

1972

Report of the Dean 1971–1972

Thomas Shaffer

University of Notre Dame, thomas.l.shaffer.1@nd.edu

Follow this and additional works at: <http://scholarship.law.nd.edu/tlshaffer>



Part of the [Law Commons](#)

Recommended Citation

Thomas L. Shaffer, Report of the Dean 1971–1972, ([Notre Dame, Ind.]: Notre Dame Law School, 1972).

This Article is brought to you for free and open access by the Law School Deans at NDLScholarship. It has been accepted for inclusion in 1971–1975: Thomas L. Shaffer by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

The following pages were copied from one of the books below that are available in Kresge Law Library at the University Notre Dame:

Report of the Dean



Print

University of Notre Dame. Law School.
[Notre Dame, Ind.] : Notre Dame Law School,

Items

Location	Call No.	Status
3rd floor, Stacks	KF292.N653 A695 1953-1956	Check shelves
3rd floor, Stacks	KF292.N653 A695 1956-1966	Check shelves
3rd floor, Stacks	KF292.N653 A695 1966-1968	Check shelves
3rd floor, Stacks	KF292.N653 A695 1968-1971	Check shelves
3rd floor, Stacks	KF292.N653 A695 1971-1972	Check shelves
3rd floor, Stacks	KF292.N653 A695 1972-1973	Check shelves
3rd floor, Stacks	KF292.N653 A695 1973-1974	Check shelves
3rd floor, Stacks	KF292.N653 A695 1974-1975	Check shelves
3rd floor, Stacks	KF292.N653 A695 1975-1976	Check shelves
3rd floor, Stacks	KF292.N653 A695 1976-1977	Check shelves
3rd floor, Stacks	KF292.N653 A695 1977-1978	Check shelves
3rd floor, Stacks	KF292.N653 A695 1977-1978	Check shelves
3rd floor, Stacks	KF292.N653 A695 1978-1979	Check shelves
3rd floor, Stacks	KF292.N653 A695 1979-1980	Check shelves
3rd floor, Stacks	KF292.N653 A695 1980-1981	Check shelves
3rd floor, Stacks	KF292.N653 A695 1980-1981	Check shelves
3rd floor, Stacks	KF292.N653 A695 1981-1982	Check shelves

Details

Description	v. ; 23-28 cm.
Current Frequency	Annual.
Local Notes	Title on 1973-74; 1974-75: Dean's report. Binder's title on 1953-56: Annual report of the dean.
Subject	University of Notre Dame. Law School -- Periodicals. Law schools -- Indiana -- Periodicals.
Added Title	Dean's report
Spine Title	Annual report of the dean

**Report of the Dean
1971-1972**

REPORT OF THE DEAN 1971 - 1972

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 first report to you as dean of the Notre Dame Law School.* It seems to me important to begin it with an assessment of the decade that intervened between 1961, when I graduated from the Law School, and 1971, when Father Hesburgh appointed me to be dean. I assess, of course, a decade of law at Notre Dame during most of which (1963-71) I participated as a member of the faculty. I made this assessment, in approximately these terms, to Father Burtchaell and to our students in March, 1971; to our Advisory Council in April, 1971; and to Fathers Hesburgh and Joyce in August, 1971. I believe I can now project from it a purpose and a structure for growth.

The appointment of a student and colleague of Dean O'Meara's was an expression from Fathers Hesburgh and Burtchaell, from their advisors, and from the faculty itself, of confidence in the law school which has been developed here. We came out of Dean O'Meara's years (1952-68) with strong resources, with the ability to attract good students, and with a sound faculty. In Dean Lawless' brief period of leadership (1968-71), and during Dean Murphy's acting deanship, our school improved in both of these respects: we increased in size, and, to borrow an ecclesiastical metaphor, we opened the windows a bit. We were and are in a good position to consolidate and to nourish our quiet, subtle resources.

The faculty and I often wonder if it is useful or even possible for us to formulate an educational philosophy. One way to answer that question at Notre Dame is to discover and describe the philosophy that is implicit in what we have been doing. We do more, I think, than introduce the best learners to the best teachers. We should—and I think do—seek a catalyst for more exciting education. We seek, as other good law schools do, to call our students to public service, and we recognize, as some legal educators do not, that most law students (about 85 per cent) enter the private practice of law; if one is to focus on public service he has to focus on his life of service as a practitioner. Our focus on public service, in other words, should recognize the lawyer as a consultant to his community, a consultant who operates primarily out of a private professional practice.

I claim to have discovered here, as both a student and teacher, something unique by way of educational focus, something hopeful. It is *humanistic* legal education, in Thomas More's understanding of humanism. It is people-centered lawyering taught in a people-centered professional school. It is a delicate thing,

* Dean Joseph O'Meara retired on July 1, 1968, at which time Judge William B. Lawless, '42L, until then a member of the Supreme Court of New York, assumed the deanship. Dean Lawless resigned effective February 1, 1971. Professor Edward J. Murphy, a member of the Law Faculty since 1957, became acting dean on that day and served through June 30, 1971. I was appointed in March, 1971, and assumed my duties July 1, 1971.

which needs advertent care. We have to stop and think about it and plan for its preservation.

There are good pragmatic arguments for people-centered legal education. For examples: (1) Everybody works better in a community where people love one another; it is a *learning* climate. (2) Lawyers with people-centered preparation are in the best possible posture for the practice of law. (3) The operation is attractive from an experimental point of view. There are few if any people-centered schools of law anywhere, of any kind.

Humanistic legal education has other implications, not so pragmatic. Most of them seem to me to relate to the virtues being emphasized in modern Christianity. Notre Dame has developed a theological climate which (as Justice Holmes said of Mephistopheles) keeps the green scum off the pond. If we lawyers cannot bring Christian humanism to our work as vitally as Notre Dame's theologians bring it to theirs, there is no reason to have a law school at Notre Dame.

This generation of law students has the social concern and intellectual interest necessary for hard-headed examination of reform in America. They, more than any students I have known, are ready for what Charles Morgan calls "law against order." I agree with Father Hesburgh that "the weary and cynical world today, more than ever before, needs this kind of youthful conscience to find its way out of the lassitude and ambiguity that attend so much of modern human life." Our faculty includes men who can lead students to the professional skills needed in a responsible life of "law against order." We can do it in a humane, loving atmosphere. We can exalt the virtues of caring and at the same time nourish courage, integrity, and no-nonsense professional ability.

We educators should recognize more than we do that lawyers are exposed to the intriguing questions of their professional lives, and to professional values, in law school. Their deepest intellectual concern comes from their years with us and it is that deep intellectual concern which characterizes a lawyer's service to his community. We can become ennobling companions to our students if we choose to do so, but we cannot avoid being their companions, for good or ill, and this companionship is for life; it is not a journey of only three years.

It seemed to me as I became dean that this focus indicated a number of concrete directions in our planning for the future:

Size. Our numbers should be governed by our projection of what numbers work best in a people-centered place. A law school can be too small. The implications of a too small law school are that students do not work closely with teachers, because all classes are "small classes" (of fifty or so) and none are in fact small. Neither teachers nor students are able to pursue areas of special interest. For some reason too small schools tend also to be ingrown, stultified, and unimaginative.

The costs of being too large are worse. Most American law schools are oversized and impersonal, and most of them became that way because economics pushed them, or administrations forced growth for non-educational reasons. I believe that a school of *no more than 400* students can preserve many of "the advantages, the distinctive potentialities of smallness" of which Dean O'Meara spoke in 1957; for example:

—It can provide the first-year class with a uniform, shared experience, so that community can be built in the class; every student shares his learning life with his classmates and can, with them, look out on generations of elders and juniors.

—It can be run so that every alert teacher on the faculty gets acquainted with every student. "We must be careful not to lose the value of closeness that we already have," Acting Dean Murphy said in February, 1971. "We have a real community here which is grounded in quiet things."

—Graduating classes of 100-130 are manageable in terms of personal attention to placement (which is becoming crucial as the professional job market shrinks); to such things as the serious rites of passage young lawyers face as they come to us and as they leave; and to what Dean O'Meara called "an awareness of law's dependence on all the other disciplines."

—Upper-division programs can give pervasive attention to clinical preparation for practice. Our practice-court program, for instance, is widely envied, but it cannot survive 200-student classes.

A 400-student school will be large enough to support a versatile faculty, a working library, and a two-year elective-course program. It will provide more student personnel, and more stimulation, for our traditionally excellent co-curricular programs—the law review, moot court, legislative drafting service, and legal aid and defender association. All of these organizations have improved with limited growth in size, but I am convinced that they reach the point of diminishing returns with a class of 150 students, and have been seriously overloaded by the classes of 1972 and 1973 (157 and 201 students).

I drew detailed economic projections in August, 1971, which, I believe, demonstrate that economic realities do not require us to grow larger than 400 students. The building program we have undertaken, which is described in detail below, proceeds on the assumption that we need physical facilities for that many students. A larger law school is not realistic. My projections on size from the academic year just completed through 1975 are:

	students	full-time faculty*	part-time faculty**	entering class	transfer students***	in study abroad****
1971-72	497	17	14	154	5	26
1972-73	450	18	10	120	8	22
1973-74	400	19	10	140	15	30
1974-75	400	20	10	140	15	30

*Our program cannot be operated, even with significant sacrifice on the part of the faculty, with a student-faculty ratio of less than 1:20. A ratio of 1:16 would be much more desirable. This figure includes all three lawyer-administrators but does not count the law librarian.

**Seven in the London program and three at Notre Dame.

***It is educationally useful to increase the number of transfer students into the second year and doing so at this level will not complicate scheduling problems. We have enough transfer applications to assure a high level of admissions standards.

****This is the desirable level of enrollment in the London program. This figure does not reflect the possibility that we will begin a foreign program in Japan in the 1974-75 academic year; if the Japanese program gets off the ground, we should increase this projection to 35-40.

It is appropriate to pause here to notice two facts about financing a program of legal education in which economics do not control quality. At one level that objective is naive, because the University obviously should not use funds paid by undergraduate students to pay the unmet costs of law students. We must depend on increased funds from outside the University to finance our program. We have always been fortunate in our friends; in scholarship assistance alone, I am convinced that they will provide from \$100,000 to \$150,000 a year and will at the same time help us to build a permanent scholarship and revolving-loan endowment. We, and all other good law schools, should, however, do better than we have at involving all of our lawyer-alumni. As I said in a talk to the Elkhart County Bar Association in May:

"Law schools are going to have to have some new angels.

"The question is: Who pays for legal education? And the answer is: Students. But: Who pays for graduate education in aerospace engineering, or chemistry, or English literature? Answer: Philanthropists, the federal government, and, in some places, law students.

