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## Report of the Dean 1976–1977

David T. Link

*University of Notre Dame*, david.t.link.1@nd.edu

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## Report of the Dean



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Notre Dame Law School

Notre Dame, Indiana 46556

Office of the Dean

August 1, 1977

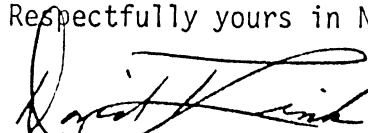
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To the Chairman of the Board of Trustees, the President, the Provost, and the Associate Provost of the University of Notre Dame.

Gentlemen:

This is my second annual report as Dean of Notre Dame Law School. It is both optimistic and cautious. As far as I can tell from talking to people who should know, this has been one of the most progressive years in recent law school history. At the same time many of the problems confronting this school have matured to the critical stage. The future, therefore, holds promise for either continued rapid progress or dramatic regression. As stated to you last year the dollar cost of continued progress will be relatively low. Fortunately, it would appear that the economic resources should be available now because of the increased size of the student body and available in the future by reason of the endowment commitments. It is my hope that we will soon be able to commit those resources to the implementation of the law school's five year plan and that the decisions necessary to make this a truly great law school can be made in the near future.

Respectfully yours in Notre Dame,



David T. Link  
Dean

## INTRODUCTION

When I was appointed Dean two years ago my conversations with Fathers Hesburgh and Burtchaell and with Mr. Stephan resulted in an overall objective to elevate the national stature of the Notre Dame Law School so that it would become one of the leadership schools in legal education. During the first year a specific plan was developed, discussed with the Chairman, President and Provost, and implementation begun. That plan is to meet the overall objective of greatness for Notre Dame Law School by obtaining distinction in each of the following eight categories: (1) goals, (2) students, (3) faculty, (4) administration, (5) curriculum, (6) physical facility, (7) alumni support, and (8) resources. It is my belief that Notre Dame Law School can reach the heights we all desire for it by achieving excellence in these eight elements and that within a five year span can number itself among the best law schools in the nation.

I will continue to make my annual report based on the eight elements of the five year plan. I now wish to suggest a ninth element, national law programs. This is not a new element but is one suggested by one of the overall goals set for the law school and was being developed as part of the curriculum element. Since it is an important area in which we are evolving our centers of learning and it also includes our continuing legal education program we will be developing and reporting it in the future as a ninth element.

I am happy to report that good progress has been made in each of the nine categories listed above. As noted in last year's annual report, concentration during that year was on developing the plan, determining the goals, redeveloping the student admissions program and rekindling alumni support. This year, emphasis was placed on faculty development, curriculum, national law programs and resources. It is my opinion that we are well ahead of schedule in the five year plan but I hasten to add we are about to enter our most critical year.

At the outset of the next school year, the American Bar Association will conduct a visitation of Notre Dame Law School. What we will be able to demonstrate to this visitation team will determine, in great measure, our national reputation for many years to come. What we are able to do within the next year about some of the weaknesses stated in this report will be critical to our objective of becoming the first great Catholic law school in this country.

#### GOALS

The goals of Notre Dame Law School were clearly defined as an initial step in the five year plan. Stated in simplified terms, they are twofold: (1) to continue the traditional goal of the preparation of attorneys for the profession who have both competence and compassion and (2) to take up the challenge of leadership in legal education and in the legal profession by making institutional contributions to the redevelopment of both.

Strengths and Weaknesses. These goals remain good. They are a major strength in the overall plan.

### STUDENTS

Enrollment and Admissions. Shortly after my appointment as Dean, Father Hesburgh recommended that the size of the law school student body be increased in order to partially alleviate the serious resource problem. Consistent with this recommendation the law school enrollment goal is now 450 students, equally divided among the three classes. To maintain this enrollment level we take in 150 beginning students each year. First year attrition for all reasons is about 10%. Transfer students are accepted to bring the class level back to about 150. There is essentially no attrition after first year law school. We have accomplished this goal and actual total enrollment remains on the high side of 450 by including a few students from other schools in the Notre Dame London Law Programme and a few part-time special students.

