

REPORT OF THE DEAN OF THE DRAKE UNIVERSITY LAW SCHOOL TO THE BAR

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1—Faculty

A good year is underway again in the Drake University Law School. The law faculty consists of seven full-time teachers, Leland S. Forrest (1919), Martin Tollefson (1926), Richard S. Hudson (1946), Edward R. Hayes (1948), John J. Yeager (1949), Herbert L. Myers (1959), and Arthur E. Ryman, Jr. (1961), and in addition Judge C. Edwin Moore (1942), lecturer in practice court, Justice Charles F. Wennerstrum (1958), lecturer on appellate practice, Robert G. Allbee (1961), lecturer and assistant in practice court, and Dorothy A. Dunn (1956), law librarian.¹ The Law School also has the help of approximately thirty lawyers each year in appellate arguments, in legal aid work, and in the giving of various lectures.

In addition to its teaching and other work with law students, the law faculty has participated during the year in bar association work and in the publication of law review articles and other material. Dean Tollefson is now assembling material for pocket parts to his work on *Iowa Probate Law and Practice*.

2—Students

The Law School has a rather efficient and well chosen student body. This group consists of 137, including 6 women. This is 10 law students more than last year and is evidence of a trend toward a slight enrollment increase. This is true despite the fact that the faculty is careful as to who are admitted—from the standpoint of character, attitudes, intelligence, and willingness to work. It is also true despite the fact that a number of students leave each year because of their inability to face up to the stress of being law students, with the arduous tasks involved, and without sufficient economic support, in many instances, other than what they or their wives earn.

3—Legal Aptitude Test

Students enrolling in the Law School in September 1962 or thereafter must submit with their applications the scores obtained in the so-called National or Princeton Law School Admission Test. The test is given several times each year and is required by over three-fourths of the approved law schools. It has been given for many years. This gives a student and a law faculty the opportunity to compare the score of a particular applicant with that of several thousand. This test, with other data, is of much value in determining the aptitude of an applicant. After the faculty has experimented with this test for a number of semesters, it will determine and publicize minimum scores required for admission. Some leeway will probably be made for applicants with high scholastic records in approved and worthy

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¹ Arthur E. Ryman, Jr., replaced Gerald K. Chinn, who has returned to private law practice with the firm of Wisdom, Sullivan & Golden in Des Moines. Robert G. Allbee replaced Patrick D. Kelly, who has become professor of law at the University of Kansas City School of Law.

colleges or universities. Information about the test may be obtained from the Dean of the Law School or the Law School Admission Test, Educational Testing Service, Princeton, N. J.

4—A Purpose of This Report

One purpose of this report is to point up a few things which it is believed the legal profession will have to face up to if it is going to be of as much service to its clients, to its communities, and in the solution of governmental, legal and economic problems in the future as it has been in the past. It is quite evident that the legal profession has not heretofore carried its full responsibilities with regard to maintaining and supporting the worthy law schools of the nation, and with regard to getting the best type of students for these schools. Many legal educators have been aware of this for a long time but it is only in the recent months, or at the best in the last few years, that the awareness of these facts have been simmering down to individual lawyers in such a way that many are now realizing that something needs to be done.

A.—ABA Committee Report

The annual meeting of the Section of Legal Education and Admissions to the Bar of the ABA in August, 1960 was devoted to a discussion of these problems and as to what should and can be done. The discussion dealt largely with the alleged shortages of able young men selecting law as a profession. In September, 1960 a committee was appointed by President Seymour with functions defined as follows. "The Committee shall study the problems of the alleged shortage of young people selecting law as a profession, possible methods of encouraging such persons to choose the profession, practical ways of assisting the Law Schools to provide added incentives through scholarships, etc., and all other matters affecting present standards of legal education and the need for and methods of improving the same."

The committee's report is now in print and is entitled "Report of the Special Committee to Study Current Needs in the Field of Legal Education."

The Committee's instructions from President Seymour were to organize promptly and to complete its assignment in time for the St. Louis meeting of the ABA in August, 1961. The Committee held several meetings. An afternoon was set aside for the discussion of its report at the St. Louis meeting of the Section on Legal Education and Admissions to the Bar.

B.—Content of ABA Committee Report

The Committee's report discusses three major topics as follows. First, Will There Be a Shortage of Lawyers. Second, The Need for Improved Pre-legal Counseling. Third, Meeting the Financial Needs of Law Schools and Law Students.

1.—Will There Be a Shortage of Lawyers?