"Most law schools have overcome the dismal days when they were operated to make money for their universities; not all, but most. But most law students today still have to pay their own way—which is probably only right because there is no more reason for a chemist to support a law student than for a law student to support a chemist.

"But just paying for himself has become too expensive for the law student. It now costs around \$5,000 a year for an unmarried student to go to a private law school. We are sending young lawyers out from Notre Dame with accumulated debts of up to \$20,000—loans they are expected to pay back in as little as five years. Tuition, like things in Kansas City, has gone about as far as it can go. We have to find money somewhere else.

"The one source of funding for legal education which is consistently poor is the profession itself. We law deans gather a lot of generous philanthropy, but you would be amazed at how little of it comes from lawyers. We have two new endowed chairs in our law school, the first we have ever had, but neither of them was paid for by lawyers.

"Lawyers are generous to us with their time, and with good advice, but not with money. And this is true even of lawyers who went through law school with scholarship help provided by someone else.

"One thing that may have to happen is some organized assessment from the Bar to help educate lawyers. I'm not sure I would oppose that idea. But, for the present, we have to rely on personal appeal. And I do that now: You can help your law school improve legal education, and keep it relevant and responsive, with your ideas and with your help in the classroom. And you can and should help us pay for it. Nothing is more important to the health of the Bar in 1982, or in 1972 for that matter."

Building. Decisions on physical plant should, I believe, be made on the assumption that the purpose of a building is to advance the learning of those who work in it and that their working needs should dominate planning. Our building program has proceeded on that assumption.

Climate. Notre Dame's people-centered climate tends to attract, cultivate and produce thoughtful lawyers. I have been impressed with this result among the 15 graduating classes I have known. Introspection has been characteristic of many of our graduates—those who give all of their efforts to business, as well as those who give their careers to the poor. I do not believe that we can continue to have this effect in a larger, more other-directed law school. I am, at any rate, nervous about taking the risk of losing the extraordinary loyalties we enjoy from our students and graduates—to each other, to us, and to our ideals.

Faculty. We attract teachers to whom Notre Dame means something, and this is true even of men who have had nothing to do with Notre Dame. I don't know of another place where so many teachers have primarily *institutional* loyalties. And we are still able to insist on sound—even illustrious—academic credentials. Our faculty brings prestigious backgrounds, including substantial experience in the practice, to its work with students. Dean O'Meara used to say that no law school had a better faculty. I think that the faculty has improved since 1968.

People-centered legal education has implications for legal scholarship. We have not traditionally had a strong showing on scholarship, but our productivity is improving. The risk is less whether we will publish than whether our scholarship will grow out of and foster human associations within our own community. The most notable and remarkable difference between superb law faculties elsewhere, and our own, turns on the fact that great legal scholars tend to use their scholarship as a bridge away from students. Our scholarship has not done that. I think especially of the solid, lifelong efforts of the late Professor William D. Rollison, a proud figure in Notre Dame's past, whose textbooks and treatises and articles were all built in the classroom. I think, too, of the impressive recent work of our current faculty, and of the equally impressive work now in process, which is student-centered as well as relevant to the practicing profession.

I have been mildly impatient in my first year with the treatment given the concept of "humanistic legal education" in the campus press. It comes out sounding like apple butter. That has not been my purpose in talking about it, and it is not my aspiration for our law school. I learned a few weeks ago that one of our students wrote to his father last winter saying: "For the first time in my life, I feel as if I belong." That student is also doing better work at Notre Dame than he had ever done in school; he has great promise in the legal profession. His experience is what I mean by humanistic legal education. None of it is apple butter.

The fact is that, for most law students—and, I suppose, for most Americans in 1972—life is a dull monotony, a lonely, fearsome bore. I believe that men and women should live joyful lives. I believe that law school should be an adventure, and that if it is an adventure we will grow into better lawyers, better persons and—those of us here who are Christians—into better Christians. I also believe that the legal profession has to become people-centered. That aspiration is not apple butter either; it is the essence of the practice of law and the core of every useful professional skill. Our true home as lawyers lies more in the deepest capacities

within us than legal education has ever admitted. I believe the inner capacities have to be part of law at Notre Dame.

FRIENDS

Notre Dame Law Association

Notre Dame Law Association, some 4,000 strong, represents lawyers from all over the world—Notre Dame graduates as well as other friends of our school. The N.D.L.A. is the principal source of scholarship funds for our needy students and is an indispensable resource for us in recruiting students and in placing our graduates in the profession.

At my request, and with the consent of the N.D.L.A. Board, Martin Torborg, '34L, Fort Wayne, continued this year as president of the Association and as a dependable friend and advisor. The Board met on campus on May 13, 1972, and voted to revive the annual, geographical law scholarship drive, to publish a new edition of the Law School's directory of alumni, and to establish a major series of discussions on the relation of our alumni to the Law School and to the University. Mr. Torborg appointed a committee, chaired by Thomas F. Conneely, '64L, Chicago, to plan a meeting for the fall of 1972 and to initiate the Association's discussions on its important role in our academic life. Other members of the committee include George B. Morris, Jr., '40L; David Thornton, '53L; Burton Apker, '48L; John Boyce, '59; Edward Gray, '58L; and Marcia Pearce Burgdorf, '72L.

In the summer of 1971, as we faced imposing new challenges in placing the large graduating classes of 1971 and 1972, I established a Placement Task Force from among the ranks of the Association. Notre Dame lawyers agreed to act as counselors, sources of information, and even promoters for individual members of our graduating classes. The members of the Task Force include:

Burton M. Apker, '48L
James J. Leonard, '65L
Robert A. Tarver, '49L
Hon. Richard P. Byrne
Norris J. Bishton, '59L
Alfred A. Kaelin, '60L
Classen Gramm, '63L
John L'Estrange, '70L
Norman E. Matteoni, '63L
John H. Martin, '65L
Frank H. Smith, Jr., '68L
Stephan DeSales, '70L
Carl F. Eiberger, '54L
Anthony F. Prinster, '63
William D. Bailey, Jr., '59L
Francis M. Gregory, Jr., '66L

William J. Harte, '59L
Harold E. McKee, Jr., '63L
Nicholas J. Neiers, '60L
James M. Corcoran, Jr., '56L
Ronald L. Sowers, '65L
John I. Bradshaw, Jr., '54L
Francis X. Kiley, '65L
James H. Leavey, '69L
Charles J. O'Malley, '64L
James S. Brady, '69L
James E. Gould, '62L
Louis W. Brenner, '67L
Burton M. Greenberg, '58L
Richard D. Catenacci, '65L
Robert P. Gorman, '57L
Steven J. Madonna, '68L

John A. Macleod, '69L
 James P. Mercurio, '64L
 Ralph H. Witt, '62L
 Richard C. Clark, '59L
 Thomas F. Conneely, '64L
 John A. Lucido, '65L
 David C. Petre, '64L
 John W. Beatty, '65L
 Clifford Roe, Jr., '67L
 A. A. Sommer, Jr., '48
 Hon. Edward J. Leavy, '53L
 John Haugh, '66L
 Eugene F. Wayne, '58L
 Hugh Mundy, '69L
 William A. Whiteside, Jr., '51

E. Lawrence Miller, '68L
 Henry J. Catenacci, '69L
 David H. Kelsey, '61L
 F. James Kane, '60L
 Thomas R. Joyce, '63L
 John P. Kirby, Jr., '67L
 Paul H. Titus, '60L
 W. Lancaster Smith, '50L
 Emilio V. Belluomini, '68L
 John C. Fitzpatrick, '61L
 Francis X. Murray, '69L
 Michael F. Del Fra, '66L
 E. Milton Farley III, '52L
 N. Patrick Crooks, '63L

The Board agreed at its May, 1972, meeting that organizational problems should probably be resolved before a new election of directors is held. We therefore will continue through 1972-73 with substantially the same Board membership. Our directors include:

Burton M. Apker, '48L
 Norris J. Bishton, '59L
 John I. Bradshaw, Jr., '54L
 John R. Boyce, '59
 Thomas F. Conneely, '64L
 James J. Coryn, '56L
 Thomas M. Crehan, '59L
 John M. Crimmins, '33L
 Dana C. Devoe, '59L
 James A. Eichelberger, '63L
 E. Milton Farley III, '52L
 James L. Ferstel, '50L
 Hugh H. Fitzgerald, '34
 Edward J. Gray, '58L
 James C. Higgins, '55L
 F. James Kane, '60L
 Hon. John F. Kilkenny, '25L
 Robert D. LeMense, '55L
 Frank M. Manzo, '56L

John R. Martzell, '61L
 Thomas A. Mayer, '61L
 Patrick F. McCartan, '59L
 Gerald J. McGinley, '26L
 Graham W. McGowan, '46L
 Hugh McGuire, '60L
 George F. Meister, '36L
 George B. Morris, Jr., '40L
 A. A. Sommer, Jr., '48
 Ronald L. Sowers, '65L
 Joseph C. Spalding, '52L
 Daniel J. Sullivan, '40
 Joseph P. Summers, '62L
 David M. Thornton, '53L
 Martin P. Torborg, '34L
 George W. VanderVennet, '32L
 Lawrence Weigand, '26
 William A. Whiteside, Jr., '51
 Hon. Lawrence D. Wichman, '60L

We are making contractual arrangements to publish a new edition of our directory of the Association's membership. This should be in our members' hands in May, 1973. It will include corrected listings for all members of the Association through the 1972 graduating class.

Law Advisory Council

Father Hesburgh appointed five distinguished lawyers to posts on our Advisory Council. Richard P. Byrne, Los Angeles, a member of the Board of Directors of the Notre Dame Law Association since 1956, was appointed to the Council in January. In April, Mr. Byrne was appointed to the bench of the Superior Court of Los Angeles County—a welcome recognition of the fact that Governor Reagan shares our high opinion of him. William R. Dillon, '40, and Kenneth F. Montgomery joined the Council in July, 1972; both are confirmed friends of law at Notre Dame. A. A. Sommer, Jr., '48, of the Cleveland Bar, who has for many years been a member of the N.D.L.A. Board, joined the Council in January.

Father Hesburgh and I agreed in the summer of 1971 that our Council would be strengthened by the appointment of a legal educator whose career had been pursued at other national law schools. On the recommendation of our faculty, Father Hesburgh appointed Dean Jefferson B. Fordham of the University of Pennsylvania School of Law. Dean Fordham recently left the deanship at Pennsylvania, after 18 years in that post, to return to full-time teaching. He was dean at Ohio State from 1947-1952 and is a former president of the Association of American Law Schools.