Notre Dame Law School student credentials, as measured by undergraduate grade point average and law school admission test scores, continue to rise for each first year class. Applications for admission were down somewhat both nationally and at Notre Dame for next year's entering class, but the quality of Notre Dame applicants was higher. There were approximately 12 applicants for each seat in the class, far and away the most of which would be acceptable as matriculating students.

We have fully adopted the rolling admissions procedure wherein an admissions committee consisting of four faculty members considers each applicant file as soon as that file is complete. The applicant is told of the admission decision once the committee's recommendation is acted on by the Dean. We are pleased with this process and it appears to work well from the applicant point of view although of course there are many many applicants who are disappointed with the decision in their own cases. It is safe to say that our admissions process is one of the most personalized of any law school in the country. It takes a great deal of time but we are willing to pay that price to give the large pool of applicants the fairest consideration possible and to assure Notre Dame Law School the best available class profile.

Recruiting. Applications to Notre Dame Law School result from the national reputation of the school, the Pre-Law Handbook which profiles all law schools and is available nationwide, pre-law societies at universities around the country, and the Notre Dame Law School Bulletin of Information which is given wide distribution and provided to any inquiring would-be student. Unfortunately we do not have the budget to do in-the-field recruiting with the exception of a small effort directed toward minority students. During this past year with a minority recruiting budget of \$2500, 18 schools were visited. Assistant Professor Sandoval visited schools in Texas, New Mexico, Arizona, California and Utah with emphasis on establishing on-going contacts with prospective Chicano students. Assistant Librarian Granville

Cleveland focused on eastern and Michigan schools with prospective black students. We believe that minority recruiting should be continued and with the possibility of declining applications for law school throughout the country it very well may be necessary to generally increase field recruiting efforts through campus visits. Meanwhile, we are increasing communications with pre-law society advisors in the belief that this is second best to field visits.

Financial Aid. Financial aid for law students continues to be a difficult problem. Approximately half of the law students qualify for financial aid but we are able to help only about 15% with grants-in-aid. The increase in the Guaranteed Student Loan maximum from \$2500 to \$5000 per year effective next year helps substantially. But we are a long way from the goal of assuring that a student will not be denied a legal education at Notre Dame Law School for lack of adequate financing.

This was a particularly good year in raising funds for the prestigious Kiley Fellowships. Chicago Attorney Kenneth Montgomery agreed to underwrite the Kiley Fellowships up to \$500,000 to the extent that this amount was matched by gifts from other sources. With the strong assistance of the Notre Dame Development Office, the full \$500,000 in matching funds has been pledged. This \$1,000,000 of endowment assures us of the Kiley Fellowships in perpetuity. With this highly regarded fellowship we will be able to attract three or four of the top scholars in the nation each year.



Another new development in this regard is the establishment of the White Center for Law, Government and Human Rights, the funding for which provides some monies for financial assistance to students interested in this area of study.

The greatest single source of grant money for law students is the Law Scholarship Fund which is sustained through gifts of alumni and friends of the Law School. Contributions to this fund fell off considerably in the past year as fund raising efforts were directed to the Montgomery Challenge. Renewed efforts in support of the Law Scholarship Fund will be necessary and are planned for next year.

Minority Students. Ten percent of the Law School students were minorities in academic year 1976-77. There were 25 Black, 14 Chicano, 4 Asian and 2 Indian students. This substantial minority representation resulted from concentrated recruiting efforts and special efforts by many people at the Law School. It should be noted that we do not run a separate program for minorities. Once admitted all students in the Law School compete on an equal basis which is assured through the anonymous grading system. The Law School hosted the Council on Legal Education Opportunity (CLEO) 1977 Summer Institute. This is a partially government sponsored program for the economically and culturally disadvantaged (mostly Black and Chicano students) which provides intensified training in how to study law. We again expect a good representation of minority students in the entering first year class, principally as a result of some concentrated recruiting and our CLEO Institute.

