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Legal Education

M. Minnette Massey

University of Miami School of Law

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LEGAL EDUCATION

M. MINNETTE MASSEY

*Professor of Law
University of Miami*

EXCHANGE PROGRAMS

INTER-AMERICAN

The International and Comparative Law Committee of the Florida Bar has selected Venezuela as the site of its 5th Inter-American Lawyer Exchange Program.

Participants will fly to Caracas on March 11th for a five-day program of professional, cultural and social exchange with the Caracas Bar; then on to the jungle village of Canaima for a night in the jungle and a visit to Angel Falls. On the following day the group will fly to Ciudad Guyana, an immense development project on the Orinoco River. Additionally, there will be a boat trip up the Orinoco to inspect the dam and other points of economic and cultural interest. Following a night in Guyana, the group will return to Caracas.

The program site in Caracas will be at the Hotel Avila, where registrants will attend a 14-hour short course, concentrating on the legal aspects of international business transactions. The short course has been changed to focus on the practical aspects of transnational transactions and the changing legal-economic perspective in Latin America. The panel of instructors will be composed of practising attorneys, law professors and government officials from the United States and Venezuela.

The March 1972 Program follows successful programs of past years in Mexico, Colombia, Costa Rica, El Salvador and Guatemala. Seventy-five Floridians attended the 1971 Program in El Salvador and Guatemala. Many developed close relations with members of the Bar in these two Central American countries and have engaged in professional and business exchange with their new friends during the past year.

In accordance with the Committee's policy of promoting a diversified group, registration is open to all interested individuals. Lawyers are encour-

aged to bring their families and clients. Registration preference will be given to members of the Florida Bar, prior to the registration deadline.

The Program Committee includes, John C. Bierley, Tampa, Chairman; W. Emory Daugherty, Jr., Miami, Social; Dean E. Roy Hunt, Gainesville, Course of Instruction; Lucius M. Dyal, Tampa, Course of Instruction; and Michael W. Gordon, Gainesville, Travel.

The Committee would appreciate indications of interest with suggestions being directed to: John C. Bierley, Chairman, Inter-American Lawyer Exchange Program, P.O. Box 1531, Tampa, Florida 33601.

BRITISH-AMERICAN

On July 19, 1971, in conjunction with the meeting of the American Bar Association held in London, the Association of American Law Schools acted as host for a seminar with representation from the Society of Public Teachers of Law and the Association of Law Teachers. The seminar dealt with comparisons between legal education in the United States and the United Kingdom. The ABA section of legal education and admissions to the Bar presented an afternoon seminar which was attended by a dozen representatives of the British Association and also included three members of the AALS Executive Committee, the chairman and former chairman of the ABA section, two former presidents of the AALS and the AALS Executive Director.

CANADIAN-AMERICAN

The Association of American Law Schools and the Association of Canadian Law Teachers joint committee on Canadian-American cooperation advises that American law teachers interested in teaching at a Canadian law school for a semester or an academic year, and American Law Schools interested in having a Canadian law teacher visit them are again invited to direct inquiries to Professor Ian Macneil, Cornell Law School. Professor Macneil will compile names received and forward them to the Deans of the Canadian schools. Course offerings are similar in American and Canadian law schools, and little difficulty has been experienced in teaching the substantive law of either country by those who have visited in the past.

LAW SCHOOLS

CURRENT ENROLLMENT

The American Bar Association's 1971-72 survey shows the enrollment

in 147 ABA approved schools as of October 1971, and its contrast with the 1970-71 figures:

	1971-72		1970-71
First year students	37,400	First year students	34,289
Women students only	4,550	Women students only	3,542
TOTAL All students	93,500	TOTAL All students	82,041
Women students only	8,800	Women students only	6,937

NEW SCHOOL

In November 1971, the Board of Trustees of Southern Illinois University approved the establishment of the school of law of the Southern Illinois University at Carbondale. The Illinois Board of Higher Education allocated an opening class of between 125 and 150 students with a total projected enrollment at the end of three years of approximately 330 to 350 students. The law library is in excess of 66,000 volumes. The announcement states that it is intended that the school of law will meet or exceed all requirements of the Association of American Law Schools, the American Bar Association, and the Supreme Courts of the several states.