The Council met on campus November 12 and 13, 1971, to hear reports from members of the faculty and administration, and to inaugurate a new effort to bring our advisors and our students closer together. We began the meeting sessions with the first of a new series of fall lectures called the Law Advisory Council Lectures. H. Clay Johnson, '32, '34L, president of the Royal Globe Insurance Companies, and a member of the Council, was our first lecturer; he spoke on "no-fault" automobile insurance, then joined a panel of faculty and students (chaired by Prof. Charles E. Rice) to discuss the topic further. Earlier that day, Judge Charles S. Desmond, retired Chief Judge of the New York Court of Appeals and a member of the Council, led an informal student discussion on his proposals to abolish the jury in civil trials. On the first regular meeting day, the Council joined our students for two hours of law classes.

In the Council sessions themselves, Prof. Robert E. Rodes, Jr., reported on our London year-abroad program; Prof. David T. Link discussed the depleted state of our scholarship resources, outlined the loan programs which Dean Lawless established for our students, and discussed with the Council new proposals for the support of needy students. In a session devoted to our building needs and plans, the Council heard Mrs. Kathleen Farmann, our law librarian, Prof. Francis X. Beytagh, and Edmund A. Stephan, '33, a member of the Council and the Chairman of the University's Board of Trustees.

Mr. Ford is chairman of the Council; George Gore, '48, '50L, is vice-chairman. Mr. Bridenstine and Robert A. Tarver were reappointed to three-year terms this year; Mayor Joseph L. Alioto of San Francisco completed a three-year term; and the following advisors were promoted to senior status: Judge Hugh C. Boyle, '24; John E. Cassidy, '17L; Judge Desmond; John J. Kennelly; J. W. Mullin, Jr.; Judge Walter V. Schaefer; and A. Harold Weber.

Other active members of the Council include Senator Birch Bayh; Chairman William J. Casey of the Securities and Exchange Commission; Patrick F. Crowley, '33; John W. Dorgan, '29; Louis J. Finske; Paul F. Hellmuth, '40; John T. Higgins, '22; Judge Roger J. Kiley, '25L; Joseph A. Tracy, '42; and Thomas J. White.

Other senior members include Oscar J. Dorwin, '17; Judge Charles Fahy; and Bernard J. Voll, '17, '53 LL.D.

Student Support

Virtually all of our students work during the summer, but very few of them are able to save enough during the summer months to pay \$2,230 per year in tuition and their living expenses. As a consequence, student expenses have to be met by work during the year, by loans, by family resources, or by some form of student aid. Most of our students either work or borrow money or both. Very few have family wealth to rely on, and very few get outright student aid. We award scholarships only to those who are needy and who are willing to demonstrate by their own efforts that they are doing everything possible to pay for their legal education. Even with all of these things taken into account, we must still grant substantial amounts of scholarship help. The alternatives are to accept only students who can pay their bills with family funds, or encourage students to borrow far beyond their ability to conveniently repay loans. (My own estimate as to a capacity loan program for any one student is \$7,500.)

The scholarship program has been one of the recent glories of our school. At its high point, probably half of our students received scholarship assistance; the average award then was full tuition. For me as dean, though, the program was a dubious legacy. On July 1, 1971, our scholarship deficit stood at nearly \$600,000. Contributions for scholarships had declined from a high of \$140,000 annually to less than \$40,000. The University agreed to meet the deficit with other University funds, with the result that I started my deanship in the black. But it has been impossible to remain in the black; even though our friends increased their scholarship contributions from \$38,000 to \$90,000 last year, the deficit continued to mount at an annual rate of more than \$60,000. This was, of course, because I inherited a large number of commitments to students who were already here; many of them will be here through May, 1974.

We have economized with rigor. The Law School no longer assists students with interest payments on loans, as it did through October, 1971. Our scholarship awards in the entering class were minimal, even Spartan. We are not for the most part re-awarding scholarships which are lost when the student leaves here prematurely or falls below the minimum performance level we require for scholarship retention. With economy and with the strong support of our friends, I am convinced that the deficit problem is temporary—and I am happy to report that Dr. Gordon, our vice president for advanced studies, agrees with that assessment and is willing to be patient with us until the deficit is cured. (Dr. Gordon, I should note here, has been a valuable advisor and ally in this difficult year for law-student support.)

Our long-range goal must be to revitalize the annual scholarship drive and to begin to build a permanent endowment of \$3 million for scholarships and \$5 million for our own revolving loan fund. The goal appears remote, but I believe we will reach a fully-funded scholarship endowment within the next five years. Combined with continued annual help through the Notre Dame Law Association, income from that endowment will make it possible to avoid scholarship deficits in the future.

Our loan programs are necessary but undesirable. Most students who borrow here do so through commercial banks, at current interest rates (even while in school) of eight per cent, and at pay-back requirements of five years. We hope for relief from government-backed loan programs and national, private loan sources, but the long-range solution should be our own program, funded from a loan endowment, and geared to the earning years of young lawyers.

We have begun this year to build alternatives to scholarships and loans through sponsored educational and research programs. Our goal is student affiliations which at least pay the student's tuition. The LEADICS study on court delay employed several students; the Spencer study on professionalization employs three; Professor McIntire has obtained for us three separate grants in environmental law which will support as many as 11 law students; the new advocacy program for the disabled will employ at least 6, several are employed in criminal-law internships; and we aspire to new programs in law and technology, criminal law, and legal education in secondary schools which will support perhaps another 20 full-time students.

In November, I proposed to the Advisory Council, and in December to our first- and second-year students, an experiment in cooperative legal education. My idea is to establish a four-year program for students who are interested in extensive, full-time clinical experience and who need financial aid which does not involve borrowing.

The program, for members of the class entering in 1972, would look like this:

1972-73: Our traditional full-time, first-year program;

Fall 1973: Arrangements for clinical employment, and course choices which relate to clinical employment;

January-August, 1974: Full-time, fully compensated employment in approved legal work in a law firm or governmental or corporate office;

1974-75: Full academic year at the law school, full course load;

May 1975-January 1976: Full-time, fully compensated employment—probably, but not necessarily, with the employer involved in the first eight-month period;

Spring 1976: Final semester, leading to the J.D. degree in May.

Members of the present second-year class can work out a variant of this program. I have surveyed employment opportunities, and see some hope for employment arrangements in legal-aid work, law-related social work, corporate legal departments in major cities and in the South Bend area, some of them specialized (*e.g.*, patent law), others involving private law firms, and public-law offices (city attorneys, prosecutors, public defenders, etc.).

My economic objective is that these eight-month periods of employment will be compensated at *at least* summer-clerk rates. I therefore see the experiment as proving, one way or the other, whether the periods of employment can be made to finance the third through sixth semesters of law school.

LEARNING PROGRAM

Library

We have 83,000 volumes in our Law Library; we aspire to have, within ten years, 150,000. The principal obstacles to expansion of our inadequate collection have been money and space. The space problem will be solved indefinitely when our building program is completed in the summer of 1973. We must increase our annual acquisitions budget, as new space becomes available, and we must build an endowment for acquisitions. If we do both of these things, we will double our collection within ten years. I have recommended that the generous gift of \$1 million to the Law Center program, from the John P. Murphy Trust of Cleveland, be devoted to a law library endowment. The University's Development Office, Father Hesburgh, and I are now seeking additional endowment to support our unique Civil Rights collection. Our ability to move ahead on library improvement owes its present and its future to the late Mr. Murphy, '12L, and to the Kresge Foundation, which provided most of the funds for a physical library expansion; in our new law library, the physical plant will be named the Kresge Library.

Curriculum

The faculty set out in 1968 to move toward an elective curriculum for second- and third-year students. In 1971, the faculty voted to expand its half-elective program into a fully-elective program in the second and third years; we now offer 90 separate law courses every year. Our experience-based and clinical programs, curricular and co-curricular, continue to burgeon; we maintain assurances of competence and educational quality in clinical education through a student-faculty committee chaired by Professor Kellenberg. Our students, at this writing, are able to work on legal programs in criminal law, family law, appellate advocacy, law and technology, poverty law, trial practice, environmental law, administrative practice, mental retardation and disability, post-conviction remedies, mental health, legal education, minority business planning, and "estate planning."

The curriculum provides professional preparation for the practice of law

anywhere in the country; its recent strengths are greater student participation in planning and expanded opportunities for students in areas of special interest. We are the most accommodating law school I know about, for example, in allowing our students to pursue graduate study in other departments of the University and even to fashion their own joint-degree programs. The joint-degree program with the Graduate School of Business (M.B.A./J.D.) continues to attract good students; in 1973 we will graduate our first business lawyers from that joint program.

Enrichment

Our objective is less to provide an educational supermarket than to recognize the indisputable fact that a student who is responsible for his own learning learns more, learns firmly, learns quickly and learns joyfully. Our program, with that assumption, goes beyond classroom instruction. (In fact, I believe the day will come when classroom instruction is a relatively unimportant component of professional education.) There must be other opportunities—varied opportunities—for thought, growth and learning. To that end, our list of visitors for 1971-72 became undoubtedly the largest and most varied in our history. (I prefer to say "visitors," rather than "lecturers," because a typical guest here does more than lecture.) It ranges from the Retired Chief Justice of the United States, who inaugurated our Civil Rights Lectures in April, to recent graduates who have come to ponder with us the challenges of "working within the system." Our guests have come in formal lecture settings, in "bull-sessions," some for an hour and some for a week. The following list is inevitably incomplete, because a vibrant program does not wait for administrators to keep score; this does not include the 100 lawyers who visited us to recruit law graduates; nor does it include members of the Notre Dame faculty from other colleges. The list of welcomed guests includes:

William Albright, '67L, South Bend
 Burton M. Apker, '48L, Phoenix
 Richard Babcock, Chicago lawyer
 Norman J. Barry, '48L, Chicago
 Father Ernest Bartell, C.S.C., President, Stonehill College
 Judge George N. Beamer, '29L, U.S. District Court, Hammond
 G. Robert Blakey, '57, '60L, Chief Counsel, Senate Subcommittee on Criminal Law
 Ivan E. Bodensteiner, '68L, Director, Fort Wayne Legal Services
 Bruce BonDurant, South Bend lawyer
 Prof. Frank E. Booker, West Palm Beach
 John R. Boyce, '59, St. Louis
 Kingman Brewster, President of Yale University
 Louis M. Brown, Adjunct Professor, University of Southern California
 Roland Burriss, head of the minority loan division, Continental Illinois Bank
 Vincent Campiti, South Bend lawyer