Under this heading the report considers the shortages versus the overcrowding in the legal profession and deals with the allegation that the law is losing ground to other disciplines in relation to (a) Supply; (b) Demand; and (c) Quality.

a. *Supply.* As for supply, attention is called to statistics that enrollment in higher education has increased from 600,000 in 1920 to 3,500,000 today—

over 500 percent rise. Enrollment in law schools during this period increased from 25,000 to 43,000, or 70 percent. In 1920 there were 42 law students for each 1,000 students in higher education; whereas in 1960 there were only 12 for each 1,000. "Comparing admissions to the bar with total population, Reginald Heber Smith pointed out that in 1949 there were 89 admissions per 1,000,000; admissions gradually decreased to 57 per 1,000,000 in 1956, and then rose again to 60 in 1959."

b. *Demand.* After references to the growing need for more legal services in relation to growth of population, to gross national product, to the needs of the military, etc., the report states. "We are convinced that a similar need for legal services exists not only in other branches of government but in the business community and on the part of individuals, especially those in the middle income group. This need will increase with population growth and the growing complexity of government and society."

c. *Quality.* In its discussion under this subtopic the Committee's report among other things states. "Needs expressed in round numbers give a picture of trends and orders of magnitude. But numbers are not enough; we are deeply concerned with qualitative factors—character, background, intellectual ability, personality, motivation. What the bar needs most are qualified students who will become qualified lawyers."

2.—The Need for Improved Pre-Legal Counseling

Under this topic the Committee recognizes the need for more and better and different pre-legal counseling, in order, among other things, adequately to inform prospective students of the opportunities and rewards of the profession. Data as to lawyers' opportunities and income are inaccurate and incomplete. Publications, the report continues, intended for prospective students fall short of standards set by other professions. This is not to overlook the scattered efforts of some law schools to supply an accurate, attractive description of the profession; but more often than not the description is calculated to recruit students for a particular school rather than to speak for the law as a great vocation. Scattered efforts, however successful, are not enough. The first problem is to find out who the counselors are. This is not easy because they keep changing and some schools have none. Lists of pre-legal advisers should be compiled, edited and kept current.

3.—Financial Needs of Law Schools and Law Students

The Committee makes it clear that it is satisfied that the great majority of law schools in the United States are underfinanced, and that it is also convinced that from the standpoint of present and future law students there is need for greatly enlarged financial support, both in form of loans and outright grants.

The committee's report gives evidence of low salaries and other financial shortages in law schools and relates this to the fiscal woes of law students. Available in the form of scholarship funds for law students in 1960 was a total of slightly over \$2,000,000. But less than 10 percent of the students received this help. Furthermore, out of the 123 law schools which reported on funds available, 9 of them controlled more than half of the total scholarship funds in the country. This meant that approximately \$1,000,000 was available to the remaining 114 schools; and 80 of these schools have funds rang-

ing from less than \$10,000 per school down to nothing whatsoever in a significant number of them.

The committee states that the number of law students in approved schools today is on a level with 1926, although there has been a population increase of 60 percent. The Committee states that there is now and will be increasing competition for the ablest students between the graduate schools of all disciplines and myriad employment opportunities, and this trend will increase as man's learning advances.

C.—Committee's Conclusions

The Committee then bluntly states that "the legal profession has done little or nothing to make financial assistance available to its students who need it. In contrast, both the American Medical Association and the American Dental Association have engaged in major efforts over a period of years directed toward the improvement and support of professional education in their fields."

The Committee further states: "The final basic premise upon which the Committee has proceeded is that the first responsibility for a solution of these financial problems rests squarely upon the practicing members of our profession. Only after this responsibility has been recognized and met can the profession go with good grace and self respect, and with hope for success, to the numerous other and perhaps far greater sources of financial assistance which have been virtually untapped and, indeed, unapproached by the lawyers, in contradistinction to our sister professions which are years ahead of us in this regard"

The committee concludes by suggesting that "unless the organized bar, with the leadership of the ABA, is ready and able to give full support to measures of the sort suggested—and then to go on from there—the legal profession will suffer further loss of public esteem and confidence and thus fail to attract the young strength and talent required to fulfill its great mission."

D.—Comments About Committee's Report

This report, of the Special Committee of the ABA, gives much food for thought to which the legal profession should give consideration. This is true with regard to legal education throughout the country, and to all the approved law schools, but it is believed by many that additional consideration must be given to those schools which are not tax supported, and particularly to the 90 percent or more of these in the smaller income brackets. Many of these do excellent work on small budgets. Although population has increased greatly in the last several decades and the need for lawyers' services has multiplied, the number of law students in approved law schools has changed practically not at all in the last 35 years. The number has stood at about 40,000 with little variation either way, barring temporary effects of wars.

Nearly two-thirds of the law schools are private or church-related. Nearly two-thirds of the students in approved law schools are in these schools. Of the total number of law students in the United States, 92.42 percent are in attendance in the approved law schools. There is much evidence that there are not now enough students in approved law schools, at the present rate, to man the legal profession of the future. The evidence is

conclusive that the legal profession cannot carry on for any length of time without the benefit of the private and church-related law schools.