APPROVAL OF NEW SCHOOLS

The American Bar Association announces that upon the recommendation of the council and the section, The House of Delegates, on July 6, granted provisional approval to the School of Law, Hofstra University, Hempstead, New York. In addition, the House of Delegates, upon council and section recommendation, granted full approval to the School of Law, Golden Gate College, San Francisco, California; McGeorge School of Law, University of the Pacific, Sacramento, California; and the School of Law, Northeastern University, Boston, Massachusetts. Hofstra University becomes the 147th Law School holding ABA approval. Applications from two additional law schools for provisional approval are anticipated during the coming year.

PROPOSED NEW STANDARDS

The Special Committee on Law School Standards reported to the ABA Council that new accreditation criteria for law schools will use the format of the ABA's Code for Professional Responsibility. The statement will include: Standards, Requirements and Persuasive Considerations. It is expected that a draft of the proposals will be distributed to the deans of all approved law schools, the chief justices of the State Supreme Courts,

the chairman of the board of Bar Admitting Authorities in each state and to all members of the section, for comments and criticism. These comments and criticisms will be considered when the special committee and the council hold a two-day meeting in connection with the mid-winter meeting of the ABA in New Orleans, Louisiana, February 3 to 8, 1972.

ANGLO-AMERICAN COURSE

The apparent demise of the Orientation Program in American Law (OPAL) through lack of funding makes it advisable for United States law schools providing graduate legal instruction to foreign students to review their educational programs in this area. Recognizing the many difficulties faced by foreign law students, the University of Miami School of Law, has established a course in Anglo-American Law for students in its Master of Comparative Law Program.

PRE-LAW HANDBOOK

The Pre-Law Handbook: The Official Guide to Law Schools has been published in a new format and with a new editorial policy. It is available at a cost of \$2.50 from the Law School Admission Test Council, Educational Testing Service, Box 944, Princeton, New Jersey 08540. The current edition, like its predecessors, promises to be a best seller and should be a welcome edition to all pre-law advisors and admission officers.

HARVARD PROGRAM FOR LAWYERS

Volume 57 of the American Bar Association Journal page 1083, November 1971, carries the details of Harvard's Seventh Program of Instruction for members of the bar from July 17 through July 28, 1972 at the Harvard Law School. Twenty-three members of the law faculty will be in charge of the entire instruction phase of the program which will be directed by Professor A. James Casner. The program offers the practicing attorney courses covering a wide range of the questions most frequently encountered in today's law practice and offers a variety of approaches to both new and old problems.

Six two-week and eleven one-week courses will be presented: Estate Planning, International Business Problems, Securities Regulation, Anti-Trust Law, Business Planning, Income Taxation of Corporate Transactions, Major Issues in Crime and Criminal Administration, Developments in Criminal Procedure, Current and Developing Problems in Commercial Law and in Bankruptcy, Administrative Law, Tax Planning in Divorce, and Suburban Contributions to Urban Problems. In addition, International

Legal Process, Federal Jurisdiction, Insurance, Environmental Law and Ecology, Race, Racism and American Law, Comparative Law, and Law and Morals will also be offered.

The informal afternoon seminars on problems of general interest to lawyers and laymen will be open without charge to spouses of the members of the program. Tuition for the two-week session is \$475 and for the one-week session \$250 per session. Members and their families will reside in near-by hotels or in Hastings at the Law School. Further information about the program, application and materials may be obtained by writing to *Program of Instruction for Lawyers, Harvard Law School, Cambridge, Massachusetts 02138*.

JOINT PROJECTS

NYU-LEGAL AID SOCIETY

New York University School of Law and the New York Legal Aid Society have joined forces in an effort to help both the indigent and the law student. Professor Harry Subin will provide an opportunity for thirty-two seniors who are members of the Criminal Law Clinic to handle Legal Aid cases from arraignment through trial under supervision of two full-time lawyers.

PENNSYLVANIA-OEO

Professor Edward V. Sparer, University of Pennsylvania Law School, will direct a Health Law Project financed by a \$235,000 grant from the Office of Economic Opportunity. The funds will be used to investigate the quality of care and any denial of rights under the Medicare statute and the Constitution.

Professor Sparer's team of four lawyers and approximately twenty law students have filed suit against two Philadelphia nursing homes to assure patients' full citizenship rights, including the right to have lawyers, social workers and others come to the nursing home and interview the patients.