Judge John Carro, Bronx Criminal Court
 John S. Cassidy, '17L, Peoria
 Gerald Cavanaugh, '69L, Assistant Dean, Loyola University Law School, Los Angeles
 Thomas F. Conneely, '62, '64L, Assistant Chief Deputy Director, Illinois Department of Insurance
 James J. Coryn, '56L, Rock Island
 Dempsey Cox, South Bend lawyer
 Robert Cox, '62L, New York City
 John M. Crimmins, '33L, Pittsburgh
 Charles F. Crutchfield, Director, St. Joseph County (Ind.) Legal Services
 Robert Cronson, Senior Vice President, Chicago Corporation
 Prof. Dr. Prodromus Dagtoglou, University of Regensburg
 Justice Roger DeBruler, Supreme Court of Indiana
 Judge F. Kenneth Dempsey, Chief Judge, St. Joseph County (Ind.) Superior Court
 Judge Charles S. Desmond, Retired Chief Judge, New York Court of Appeals
 Dana C. Devoe, '56, '59L, Bangor
 Thomas DiGrazia, '70L, Kennedy Fellow with the Sioux Indians in South Dakota and counsel for the Youth Advocacy Program, South Bend
 John E. Doran, '51, '52L, South Bend
 John W. Dorgan, '29, '31L, Chicago
 Charles Eades, M.D., South Bend
 Carl Eiberger, '52, '54L, Denver
 Kenneth Fedder, Chief Deputy Prosecutor of St. Joseph County (Ind.)
 F. Gerard Feeney, '42, '47L, South Bend
 Martin Feferman, M.D., South Bend
 James L. Ferstel, '50L, Chicago
 Hugh F. Fitzgerald, '34, New York City
 John P. Forhan, '70L, Model Cities lawyer, South Bend
 Prof. Gerald Gallivan, '61L, University of Wyoming
 Francis M. Gregory, Jr., '65L, Washington
 Judge Robert A. Grant, '28, '30L, Chief Judge, U.S. District Court, South Bend
 Thomas Harvey, '66L, graduate student in law, University of London
 Richard F. Hennessey, '64, '68L, Deputy Director, Metropolitan Legal Aid Society of Denver
 James C. Higgins, '55L, Beckley, West Virginia
 Bobby L. Hill, Georgia lawyer and State Representative, Savannah
 Richard Hirsch, '68L, Kennedy Fellow at Harvard
 Judge James Hoff, Cass County (Mich.) Circuit Court
 Judge George Hoffman, Indiana Court of Appeals
 Judge Shirley Hufstедler, U.S. Court of Appeals, Los Angeles
 Prof. Iredell Jenkins, University of Alabama
 H. Clay Johnson, '32, '34L, New York City
 Edward Kalamaros, '59L, South Bend
 Gerald A. Kamm, '43, '47L, South Bend

F. James Kane, Jr., '60L, Buffalo
 William Kelly, '62L, Chicago
 Judge Roger J. Kiley, '25L, U.S. Court of Appeals, Chicago
 Robert J. Konopa, '67L, South Bend
 Judge Norman Kopec, '48, '51L, St. Joseph County (Ind.) Superior Court
 Prof. Heinrich Kronstein, Professor Emeritus of Law, Georgetown University
 Dr. Joseph Kunz, Council for the Retarded of St. Joseph County
 Lewis C. Laderer, Jr., '68L, South Bend
 Robert D. LaMense, '55L, Milwaukee
 Kay Larkin, Philadelphia lawyer
 Warden Russell Lash, Indiana State Prison
 William B. Lawless, former dean, Notre Dame Law School
 Terry Lenzer, Philadelphia lawyer and former head of legal services, Office of Economic Opportunity
 Thomas F. Lewis, South Bend lawyer
 John J. Lorber, South Bend lawyer
 Alexander Lysohir, '53L, South Bend
 Prof. Hajime Machino, Sophia University, Tokyo
 John R. Martzell, '58, '61L, New Orleans
 David L. Matthews, '52L, South Bend
 Patrick F. McCartan, '56, '59L, Cleveland
 Leo McCormick, patent lawyer, Bendix Corp.
 Hugh J. McGuire, '60L, Detroit
 Neil McLaughlin, defendant in the Kissinger conspiracy case
 Bernard McNamee, corporate counsel, Miles Laboratories
 Robert H. Michaud, '50, '51L, South Bend
 Allen K. Miller, Regional Manager, American Arbitration Ass'n.
 Judge Robert Miller, St. Joseph County (Ind.) Superior Court
 Kenneth F. Montgomery, Chicago lawyer
 Dean Paul Moritz, Yale College
 Prof. Anita Morse, University of Florida
 Charles T. Morse, C.L.U., South Bend
 George J. Murphy, '51L, Chicago
 Thomas L. Murray, '51L, South Bend
 John T. Mulvihill, '65L, South Bend
 David Ottoway, the Washington Post
 James H. Pankow, South Bend lawyer
 Howard Peterson, LaGrange (Ind.) lawyer
 Frank Petsche, South Bend lawyer
 Dr. Robert S. Redmount, psychologist and lawyer, Hamden, Conn.
 Myron Resnick, Assistant Secretary, Allstate Insurance Co.
 Judge James Richardson, Lake County (Ind.) Superior Court
 Robert Robin, Chicago lawyer
 Jack Rowe, '68L, Army legal officer
 Paul K. Rooney, '62L, New York City
 R. Kent Rowe, '55L, South Bend

Stephen Rubin, Antitrust Division, U.S. Dept. of Justice
 Judge Walter V. Schaefer, LL.D. '72, Supreme Court of Illinois
 Thomas Schussler, Deputy Attorney General of Ohio
 Harold Schwartz, former Assistant Commissioner of Internal Revenue
 Judge Douglas Seely, St. Joseph County (Ind.) Superior Court
 John Seigenthaler, editor of the Nashville Tennessean
 Thomas Singer, South Bend lawyer
 Alphonse A. Sommer, Jr., '48, Cleveland
 David Spengler, Assistant Vice President, Continental Bank
 Michael J. Stepanek, Jr., '64L, South Bend
 Edmund A. Stephan, '33, Chicago lawyer and Chairman of the Board of Trustees of the University
 Justice Potter Stewart, Supreme Court of the United States
 Donald W. Stocks, Executive Director, National Bar Foundation
 George S. Stratigos, '47L, South Bend
 Daniel J. Sullivan, '40, St. Louis
 Frank Sullivan, C.L.U., South Bend
 Judge Luther M. Swygert, Chief Judge, U.S. Court of Appeals, Chicago
 Judge Shogo Takahashi, District Court, Tokyo
 Bruce Stewart, South Bend lawyer
 Linden Thorn, Executive Director, Council for the Retarded of St. Joseph County
 John W. Thornton, '50, '56L, Miami
 George N. Tompkins, Jr., '56L, New York City
 Martin Torborg, '34L, Fort Wayne, President of the Notre Dame Law Association
 George W. VanderVennet, '32L, Davenport
 Prof. Henry Veach, Northwestern University
 Francesco Vendrell, Assistant Director, UNITAR, United Nations
 William E. Voor, Jr., Prosecutor of St. Joseph County (Ind.)
 Prof. Bernard J. Ward, University of Texas
 Chief Justice Earl Warren, LL.D. '60, Chief Justice (Retired) of the United States
 Judge E. Spencer Walton, St. Joseph County (Ind.) Superior Court
 Prof. Richard Wasserstrom, University of California, Los Angeles
 Dr. Wolf Wolfensberger, University of Nebraska
 Thomas J. White, St. Louis

I have proposed to several funding sources, through the University's Development Office, the establishment here of a "lecture series" on the practice of law—as a first step toward a broad program which will bring the behavioral realities of a lawyer's life into our lawyers' preparation. Whether or not that venture is funded, I hope to begin obtaining visitors for our students during the next academic year. Several leaders in the Class of 1974 proposed to Father Hesburgh and to me the establishment of a new visitor series to be called "The State of America," which would bring to our campus political, educational, and profes-

sional leaders to talk knowledgeably about the society our students will one day change. Funding could make that program dramatic, but we will go ahead with it whether it is funded or not.

The Local Bench and Bar

Our list of visitors suggests the extent to which we depend on local judges and lawyers, and particularly on the Bars of St. Joseph County, Indiana, and Cass County, Michigan. Our law school would be a poorer place if it weren't for their efforts and encouragement and advice. We are especially indebted to the St. Joseph County Bar Association, to the judges of the St. Joseph County Superior Court and the United States District Court for the Northern District of Indiana, and to Judge James Hoff, Robert Craig, and Glen Squiers, '51L, of Cassopolis.

London Program

Since 1968 contingents of 20-30 members of the second year class have spent their second year in London. In our first three years abroad (1968-71), our students were enrolled with the Faculty of Law, University College, University of London. In September, 1971 we secured quarters at 23A Bloomsbury Square, London, and established our own educational program. Our students enjoy the use of the library of the Institute for Advanced Legal Studies, University of London, and the law libraries at the London School of Economics, the Senate House, and the Middle Temple. Father Lewers was our resident director in 1971-72 and all reports indicate magnificent success. We are continuing this year with Professor Booker as London Director and Dr. Leigh as associate director. In 1971-72, "The London Irish Times," a newsletter published fortnightly by the students in London, kept Notre Dame informed and even enthusiastic about the foreign adventures of our colleagues.

London curriculum and faculty in 1971-72:

Family Law: Patricia Harmer, lecturer on law, King's College, London;

Company Law: Leonard Leigh, reader in law, London School of Economics;

Land Use Systems: John Delafons, assistant secretary, Department of the Environment;

Jurisprudence: Helen Galas, assistant principal to the English Law Commission;

Evidence: Keith Uff, a London barrister who will begin full-time law teaching at the University of Manchester this fall;

International Trade and Investment: Burton Haimes, an American lawyer

who practices in London. Mr. Haimes was succeeded last spring by William T. Onorato, also an American lawyer;

Trusts and Estates: Ronald Maudsley, professor of law, King's College, London;

Public International Law: Father Lewers.

Those students in London who wanted to participate in poverty law arranged to do so at the North Kensington Neighborhood Law Center. London students also have their own moot court program, the outstanding participant in which joins the three top students at Notre Dame for our moot court finals. Our year-abroad faculty will remain the same in 1972-73, except for the absence of Mr. Delafons, who resigned because of the press of his governmental duties. Father Lewers has been succeeded as director in London by Prof. Booker.

