Report of the Dean of the LSU Law School

Paul M. Hebert
EDITORIAL

REPORT OF THE DEAN OF THE LSU LAW SCHOOL

Paul M. Hebert

To the President of the University:

Sir,—I have the honor to present the biennial report of the Law School for the period 1962-1964.

I. THE LAW SCHOOL LOOKS AT THE FUTURE

Legal education at Louisiana State University cannot be allowed to lag behind. The kind of society in which we live, with its increased tempo in local, state, national and international affairs, makes it imperative that the LSU Law School plan effectively for the future. Its programs must embrace broadened areas of service touching a wide variety of legal developments in the more important subjects of public, private, and commercial law.

In the Biennial Report for 1960-1962, needs of the Law School were referred to in these terms:

"Since its founding in 1906 the Law School of Louisiana State University has had tremendous impact upon the leadership of the State of Louisiana. The influence of the School is reflected in the careers of many distinguished Louisiana citizens who have had prominent part in shaping the destiny of our State and who have exerted far-reaching effect upon the development of the State's economy, its industries, its resources, its governmental structure, and in the fashioning of the legal system under which the affairs of the people of Louisiana are carried on. In the list of the alumni are leading lawyers, judges, statesmen, legislators and public officials, including one former Governor and a United States Senator, in addition to a large number of graduates who have had prominent part in varied activities of leadership.

"The broad area of service depicted in the Law School's history indicates the kind of demands at increased levels of efficiency which will be exacted of the Law School during the next twenty-five years. In these ensuing years the law
EDITORIAL

will be destined to play an ever-increasing part in contributing to the solution of problems of an advancing more complex society.

"Louisiana with its two legal systems has special problems in legal education which tend to magnify the current needs of the Law School and in turn serve to enhance the opportunities for service. The University must continue to develop the Law School as a comprehensive legal center serving as a focus of activity devoted to study, teaching and research into legal problems as they are reflected in the two great legal systems of the western world.

"The Law School of Louisiana State University cannot afford to stand still in its development, for in this age, to attempt to stand still is inevitably to fall far behind. The Law School has many needs and its most pressing needs may be summarized under two main headings: (1) The need for expansion of faculty, staff, personnel and added financial support to carry on teaching and research at increased levels of effectiveness; (2) the need for expansion of physical facilities to meet the growing responsibilities that will be thrust upon the Law School in the immediately ensuing years."

The basic needs referred to are still acute. We can record certain steps made toward their solution.

Operating Support

I am pleased to report that during the biennium, progress has been made in meeting some of the operating needs. With the help of the University administration, a limited amount of additional funds have been allocated to the Law School for the more pressing deficiencies in operations. This includes the establishment of two additional faculty positions to provide, in part, for greater teaching efficiency by dividing a number of the large first-year classes into two sections. Some research support and similar funds for personnel which had to be curtailed because of the state's financial emergency during the first year of the biennium have now been restored. In addition, progress has been made in the growth and development of the Law Library by increasing the book fund allocation to $40,000 during the academic year 1963-1964. At this writing the collection has
grown to 118,699 volumes, twenty-first in size among law school libraries.

Pressing need still exists for additional teaching personnel to make further progress in sectionalizing large classes and in providing coverage of certain specialized subjects, such, for example, as labor law. The Law School also has a continuing need for funds for additional research appointments, funds for the expanded programs in civil, foreign, and comparative law, funds for additional professional staff for the Law Library and funds for virtually all items of expense incident to current operations. A most serious need exists to augment the extremely limited scholarship resources available to the Law School. A start should be made toward providing several appointments at the level of teaching fellows in order to make possible further improvement in the moot court work and to inaugurate programs in legal writing for students who are not selected for the Law Review. I am pleased to say that the President and the University's Budget Committee have shown keen understanding of the Law School's needs for development in each of these important matters. Further gains in meeting the problems of the Law School can be made if additional funds are allocated to the University during the ensuing biennium. Realization of the University's request for additional legislative appropriations is thus as vital to the Law School as it is to all major divisions of the University.

Improvement of Physical Facilities

During the biennium the Board of Supervisors was furnished a comprehensive report setting forth the Law School's need for an improvement of its physical plant to take care of the growth in all Law School activities, to house the expanded library and to provide additional seminar rooms, classrooms and more adequate office and other work areas for faculty, students, and the staff of the Louisiana State Law Institute. With its year around activities, which include the nine weeks summer term, a completely air-conditioned facility has become a necessity. No air-conditioned classrooms are presently available. The present building was designed almost thirty years ago and is no longer adequate or comparable to the modern law school centers which have been erected in recent years at other strong law schools. The present law dormitory is completely substandard when compared with other housing units for men students.
on the University campus. Equipment needs are extensive and essential for efficiency at the high professional level of the Law School's activity.

