



1950

The Modern Law Center

Robert G. Storey

Follow this and additional works at: <https://scholar.smu.edu/smulr>

Recommended Citation

Robert G. Storey, *The Modern Law Center*, 4 Sw L.J. 375 (1950)
<https://scholar.smu.edu/smulr/vol4/iss4/1>

This Article is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

THE MODERN LAW CENTER

*Robert G. Storey**

REAMS of paper have been consumed in analyzing the alleged faults of law schools and their failure to keep pace with modern changes. The methods of teaching are constantly under review and attack. Two very recent articles, one by a young attorney,¹ and the other by an experienced law teacher and practitioner,² have emphasized the failure of law schools to train students in the "how-to-do-it" phase of legal training.

The first article by Mr. Bertram S. Silver, who introduces himself as one "attempting to make a transition from a graduate law student to a capable legal adviser," proposes a plan of "experience-employment" in legal education. Excerpts below should encourage careful reading of the entire text:

"The encouragement of summer 'experience-employment' for the struggling law student would result in a neophyte lawyer better equipped to practice law. . . . This plan, stripped of all of the niceties of fancy verbiage, is to encourage the law student to gain at least a modicum of practical experience *during* his period of legal theorizing rather than *after* such period. . . .

"It should be noted that the law is the *only* profession wherein the trainee is not accorded some practical foundation before he is 'turned loose on our society'."

The second by Mr. Louis L. Roberts, an experienced practitioner and law professor, is more critical of present law school training. He proposes that law schools establish "laboratory" re-

* Dean, Southern Methodist University School of Law; Member, Storey, Sanders, Sherrill & Armstrong, Dallas, Texas; Past President, Texas State Bar Association; Member, Board of Governors and House of Delegates, American Bar Association.

¹ Silver, *Law Students and the Law: "Experience-Employment" in Legal Education*, 35 A.B.A.J. 991 (1949).

² Roberts, *Performance Courses in the Study of Law: A Proposal for Reform of Legal Education*, 36 A.B.A.J. 17 (1950).

quirements for practical legal training. He concludes his thought-provoking article with the following observation:

"The law is conservative and law schools are even more so. In our day we have witnessed the elimination of the profit and degree-mill law school, have increased the requirements for admission to the study of law and have practically excluded the part-time teacher. However, our educational methods have remained substantially unchanged for over half a century. The modern law school is composed of students with casebooks, a law library, classrooms and professors, but there is nothing approximately approaching a law office or a laboratory in which the student may learn to apply the law that he may have learned."

Criticisms are not confined to practicing lawyers. Dean Lowell S. Nicholson of Northeastern University School of Law commented in 1949:³

"Law schools are on the defensive for their failure to do anything effective to bring legal education in law schools closer to practice in law offices. The transition from law in books to law in action is a drastic one."

The Continuing Education for the Bar movement requires that the law schools adapt their plans to meet this ever-growing demand for continuing and specialized education for practicing lawyers.

It is obvious that all law schools are not satisfying the modern demands in a changing world. What is the answer? The American Bar Association Journal, September, 1946, in its editorial "The Law Center," describes the challenge and commends the Law Center movement:

"The burdens which contemporary civilization must place on law, as its sole hope for survival, are staggering in their immensity.

"The body of the law itself is vast and complex almost beyond endurance. Yet, if it is to be vital in content, efficient in operation, and accurate in aim, it must borrow truths from the political, social, and economic sciences, from philosophy, and achieve a genuine degree of synthesis with them.

³ *Law Office Problems for Law School Students*, Boston Bar Bulletin (April 1949) 86.

"The fund of available knowledge is greater than any one can master and far more than any educational institution can teach.

"Elsewhere in this issue, Dean Vanderbilt of the New York University School of Law, and a former President of the American Bar Association, earnestly and with a vision germinated by his unusually wide experience, proposes the Law Center as a constructive solution of the problem.

"A Law Center must be conducted by, and be an integral part of, a law school. It should be properly housed and equipped; it requires generous financial support. It should be undertaken in the grand manner—in the spirit of Mr. Justice Holmes' declaration:

"The business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. It is to teach law in the grand manner and to make great lawyers."

"Ours is a great country, and we shall need many Law Centers and diverse experimenting in their development."

