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A New Development in Legal Education

Charles M. Hepburn

Indiana University School of Law

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stalled as a full-fledged editor, on the basis of merit alone.

I feel that I can do first-class work, and will prove a valuable addition to the staff. I am confident the time is not far distant when I shall be able to append my name to some work which shall be of sufficient value to become familiar to the entire legal fraternity of our land.

Yours as ever,

Henry Dillingsworth Smith.

III. *The Company's View.*

Revisor's Report:

Smith, the man now on trial, gives promise of making a satisfactory editor in time, and I recommend that he be given a contract. Of course, he is full of the faults which beset all new men, and I shall continue to go over his work with him for six or eight months, as is our custom. L.

A New Development in Legal Education.

By CHARLES M. HEPBURN, A. B., LL. B.,
Professor of Law, University of Indiana.

The inauguration of the American Institute of Law promises a very important advance into new fields of legal education. The movement was started some months ago by the American Law Book Company. Encouraged by the success of its *Cyclopedia of Law and Procedure*, which is largely the work of law school teachers, the American Law Book Company has taken the initiative in moving for the establishment of a high grade institution for legal education in its widest relations, to be organized by, and conducted under, the control of law school men and active practitioners interested in the cause of legal education.

Professor Charles M. Hepburn, of the Indiana University School of Law, has been asked to take charge of the organization and development of the Educational Side of the Institute. He is now engaged in this work. At the request of the *American Law School Review* he has furnished us with the following statement of the general purpose of the Law Institute and its proposed methods of teaching.—EDITOR.

THE leading purpose of the American Institute of Law is to supplement the work of the Law Schools which require residence on the part of their students. The Institute would not turn any away from the residence schools or discourage entrance into them, but the contrary. It will seek to reach those whom the residence Law Schools cannot reach, or at least do not reach. It would provide a complete, systematic, and scientific course of instruction in law for all who desire to study the law of the land, but cannot find the time and the money necessary for attendance upon a good residence Law School.

The number of such persons is per-

haps larger than either lawyer or layman supposes. They constitute a great neglected majority. With the best of intentions the door of legal learning has been locked against them by the Law Schools, even in universities which, in other departments of human knowledge, seek to aid those who cannot go into university residence.

The existence of this class is sometimes brought to the attention of law school faculties by the enrollment, among the freshmen law students, of an active member of the bar who, for the sake of a scientific course in legal training, has closed his law office, given over his law business, and moved his family to a col-

lege town for the three years' residence in the shadow of the law school. He will, no doubt, profit from this courage and self-denial. He ought to have many followers. It is roughly estimated that from 50 per cent. to 70 per cent. of the practicing lawyers in the central West have come to the bar with neither law school instruction nor adequate office training; and there is abundant evidence that very many of these realize the defect and seek a remedy. But for every one who thus closes his office, and enrolls in a good residence law school, there are 50 who remain out in the woods.

No less numerous is that rapidly growing class of business men who desire to study law, either for the purpose of intellectual training, or because of specialized lines of business which require a working knowledge of fundamental distinctions in some branches of substantive law.

The neglected condition of law clerks who seek to reach the bar, but cannot attend a good residence law school, has long been recognized—by practitioners rather than by law school faculties. There appear to be some fifteen thousand of these law clerks now registered in law offices as candidates for admission to the bar. It is easy to say that all such should obtain leave of absence from their offices, enroll in good residence law schools, and give three years to the uninterrupted study of law. Perhaps the law clerk of to-day, for his own sake and for the sake of the profession which he hopes to enter, should enroll in a good residence law school. But even if this is so, and even if it be assumed that the State ought to prescribe a full law course in a residence law school as preliminary to a call to the bar, it is clear that the Legislatures will not require this for many a long year to come. It is also

very clear that a host of the law clerks will not attend the residence law schools and will force a way to the bar, whether the law schools like it or not. "As well try to sweep back the tide with a broom," said a member of one of the Boards of State Bar Examiners recently, "as try to keep the law clerks from getting to the bar."

In the prevailing conditions in America, the practical question for legal educators is not, "How can law clerks be forced to leave their law offices and attend good residence law schools?" nor, "How can law clerks who have not attended residence law schools be kept out of the bar?" but, "What is the best legal education which can be offered to law clerks in their law offices?"

The Institute aims to reach, with appropriate educational or instructional methods, all of these wide classes of persons. It will offer in full the regular course of the best three-year law schools, with some additional subjects, as, for instance, a course on legal ethics. It will offer also a number of special courses to meet the needs of business men. The regular course will cover a period of four years. In exceptional cases, however, on a showing by the student of adequate academic training and facilities for continuous legal study, the course may be completed, and a certificate granted, after a searching examination, in three years.

The instruction will necessarily be by correspondence. While there are successful correspondence law schools in existence, the general method employed by the Institute will be somewhat different from that found in these schools, in that it is designed not only to impart information, but also to develop in the student the power of legal reasoning. It aims to give him through correspondence

a legal training like that which can be obtained in residence law schools under approved methods of instruction.