COLUMBIA-LAW FIRM

An interesting partnership between Columbia's School of Law and the private law firm of Paul, Weiss, Rifkind, Worton, and Garrison has been formed by Professor Abraham D. Sofaer who with members of the firm is conducting a seminar on the financing of public education. The students

will also work on projects involving litigation or legislation concerning education financing, under the guidance of lawyers who attend the seminar.

FACULTY

COLLECTIVE BARGAINING

On September 14, 1971, the National Labor Relations Board held that a law faculty may be constituted as a separate bargaining unit for collective bargaining with the University administration. This decision was in the *Fordham University* case, in which the law faculty had petitioned to be designated a separate bargaining unit and the Association of American Law Schools had filed an *amicus curiae* brief in support of that petition. The following excerpts from the opinion of the Board were printed in the AALS News Letter of September 16, 1971.

We have previously held a universitywide unit of professional employees to be appropriate, and it is clear that such a unit may be appropriate here. The scope and composition of that unit must be considered, however, as the labor organizations involved agree that the law school faculty should be represented separately, while the Employer contends that it must be included in a universitywide unit if such unit is found appropriate. In addition, questions as to the supervisory status of certain categories of professionals must be resolved . . .

The New York Court of Appeals regulates admission to the practice of law in New York and has issued rules and regulations concerning legal education in this connection. Law schools must be approved by the American Bar Association (ABA), and all major law schools, including Fordham, are members of the Association of American Law Schools (AALS), an organization dedicated to raising standards of law schools. Each of these bodies has detailed regulations, some of which affect the terms and conditions of employment of law school faculty members.

. . . we find that the law school faculty constitutes an identifiable group of employees whose separate community of interests is not irrevocably submerged in the broader community of interest which they share with other faculty members. Members of the law school faculty have specialized training, work in a separate building under their own supervisor (the dean of the law school), and, acting as a group, have a voice, separate from that of the faculty of the remainder

of the University, in determining their working conditions. There is little or no interchange between them and other faculty members. As a result of its separate calendar, the law school is open for brief periods while other parts of the University are shut down, and vice versa. There is nothing in this record to indicate that these situations could not continue for longer periods in the event of a work stoppage. On this record, we cannot conclude that the operation of the law school is so highly integrated with that of the remainder of the University as to compel a finding that an overall unit alone is appropriate. Finally, we note that there is no bargaining history on a broader basis and that no labor organization seeks to include the law school faculty in a broader bargaining unit.

For all these reasons, we find that the law school faculty constitutes a separate appropriate unit.

The Board concluded that "all full-time and regular part-time members of the faculty of the school of law . . . but excluding the dean of the school of law, (and) the law librarian . . ." constitute a separate bargaining unit. The law dean and librarian were classified as "supervisors" and therefore ineligible to vote.

TENURE

Two law teachers have been named members of the Commission on Academic Tenure in Higher Education established by the Association of American Colleges and the American Association of University Professors, and supported by a Ford Grant of \$125,000. The law professors are: Ralph F. Fuchs, Professors Emeritus of Law, Indiana University, and currently on the faculty of the School of Law at Washington University and Paul Oberst, Professor of Law at the University of Kentucky and a faculty-elected member of the University's Board of Trustees. Offices of the Commission are at 1527 New Hampshire Avenue, N.W., Washington, D.C. 20036.

WORKSHOP FOR DEANS

A one-day workshop for deans will be presented by the council of the section of legal education and admissions to the Bar during the mid-winter meeting of the ABA in New Orleans in February, 1972. In the belief that there is considerable interest on the part of a large number of deans to discuss common problems in legal education and administration, the council decided to organize this workshop which is being planned by Dean Harold

G. Reuschlein, Villanova University and Professor Millard H. Ruud, the ABA's consultant on legal education.

LEGAL SERVICES

The National Legal Aid Defenders Association (NLADA) has received a two-year grant from the Office of Economic Opportunity, to develop and coordinate a program to provide consultants to legal services programs. The main thrust of this program will be to provide the individual Legal Services Offices a type of on-site-technical assistance. The duration of each visit will vary from one to three days, or longer, dependent upon the particular need of the individual program.

Consultants will be paid a daily fee for time spent traveling to and from the program visited and the time spent on site, plus transportation and living expenses on a per-diem basis in accordance with government standards. Individuals interested in participation as consultants in this program should advise NLADA, 1601 Connecticut Avenue, N.W. Washington, D.C. 20009.