President Edwin D. Dickinson of the Association of American Law Schools in his Annual Address at the 1949 Chicago meeting recognized the coming importance of the Law Center movement when he said:⁴

"First: Though it is trite to say that buildings have never made a law school, let us begin with buildings. Obviously there can be no school without them. Take note, moreover, that we are not thinking of four walls and a roof enclosing three lecture halls, a place euphemistically described as a library, and a few offices. We are thinking of a structure or structures which, whether on the grand scale or more modestly conceived, are at least relatively notable for size and architecture. Size is dictated by such minimum necessities as the professional library, the lecture halls especially designed to facilitate Socratic discussion, the court room, the reading rooms, seminar rooms, conference rooms, editorial rooms, work rooms, offices and the like. Dignity of structure is sought, not as mere architectural display, but as something that contributes to the inculcation of sound professional ideals among those who are to become responsible later for the administration of justice in a free community. Where foresight or philanthropy have provided the needed residence halls, and where the institutes or bureaus of specialized study or research have been properly affiliated, there

⁴ 1949 Handbook, Association of American Law Schools, pp. 49, 50.

emerges an impressive center where four walls and a roof may once have served simpler needs. We are hearing more of the 'law center' of late, and that is all to the good. Perhaps in another fifty years we shall become in fact if not in name an Association of American Law Centers."

The writer recently conducted a survey among the law schools of the United States concerning their interest in this subject. Replies are summarized in Appendix "A." Fifteen schools have definite plans for a law center. There is no common plan for the creation of a legal center. They differ widely as to organization, aims, objectives and physical plans. Eight of the fifteen schools committed to the Legal Center idea are state institutions, and the remaining seven are privately endowed and supported. The location, background and objectives of the sponsoring school affect the type of legal center to be created. As of this date, no center with new buildings has been completed. New York University Law Center and The Southwestern Legal Center at Southern Methodist University, Dallas, Texas, are now under construction. The Legal Center at Dallas will be finished in late 1950. New York University had its cornerstone laying on January 31, 1950, and will be completed and dedicated during the year 1951.

A description of several law centers follows. It is obvious that each one has different support, ideals and objectives. However, it should be observed that all intend to conduct legal research.

NOTRE DAME

"A Natural Law Center at Notre Dame" is being established as announced by Dean Clarence Manion. He describes the Center and plans as follows:

"We do have a well formulated plan for developing a Natural Law Center at Notre Dame. This year we are staging our third Natural Law Institute and are opening a special Natural Law Library financed through the generosity of Mr. Alvin A. Gould of Cincinnati, Ohio. The Natural Law Center will be financed by benefactors of the University—and some of the funds have already been pledged."

COLUMBIA

Dean Young B. Smith is now devoting his major efforts to the financing and plans for a new building "to house a center of training and research in law, government and international affairs."

ILLINOIS

The Law Center at the University of Illinois, as briefly described below by Dean Albert J. Harno, will emphasize legal research and institutes:

"The quest for justice involves research. Improvements in law and its administration should come as the products of research. . . . Good law is founded on research and the burden of research falls on the law schools. The law schools, it would seem, must become centers of research on a scale much more vast than anything they have heretofore undertaken. This, then, is our conception of a Law Center.

"We plan a center for the professional work of students, this center to include living quarters and eating facilities. It encompasses the idea of a place to which lawyers and laymen may come for short courses and where students may hear and meet these individuals; it will also be a place of research to which members of the bar can come for assistance in developing their programs."

MICHIGAN

Although not bearing the name of a Law Center, the Law Quadrangle completed at the Michigan Law School in 1933 through the generosity of one of its distinguished alumni, William W. Cook, embodies all the ideas and plans of a modern Law Center. Consisting of four major buildings, the Lawyers' Club, the John P. Cook Building, the Legal Research Building and Hutchins Hall, they provide residence and dining facilities, an imposing legal research library and adequate classroom, conference and moot court areas. This great physical plant for legal education and research in the words of Dean E. B. Stason "is second to none in the nation."

In addition to the physical plant, Mr. Cook created the "William W. Cook Endowment Fund" for the support of legal research.