In 1972 we completed our third successful summer program in England, at Brunel University. This year's program included 108 students, most of them from other American law schools. For the second year, our summer director was Prof. Thornton. Professor Beytagh and Prof. Warren Schwartz, University of Virginia, joined him as American law teachers. Our summer students came from 60 law schools; 17 were women. The courses:

Police, Crime and the Criminal Law: Prof. Keith Devlin, Brunel;

Federal Jurisdiction: Prof. Thornton;

International Business Transactions and Investment: Prof. Schwartz;

Trusts: Prof. George W. Keeton, Brunel;

Administrative Law: Prof. Beytagh;

Public International Law: Dr. E. D. Brown, University College, London;

Constitutional Litigation: Prof. Beytagh.

Both English programs were inaugurated by Dean Lawless. Both have a bright future. We remain the only American law school with a year-abroad program; so far as I can ascertain, our summer program is the soundest (and certainly one of the most popular) in the field.

Interdisciplinary Study

Interdisciplinary study in law schools has never been more fashionable or more superficial. No one attempting to build a bridge between a behavioral or scientific discipline and the law has exactly succeeded, and if he has, his success

is not generalizable. Our policy toward interdisciplinary study is therefore experimental, and I believe it should remain experimental. Within that limitation, interdisciplinary activity in the law school during the past year has been more prominent and more promising than ever before:

—We have five active educational and research programs in conjunction with the School of Engineering—in environmental law, systems engineering as it might be used in judicial administration, and a program to train law students in materials science. Dean Hogan, and Drs. Linger, Daschbach, McComas and Fiore have been dependably cooperative.

—Our policy on joint-degree programs (except for the M.B.A./J.D., M.Th./J.D., and environmental-law programs) is experimental. I encourage students with joint-degree interests to propose individual programs to me, to the other department involved, and to the Graduate School. We grant up to nine hours of J.D. degree credit for work pursued in the Graduate School; this is an encouraging beginning for joint-degree work. This experimental stance has encouraged students toward joint-degree efforts in history, government, engineering, psychology, sociology, and architecture.

—Many of us on the law faculty feel that legal educators should involve themselves in cross-disciplinary research; almost all of us are open to deeper intellectual effort with our non-legal colleagues. Embryonic collaboration with the Schools of Business and Engineering, and with the departments of psychology, sociology, and government, has been promising.

—We have not begun to teach in other programs in the University, and, with occasional exceptions, other scholars are not teaching in the law school. I regret the isolation and I intend to try to correct it in academic endeavor as it has been largely corrected during the past three years in administrative and collegial endeavor.

Toward Christian Lawyers

Most of what I have read and seen on a rationale for law schools at Catholic universities has been trite and tiresome. That appears to be the general experience of those of us who teach law at Catholic universities. It may help explain why there is little evidence of creative thought on the challenging assertion that a Christian lawyer is a contradiction in terms. I provoked informal discussions on the subject last winter, and found to my surprise that several students and some members of the faculty were defensive about it, and seemed even to demand of our school a secularism which I, if it is up to me, will avoid. My reaction then was an attempt to formulate some minimum structure within which our future

might be talked about. The structure calmed troubled waters, or seemed to, but I found myself being more paternal than is comfortable for me.

"Notre Dame is a Catholic university and aspires to be a Christian community," I said. "Its official response to those of its own who do not profess Christianity, as well as to those who are not its own, should be filled with welcome and interest and love, but it cannot be non-Christian. I think my office requires me to say that the Notre Dame Law School is not neutral in matters of religion.

"I do not believe that anyone who is bright enough to survive our admissions committee believes that Notre Dame is a place where religion is an indifferent question. Notre Dame's Catholic history and spirit are deep enough that not even Catholics who resent her are able to separate here the University and the Church. Whatever is bad or good, stupid or profound, old or new, in the Roman Catholic Church in the United States is in some way all around us.

"Notre Dame's commitment to Christianity is of course only obvious in a kind of gross sense. It otherwise has its subtleties, not the least of which is the difficult course Father Hesburgh set for us in 1967 when he *officially* called the University both to a continuation of its Catholicism and to the development of intellectual freedom."

I believe (as this report is written) that the furor was creative. I hope the discussion will go on.

Physical Plant

Father Hesburgh announced on January 20, 1972, an addition to and modernizing of the law building. The University presented the project for bids in July; construction will be completed before August, 1973. The addition will double our usable space. The new space will be used for library study areas, stack areas, and offices and work areas for our library staff. It will include new offices for student organizations; new group-study space; a new large classroom, an elevator, and air-conditioning equipment.

The library expansion will free for other use areas of the building which are now filled with books. This liberated space will be remodeled into faculty offices, an expanded student lounge, seminar rooms, four refurbished classrooms, and a Civil Rights Reading Room which will house our collection of original documents and records of the United States Commission on Civil Rights.

The existing building will be air-conditioned and refurbished. The classrooms, in particular, will be remodeled into multiple-use rooms with modern furniture, equipment, ventilation and acoustical capacity. Two of the rooms will contain modern audio-visual equipment and furniture for adaptation into trial and appellate courtrooms. Office space will be remodeled and the number of offices increased to accommodate a faculty of 20 to 22.

The existing student recreational area, which includes all of what was once the law auditorium, has been redesigned into a large multiple-use student lounge; our architect opened the design of this lounge to suggestions from architecture students; the final design is one developed by Professor Donald Sporleder's architectural design class. Several other features of the building were suggested by

law students. We are particularly grateful for the creative leadership of Steven Stegich, '72L.

The existing reading room, which has been one of the building's splendors, will be nearly tripled in size. The present floor of that room will extend fifty feet further east; a balcony will be built along the west wall, with access into the Civil Rights Reading Room and to a complex which will include six faculty offices, faculty lounge, and secretarial spaces. A new mezzanine floor will also extend fifty feet to the east, from the pillars on the east side of the present room, and will be furnished with modern reading room and group-study areas.

The building project will cost about \$1.6 million. The Kresge Foundation generously provided \$750,000 of this cost in a grant announced this summer. The remaining cost will be paid out of pledges given by our alumni and friends in the Law Center program and by a \$214,000 federal construction grant first secured by Dean O'Meara in 1967. Notre Dame's ability to proceed now with this important project obviously owes much to Deans O'Meara and Lawless.

The dimensions of our building plans made it clear to us by April, 1972, that we could not remain in the law building while it is being remodeled. Our building committee, a number of creative and helpful student leaders, and I went to Father Wilson, our vice president for business affairs, and to Leo Corbaci, dean of administration, and asked for temporary quarters for 1972-73. Their response was generous; they and Edward Lyon, the director of maintenance, have generously helped to move the Law School from the building it has occupied since 1931 to the Wenninger-Kirsch Building on the northeast corner of the campus.

Our temporary building housed the Department of Biology from 1937 until that department moved to the new Galvin Life Sciences Building this year. It has been adapted to our purposes with relatively small expense; all of our classes, student activities, and administrative functions were moved here, along with a satellite law library under the direction of our assistant law librarian, Mr. Cleveland. The law library itself will remain in the law building and will be open for research as construction allows. We expect this research library to be in operation from early evening until midnight, seven days a week, throughout the academic year, and during the day on holidays and weekends.

Detailed planning of our remodeled building, and the planning and implementation of our move to the Wenninger-Kirsch Building, were directed with tireless devotion by Associate Dean Link. Several major building decisions were hammered out—and that is no casual metaphor—by the building committee, which he chairs and on which sit Mrs. Farmann and Professors Moo and McIntire; Assistant Dean Foschio served on the committee in Professor McIntire's absence this summer. Several students gave generously of their time to our planning; I am particularly grateful to Mr. Stegich, to Bill Zloch, '74L, and to Mike O'Connell, president of the second-year class.

The economic aspects of our building program have been understandingly shared with and supervised by the executive vice president, Father Joyce, and by Father Wilson. They have been consistently helpful, encouraging and farsighted, and Father Joyce has given more precious hours to our project than

anyone wants to count. I am grateful to them and to Mr. Lyon, who nobly shared with us the burdens of moving our school across campus. We are indebted, too, to James Frick and James Murphy, who have collaborated this year on the duties of vice president for public relations and development, and whose staff has been more effective than I dreamed was possible in finding the resources we need for growth and security in the law school. Through their efforts (and I must thank especially Mr. Regan and Mr. Machecca), new friends gave to us, in the first ten months of the last academic year, more than \$1 million of heretofore unpledged funds.

ADMINISTRATION

We have developed a four-officer administrative team which appears able to operate our school on an open, creative basis at the least possible expense in terms of teaching time. My first request as dean was that Prof. Foschio, who had been assistant dean since 1969, be re-appointed. In July, 1971, Miss Hopkins, who has directed admissions since 1969, became our first law school administrator, and in January, 1972, Father Hesburgh appointed our associate dean, Prof. Link. Because Miss Hopkins has boundless energy and ability (and an enviable spirit of adventure), we have been able to define her duties flexibly and to create in her office central, professional management of staff, facilities, registration, records, scheduling, budget, and admissions. This frees Deans Link and Foschio and me for person-to-person relationships with faculty and students and makes it possible for all three of us to teach. Deans Link and Foschio each carry full-time teaching loads and I carry more than half a teaching load. Even if the associate and assistant deans were less energetic and devoted to students than they are, I am convinced that our new administrative arrangement would give us three lawyer-administrators at a teaching-load expense of one faculty member or less.

The efficiency and attractiveness of this arrangement owe a great deal to a resourceful secretarial staff and to the precious assistance we enjoy from our faculty and from our student leaders. Our curriculum is planned by a student-faculty committee; admission decisions—a back-breaking task—are made by a faculty committee; our professors and student leaders, in committees, supervise clinical education, air and utilize student-faculty tensions, set academic and library policies, and plan our building program.

And we are blessed with responsible student-organization leadership. I am especially grateful to the class officers; to the Student Bar Association; to Jock Smith, '73L, president of our chapter of the Black American Law Student Association, and Luis Jaramillo, '73L, president of our chapter of LaRaza National Law Students Association.

As these three organizations, along with the new Women's Rights Association, the International Law Society, and our four cocurricular organizations, grow and assume even more administrative and academic responsibility, it will be necessary to establish separate and adequate budgets for them. It is ironic that undergraduate student organizations at Notre Dame enjoy subsidies and,

for the most part, separate budgets, but that law-student organizations must live from hand to mouth. One of my principal goals in the 1973-74 budget will be separate operating budgets for student organizations.