5.—Status of the Drake Law School

The Drake University Law School has a good record. It has been a pioneer in legal education in the midwest for 80 years, and with its predecessor for nearly 95 years. It has always had the approval of all the rating agencies, since these were established as such. There are only 27 schools in this category. It has an excellent faculty of seven full-time and three part-time members, a law librarian and secretaries.

The School has a good law review, partly financed by the Iowa State Bar Association, and distributed semi-annually to 3500 lawyers. The School assists in conducting a worthy and successful legal aid clinic. The Legal Aid Society of Polk County has attractive offices under the supervision of a full-time lawyer and secretary, with senior law students acting as office lawyers and assistant trial lawyers.

The School has an efficient Student Bar Association, of much help to the School, and one that has produced national leadership. The National President in 1952-53 and the Executive (top) Vice President in 1955-56 were Drake law seniors. In later years Drake students have also served as vice presidents and chairmen of important committees.

The School is housed in a good, strong and, for the time being, spacious and attractive building, which, however, is in need of additional remodeling in order to meet a number of current needs, and particularly with regard to additional stackroom space, locker rooms, lounge and discussion room, seminar rooms, and a larger and better office for the Dean. A new building will be necessary in the not too distant future.

In addition to a good workable law library, the Law School is fortunate in that Drake has a good general library near the Law School to supplement the law library. There are a million library books within the City of Des Moines, easily accessible to law students. The high scholastic achievements of the School have been given national recognition in several ways, including the establishment at Drake of a chapter of The Order of the Coif.

6.—Additional Alumni Elected to the Order of the Coif

The Drake Chapter of the Order of the Coif was installed in 1952. An election of alumni members into the Order was held at that time, and with the approval of the National Executive Committee of the Order an additional election was held in 1961. Alumni members elected by classes at the two elections are: 1919 Gregory Brunk (heretofore recipient of an honorary membership); 1920 Blanche Robbins Risher; 1921 Otis D. Babcock, Tolbert C. Moore; 1922 Robert D. Blue, John J. Robinson, Earl F. Wisdom, John Boyd; 1923 Louise Coskery, Arthur J. McGinn, Arthur S. Kirk; 1924 Eustace W. Tomlinson, Paul H. Williams, Curtis Gregory; 1925 Charles R. S. Anderson, Wilma I. Rayburn, Harold V. Levis; 1927 Alvin L. Vandermaast, Richard E. Reichmann, Edwin B. Carpenter (heretofore recipient of an honorary membership); 1928 John A. Blanchard, Claude H. Brown (heretofore recipient of a faculty membership at University of Oregon), J. Rudolph Hansen; 1929 Edward Breen, Eldred E. Wolford; 1930 James P. Irish; 1931

Alvin V. Doran; 1932 Edgar C. Musgrave; 1933 L. E. Hoffman, Howard A. Steele; 1934 Byron M. Ver Ploeg, Edwin Ferguson; 1935 John H. Wallace, Richard E. Williams, Donald H. Mackaman; 1936 John N. Diehl, Philip C. Lovrien; 1937 Richard T. Cabbage, Ruth E. Rouss O'Rourke; 1938 Kathryn Pearlman Levy, Murray B. Nelson, Robert B. Throckmorton (heretofore recipient of an honorary membership); 1939 Theodore W. Doran, Edward F. McCartan, Edward J. Kelley; 1940 Roy W. Meadows, William H. Wisdom; 1941 Joy B. Hix Boyce, Lorna L. Williams, Norman K. Blatchford; 1942 George W. Templeton, Edward S. Tesdell, Jr.; 1945 Frank N. Rasmussen; 1948 Dee L. Frost, Ray H. Johnson, Jr., William W. Sullivan; 1949 W. Douglas Bell, John D. Galvin, Dale L. Porter; 1950 Theodore T. Duffield, Bert S. Prunty, Jr.; 1951 Donald C. Byers, Arthur B. Reinwald, Richard C. Scheidt.

Lawyers elected by the Drake Chapter to honorary Coif membership since 1952 include Judge Roy L. Stephenson, Thomas B. Roberts, Burt J. Thompson, and the following Drake graduates in addition to those listed in the preceding paragraph: 1920 Olle G. Clause; 1925 H. G. Cartwright; 1927 Philip H. Cless, C. Edwin Moore.

The following students were elected to membership in course in the Order of the Coif, in 1961: James E. Knox, Jr., Wayne G. Pritchard, and Richard E. Ramsey. Mr. Knox is presently clerk to Justice Tom C. Clark of the Supreme Court of the United States.