In most subjects in the regular course the work will be based upon a study of carefully arranged selections of decided cases. The full course will include instruction, first, in certain general introductory subjects, such as Elementary Law and How to Study Cases, based on the use of text-books, quizzes, and cases for practice; second, on the individual subjects generally covered in the first, second, and third year work of the best residence law schools.

The method of instruction in each of the individual courses shows the following features: a subject introductory lecture for each subject; a topical introductory lecture and hypothetical cases for each main division; a carefully arranged selection of actually decided cases, printed without the syllabi, for each topic, intended to furnish the student with the materials for working out the principles governing the topic; questions intended to direct the student's attention to special features in any one of the cases, as to the judge deciding the case, the course of the action in the case, and other points of critical or historical interest; examinations based on an extensive selection of hypothetical cases; etc. The manner of presenting the subject-matter to the student, the quizzing, the methods employed in preparing reports on cases read, the review work, the manner of conducting examinations, have all been worked out with an eye single to the educational efficiency of correspondence teaching in the fundamentals of the law.

The work of instruction will be in charge of a faculty composed of Lecturers, Professors, and Instructors.

The Lecturers, selected from the foremost authorities on their subjects in the leading law schools, will prepare the Introductory Lectures for the several courses, and co-operate with the Professors in selecting the cases on the subject.

Each professor in the Institute will have charge of a limited group of subjects, to the scientific and systematic study and teaching of which he is expected to give continuously his best thought and energies. The aim of the Institute is to have in its professors a body of lawyers, each of whom is entitled to recognition as an authority on the subjects intrusted to him and can teach as a master of these subjects and not as a retailer of secondhand opinions. It is also the aim of the Law Institute to enable each of its Professors to make a career in the work of the Institute as a teacher of law.

The work of a Professor will be to conduct the courses committed to his charge, and, in particular:

(1) To prepare the topical lectures in his subjects, as distinct from the subject introductory lectures prepared by the Lecturer.

(2) To select and arrange the cases for the subject when they are not selected by the Lecturer.

(3) To frame the quizzes in his subject and the hypothetical questions.

(4) To prepare for the assistance of the Instructors the proper statement of the cases and the answers to the Case Interrogatories.

The work of the Instructors will be to assist the Professors in the several courses, and in particular to examine, criticize, and grade the note books and the examination books of the students. It is the purpose of the Institute that every note book sent in by a student shall re-

ceive individual attention and criticism from an Instructor in the course.

In shaping the educational policy of the Institute, the Dean of the Faculty will have the assistance of an Advisory Educational Council, selected from the

foremost law faculties of America. The council will meet at stated periods for the consideration of any question which concerns the course or methods of legal instruction in the Institute or the needs of legal education.

The New Society of Public Teachers of Law in England and Wales.

By CHARLES NOBLE GREGORY, A. M., LL. D.,
Dean of the College of Law, State University of Iowa.

ON Tuesday December 15, 1908, a meeting of law teachers was held in the Council Room of the Law Society in London. This meeting, which is noteworthy as marking a new era in the development of legal education in England, was convened "to consider the advisability of forming a society to further the course of legal education and to discuss matters affecting the work and interests of public teachers of law in England and Wales."

Professor Gaudy, Regius Professor of Civil Law at Oxford, presided at the meeting. Among the more important of those attending were Prof. A. V. Dicey, Professor Holland, and Messrs. E. J. Trevelyan and W. M. Gedart (Readers), all from Oxford; while Cambridge was represented by Professor Clark, Professor Kenny, and Mr. H. D. Hazeltine (Reader), from London University, Professor Sir John Macdonell, Professor Gault, Professor Murison, Dr. Blake Odgers, and Messrs. Hugh Fraser and J. A. Strahan (Readers to the Council of Legal Education), and from Liverpool University, Mr. H. C. Dowell (Lord Mayor of Liverpool). The principal members of the teaching staff of the Law Society

were in attendance as were also Professor Phillips from Leeds University, and Professor Levi from the University of Wales. Letters of regret and encouragement were read from Professor Vinardoff, of Corpus Christi, Oxford, Sir Frederick Pollock, Vice Chancellor Hopkinson, Professor Copinger, of Manchester University, and from many others prominent in legal education.

The speakers dwelt particularly on the remarkable expansion which has taken place in legal education in England during the last twenty-five years, and on the problems, both many and new, which have arisen in consequence. To-day there are in England and Wales approximately 100 public teachers giving and 2,000 students receiving instruction in the law. In this work various organizations are assisting, notably the Council of Legal Education, the Committee on Legal Education of Law Society, and the Newer Universities founded in the more important provincial cities. There are municipal arrangements for instruction in law, and, furthermore, the local professional bodies take part in the general movement for the improving of legal education. An interesting feature of the pres-