

If we do not get final answers to all these questions from the first National Law Student Conference on Legal Education we can hardly be surprised. That these questions or some of them were carefully and thoughtfully discussed by law students is a healthy development. Legal education will be well served by a continuance of these conferences.

INTRODUCTION

HAROLD W. SOLOMON*

This Conference, the culmination of six months of planning, was perhaps the most ambitious enterprise ever undertaken by law students in the United States. For two days in the summer of 1947, 125 law students, representing forty-two law schools throughout the country, met in the building of the New York County Lawyers' Association in New York City to discuss and evaluate present-day legal education.

The Conference was conceived and executed wholly as a student enterprise. As a result of discussions conducted by Professor Elliott E. Cheatham in his Seminar in Legal Education at Columbia Law School in the fall of 1946, the editors of the Columbia Law Review invited their colleagues at Harvard, Pennsylvania, and Yale to meet in New York to discuss the possibilities of such a student conference. The result of the meeting was agreement of the four law reviews to initiate committees of non-law-review students at their respective schools, and within a month the Conference was under way.

In February, representatives of the four local committees met in New York to work out the outlines of the Conference. The representatives constituted themselves the conference committee and established the Columbia group as the resident committee in charge of executing their plans. Because of the time required for preparation, the Conference was set for July 11 and 12, a two-day meeting being considered sufficient in view of the pressure of summer work under accelerated law school programs.

The resident committee, by the end of March, had sent a prospectus, an agenda, a letter to the dean, and a letter signed by the deans of the four "host" schools to every law school in the country—170 of them. Response was slow. Most deans were interested but cautious. In mid-April another series of letters was sent out—letters to deans, to presidents of senior law classes, to law reviews—designed to stir up interest. The result was gratifying. By early May eighty-five schools had re-

* Conference Chairman, representing Columbia Law School.

plied, thirty-seven accepting, and by June 9, when the conference committee met to complete final arrangements, the final roster of forty-two schools was almost complete.

Two questions greatly troubled the committee: the scope of the agenda, and the extent of non-student participation. Some of the conference committee felt that students were not qualified to discuss the objectives of legal education nor to evaluate the content of legal training, and should restrict themselves to criticism of teaching techniques, matters which were most familiar to them. Other members replied that students were probably better qualified to speak of general objectives than to make any effective criticism of teaching techniques. Both sides conceded that the disagreement was primarily a matter of emphasis, but the split continued through several committee meetings until the adoption of a compromise agenda proposed by Columbia.

This agenda divided ten subjects into two panel groups. The first panel group incorporated panels in which the delegates would conduct an examination into the academic and technical problems of legal education. This group was designed to satisfy the members of the conference committee who desired the more limited student examination. The second group included panels in which discussion would be directed toward an examination of the need for legal service and the relation of that need to legal education. These panels were designed to afford the broader investigation which many members of the conference committee felt was desirable.

For each panel group a somewhat detailed "approach" was indicated by the committee for the papers to be presented, the investigation, and the work in the panels themselves. This course was taken in an effort to prevent overlapping and to insure that degree of uniformity in preparation and analysis necessary to achieve a coherent and well-rounded result. The agenda was a practical compromise, but it was one which the "host" schools were convinced would afford representatives of every point of view an opportunity to do a fruitful job.

The second major difference of opinion in the conference committee developed with consideration of non-student participation. Some of the committee felt that full responsibility should be centered in students and that permitting non-student participation would endanger spontaneous discussion and, perhaps, result in non-student domination of the panels. Those who favored a limited degree of non-student participation maintained it would lend color and dignity as well as facilitate authoritative discussion. The final compromise authorized the panel chairmen to exercise their discretion in the matter. In point of fact, those members of the profession who attended the Conference exercised admirable self-

restraint. The discussion in the panels was conducted almost entirely without direct comment from non-students.

The committee sought to avoid the characteristic vices of conferences—the reading of long papers, the lack of prior preparation and organization of the discussion. To this end the committee, by agreement with participating schools, directed the preparation of leading papers for each panel. These papers were mimeographed and circulated among the participating schools two or three weeks prior to the Conference for local discussion by the delegates before they departed for New York. At the Conference itself the papers were summarized at the opening of each panel, thus leaving the remainder of the time for discussion initiated by the papers. Moreover, the relatively uniform technique introduced by the “approach” previously mentioned facilitated efficient use of the limited time for panel discussion.