Dean Stason appropriately summarized the gifts of Mr. Cook when he said:

“Through his gift of the Law Quadrangle, William W. Cook made a unique and remarkable contribution, making available for future generations of law students facilities for legal education equal to the needs of the dynamic profession of law. At the same time his generous endowment of legal research provides support for continuing exploration of the law itself and its relation to society. Mr. Cook’s gift to his Alma Mater truly expresses his ideal of ‘an American Inn of Court.’”

LOUISIANA

Louisiana has a “Louisiana Law Institute” which performs many of the important functions of a Law Center. The Louisiana Law Institute was created and established in 1938 by legislative act on the recommendation of Paul M. Hebert, who was at that time Dean of the Louisiana State University Law School, and a group of lawyers and law professors. The Institute is modeled along the lines of the American Law Institute, and was created and organized as an official advisory law revision commission, law reform and restatement agency, and legal research agency of the State. The Institute at biennial periods since its organization has been furnished adequate funds for its work by legislative appropriation. The Law Institute’s Council and membership is drawn from the faculties of the three law schools (Louisiana State University, Tulane and Loyola), from representatives of the Federal and State Benches, and from the more prominent members of the Louisiana Bar. During the twelve years of its existence, it has produced a new criminal code for the state, and a number of comprehensive statutes on various phases of the law. It recently completed a revision of the Louisiana Statutes, which has been adopted by the Louisiana Legislature, and by the end of the year a tentative draft of a proposed new constitution for the state will be completed and submitted to the Governor. Dean Hebert further describes the Louisiana Law Institute as follows:

“Thus far, its products have met with a very general acceptance, and it is believed that our Legislature has complete confidence in its research

work, drafting, and recommendations. While the research work proper is done by full time salaried research assistants, the draftsmanship and recommendations result from the joint efforts of the law faculties, judges, and practicing lawyers. At the last legislative session, our Law Institute was given a legislative mandate to prepare a new procedural code and a new civil code for Louisiana. It is contemplated that the first of these projects can be completed within the next four years, while the second will require from fifteen to twenty years of work. Because of the general acceptance of the work of the Institute and its future potentialities, we have no plans for developing any other type of law center."

HARVARD

Dean Erwin N. Griswold of the Harvard Law School emphasized the need of future expansion in the following comment:⁵

"In particular, there are two directions in which I would like to see expansion of our work.

"School of World Law

"One of these is the whole field of international relations. There is great need and opportunity for a School of World Law, and I believe that Harvard is the best possible place for such a school to be established. Although the ultimate problems are, no doubt, political, many of the difficulties which arise in international relations are essentially legal, or would lend themselves to resolution by legal methods and approaches. . . .

"Division of Research

"Although the Law School performs its task in training law students, I am not sure that it fully meets its responsibility to the community for help on common legal problems. There is need at the Law School for an effective division of research. Heretofore, many projects of research have been conducted by individual faculty members and by students. But these have been chiefly tasks which could be undertaken within the walls of a remarkable law library. There are many tasks, essentially legal in nature, which involve more extensive probing than can be done within the covers of law books. There are many problems which could best be attacked by a staff working with the independence and freedom which only a great university can provide. If such a division of research

⁵ Harvard Law School Bulletin, January, 1950.

could be established and made effective here, the School might be a center of legal thought and development which would make a contribution to the nation and the state much more immediate than we can now make through the process of training our students well and sending them out into the world. . . .”

NEW YORK UNIVERSITY LAW CENTER

The New York University Law Center was conceived and planned under the leadership of Chief Justice Arthur T. Vanderbilt when he was Dean of the School of Law. Dean Niles, successor to Chief Justice Vanderbilt, has been associated with the project from its inception and is directing the construction and plans for completion.

Physical Plant: The entire law center and law school will be housed in one building, five stories high, covering a city block on Washington Square in New York City. The architecture is of the Georgian Colonial style. The last annual report of Dean Niles, in commenting on the purpose of the building, says, “The building has been designed for a law center and not merely for a law school.”

Financing: Funds were raised through the co-operative effort of New York University, The Law Center Foundation and the New York University Law Alumni.