STUDENTS

The academic quality of our students continues to improve. Here are average L.S.A.T. scores and grade-point averages for recent entering classes:

	LSAT	GPA (4.0)
1967	532	3.1
1968	554	3.2
1969	524	3.1
1970	561	3.1
1971	621	3.3
1972	620	3.5

We now enroll a significant number of women (seventeen in 1972, twenty in 1971) and members of minority groups (nineteen in 1972, fourteen in 1971-72, twelve in 1970-71, thirteen in 1969-70). The volume of our inquiries and applications has grown dramatically:

	Inquiries	Applications	Entering Class
1966-67	734	502	104
1967-68	953	512	120
1968-69	1,413	560	96
1969-70	1,970	897	195
1970-71	2,373	1,108	203
1971-72	5,240	1,536	154
1972-73	8,100	1,900	120

Attrition

Our rate of academic attrition took a turn upward for the first-year class in the spring semester 1972. To put that in context:

	First Year		Second Year	
	Total attrition	Academic attrition	Total attrition	Academic attrition
1967-68	18%	14.8%	1.2%	0%
1968-69	17.7%	3.4%	4.5%	1.1%
1969-70	17.7%	6.7%	0%	0%
1970-71	10.2%	3.2%	4.7%	4%
1971-72	14.3%	8.4%	0%	0%

This increase in attrition was not an accident. As the quality of our students increases, the faculty and I believe that our commitment to excellence requires higher standards of performance. Our students have greater capacity than they have ever had; and law school should be a place where students rejoice in doing their best. I believe that our duty to the University, to the legal profession, and to the community, requires that our standards increase steadily in the next decade.

The faculty indicated in May, 1972, that the law school should discontinue its practice of readmitting students who are dismissed for academic reasons, and that this policy should be implemented by the dean without referring to the faculty ad hoc petitions from students. This is not a new policy—our published rules for readmission have for years required that the student show that his failure was due to “extraordinary and non-recurrent circumstances.” But the faculty did, I think, indicate a new sense of firmness about the policy. There are two considerations which support this renewed firmness:

First, a just use of our facilities. We are turning away from 15 to 20 applicants who want to study here for every one we accept. Easily half of these turned-away applicants are capable of doing well; most of those turned away have good grades—many of them far in excess of 3.0 in demanding degree programs. Many of them have L.S.A.T. scores which place them in the top decile of national L.S.A.T. scores. It is difficult to defend the justice of giving space here to a student who has demonstrated that he may not be able to complete our program, and at the same time to deny space to students who without question could do so. (A necessary given is the faculty's iron rule that no student may be readmitted into the second year if he has failed to complete successfully the first year. The only possible readmission—the readmission we have denied in several cases this summer—is to begin again at the beginning. This readmission involves therefore a use of space which would otherwise be given to a new student.)

Second, professional prospects in the 1970's. Everyone agrees that the legal profession will undergo sharp and remarkable change in the next several years, partly as a result of social and political forces but most of all as a result of an enormous influx of new lawyers, an influx which will clearly last until 1975 and, the Educational Testing Service says, will probably last until 1980. The change will probably have beneficial aspects, but one short-range negative aspect will be a tough employment market for new graduates and a more competitive climate for young lawyers in professional practice. The track will become faster in terms of jobs available *and* in terms of what the community and the profession will demand of young lawyers. The realistic and just response for legal education to make to this trend is to assure that only the best are presented for admission to the Bar. This means that law teachers must demand more. The faculty agrees to the justice of this demand on us; a tougher attitude on readmissions is my part of this faculty agreement.

I have been under some necessity to square a demanding academic regimen with my aspirations for humanistic legal education. I think the policies are consistent. (If they are not, I must admit that humanism really is apple butter.) This consistency lies in the fact that this law school is not a good place for weak

law students, and in the policy Assistant Dean Foschio and I have pursued this summer of working with dismissed students toward opportunities for alternatives. Some of these students can succeed at law schools where the pace is easier. Some of them need a change of law school scenery—of culture, so to speak—but some of them (most, I think) should not be lawyers. They have not thoughtfully contemplated the fact that a law school failure is a very elite sort of failure. There are hundreds of options for a bright, articulate college graduate who has spent even an unsatisfactory year in rigorous analytical training. We are concerned that the lawyers of the future be the most able people our educational system can produce; but we also spend as much effort as we have opportunity to expend to see to it that our dismissed students find their way to rewarding alternatives. For those reasons I believe humanism and rigor *are* consistent—and even that humanism requires rigor. “Love,” St. Paul said, “rejoices in the truth.”

Still, a learning community which is both rigorous and humane is under two further and special duties to its students: First, to explore with them collaborative rather than competitive approaches to mastery of the law; and second, to impose on itself a painstaking admission process, so that students are never carelessly enticed into failure.

Father Daniel Boland, C.S.C., of the University's Counseling Center, and I began in the fall of 1971 to develop what we then called “a first-year learning community” and to build in this community a preference for collaborative effort. We did this through a three hour segment in the orientation program, two whole-class meetings during the first semester, and a series of small-group meetings in my office in which students, Counseling Center personnel and I met and talked about the demands of the first year. Our effort was built on a series of facts:

- Our learning regimen no longer requires competition. Every student who enters is able to succeed; none need fail, or even falter; the faculty's effort aims at universal success. Law at Notre Dame is no longer a win-lose game.
- It is demonstrably true in this sort of learning environment that collaborative strategies succeed better than competitive strategies. There is no need to compete; collaboration is more profitable. Two heads really are better than one and, in an atmosphere of trust, four are better than two. This is not apple butter; it is a way to win.
- However, behavioral research indicates that social competition is ubiquitous—and, I suspect, especially prevalent among people who propose to study law. People tend to choose competition even when competition is a *losing* strategy. This suggested to Father Boland and me that the building of a collaborative community requires effort, by us and by other members of the faculty.

There are early indications that our effort was successful. These are not conclusive, but they are encouraging; we will continue to try to build a collaborative study environment.

Second, the faculty and I feel that it is better that students of questionable

ability or weak aptitude for the demanding regimen we maintain do not join us in the first place. Our admissions process therefore sets as an absolute floor the committees' prediction, an experienced, educated opinion, on an applicant's ability to succeed here. This is not solely a question of weak intellectual aptitude; it may also involve poorly informed choice on the student's part. In an attempt to meet this choice dimension, I try to acquaint our incoming students with some of the darker facts about the legal profession in the seventies. A letter I sent admittees this spring attracted rather wide notice and might be worth quoting in part:

"The fact that you have been accepted to enter the Notre Dame Law School this year means several happy things. It means you have the ability to study law and do well at any law school in the country. It means you can be admitted to almost any other law school. And it means that we at Notre Dame have looked at what you sent us, thought about it, and decided to invite you here; this year we are inviting one student for every twenty who apply.

"But there are some somber facts about law school and law students in 1972; I want you to know about them. I am not sending this to you to weaken your intention to study law. But I am hoping that you will come here next fall with more thought about the legal profession, about law school, and about yourself, than has been the case with many law students in the past year or two.

"First sober thought: the number of law students has grown enormously in the last few years. In 1961, there were 16,500 entering students in law schools approved by the American Bar Association; 29,000 in 1969; and 36,000 last year. The number of lawyers entering the profession each year doubled between 1961 and 1969. There are literally no unfilled places in law schools today; there were several thousand two years ago.

"These young lawyers, and you three years from now, will probably all be employed somewhere. The legal profession has never really been overcrowded, for many complex reasons, and there is a chance that this flood of new lawyers will be calmly absorbed. There is a chance that many of these lawyers will devote themselves to legal services for people who cannot now afford lawyers. Less optimistically:

- The earnings of lawyers will likely level off or decline—particularly earnings of lawyers in public service and service to poor and middle-class clients. Many lawyers consider this inevitable and even desirable (if legal services are not to become impossibly expensive); the legal profession, in any case, has never been an efficient way to get rich.
- New lawyers are having a harder time finding employment this year; this market condition will continue to be difficult. At Notre Dame we provide efficient (even tireless) placement service, but we cannot guaranty employment, and we find it necessary to say, more often than we used to, that students must begin to think about employment early and work to find it.
- The legal profession has never sought to limit entry by limiting law-school enrollment, and I doubt that it will change that policy. This means

it has an obligation to find new avenues of employment for lawyers—and the American Bar Association is doing that now—but it also means that acceptance to law school, and even graduation from law school, carries no guaranty.

"Second, we find what seems to me a growing number of law students who don't know why they are studying law, who don't understand much about lawyers. *You need to have some idea of why you're in law school.* You need not even want to be like other lawyers, but you do need to see what it is you *want* to do with a law degree, and that may require a healthy respect for what you *can* do. Law school is a poor place to study business, or do graduate work in political science, and it is far too much work to qualify as a good place for thinking about life or assessing your future. If this rather vague paragraph disturbs you, maybe you should write me a letter or come in to see me. I would like to talk to you about it.

"Finally, law school is terribly expensive. Too many students have come here in recent years expecting Providence to provide for them (and, in many cases, for their wives and children)."

Placement

Half of our 1972 graduates will go directly into private practice. A fourth will go into public service—seven directly into prosecutors' offices and three in legal-aid work. Nine are in the military, and five others are in civilian government positions. Sixteen of the 1972 graduates have judicial clerkships, one of which is in the Supreme Court; and two graduates will go on to further study. The average beginning salary for the class of 1972 is \$12,750.

Our 1971 record on bar examinations was close to 100 per cent on the first try. Only one failure was reported to us—in Illinois—and we received reports of perfect records in Arizona, New York, Indiana, Wisconsin, and several other states.

Placement this year was a difficult task, even after we tripled our efforts to interest employers in our graduates and doubled the number of on-campus interviews. Last spring I appointed a student-faculty committee, chaired by Prof. Beytagh, to lay early plans for individual and collective placement efforts for the large class of 1973. A nationally representative group of our alumni has been organized to assist this effort. I am appealing this summer for greater placement assistance from the members of the Notre Dame Law Association.

Student Bar Association

Timothy Hartzler, '72L (Indiana, Indiana U.), our 1971-72 S.B.A. president, was an active and cooperative student leader. He was replaced in student elections this spring which at first resulted in a tie and then were resolved with the victory, by one vote, of Anthony Palumbo, '73L (N. J., Fairfield) over Kathleen Cekanski, '73L (Ohio, Ohio State). Other 1971-72 officers:

Executive vice president, Jessalyn Pendarvis (Alabama, Tuskegee Institute); Vice president, Valerie Gaus (New York, SUNY, Buffalo); Secretary, Joseph David (California, Susquehanna), and Treasurer, John Nelly (Pennsylvania, Western Kentucky).

Other 1972-73 officers:

Executive vice president, Greg Zive (California, Nevada University); Secretary, Marge Cardamone (Pennsylvania, Steubenville); and Treasurer, Thomas Kronk (Michigan, Notre Dame).