FINANCING LEGAL EDUCATION

A report on the June 8, 1970, Workshop on Law School Financing appears in the September 1971 newsletter of the Council on Legal Education for Professional Responsibility, Inc. The workshop was organized and written up by Peter Swords, a Program Officer, CLEPR. An analysis of an income contingent loan plan is included in the report.

ADMISSION TO THE BAR

At its meeting in July 1971 in New York City, the Board of Managers of the National Conference of Bar Examiners and the Council of the Section of Legal Education and Admissions to the Bar of the ABA approved a joint statement on the diploma privilege. The statement reaffirmed the provision adopted in 1921 by the ABA that "graduation from a law school should not confer the right of admission to the Bar and that every candidate be subjected to an examination by public authority to determine his fitness." The statement urges that "public authorities should not dictate curriculum content by examination, but by examination should determine that the content of the applicant's education is such that upon admission he will be able adequately to serve the public." The statement urges that the

public examining authority "continually strive to make its methods of examination more effective so that the results will be the non-discriminatory admission of none not qualified and the exclusion of non-qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of the society is the continual challenge faced by teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques."

MULTISTATE BAR EXAMINATION

Although the subject of discussion for many years the idea of a National Bar Examination may come to partial fruition in 1972. On August 11, 1969, the National Conference of Bar Examiners held a panel discussion entitled "A Uniform Bar Examination—National or Regional: Is It Possible or Practical?" The remarks of the Honorable John T. deGraff, past president of the New York State Board of Bar Examiners, which were published with all other remarks made at that session in 39 *The Bar Examiner* numbers 3-4 page 70 (1970) has now been distributed, along with an article by Dean Joseph E. Covington for general distribution among law students in the commercial publication, *National Bar Examiner*. The professional house organ of the National Conference of the Bar Examiners, *The Bar Examiner* contains the running discussion and analysis of the possibility of a National Bar Examination and more specifically of multi-state examinations.

Dean Covington, Director of Testing, Bar Examination Committee, states that twenty-three states have indicated that they plan to participate and use one or both forms of the Multistate Bar Examination on February 23, 1972, and/or July 26, 1972. If the questions are found acceptable, Alaska, California, Colorado, Florida, Georgia, Hawaii, Kansas, Kentucky, Maine, Missouri, Nevada, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Wyoming and Illinois will be initial participants. The multi-choice questions, which had their prototype in the examining procedures used by the Florida Board of Bar Examiners from 1965, will cover contracts, criminal law, evidence, real property, and torts. All jurisdictions currently examine in these areas. Following the Florida lead there will be forty "items" on each of the five subjects given in a time period of one hour. Each item consists of a question or "stem" with four alternative answers, a "best answer" and three "distracters."

The Educational Testing Service, Princeton, New Jersey will provide technical assistance to the National Conference of Bar Examiners. Sample questions may be found on pages 94-96, 40 *The Bar Examiner*, numbers 5-6, (1971). Additional information may be found in a current article by Eckler and Covington, 57 *A.B.A.J.* 1117 (Nov. 1971).

STUDENT PRACTICE

The November 1971 CLEPR Newsletter reports that Connecticut, Louisiana, Massachusetts, Mississippi, New Jersey, North Carolina, North Dakota, Texas and Washington have promulgated rules for student practice. This report supplements the brochure published in late 1970 entitled *State Rules Permitting the Student Practice of Law: Comparisons and Comments*.

MINORITY GROUPS

UNIVERSITY OF WASHINGTON

A white applicant has prevailed in a local suit for admission to the Law School of the University of Washington after contending that he was passed over while thirty minority students with lower qualifications were admitted. After a four-day trial the court found that the preference accorded minority students by the Law School violated the equal protection clause of the Fourteenth Amendment. The School is appealing.

The Board of Governors of the American Bar Association has authorized the filing of a brief *amicus curiae* in behalf of the Association in the case of *DeFuins v. The University of Washington*. The Association of American Law Schools, the Council of Legal Education Opportunity, AAUP, and the Black American Law Student Association all have indicated an intent to file *amicus curiae* briefs in behalf of the law school.

The approach adopted by the Washington Court is analyzed by Professor O'Neil in an article "Preferential Admissions: Equalizing the Access of Minority Groups to Higher Education," 80 *Yale L.J.* 699-767 (1971).