Special Projects: The Inter-American Law Institute sponsored by United States corporations doing business in South America, according to Dean Niles, “has proved itself to be one of our most successful projects.” The Citizenship Clearing House is “one of Dean Vanderbilt’s most original and constructive ideas.” Its purpose is to encourage “young men of character, ability, and a sense of public responsibility to take an active interest in politics.”

Graduate Division: The graduate program is designed to provide continuing education for practicing lawyers by providing cultural courses such as Jurisprudence, Roman Law and International Law as well as specialized courses in such fields as taxation, corporation law, estate law, labor law and administrative law.

THE SOUTHWESTERN LEGAL CENTER

The Southwestern Legal Center is jointly sponsored by Southern Methodist University and The Southwestern Legal Foundation. It is located on a segregated five-acre tract on the campus of Southern Methodist University at Dallas, Texas.

The *Physical Plant* consists of three buildings: The Legal Center Building, Classroom Building and the Lawyers' Inn, forming a quadrangle facing one of the prominent streets of Dallas. The Legal Center Building is four stories in height. The center portion contains an enclosed stack room for books covering five floor levels. The first floor houses the Free Legal Aid Bureau, lockers and reserve space for future expansion; second floor—Law School and Foundation administrative offices, auditorium in west wing, lounge in east wing; third floor—Main Students' Library, Oil and Gas Research Library in west wing, and Faculty Offices and Library in east wing; fourth floor—International Law Library and seminar rooms.

Lawyers' Inn provides upper two floors for law students' dormitory and guest rooms for distinguished visitors. First floor contains dining room, kitchen, lounge and private dining rooms for faculty and Foundation members.

Classroom Building provides a modern practice court and classrooms. It is air-cooled, as are all the other buildings.

Financing: The Southwestern Legal Foundation and Southern Methodist University are jointly financing and operating the Legal Center. The University and Foundation made a contract whereby the University dedicated the ground area and the present classroom building for the permanent use of the Legal Center and the Law School and will maintain and operate the physical plant in consideration of the Foundation's agreement to raise funds for the construction of the Legal Center and Lawyers' Buildings. Lawyers have financed the Lawyers' Inn, and businessmen provided funds for the Main Building. An unusual feature of the campaign was that the oil and gas industry financed the construction of the oil and gas wing of the Main Building.

The Southwestern Legal Foundation was organized in April, 1947, by a group of outstanding businessmen, leaders of the Bar and eminent educators. It is a private Texas corporation with a board of trustees representing the three groups from the States of Arkansas, Louisiana, Oklahoma, New Mexico and Texas. Memberships in the Foundation are created according to amount of contributions.

Objectives: To bring together businessmen, lawyers and educators to conduct research in law and government; to provide free legal aid; to conduct institutes, conferences and seminars in subjects of especial interest to the Southwest, such as Oil and Gas Law, Taxation, Administrative Law and Insurance Law; and to assist Southern Methodist University Law School in providing practical training for its undergraduates and specialized training for its graduate students.

Special Projects: Two have already been launched, (1) Research in Fundamental Principles of Law and Government, of which the Honorable Hatton W. Sumners is Director, and (2) Free Legal Aid, Low-Cost Legal Service and Small Claims. A Free Legal Aid Clinic is now operating, and a research project in all phases of legal assistance has been initiated.

Institutes are conducted annually in Oil and Gas Law, Taxation, Labor Law and Insurance Law.

Free Legal Aid is an important function of the Legal Center. It provides actual cases for senior law students to handle and, at the same time, fills a community need for legal service to those who are unable to pay a fee.

CONTINUING EDUCATION FOR THE BAR

It is impossible to consider the Law Center movement without a few observations regarding the necessity for progressive lawyers to continue their legal education. The hundreds of new court decisions, the thousands of administrative rulings from bureaus and commissions of big government and our complex business structure all tend to require specialization in law and continuous study

and research. Other professions have the same problems. The doctors have advanced far in this endeavor. The medical profession requires prescribed post-graduate study and training of a physician who is allowed the title of "specialist." Such training is given in approved medical centers and hospitals. Other scientists continually strive to improve their professional skill by further study and research.