Success of panel discussion depended in large part on the wisdom and ability of the panel chairmen in the give-and-take of argument. The chairmen needed a sensitive but firm hand to control groups of forty to sixty delegates of diverse interests and inclinations. The conference committee, anticipating such difficulties, selected the chairmen from the “host” schools, not because they believed they would be any more capable than other delegates, but because they could hand-pick and instruct the chairmen in advance of the Conference and prepare them for such problems. Prior to the Conference the chairmen met with the committee for discussion, studied the papers relating to their panels, and prepared suggested outlines of discussion. Each panel had a stenotypist, so that a complete transcript of the proceeding was preserved; that record is the basis of the report.

Financial support for the Conference came initially from the deans of the four “host” schools, and later a grant of two thousand dollars from the Ellis L. Phillips Foundation of New York made it possible to plan for the recording of the proceedings and the preparation of the report for publication. Each school paid a registration fee and took care, in most instances, of the expenses of the delegates.

The Conference program was as follows: Friday morning Mr. Lloyd K. Garrison addressed the delegates in plenary session, following a welcome by Mr. Terence J. McManus, Secretary of the New York County Lawyers' Association, and an introduction by the Conference chairman. The panel discussions were held Friday afternoon and evening and Saturday morning and afternoon, two and three panels running concurrently. The concluding dinner of the Conference was held Saturday evening, July 12, at the Columbia University Faculty Club. Judge Jerome Frank was guest of honor. Professor Harry Jones of Columbia and Mr. John

C. Beatty, Jr., of the resident committee presented faculty and student analyses of the discussions respectively.

At the conclusion of the evening's program, in response to insistent inquiry by the delegates, the conference committee called a meeting of delegations interested in a continuation of student activity along the lines of the Conference. The interested delegations constituted themselves as an interim committee and named the University of Wisconsin Law School to act as executive secretary for the committee. The interim committee also designated the twelve schools which had prepared leading papers as an executive committee.

This development was gratifying to the conference committee, which had been reluctant to propose such a move on its own behalf for fear of organizing for the sake of organization and because of uncertainty as to the real source of strength of the Conference. Surely the impact of veteran students with their special experience and problems contributed to the success of the Conference. The committee hoped that with this start the interim committee would make possible constructive student contribution to legal education in the future.

For the committee which arranged it, the Conference was a great deal of work—and a very practical and satisfying experience. Everyone who participated in the Conference hoped and believed that he could make and was making some contribution to the law schools of the country. At the heart of this belief is the proposition that students are qualified to criticize, that it is the function of students to criticize. The delegates were quite aware that they were not, in most cases, able to plumb a problem to its depths; but criticism need not be the last word in intellectual achievement to be constructive. And the Conference and this report are only part of a far greater effort on the part of the profession as a whole to adjust its interests to the needs of society.

The questions the Conference considered were tough ones. They will have to be worked out primarily on the local scene. The conclusions resulting from a national exchange of experience will have to be translated into local terms. In this effort law students deserve the whole-hearted support of the profession.

The conference committee wishes to acknowledge the assistance of many men, too numerous to name here. The obligation to the deans of all participating law schools is great, especially to Dean Young B. Smith of Columbia, Dean Erwin N. Griswold of Harvard, Dean Earl G. Harrison of Pennsylvania, and Dean Wesley A. Sturges of Yale, and the members of their faculties.

I should like to thank, on my own behalf, the members of the conference committee, Walter Glass and John A. King, Jr., of Harvard; Charles Shapiro of Pennsylvania; Alex Brooks and Henry Leader of Yale. I owe even more to the members of the resident committee who contributed so much of their time and energy: John C. Beatty, Jr., Paul A. Phillips, Carl H. Watson, Jr., Walter A. Schreiber, and David Resler—and many others.

CONFERENCE AGENDA

Friday, July 11, 1947

10:30 A.M. *Opening Session.* Lloyd K. Garrison, Esq., Guest Speaker

2:00 P.M. *Panel Meetings*

1. The Availability of Legal Education
2. Program Planning
3. Placement of Law School Graduates

7:00 P.M. *Panel Meetings*

4. Instruction in Practical Craft Techniques
5. Teaching Methods Employed in the Law School

Saturday, July 12, 1947

9:00 A.M. *Panel Meetings*

6. The Lawyer in Large Urban Centers and Metropolitan Areas
7. The Lawyer in Rural Communities and Smaller Urban Centers
8. The Lawyer in Public Life

1:30 P.M. *Panel Meetings*

9. The Lawyer in the International Field
10. The Lawyer in the Field of Labor

7:00 P.M. *Concluding Dinner.* Mr. John C. Beatty, Professor Harry W. Jones, and the Hon. Jerome N. Frank, Speakers.