and conclude that:

. . . .

17. The program of St. John's is an ambitious one. It bears the marks of a dedicated administration and faculty. The progress of the School during the past decade is great enough to be gratifying to those who work for the rapid development of legal education. Many of the problems of St. John's are very like those of the bulk of the professional schools of the country. This school is worthy of praise and respect for a very extensive and effective task being accomplished.<sup>30</sup>

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<sup>29</sup> *Id.* at 12.

<sup>30</sup> *Id.* at 2-3.

However one looks at the function of legal education, it is undeniably true that any specific student training program which comes within its purview is only as effective as the quality of the materials which it utilizes and the soundness of the framework within which it operates.

It is submitted that the foregoing general evaluation of St. John's University School of Law has established the existence of the basic prerequisites necessary for the full and effective operation of any training program. The Honors Program at St. John's operates within a law school that is guided by sound objectives, efficiently administered by a progressive administration and staffed by a qualified faculty. The Program reaps the benefit of an ideal academic environment coupled with modern research facilities. In consequence, it has the advantage of attracting to it as participants, students who are properly qualified and who boast a high legal potential.