Placement. 149 Notre Dame Law School students were awarded the Juris Doctor degree this year. The Notre Dame Law School Placement Office working in conjunction with the Alumni Association continues to function very well as 89 percent of this year's graduates responding to a survey had already been placed by the month of June even though most of them would not be taking the Bar exam until July. A recent survey confirms that all of the 1976 Notre Dame Law School graduates were working in law-related positions. Students using the Law School's placement service frequently have multiple job offers. This success in placement is noteworthy in that placement of law graduates is becoming a national problem.

Student Activities. There was a broad spectrum of student activities in the Law School this past year:

- The Notre Dame Lawyer, with Robert J. Cramer as Editor-in-Chief, published five volumes containing articles by many distinguished figures in the legal profession.

- Moot Court competition was conducted under the directorship of John Mazza. Final arguments were presented to Associate Justice of the United States Supreme Court Harry A. Blackmun, Judge of the United States District Court, St. Paul, Minnesota, Donald D. Alsop and Justice of the Colorado Supreme Court, Jim Carrigan. Student winners of the competition were Francis James Foley and Cecelia J. McGregor.

- The Legislative Research Service published the Journal of Legislation containing among other articles one by Senator Barry J. Goldwater.

- The Legal Aid and Defender Association, directed by Michael Arruda, provided extensive legal services to the community while providing valuable clinical education to many law students.

- The Barristers program in trial practice produced the Notre Dame Law School Mock Trial Team which won the midwest regional competition. The Barristers were directed by Denise Smith. The Mock Trial team was made up of Richard Berry, Susan Buller, Marianne Demetral, F. James Foley, Franny Forsman, and Witold Sztykiel.

- The Student Bar Association, Nancy Moate president, provided strong leadership and effective student governance. A major product of the year was a revised Law School Honor Code.

- Client Counseling Competition within the Law School resulted in students Dovre C. Jensen, Jr. and James J. Rowan representing Notre Dame in the regional competition. Notre Dame Law School again hosted the national finals competition, for the fourth consecutive year.

Strengths and Weaknesses. The student body is a major strength of the Law School. It is widely diverse, of high quality, and representative of society. The admissions process is working well.

Recruiting efforts must continue in anticipation of the day when applicants might not be so plentiful. This will be accomplished for the time being through stepped-up communications with pre-law advisors as well as all other forms of communication short of extended field visits. There are still many excellent students whom we could attract if we could do campus visitations.

In fact it appears that there will soon be deterioration in our applicant pool if we do not do field visits. Also, concentrated minority recruiting will have to continue in order to maintain our present percentage of minority students. National studies confirm that there is a very small pool of qualified minority applicants for which all law schools are competing. Law School minority recruiting was funded for two years only (classes entering in 1976 and 1977) and should be continued. At the present time there is no money in the budget for either general or minority recruiting.

Now that endowed funding of the Kiley Fellowships is assured and the White Center and the Constitutional Center funding for student interns and externs is coming along, we are assured of substantial financial assistance for selected top-quality students. However, financial aid in the form of grant or scholarship for the bulk of students, including minorities, remains a difficult problem even with the increase in the maximum Guaranteed Student Loan. Now that the Kiley Fellowship match has been accomplished, it will be necessary to renew efforts directed toward alumni support of the Law Scholarship Fund.

The Notre Dame Law School Placement program is exceptionally strong as evidenced by the success in placing Notre Dame Law School graduates. However, this is an area where we dare not rest on our laurels. The communication channels that have been re-established with the alumni will continue to be cultivated for assistance in the placement area.

## FACULTY

There were major changes in the faculty for academic year 1976-77 as three new members and two old hands (Professors Thomas Shaffer and Peter Thornton) returned to the faculty. In addition, one visiting faculty came aboard for the Spring Semester. These additions (a full one-third of the faculty) proved to be highly successful as it was a great year in the classroom at Notre Dame Law School. We have had two faculty losses for next year, one anticipated (Assistant Professor Ann Wernz who will enter law practice in Minneapolis), and one unanticipated (Associate Professor Regis Campfield who received a more attractive offer at Southern Methodist Law School).