Class Officers

Michael Murphy (Kansas, Rockhurst) was first-year class president; other first-year officers were Miss Cardamone and David DeMuro (Michigan, University of Michigan). These officers were succeeded this spring by Michael O'Connell (Kentucky, Xavier), Joseph Rath (Ohio, Ohio Dominican), and Mr. DeMuro, who was re-elected.

Michael Bradley (Indiana, Notre Dame), Ralph Pelaia (Florida, Biscayne), and Donald Swanson (Michigan, Alma) were 1971-72 officers in the class of 1973. They have been succeeded by William Elliot (California, University of California-Berkeley), Bruce Kelly (Massachusetts, Boston College) and Mary Ellyn Drury (Wisconsin, Rosary).

Officers in the graduating class were Denis Hauptly (D.C., St. Michael's), Donald Dal Ponte (California, Xavier), and Chris Schraff (Ohio, John Carroll).

The Notre Dame Lawyer

Our law review published all of its issues on time this year, functioned harmoniously, and continued to impress the faculty and its national readership with the breadth and thoroughness of good legal scholarship. Its 1971-72 editor, William J. Maledon, (Michigan, Loyola-Chicago), proved to be a stabilizing, competent and responsible leader and an inspiration to his classmates. He received his law degree "with highest honors" and went on to clerk in the Supreme Court, for Mr. Justice Brennan. His successor, Richard L. Miller, (Iowa, St. Ambrose), was elected in March and promises a similarly stellar 1972-73 for the review.

Legal Aid and Defender Association

The Legal Aid and Defender Association involved 120 students in ten programs during the 1971-72 school year.

The association continued its work in poverty offices and with prisoners. Innovations included an Indian rights group and a police familiarization program. The largest program within the association is its Cass County (Mich.) program,

which allows second and third year students to practice law under the supervision of a member of the Michigan Bar. In the 1971-72 school year this program handled 64 civil cases. The association also offers places for students in prosecutors' offices and as police advisors.

Members of the association compiled this year a directory of community services called *Where It's At*. The booklet is written in plain language; it describes such services and necessities as how to get a driver's license, where to find an ambulance, and why one must read before he signs. The association also implemented a program of legal education for the Spanish-speaking, through the facilities of El Centro, Inc., South Bend. John Zipprich '72L (Texas, Notre Dame) was executive director of the association for 1971-72. Albert Celio (New York, Alfred), a member of our first M.B.A./J.D. group, was elected to succeed him.

Tax Assistance Program

A volunteer group of our students, directed by James Symons, '74L, who is an accountant, initiated a program of tax-return assistance for residents of the South Bend Model Cities and neighborhood service center areas. The program was also sponsored by the Business School.

Legislative Bureau

New Dimensions in Legislation, published by students in the Legislative Bureau appeared in two bound volumes, totalling about 200 pages. A third volume is anticipated this summer. The students report that their publication has been well received, and has about 200 subscribers. The Bureau's Legislative Services Division provided research and drafting on mental retardation, poverty law, a model municipal code, and on a new constitution for the Notre Dame-St. Mary's student body. Russ Boltz, '72L (Michigan, Kalamazoo) was 1971-72 Bureau director; he was replaced this spring by Patrick McDonough, '73L (Massachusetts, Notre Dame).

Moot Court

The finalists in the 1972 spring, second-year round, all '73L, were: Phil Cardarella, (Missouri, Univ. of Missouri), Ken Holland, (California, U.C.L.A.), Greg Larson, (Minnesota, St. John's), Marcia Lippincott, (Florida, Florida State), Paul Peldyak, (Illinois, St. Mary's), and Maree Russo, (Michigan, Univ. of Michigan).

These students will compete in the national competition this fall.

Philip Vaglica, '73L (Pennsylvania, Pittsburgh), was elected director of the Moot Court, replacing Paul Binder, '72L (Ohio, Xavier). Dennis Tushla (Nebraska, Notre Dame) and John Suminski (New Jersey, Seton Hall), both '72L, were the winners of our 1972 final round, which was argued before Justice Stewart, Judge Shirley Hufstедler, and Justice Roger DeBruer.

Law Wives

The wives of our students continue to grace—and in many cases provoke—the social life of the school. Both 1971-72 and 1972-73 presidents are the wives of our law review editors—Kathy (Mrs. William) Maledon, '72LW and Dee (Mrs. Richard) Miller, '73LW. I am especially grateful for their organization's help in serving as our official hostesses after the moot court final argument and for commencement.

New Organizations

Our black students organized a local chapter of the Black American Law Students Association. Its first president was Dwight Murphy, '72L (Kansas, Notre Dame); Jock Smith, '73L (New York, Tuskegee) was elected to succeed him in March. Our Chicano students organized a local chapter of LaRaza National Law Students Association. It is headed for 1972-73 by Luis Jaramillo, '73L (Texas, Conception Abbey). And our women students have formed a Notre Dame Women's Rights Association, headed by Judy Snyder, '73L (West Virginia, West Liberty State). Finally, students interested in international law organized a local affiliate of the national International Law Society. Its president for 1971-72 was Richard Kelly, '72L (New York, Notre Dame), who was replaced this spring by Thomas Lippert '74L (Minnesota, St. John's). Mr. Kelly received a fellowship for further study at the Free University of Brussels.

Prosecution Internship Program

Under grants provided by the Indiana Criminal Justice Planning Agency, second- and third-year students are eligible to participate as interns in the prosecutors' offices in northern Indiana. The interns perform most of the functions of deputy prosecutors with the exception of somewhat diminished responsibility in the trial of felony jury cases. Interns review citizen complaints, file misdemeanor and felony affidavits, and adjust disputes that do not require criminal prosecution. They function also as police advisors and file and argue pretrial motions and motions for post-conviction review. In 1971-72, we had three students each in St. Joseph and LaPorte counties and two in Starke County. Assistant Dean Foschio directs these programs, some of them in connection with his clinical course in criminal law practice.

Mock Law Office Competition

We decided this year to join some 20 other law schools in local and regional rounds of the national Mock Law Office Competition, an inter-school program on interviewing and legal counseling. Our winning team, Robert Gaughran and Marcia Pearce Burgdorf, both '72L, joined teams from the University of Iowa, Indianapolis, and Washington University, for a regional round at the Center for Continuing Education, March 4, 1972. Prof. Moo was in charge of the competi-

tion. The Washington University team were regional winners here and went on to represent the Midwest at the national finals in April at the University of Southern California.

FACULTY

Professor Emeritus Edward F. Barrett, now beginning his third year of emeritus appointment, was selected for the Committee on Continuing Legal Education of the Association of American Law Schools, and reappointed to the Committee on Advocacy, Section on Judicial Administration, American Bar Association. He prepared a revised *Manual* for the Practice Court and again delivered his well-received lectures on forensic medicine to local medical interns. His successful efforts to provide places in the practice court to our large graduating classes in 1972 and 1973 have been nothing short of heroic; we are fortunate that he has been willing to remain in harness for these difficult years. I am conscious of my duty to locate a replacement for him so that he can enter upon a well-deserved retirement.

Mr. George N. Beamer, Jr., of the South Bend Bar, again took time from his practice to teach with us in the spring semester. He also devoted scores of hours to supervising students in clinical programs, sitting as judge in the practice and moot courts, and generally giving his calm, wise counsel and support to our students.

Professor Francis X. Beytagh chaired our first annual Civil Rights Lectures, as well as a remarkably productive and enjoyable visit here by Mr. Justice Stewart. He taught in our London summer program, served as our elected member in the Academic Council, and was a coach to our Moot Court team. He also led renewed efforts to open up placement opportunities for our graduates, and represented us in the annual meeting of the Seventh Circuit Bar Association. His analysis of recent criticisms of the Supreme Court was published in the *Vanderbilt Law Review*. He served as advisor to the Administrative Conference of the United States, as special counsel to the legislature of the Virgin Islands, and as commanding officer of the Chicago Naval Reserve Submarine Division.

Mr. Charles Boynton lectured locally on the Uniform Consumer Credit Code and was active in the selection and consecration of William Sheridan as fifth Bishop of the Episcopal Diocese of Indiana, an historic event which took place in Sacred Heart Church on the campus; Mr. Boynton is chancellor of the Episcopal Diocese.

Professor John J. Broderick marked his twenty-fifth year at Notre Dame; students, faculty, alumni, and literally hundreds of "the Chief's" friends gathered around him in May for a surprise party and picnic. He is the new president of the campus chapter of Phi Beta Kappa and was again co-director of the Union-Management Conference and co-editor of its proceedings, *A Realistic Look at Negotiations Today*.

Professor Frank E. Booker, who taught here for two years in 1968-70 and then left us to resume private practice in West Palm Beach, returned to the faculty in August and will be 1972-73 director of our London campus. He visited

Notre Dame in April to discuss trial practice, the law of torts, and lawyering in the South.

Professor Thomas F. Broden, Jr., although fully occupied as director of the Institute of Urban Studies, continues to teach poverty law to our students and to assist in our clinical programs. He was elected vice-chairman of the new South Bend United Religious Community.

Professor Regis W. Campfield left his visitor status in 1971-72 to become a regularly-appointed member of the faculty. He represented us at a conference on the education of legal paraprofessionals at the University of Denver in July, 1971, and at the Mid-Continent Trust Conference in Dallas last fall. He taught in the summer school at Notre Dame this year. He and his students have devoted significant time and effort to advice and research on the complex problems of charitable gifts in trust, for the University's Development Office.

Professor Anton-Hermann Chroust was promoted to emeritus rank last spring but will again teach our students jurisprudence in the spring semester, this year as a lecturer. His astounding record of scholarship grew this year, with the publication in Britain of his two-volume *Aristotle: New Light on His Life and on Some of His Last Works*, and a new study on Epicurus in our *American Journal of Jurisprudence*. He lectured on jurisprudence at the Universities of Würzburg and Innsbruck this summer.

Mr. Granville Cleveland, assistant law librarian, was appointed by Father Burtchaell to be chairman of the University's Black Studies Committee. Mr. Cleveland represented us at the annual meeting of the National Bar Association in Atlanta, at the Midwest Minority Group Conference, and at the Indiana University Careers Seminar.

Professor Fernand N. Dutille, '65L, returned to us in 1971 after five years of teaching law at the Catholic University of America. He taught at Catholic University last summer and published in that school's law review an analysis of property-ownership concepts under the fourth amendment. He spoke on the administration of criminal justice to students at St. Joseph's School of Nursing, and was recently appointed to the Board of Governors of the South Bend Work Release Center. He and I represented Notre Dame at the annual meeting of the Association of American Law Schools.