FINANCIAL AID

The Council on Legal Education Opportunity has distributed a mimeograph report on Financial Aid Programs for Minority Group Students in law schools and describes the sources of possible financial assistance. This information is current as of June 1, 1971, although CLEO warns that the

sources are available primarily for 1972-73 as the resources for the current year have been exhausted. Copies of this report and also a short recruiting brochure, describing the CLEO program for prospective students may be obtained from CLEO, 863 Fair Street, S.W., Atlanta, Georgia 30314.

DISCRIMINATION AND HIRING

Thirteen women law students and recent graduates from Columbia and New York Universities accused ten New York law firms of discriminating against women in their recruiting and hiring practices. The complaints were filed with the City Commission on Human Rights. The women charged that the ten firms discriminated on the basis of sex, refusing to interview or offer jobs to them while interviewing and offering jobs to men with equal or lesser qualifications. The City Commission will also investigate forty-five other firms, which employ 150 women out of nearly 4,000 lawyers, to determine if a general pattern of discrimination exists in hiring practices.

The American Bar Association Law School Division has taken steps to prevent discrimination in hiring law school graduates. Fair hiring standards in a survey on minority student recruitment prepared by the Division's Equal Rights Study Committee, were adopted by the Division's House of Delegates and Board of Governors. The Committee also proposed a model recruitment program for minority students.

The fair hiring standards include an enforcement procedure to insure the cooperation of employer recruiters. The standards provided that: No employer may discriminate on the basis of religion, race, sex or national origin in hiring or recruiting students. Employment discrimination is to be defined in terms of offers of employment, compensation and assignment of responsibilities.

If an employer recruiter violates the above standard, he will be precluded from using the facilities of the law school to recruit prospective employees for his firm, corporation or agency for one year. Student and faculty committees will be appointed by the Division Circuit Governors to investigate any complaints of discrimination in their respective schools' placement policies. Any student who is dissatisfied with the handling of his complaint by the student-faculty committee at his school may take the complaint directly to the Division's Executive Committee. If the Executive Committee finds the school lacks in enforcing the standards, it will recommend that the ABA Section of Legal Education and Admissions to the Bar and the AALS investigate the complaint. They in turn may invoke sanctions including revocation of approval and accreditation.

NEWSLETTER

Now in its fifth issue, the Newsletter of the AALS Committee on Minority Groups continues to be an outstanding and topical source of information relating to this subject. As previously reported it is edited by Professor Sanford J. Rosen and Professor Steven E. Lee, on behalf of the Committee. Copies may be obtained from the AALS.

*AALS**TRAINING FOR THE PUBLIC PROFESSIONS*

The report of the Association of American Law Schools Curriculum Study Project, entitled "Training for the Public Professions of the Law: 1971" has been printed and distributed as section II, part I of the proceedings of the AALS. Copies are available at a cost of \$1.50 each at the office of the Executive Director of the AALS, One DuPont Circle, Washington, D.C. 20036.

REVIEW OF THE AALS

Volume 24 *Journal of Legal Education*, page 94 (1971) reprints the statement by Professor Jefferson B. Fordham, former President, AALS, prepared for distribution at the December 1970 meeting of the Association. That thoughtful statement is divided into five general categories, as follows: Educational Developments, Interdisciplinary Undertakings, Research, Law Reform and Lawyer Impact on the Community, Professional Responsibility, and Government Relations.

*FOREIGN EVENTS**BRUSSELS UNIVERSITY*

The Flemish Free University of Brussels, Belgium, has established a program, to be conducted in English, entitled "International Legal Cooperation." The Director of the program is seeking a U.S. law teacher to serve as the first professor of international public law for 1972-73. Interested parties should communicate with Professor Dr. B. deSchutter, Program on International Legal Cooperation, Faculty of Law Free University of Brussels, A. Buyllaan 105, 1050 Brussels.

AERONAUTICAL AND SPACE LAW

The fifth national Aeronautical and Space Law Seminars were held in Buenos Aires, October 18 through 22, 1971. The seminars were spon-

sored by the School of Law and Social Sciences of the University of Buenos Aires with the approval of the National Institute of Aeronautical and Space Law, an organ of the Air Force. The agenda included: Amendments to the Warsaw-Hague Convention, Protocol of Guatemala, The Hague Convention on Aircraft Hijacking, Legal System of Sports Aviation, Labor and Social Standards of Flight Personnel, Utilization of Satellites and International Public Services in the Exploration of Natural Resources and in Navigational Security.