For the Fall Semester the faculty will be adding Associate Professor Bernard Dobranski who is the visiting professor that was with us for the Spring Semester. One of the vacancies on the faculty will be filled by Associate Professor Kenneth Ripple. Due to the late occurrence of the Campfield vacancy we have elected to hold off permanently filling that position until a complete search can be made. We will temporarily fill that vacancy by having one of the members of our London faculty, Professor Anthony West, visit with us in the Spring Semester.

Last year I reported to you that we were determined to hire the best available faculty. I believe we are accomplishing that goal as is evidenced by the following summaries on the faculty additions. New faculty for next fall:

-Associate Professor Bernard Dobranski -- law degree from

University of Virginia Law School. His professional experience includes serving as Attorney Advisor for the National Relations Board, a staff member of the President's Commission on Civil Disorders, Deputy Regional Counsel of the Office of Economic Opportunity, Administrative Assistant to a member of the United States House of Representatives and General Counsel to the Washington Metropolitan Area Transit Commission. Associate Professor Dobranski taught for 4 ½ years before joining Notre Dame as a visiting professor this past spring. He was so effective in the classroom that the faculty had no hesitation in offering him a regular appointment. He has taken on the additional duties this summer of directing the Notre Dame London Summer Programme and has done an outstanding job.

-Associate Professor Kenneth Ripple -- has his law degree from the University of Virginia and an LL.M. with highest honors from the National Law Center at George Washington University. He has served in the Office of the General Counsel of the International Business Machines Corporation and with special distinction (the Navy Commendation Medal for professional excellence) in the Office of the Judge Advocate General of the Navy. He presently holds the prestigious position of Special Assistant to the Chief Justice of the United States.

-Visiting Professor W. Anthony West -- has both an LL.B. and LL.M. from the University of London, Kings College and is a Barrister-of-Law at Grays Inn. He presently serves as head of the Department of Law at the Univeristy of Reading.

The new faculty added during the past year have in many ways

exceeded our expectations. Their backgrounds were summarized in last year's annual report and the following paragraphs will briefly summarize their activities at Notre Dame.

Associate Professor Philip F. Postlewaite -- taught Corporate Taxation, Business Planning and International Business Taxation. He published "Deductibility of Expenses for Convention and Educational Seminars" and "The Uncertain Tax Ramifications of a Terminating Disposition of a Partnership Interest -- The Constructive Termination of a Partnership". He administratively served as a member of the faculty recruitment committee and by taking on the heavy responsibility of directing the Notre Dame Summer Law Program in Japan. In this latter administrative position he not only was most effective in organizing and attracting students but was able to acquire substantial outside funding to supplement the tuitions in the program.

Assistant Professor Rodolpho Sandoval -- taught Commercial Transactions, Consumer Law and Creditors Remedies. He published "A Critical Analysis of the Cooling Off Period for Door to Door Sales" and "The Indiana Public Employee Labor Relations Act". He also co-authored "Principles of Overtime Payments in Collective Bargaining" and edited the second edition of Materials on Consumer Law. He served administratively as the recruiter for Chicano students and as Director for our Summer Program in Mexico City which will begin in the summer of 1978.

Associate Professor Larry Soderquist -- taught Business Associations, Securities Regulations and Environmental Law. He wrote "Toward a More Effective Board: Changing the Corporate Legal Structure" and published a review of "Taming the Giant

Corporation". A second review "The Structure of the Corporation: A Legal Analysis" has been accepted for publication. Associate Professor Soderquist was appointed a special master in a District Court case involving a 600 million dollar tender offer. He has been one of the most active members of the faculty in searching for outside support for academic projects and one of his proposals is presently in the review stage.

It is my opinion that over the past two years no law school has been more successful than Notre Dame in attracting good young faculty. Since we have replaced so many of our faculty recently, high standards in faculty appointments are critical to the five year plan. It should also be recognized, however, if we are to reach our objective all members of the faculty must maintain a high level of performance. In discussions with Father Burtchaell, I have agreed that it is important for the faculty to increase its scholarship and other contributions to the development of the law. Academic year 1976-77 was very good in this regard.

The regular faculty of the Law School published or had accepted for publication eight books, twenty-five articles and three book reviews. Professor Donald Kommers, Director of the Civil Rights Center published a book and three articles and the Center staff produced another six books. Whether or not one considers the publications of the Center for Civil Rights, this has been one of the most productive years for scholarship in the Law School's history.