Mrs. Kathleen Farmann, our law librarian, is a member of our overworked admissions and building committees. She and Mr. Farmann continue to be a priceless resource in assisting students, formally and informally.

Mr. Stanley Farmann, associate law librarian, serves as the secretary of our faculty. He and Mrs. Farmann will maintain the law library in the law building this year, in the at least occasional absence of the rest of us, and amidst the sound and fury of remodeling.

Professor Leslie G. Foschio, the remarkably talented, energetic assistant dean, pursued the development of the Notre Dame law-engineering study on court delay into a four-volume official report, into lectures on judicial administration and modeling theory to groups all over the nation, and into no small amount of furor and controversy in the news media. He spoke in St. Louis, New Orleans, New York, Snowmass, Colo., Washington, Pittsburgh, Indianapolis,

and locally. He was appointed to a task force on offender employment restrictions of the American Bar Association; is local director of P.A.C.E., a voluntary organization to aid prisoners; directs our funded programs in clinical practice in criminal law; and is a co-founder and governor of the Indiana Center for Judicial Education. He was also elected to the University's Student Life Council; works on the committee to revise the University's teacher-evaluation form; and is a member of the judicial, law reform, and prosecution task force of the Indiana Criminal Justice Planning Agency.

Miss Marianne Hopkins, law school administrator, represented us at the Law School Admissions Council at Vail, Colo., in May. Her important new role in our faculty is discussed elsewhere in this report.

Professor Conrad C. Kellenberg attempted with great success, and at great personal sacrifice, a three-way sectioning of his first-year property classes; student reaction was superb. He was appointed to the Indiana Advisory Board of the National Attorneys Title Insurance Fund; represented us at the Midwest Minority Group Conference and (with Dean Foschio and Judy Snyder, '73L) at a conference on juvenile justice, sponsored by the Department of Health, Education, and Welfare, in Cleveland.

Mr. Paul B. Kusbach '65L, of the South Bend Bar, was appointed a lecturer in the spring semester to assist with an unexpectedly large enrollment in Family Law. His services for us were well received by the students.

Father William M. Lewers, C.S.C., was London director for 1971-72. This was the fourth year for that program but the first in which we have operated it as an independent educational venture. It was in every respect a resounding success; I concluded after my visit there in February that it was the best educational environment I had ever seen—and this despite black-outs, difficult library arrangements, and the toils of administering a school abroad. Father Lewers' leadership, patience, and calm intelligence have a lot to do with the success.

Professor David T. Link, associate dean, took over in January primary responsibility for our sponsored programs and for the development both of our refurbished law building and of our temporary quarters for 1972-73; he gives priceless leadership in both spheres. He was re-appointed chairman of the Standing Committee on Law and Technology of the American Bar Association, and became a committee chairman in the section on taxation. He spoke on problems of computerization of law, videotaping of trials, and other aspects of law and technology and legal management, in New York, Washington, Chicago, at Indiana and at Stanford Universities, and during an international law-office conference in Ottawa in May. He was a planner and participant in the First National Conference on Automated Research Design, in Atlanta, in March, and a contributor to the A.B.A. publication, *Computers and the Law*.

Professor Michael V. McIntire is principal investigator under three research and training grants in environmental law. The largest of these is a law-engineering training grant which will support as many as 11 law students and will lead to both law degrees for them and master's degrees in environmental engineering. He is also working under a research grant on water pollution caused by municipal sewage systems. He and a group of our students successfully stopped

a local plan to spray herbicides from the air, in an attempt to kill marijuana plants—a skirmish that brought applause in *Outdoor Life*. He represented us in the Rocky Mountain Mineral Law Institute; addressed the Insurance, Negligence and Compensation Law Section of the New York State Bar Association, and published an article in its journal; and participated in a conference on air and water pollution sponsored by the Council on Law-Related Studies, in Washington.

Professor Paul R. Moo became a full-time, regularly appointed member of the faculty in 1971, after two years as an adjunct professor. He continues to serve on major national drafting, planning, and educational committees dealing with commercial law, and particularly with the legal problems of consumer credit. He participated in state bar association panels on the Uniform Consumer Credit Code, addressed Indiana legal-aid lawyers, discussed consumerism issues in the local news media, and published a book, *Credit Insurance Revisited*.

Professor Charles W. Murdock was instrumental in planning a law program in the summer school on campus this year. He has also been a founder and stimulus in new interdisciplinary efforts on minority-group business development and legal advocacy for the mentally and physically disabled. The first venture resulted in his teaching both in the law school and in the graduate school of business, and in clinical programs for law students with local business firms. The second resulted in a \$170,000 grant for the establishment here of a national advocacy center. Prof. Murdock continues to work on a new edition of the *Illinois Business Corporation Act Annotated*. He is a member of the executive committee of the local chapter of the American Association of University Professors, and worked on a faculty senate proposal for revision of the faculty manual. He served a month this summer as special counsel (on executive compensation) to the federal pay board; he is chairman of the St. Joseph County Air-Pollution Appeals Board; and was chairman of a panel on business financing which was presented in the Center for Continuing Education in March. He spoke in New York on mental retardation. He was appointed to the advisory committee on curriculum for the Illinois Continuing Legal Education Institute; to the special committee on professional service corporations of the American Bar Association Section on Taxation; to the committee on the mentally disabled of the American Bar Association Section on Family Law, and to several committees concerned with the legal rights of the retarded.

Professor Edward J. Murphy's contracts casebook (which he wrote with Professor Richard Speidel of the University of Virginia) continues to prosper and is now in use in some 40 law schools. Professor Murphy spoke to our Illinois alumni in January in Chicago, and participated in April in the American Bar Association conference on the legal aspects of doing business abroad. He continues to be principal planner of our Japanese program.

Dean Emeritus Joseph O'Meara remains active as a friendly advisor to the Law School and a volunteer staff attorney in the South Bend legal services program. He represented us at the annual meeting of the American Law Institute (of which he is an elected member) and at a meeting of our law alumni in Cincinnati.

Professor Christopher Osakwe, a Nigerian scholar educated in Moscow and

at the University of Illinois, joined our faculty and the faculty of the Department of Government and International Studies this year, as a visiting professor of international and comparative law. During the year, he lectured at the University of Illinois and Tulane University, published an article in the *American Journal of International Law*, and two books: *The Concept and Forms of Treaties Concluded by International Organizations*, published in Austria; and *The Participation of the Soviet Union in International Organizations*, published in The Netherlands.

Professor Emeritus Roger Paul Peters entered this month on his third year as a full-time member of the faculty at the Southwestern Law School in Los Angeles; he also taught last summer at the Loyola University School of Law there.

Professor Charles E. Rice was reappointed to the Indiana Constitutional Revision Commission for a second term. The class of 1972 established an annual "Distinguished Teacher" Award and made its inaugural presentation to him. He was counsel for the *amicus curiae*, Americans United For Life, in one of the Supreme Court's abortion cases, *Roe v. Ward*. He spoke to university and hospital audiences in this country and in Canada on abortion, and he served as a special instructor in parliamentary procedure for the local chamber of commerce. His fourth book, *Authority and Rebellion*, was published by Doubleday in 1971.

Professor Robert E. Rodes, Jr. returned home last September from two years in England, one of them as director of our London program. Progress continues on his three-volume history of Anglicanism, the first volume of which is now in the publisher's hands; and on his textbook in jurisprudence. He resumed his duties as vice-chairman of our committee on appointments and promotions, and was the University's August commencement speaker.

(Professor Thomas L. Shaffer) I am serving on the Academic Council's steering committee and on a number of other University committees. I was appointed to the faculty of the Association of American Law Schools Law Teaching Clinic; to the board of advisors of the Estate Planning Institute, the board of faculty advisors on the Uniform Probate Code, the Council of the Real Property, Probate and Trust Section, Indiana State Bar Association, and the board of advisors of the *Journal of Legal Education*. I spoke on legal education, civil liberties, law and psychology, estate planning, and Notre Dame to groups in Phoenix, Miami, New York, Chicago, Peoria, Lexington, Fort Wayne, Decatur, Gary, South Bend, Indianapolis, Niles, Elkhart and Cassopolis. My *Planning and Drafting Wills and Trusts* was published this year, along with articles in several legal and behavioral periodicals, and my *Death, Property, and Lawyers* was a book-club selection last winter.

Mr. James F. Thornburg spoke during the annual Estate Planning Institute in Miami in January. He received the DePauw University Distinguished Alumni Award and became President of the Board of Visitors of the Indiana University School of Law.

Professor Peter Thornton again served as director of our London summer program, as our faculty Senator, and as advisor (and tireless counselor and coach)

to our Moot Court. He participated in the annual meeting of the New York committee on pattern jury instructions.

Although they are not members of the faculty, we received noble teaching assistance from Judge Norman Kopec of the Superior Court of St. Joseph County, who presided at no less than seven practice-court trials and devoted several hours of his time to Prof. Broderick's Advanced Trial Practice seminar; and from Mr. Bernard McNamee of the legal staff at Miles Laboratories, who offered an experimental course on the Robinson-Patman Act to our students in the spring semester and will teach again, this time on deceptive trade practices, in the fall semester.

In 1967, members of the University Faculty who serve as teachers and counselors in the University's Counseling Center and I began to develop interdisciplinary programs in legal counseling for our students. We will begin our eighth venture this fall. This program is of great concern to me personally and, I believe, of crucial importance in legal education. It would never have occurred but for generous, magnanimous assistance from Dr. Joseph B. Simons, Dr. Robert Grismer, and, especially, Father Daniel Boland, C.S.C., who taught the course alone in 1971 and who last year devoted his own resources and those of his students to our counseling program and to our efforts to develop a first-year learning community. I can never be grateful enough, to him and to his director, Dr. Sheridan P. McCabe, and his chairman, Dr. Willis Bartlett.

Endowed Chairs

The faculty and I expect to make recommendations to Father Hesburgh early this fall for the first annual appointment to the Thomas J. White Chair. Within two years we expect to be in a position to fill the Kenneth Redmond Chair. Endowed chairs are something new for us, and will be valuable and invigorating for our students. Mr. White and Mr. Redmond chose gifts which will perpetually enrich law at Notre Dame.

* * * * *

I will not thank my colleagues and students for the growth which this report documents and promises, because it is theirs more than it is mine. Still, I could not have recovered from the mistakes of my maiden voyage in deaning as well as I have without their love, loyalty, support, and fraternal correction. No one ever worked with so many people he wanted to imitate.

Thomas L. Shaffer