Thousands of lawyers in all parts of our country have evidenced their interest and willingness to attend institutes, seminars and conferences in specialized fields of law. Experience has shown that lawyers enjoy going "back to school" for short and frequent courses. They want to keep up with the changes in law, but the time has passed for any one lawyer to keep abreast of all new laws and changes. Therefore, the average lawyer looks to the specialist to assist him in solving unusual problems. Many practicing lawyers are attending courses in graduate law schools. Progressive bar associations have sponsored scores of institutes. All of these forums are useful but not the final answer. I believe the Law Center is the proper agency where continuing legal education for the Bar should be centered.

Many law schools have plans for assisting in the program of continuing legal education as shown in results from our survey (Appendix "A"). However, the answers from the questionnaires disclose *no law school with an adequate program of continuing legal education that is not a part of or sponsoring a Law Center.*

HOW CAN A LAW CENTER BE CREATED?

The requirements for a Law Center will vary according to location, resources and objectives. The following are minimum necessities:

1. A well-established, recognized and accredited law school. The law school is the heart of a Legal Center. Its library, faculty and student body are required assets. Just as the successful Medical Center is built around a medical college and complete hos-

pital facilities, the Legal Center cannot exist without a good law school.

2. A physical plant of adequate size, architecture and convenience to house all the activities of the Center. If the Center contains more than one building, they should be in one area. The buildings should be so designed and located that they will create an atmosphere of study and worthy traditions. They should be inspiring to those who labor and study therein. Dormitories in the area are most desirable so that law students, professors and practicing lawyers may dine and work together.

3. Co-operation of local, state and regional bar associations. The presidents of the state and local bar associations should have official responsibility to the Center.

4. Support of sponsoring law school alumni is absolutely necessary for the success of the Legal Center.

5. Adequate financial support. The regular law school budget is wholly insufficient. Alumni support, general University appropriation, a separate Foundation and individual gifts and endowment are the usual methods to raise funds. While financing is a continuous problem, yet there must be some definite and responsible agency or group upon which the Center may rely. The first financial goal should be for an adequate physical plant. Certain corporations, foundations and individuals will support specific research projects after the physical plant is completed.

6. A very careful survey by the sponsoring law school or foundation concerning conditions and interest before initiating the project. Special attention should be given to the locality and the area to be served by the Law Center. Population, proximity to other similar institutions, demands of the legal profession, interest of laymen and community support are factors to be considered.

7. Finally, someone with the necessary vision, interest, persistence and initiative must lead the project to final consummation. To organize and build a Legal Center is a tremendous undertaking, even when general conditions are favorable.

OBJECTIVES OF A LAW CENTER

Local conditions and demands will largely determine the objectives of a Law Center. However, the answers to questionnaires and general investigation disclose a number of common purposes in Law Centers, the principal ones being:

1. Continuing Education for the Bar.
2. Improving the Administration of Justice.
3. Legal Research.
4. Free Legal Aid and Low-Cost Legal Service.
5. Improvement of Sponsoring Law School.

The projects should be well planned before announcement. We recommend that each Law Center decide upon and emphasize certain specialized activities. Examples of primary objectives include: *New York Law Center*—Citizenship Clearing House and Latin American Law Institute; *Southwestern Legal Center*—Oil and Gas Law, Research in Law and Government and Free Legal Aid; *Louisiana Law Institute*—Preparation and sponsorship of new legislation.

Investigation of the needs of the legal profession and demands of the public in the area should determine the objectives and projects. Questionnaires are helpful but not sufficient. Consultations with law school deans, bar leaders, businessmen and educators of the region to be served will be invaluable.

CONCLUSIONS

Our investigation justifies the following:

1. The Inns of Court in England were the first law centers in the Anglo-American world. They pioneered in legal training and continuing education for the bar, combining practical and theoretical methods of instruction. The arts and general culture were emphasized. Definite residence requirements, including meals, provided a setting for thought, meditation and tradition.

Realizing that Law Centers have been described and considered as "modern Inns of Court," the writer requested his good friend,

Sir David Maxwell-Fyfe, an eminent British barrister with whom he served in the prosecution of the Major Axis War Criminals at Nuremberg, to prepare a special article on the Inns of Court for historical and comparative purposes. He readily complied, although he was engaged in the strenuous English political campaign at the time. Sir David was the Attorney General of Great Britain under Prime Minister Winston Churchill, and British Prosecutor of the Major Axis War Criminals at Nuremberg. His entire article is published in *The Southwestern Law Journal* as a supplement hereto and by reference is made a part hereof. It is recommended as fascinating legal history and provides a most interesting comparison with the Law Center idea.