The faculty has participated in the development of the law and the legal profession in ways other than writing. A number of faculty members have presented speeches on a variety of legal topics. Associate Professor Joseph Bauer briefed and argued an important case in the United States Supreme Court. Professor Thomas Shaffer served in important committee functions with the Legal Education and Admissions to the Bar Section of the American Bar Association. I served as Chairman of a major section of the American Bar Association (Section on the Economics of Law Practice), as a consultant to the United States General Accounting Office, on the Governor's Commission on Individual Privacy, made a number of major speeches across the country, and co-authored "Taxation of Distributions from Accumulation Trusts: The Impact of the Tax Reform Act of 1976". Both Professor Shaffer and I conducted accreditation visits to other law schools.

I believe the faculty is to be commended on its outstanding year. The above activities and many more were accomplished in a year when the law faculty was understaffed, there was little money for student assistants and virtually none for professional development. Most importantly, all of this was accomplished at a time when the teaching of the law faculty which has always been considered to be of high quality, continued to improve. This is indicated by the reaction of students to teaching during the past year and also by the fact that our faculty continued to be recognized for their excellence in teaching. Professors Thomas Shaffer and Fernand Dutille are teaching this summer in

The National Law Teaching Clinic and Associate Professor Seckinger is again directing and teaching at the National Institute for Trial Advocacy..

### Strengths and Weaknesses.

#### Faculty Salaries

The average salary for the Notre Dame Law Faculty is in the bottom 50% of all accredited law schools. Our average salary is \$7,000 to \$9,000 less than those of schools with which we hope to compete. This deficiency was pointed out by me predecessor and was the subject of discussions with the University Administration in connection with my appointment as dean. I had expressed the opinion that a 10% increase in salaries over a number of years would eventually put us back into a competitive position for attracting and retaining top quality faculty. A 10% increase was effected for the recently completed academic year and was most helpful in attracting new faculty for both this year and next. However, a fall back to 7% for the forthcoming year will greatly jeopardize our goal of becoming competitive. I do not mean to imply by the above statement that 7% pay raise is not ordinarily a good one. It is only that the Law School is now so far behind its competition, I am no longer sure that even a plan of raising salaries at 10% per year would make us competitive soon enough to attract and retain the quality of faculty we desire.

#### Student Faculty Ratio

The student to full-time faculty ratio at Notre Dame Law School was 30-1 during the last academic year. This compares most unfavorably to other small law schools (Yale, 17-1; Chicago 20-1;

Northwestern, 15-1). That high ratio for this Law School presents a conflict when considered in conjunction with the desire for the faculty to increase its scholarship and to improve its national image. The discontinuance of a campus summer school program and the providing of faculty scholarship funding (provided this year as an experiment) would be a partial assist for alleviating the work over-load problem but only for the summer months. For years we have had a goal of reaching a 20-1 student-full-time faculty ratio. Unless we soon reach that goal, we cannot hope for the faculty to continue our policy of highly personalized teaching and at the same time contribute to the law by writing and other forms of scholarship.

#### Promotions and Tenure

Like faculty salaries, the timing of promotion and tenure decisions for law faculty, is far from being competitive. This has not only created a serious morale problem for our present faculty but gives us a bad reputation among other law schools and candidates for our faculty. We are now in the process of working with the University Administration to redefine promotion and tenure policies for the Law School. A satisfactory outcome of these discussions is necessary to the further development of the Law School faculty.

#### Other Faculty Problems

To increase scholarship and contributions by the faculty it is incumbent upon us to find money for both student assistants and summer research support. Also, it will be essential to have a faculty development fund in order to keep the faculty up to date both professionally and with teaching skills. Finally, the inadequacies of our Law Library collection seriously interfere with our faculty scholarship goals.

The above outlined faculty problems are most serious. In combination these factors unless corrected are certain to result in a reversal of our recent successes in recruiting, retaining and inspiring top quality faculty. Fathers Hesburgh and Burtchaell have both said that the critical point in the five year plan is faculty. I agree.

