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are discontinued because of practical difficulties. Often the necessary witnesses are military personnel who have been transferred from the scene of the damage or injury. They are either unobtainable, or the difficulty of returning them to the jurisdiction where the damage or injury occurred is disproportionate to the amount of the claim.

One source of annoyance to lawyers is the provision in the regulation which prohibits the giving of a release, even though the amount of the payment is the full amount of the government's claim. The reason for this is that under federal law the Attorney General is the only one who has authority to compromise or release any defendant, against whom the government has a claim, from further liability. Therefore, in the event a release is insisted upon it must be obtained, through military channels, from the Attorney General. This procedure is quite unnecessary in view of the provisions in the regulation which empowers the claims officer, or any reviewing authority, to give a receipt reciting that payment in full has been received by the government for the injury or damage specified. This has the same practical effect as a release.

In conclusion the writer desires to make it clear that this article is not all inclusive on the subject of government claims. Attention has been directed only to War Department claims. If a problem arises involving other government agencies an investigation should be made through those agencies to determine what remedies are provided, and to determine what rights and obligations have been incurred. Also, no attempt has been made to consider contractual claims which arise against the government and which are handled by the United States Court of Claims.

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Should We Change Our Legal Educational System?†

By LEONARD A. WORTHINGTON *

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The noteworthy action by the State Bar of California in providing for the placement, re-establishment, and education of returning lawyer veterans is worthy of the highest commendation and brings to mind a parallel matter that requires immediate study and attention by the lawyers and legal educators of this state.

† Reprinted by permission from the Journal of the State Bar of California, Jan.-Feb. 1946.

Recognizing the value of lecture refresher courses and the "case book" method of instruction adopted by the majority of our leading law schools nevertheless the strides which have been made in educational systems, particularly army instructional methods, causes one to wonder whether or not our methods might not well come under the scrutiny of progressively minded educators for some far reaching improvements.

Consider these factors facing the law schools of tomorrow. Returning veterans with three or four years service, mature, sober minded, practical thinking students will make up the major part of our initial law school classes. Depending on the success or failure of the proposed universal military training program, the succeeding classes may likewise be composed of veterans with perhaps slightly less military service. But in the main they will have been subjected to army instruction with its emphasis on preparation, explanation, demonstration, application, examination and discussion and returning to civilian life will carry back with them much of what they have learned about instructional procedures and methods.

Our present day veterans have "learned to do by doing" after careful demonstrations and explanations of "how it should be done." They have actually felt, seen and heard the desired material before attempting to do it themselves. They have studied their mistakes, discussed them and corrected them. These carefully planned progressive stages of training have made our army what it is today. Mistakes, though made often, have been kept to the minimum that time, circumstances, and lack of experience could control.

When a man's life and that of his buddy depends on his doing the "right thing at the right time" he cannot afford to make mistakes. His only right of appeal is marked by a broken body or a hero's grave.

A better fate generally awaits the erring lawyer, for ofttimes the error is two sided and the right of appeal has been used to cover many an oversight which proper education, experience and preparation might have prevented. The lawyers of today owe it to the lawyers of tomorrow to give them the very best in educational methods and training that lies within their power to confer on the future generation. The property, welfare and life of a client is worthy of the same protection and representation as is given to a soldier on the field of battle. If any lawyer doubt this statement let him try explaining a costly mistake to his client which has caused him to lose a case once reported certain of success.

We should examine the attitude of a lawyer veteran or law school student veteran who has just completed his army education and faces a tour of duty under the case book system as it is taught today. The slow, painful and uninteresting reading of cases, digging out the facts, listening to a lecture without a clear cut picture in advance of where they are going, why they are reading cases and what practical value it will be to them may cause discouragement and perhaps abandonment of a legal career for many a potentially great lawyer.

Accustomed to the army slogan of "keep your objective before you at all times," "learn the who, when, how, what, where and why of every situation," the new student will presumably spend three years of drudgery under the outmoded "case book system," if it is used as the sole method of instruction. Comparing educational systems, for example, the army would teach their men the intricacies of a demurrer by the following method. First, they would explain by lecture or film the purpose, function and place of a demurrer. This is called the goal or objective, and thereafter they would be admonished to keep the goal in mind and apply it to the phases of instruction which would follow. Following the who, what, when, where, how and why rule the form, procedure and effect of a demurrer would be demonstrated, by lecture, illustrations, slides or training films. Suitable examples of the function of a demurrer including its presentation in court would be enacted before the class. The class would next be called upon to apply what they had learned and "do it themselves" possibly starting from the preparation of a demurrer and carrying through to its final argument, showing the result thereof and having all members of the class participate in the presentation. A practical or oral examination would be given followed by a general discussion or critique covering all errors noted in the demonstration. All unanswered questions would be settled. The study of cases and the "case-book" system would be only a phase of this course of instruction but not the entire course in itself.

Each subject could be carefully prepared and presented so that when a student finished his semester on any course he would see clearly its applicability to his contemplated practice of the law in later years.

Actual demonstration of trials of a law-suit, attendance at a trial, and class preparation of an entire case from beginning to end should be a part of a legal education. Every practicing lawyer today recognizes the increased interest and multiple benefits to be derived from a course of study designed in this manner.

It would necessitate a great amount of work and research to revise our entire educational system for this purpose but the lawyers of California working in conjuction with law school deans and professors would be capable of this task.

It would present a splended opportunity for the leading lawyers of this state in their respective fields to form a committee on each subject and meet with the law school professors in a sincere effort of finding a better way of helping our future barristers. No better contribution could be made to their profession than to give of their knowledge and experience to those who will later in life carry on the ideals and traditions which they have so capably borne.

If the self-assurance of only one future lawyer or his desire to continue

in this chosen profession could be brought about by a revised educational system this above would be well worth the effort. Many a man today ekes out his living in another business or profession because the uninteresting drudgery of a law school course, the embarrassment of his first legal defeat caused by lack of knowledge, or inability to cope with a situation, sent him away from the legal profession in which he might have risen to great heights. The lawyers as a whole, and not he should bear the blame, for in their own quest for personal success perhaps they have failed to take time out to lend a helping hand to those who looked in vain for guidance and assistance.

A committee of the State Bar of California delving into this subject might unearth tremendous support behind such a proposed change in our educational system if the comments of lawyers throughout the state were solicited. Through public appeal they could secure the gratuitous services of able lawyers who would be grateful for the opportunity of contributing in some manner to the welfare of the lawyers of tomorrow and enabling them to obtain a proper foundation for their future.

Suggestions and recommendations from lawyers relative to this subject would be welcomed.

Current Trends in Federal Jurisprudence†

By HON. EDMUND J. BRANDON *

The progressive character of federal jurisprudence has recently received enhancement from two distinct developments in the fields of substantive and adjective law.

Substantively, a most laudable project has been undertaken by the House of Representatives Committee on Revision of the Laws in initiating a program of codification by which each of the present 50 Titles of the United States Code will be re-enacted as separate entities.

At the present time, the only official text of federal enactments is to be found in the Statues-at-Large, which are published in bound volumes at the end of each session of the Congress. These volumes are generally available only on the shelves of large law libraries, and are at best rather cumbersome and unmanageable legal tools. The two other generally available sources of federal statutes—the four-volume edition of the United States Code with annual Supplement, published by the Government Printing Office, and the United States Code Annotated, printed commercially,—are only *prima facie* evidence of the law.

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