2. The Law Center movement is firmly established as a part of our legal educational system. Interest is increasing very rapidly. Such centers are developing simultaneously in all parts of the United States. The geographical distribution is good. Law Centers are assured for the east, north, middlewest, southwest, south and western parts of the United States.

3. Legal Centers are the natural agencies for legal research. Such research should include reliable and impartial factual information, intelligent evaluation by jurists, lawyers, laymen and educators. The result should be well considered, tested and sound.

4. The Law Center is a forum, workshop and research center where laymen may submit their just complaints and suggestions for improving legal education and our laws, where judges may bring their wisdom from judicial experience, where legal educators may delve deep into the history and theory of the law, where practicing lawyers may give results of complicated and litigated controversies, and where eager young law students and the public may have the benefit of all such groups working together.

5. Existing Law Centers are now conducting legal research, improving legal education, providing continuing education for the bar, operating free legal aid bureaus, sponsoring institutes, conferences and seminars, and contributing to the administration of justice.

6. The Law Center is an ideal agency to administer legal aid and assistance. Legal aid clinics will not only meet the public demand and provide a forum for the legal profession to administer this needed service, but will also aid in legal research and provide clinical facilities for law students.

Our legal profession should voluntarily assume the current and demanding obligation to provide and administer free legal aid to those unable to pay and to provide low-cost legal service to those of modest means. The bar of New Jersey has organized a free legal bureau in each county of the state *without public funds*.⁶ To meet this urgent social need, the law schools, bar associations, leaders of the profession and interested laymen should "pool" their facilities to make this project successful. If this pressing problem is satisfactorily solved, it will do much to avoid regimentation of the legal profession. The issue is squarely before us. The National Lawyers Guild at its recent national convention demanded that legal aid be financed "by the government as a matter of right."⁷

Leaders in the movement for Law Centers are strongly against government subsidies to support this obligation of the legal profession. What better private agency than the Law Center can provide legal assistance for the poor and those citizens of low income?

7. The initiative and planning for the Law Center must come from the law schools. Bar associations and laymen will assist, but the sponsoring law school has the real responsibility. The following reply from a law school is an example of the lack of interest of a local bar association:

"At the time the writer took over the administration of this school of law, an attempt was made to organize a law center but the reaction of the local bar association was not one in the negative but almost wholly without interest. Since that time, within the last six months, through the efforts of the American Bar Association, much interest has been aroused, and it is felt we can again go ahead."

⁶ Bell, *Legal Aid in New Jersey: The Answer to a Socialized Legal Profession*, 36 A.B.A.J. 355 (1950).

⁷ *Report of Committee on Professional Problems*, 10 Lawyers Guild Rev. 8, 38 (1950).

8. While we boast that legal education in our country is the best in the world, it is significant that the law schools and law practice are generally separated. The law schools and bar associations have traveled different routes. Our profession would be stronger if all three activities could be brought more closely together. The law schools, practicing lawyers and bar associations have common goals to improve the profession and the administration of justice. All too often the activities are not co-ordinated; jealousies and resentments arise; and it is a common complaint of the busy practitioner that the law school is too theoretical. Bar associations do not always inspire co-operation from the law schools. Unfortunate chasms exist between law schools, bar associations and the legal profession. All three elements should be brought together. The Law Center provides a natural nucleus for converging our common efforts and objectives. The Law Center should be so strong that its magnetism will attract and unite the student, professor and practitioner. Our survey shows progress in this direction. We find bar association offices in downtown law school buildings; support of law schools by bar associations and members of the bar; co-operation of all three elements in institutes, seminars and research; joint efforts in free legal aid and lawyer reference plans.

APPENDIX "A"

RESULTS OF QUESTIONNAIRES

Law schools reporting*.....	96
Schools reporting no plans for law center.....	75
Law schools with plans for law or research center.....	15
Law centers under construction.....	2
Law schools supporting continuing education for the Bar.....	50
Law schools reporting no program of institutes or continuing education for the Bar.....	39

* Number of approved schools reporting 72; unapproved, 24.