#### ADMINISTRATION

The Law School administrative organization has now been stabilized with the appointment of two Assistant Deans. Assistant Dean Dutile handles student academic counseling and Assistant Dean McLean handles administrative matters. Mrs. Farmann continues as the Librarian. This supervisory administrative hierarchy functioning under the policy guidance of the Dean and supported by a strong administrative staff seems to be well-suited to the Law School.

In most instances, the Law School administration functions smoothly in its relations with the University administration.

Strengths and Weaknesses. The administrative structure is classed as a strength of the Law School. The supervisory administrative positions are filled with qualified personnel well-suited to their assignments. The working relationship between the Law School and the University Administration is also classed as a strength. There are open and cooperative lines of communication with most of the multitude of administrative offices of the University.

A weakness not peculiar to the Law School is the modest pay scales of the administrative staff personnel. Their pay is

not commensurate with the work they are called upon to do in comparison to pay scales beyond the University.

We are also badly understaffed. There is a slight understaffing in the area of secretarial services and a serious understaffing in the library.

The most serious administrative problem in the Law School has been consistency of communications. While this might be a result of administrative understaffing (we have fewer professional administrators than comparable size law schools) we will attempt to correct this by a slight reorganization of duties effective September 1, 1977.

#### CURRICULUM

One of my initial objectives as Dean was to strengthen the Law School curriculum. The curriculum had become somewhat diluted over the years through a desire to meet a wide variety of student requests with a proliferation of seminar-type courses and a reduction in the requirements of fundamental law courses. A substantial curriculum program modification was proposed early on in my deanship and that proposal was the subject of intense consideration by the faculty and students of the Law School over the past year. Much of it has been adopted to date, with some facets still to be considered. Significant elements of the changes adopted thus far include:

- (1) Total requirements for graduation with the Juris Doctor Degree increased from 84 to 90 semester hours.
- (2) Residence requirements placed as six fall or spring semesters. A semester in residence is not less than 14 hours.
- (3) Summer school study whether in the Notre Dame foreign programs or at some other law school does not reduce the

six regular semester residency requirement.

(4) First year curriculum reduced to 16 required hours each semester (down from 17 hours) with a new course added entitled "Introduction to Law and Ethics".

(5) 29 hours of required courses added to be completed in second or third year. Prior to this change only our first year courses were required. We now have a total of 61 required hours.

(6) Comprehensive courses and programs were added to the curriculum. A comprehensive course (program) is one which cuts across traditional course lines and covers broad areas of practice. Three comprehensive courses are added to the curriculum for academic year 1977-78. Once four such courses are offered, the then second year class and all subsequent classes will be required to complete one comprehensive course prior to graduation. When six such courses are offered, the then second year class and all subsequent classes will be required to complete two comprehensive courses prior to graduation.

The establishment of the White Center for Law, Government and Human Rights affords the opportunity to expand the Law School's curriculum more deeply into the field of government related law. The specific additions are still in the formulation stage and will be contingent upon the ideas of the new director when he (or she) is found. The new Center for Constitutional Studies also offers the opportunity for a modest addition to the curriculum in that subject area.

Strengths and Weaknesses. The adopted modifications to the

Notre Dame Law School curriculum have substantially strengthened it. Ours is now one of the more rigorous law school curricula in the country. It is also a most unique curriculum. The comprehensive program idea is a new concept in legal education. These programs will allow us great flexibility in covering a wide variety of legal topics, provide a medium for introducing students to the practical side of the law and most importantly, provide the students with an opportunity to realize that the problems they will face as lawyers are not simply legal abstractions but are people problems and involve important human dimensions.

The most serious weakness with our curriculum as revised, involves the need for a substantial writing program. There are constant complaints from the practicing bar that recent graduates of all law schools show great deficiencies in communicating both orally and in writing. While it will be difficult at the law school level to correct inadequacies which date back to college, high school and even primary studies, we believe that some program must be developed in the Law School. The faculty has developed some ideas for the program but the implementation must await funding for faculty and student assistants.

#### PHYSICAL FACILITY

The law building is in a good state of repair and adequate to the needs of the regular law school program. As a result of funding provided through the building survey methodology, substantial new shelving was added to the Law School Library to

allow for much needed book additions there. Other relatively minor but nonetheless important inadequacies of the building were corrected through the building survey undertakings.

The addition of the new courtroom to be built in one of the existing classrooms has been stalled because the architects have simply been unable to find a room in the present facility which will accommodate it.

A computerized data identification and retrieval system (LEXIS) was added to the Law School Library this past academic year. This was an important addition and makes us one of the few law schools to have such a facility. Instruction in the use of the new equipment is being introduced into the first year Legal Research and Writing course commencing next fall.

Strengths and Weaknesses. The Law School physical facilities are considered a significant strength. All who visit Notre Dame are impressed with our classroom and audio-visual capabilities, student study areas and library layout.

The Law Library physical space is adequate and now with this past year's additions so is the shelving. However, the Law Library is sorely in need of additional resources for new acquisitions. The Law Library volumes number approximately 100,000 but this figure should be at least 50% greater to compare favorably with the good small law schools in the country. The regular budget and the Murphy Library Endowment are crucial to the maintenance of the present level of volumes. Substantial resource additions are necessary if we are to build with satisfactory progress toward the 150,000 volume goal.



The size of the present building is adequate for our teaching program but cannot accommodate our expansion into national law programs. The development of Centers such as the Civil Rights Center, the Thomas White Center for Law and Government and the Center for Constitutional Studies is essential to our national law programs but we have run out of space. A small addition should be added to the law building to accommodate these and future Centers and the new courtroom.

### RESOURCES

When we began the five year plan, the major question was whether we could attract the resources necessary to the implementation of such a plan. While we still do not command sufficient resources, great progress was made this year. Through the untiring efforts of the office of the Vice-President for Public Relations and Development and with the intercession of Fathers Hesburgh and Burtchaeil, the endowment committed to the Law School was increased from approximately \$700,000 to endowment commitments of over \$7,000,000. The Law School operating budget worked well this past academic year. At the beginning of the year, we worked with the Provost's Office to establish a realistic set of budgets and having done this advanced work, it was possible to complete the year within the budgets in all categories. Now that the pattern is established, we anticipate no difficulty in this regard for the forthcoming year.

Strengths and Weaknesses. As noted above, realistic operating budgets are now established and the budgeting process is working satisfactorily. Acquisition of new resources for the

Kiley Fellowships, the Thomas J. White Center, The Center for Constitutional Studies and commitments for endowing the London program and another endowed professorship have significantly strengthened the Law School. However, it should be obvious from reading this annual report that the genesis of most of our problems is a lack of resources. We are trying to solve these problems not only by the increased endowment but sustaining a higher law school enrollment. It is important that these increased resources be reflected in the law school operating budget.

#### ALUMNI SUPPORT

Great effort has been expended these past two years toward revitalizing the alumni support of the Law School. Visits have been made to all sections of the country for dozens of meetings with law alumni groups. In every case these visits have been well received and accompanied by a pledge of belief in and support for Notre Dame Law School. The matching of the Montgomery gift is concrete evidence of this support in the form of monetary contributions. The alumni national network, functioning through the Notre Dame Law Association office in the Law School, has been of assistance to a marked degree in placement and to some degree in the area of student recruiting. As a return service to the alumni, the Law School is publishing a new Notre Dame Legal Directory to be distributed this fall to the total NDLA membership.

Strengths and Weaknesses. The Notre Dame Law Alumni are a

great asset to the Law School who are helping immeasurably already and are capable of and willing to provide even greater support. Cultivation of this potentially strong resource will continue.

Our weakness in the alumni area has been lack of communication of law school progress and events of the alumni. We hope to remedy this somewhat by reinstating the Dean's Desk newsletter in the Fall.

#### NATIONAL LAW PROGRAMS

Certainly one of the most significant developments in the history of this Law School has been the University decision to add Centers of learning on national legal questions. Professor Donald Kommers has now brought the Center for Civil Rights to a high level of maturity. Under his directorship, it has changed its emphasis to research and during the last year published six books, organized a major international symposium on "Human Rights and American Foreign Policy" and hosted a conference centered on the "Karen Quinlan - Right to Die" issue. The Center, which has expanded its scope to also include international human rights will submit a separate annual report.

The Law School was pleased to announce during the year the opening of two new Centers of learning both of which will begin operations in the Fall, 1977. The first of these is the Thomas J. White Center for Law, Government and Human Rights. This Center, endowed by Thomas and Alberta White of St. Louis, Missouri with the largest gift in the history of the Law School, will have a major impact on both the teaching program and the national program of the Law School. The Center will include an endowed professorship in law, an extern-intern program with scholarships

provided for the students involved, a new scholarly journal treating current legislative and federal administrative issues, a congressional cloakroom which will bring outstanding persons in the legislative and administrative areas to the campus and a special White Law Library collection with books on governmental law.

The other Center which will begin with the Fall Semester is a Center on Constitutional Studies. The initial focus of this Center will be on the legal issues faced by independent institutions of higher education, including the special constitutional problems of church-related colleges and universities.

The national program of continuing legal education which was initiated in my first year as dean was continued and expanded during this past year. The second annual Estate Planning Conference was conducted with some 450 practicing attorneys in attendance. A conference dealing with Charitable Giving, Foundations and Trusts was also hosted by Notre Dame Law School, approximately 150 attorneys in attendance. The proceedings of both of these Institutes have now been published and are in distribution nationally. The Law School hosted two week-long summer programs sponsored by the American Law Institute and the American Bar Association. The subjects were business planning and pension planning. Attendance for the two Institutes approached 500 practicing attorneys. On the basis of attendance and commentary from attendees, all of the above continuing legal education programs were judged successful.

Strengths and Weaknesses. Our national law programs have had a strong beginning. There is now little doubt that Centers of legal learning are an excellent way for this Law School to

have an impact on national legal questions. Not only will their major publications have an effect on the development of the law but their resources make feasible the preparation of small reports on important national questions. For example, one first year student, Robert Love, has prepared a report "A Compilation of the Opinions of the Honorable Griffin B. Bell," which grouped the judge's opinions in categories of majority, concurring and dissenting with accompanying citations and syllabi. This document was forwarded to Senator Bayh for utilization by the Senate Judiciary Committee during confirmation hearings of Judge Bell as Attorney General. Mr. Love also prepared a second report, "Mandatory Retirement and the Age Discrimination Employment Act of 1967," which included applicable statutory and regulatory documents and summaries of applicable federal decisions as well as pertinent excerpts of periodical material. The report was submitted to House Majority Whip John Brademas who distributed it to House Committees considering proposed legislation relating to the Act. Mr. Love is now preparing a third report which will constitute an initial effort of the Thomas White Law Center. This report, entitled "Abortion since Roe v. Wade; a Digest of Published and State Decisions," will be ready in the near future for utilization by Congress in relation to abortion legislation under study.

Our continuing legal education programs have gone much better than any of the experts in this field had predicted. The American Bar Association-American Law Institute was reluctant to have one of its programs at Notre Dame, but has apparently

decided to return because they found there were better facilities for such programs here than any other place they had used.

The major weakness that I see for our continuing legal education programs is that we have lost the professor who almost single-handedly organized and operated the programs. Although Professor Campfield has agreed to direct the forthcoming fall institute on Estate Planning from Southern Methodist University, the future of these programs after that is in serious jeopardy.

### CONCLUSION

At this two-year point in the five-year plan Notre Dame Law School has made distinct progress in its climb toward high national stature. Strengths can be cited in all of the nine areas in which distinction is being sought. However, it would be deceiving to suggest that the plan would be a success without the early correction of some major remaining problems. It would be naive to believe that we can build a faculty of national renown without offering competitive salaries and promotions and without offering the resources needed by that faculty. No law school will be recognized as great without a student-faculty ratio appropriate to its size nor without an adequate library.

The significant point is that there is time to correct our weaknesses and we seem to have attracted the necessary resources. The time is at hand to speed up implementation of the necessary changes.