Reports on these subjects have been made to the University Administration over a number of years. The Law School's need for expansion and improvement in its facilities has been included in capital outlay requests submitted to the state authorities as part of the University's building needs. Further progress toward a more complete realization of these projects has not been possible for lack of funds.

At a meeting of the Board of Supervisors held in Alexandria on April 6, 1963, an oral presentation of the Law School's development needs was made by the Dean. The Board's attention was specifically directed to the broad mission of the Law School in teaching, research, and public service. The concept of an expanded Law Center was discussed and the Board went on record as expressing its willingness to keep the problems of the Law School on its active agenda until solutions are reached. By unanimous action the Board adopted a resolution authorizing the President to recommend to the State Bond and Building Commission that sufficient funds, as determined by the President, be allotted to make initial surveys and studies of the feasibility and cost of an expanded Law Center. Although an allocation has not yet been made by the state pursuant to this action, through the interest and support of President Hunter, the expansion project is being furthered by a program under which certain members of the Board and University administrators have undertaken to visit recently constructed law school facilities at a number of other leading law schools with a view toward obtaining first-hand impressions and background for further planning. Such visits have already been made to the University of Chicago, University of Illinois, and Duke University. Several other similar visits are scheduled for the latter part of the 1963-64 academic year. Additional assistance in this regard is expected from a visitation committee from the Association of American Law Schools whose suggestions should be available in the Spring of 1964.

It is to be hoped that the legislature in 1964 will make allocations to the University for capital improvements in an amount sufficient to make it possible for early action to be taken to rem-
edy the situation faced by the Law School in regard to its physical facilities.

II. THE FACULTY

The strength of a Law School is best reflected in the professional stature and work of its faculty members. Both years of the biennium have been marked by the high quality of work of the regular faculty group. The normal busy program of work was varied and augmented by the appointment of distinguished visitors who have participated in the teaching program.

Professor Carl H. Fulda, J.U.D., LL.B., of the Law Faculty of Ohio State University served as Visiting Professor of Law during the Fall Semester of 1962-1963. Mr. Fulda, a recognized authority in the field of trade regulation, during his sojourn offered a special course in the Law of International Trade. This offering permitted law students to undertake a survey of some of the principal legal problems encountered by American business engaged in foreign trade, with particular reference to the recent impact of the European common market. Professor Fulda also conducted a seminar in regulated industries in which there was an extensive exploration of the legal aspects of regulation of certain specified industries within the framework of free competition. Special emphasis was placed upon problems involving the transportation and television industries. An additional seminar given by Mr. Fulda was in the field of the legal process. Students were required to make intensive studies of certain specific selected problems which illustrate the lawyer's role in legislation, the reasons for legislative action, and the impact of judge-made and legislative law on the freedom of private persons to arrange their own affairs. This teaching program, which was especially arranged because of Mr. Fulda's availability, illustrates added areas of great importance in the field of public law to which more attention must be devoted in the law school's plans for improving its regular course offerings.

Professor John Percy Dalzell of the University of North Carolina, and one of its outstanding senior members, served as visiting professor during the Fall Semester of 1963-1964. Mr. Dalzell offered one of the first-year sections in the regular Contracts course during the absence of Professor J. Denson Smith, who was on sabbatical leave. He also taught the regular course in International Law which attracted a rather large enrollment.
His participation in the work of the Law School was of great value to the students who were privileged to sit in his classes. It was of considerable benefit to the administration and faculty to be able to discuss a wide range of matters pertaining to legal education with Professor Dalzell during his sojourn.

Professor James Hector Currie, formerly a member of the faculty of the University of Mississippi, was appointed as Visiting Professor for the Fall Semester of 1963-1964 to offer lectures in the first-year course on Introduction to Common Law and to give the advanced course in Bankruptcy and Financial Reorganization. It is a pleasure to report that Mr. Currie has now accepted a permanent appointment to the faculty effective with the second semester beginning February 1, 1964. In the 1964 Spring Semester he is teaching the courses in Constitutional Law and is inaugurating a course offering in Copyright Law. The Law School is pleased to welcome Mr. Currie to its regular faculty. He is a former Rhodes scholar holding two degrees from Oxford. His legal education was received at Yale University where he took his law degree in 1942. He is a member of the Georgia bar and served on the law faculty at Mississippi from 1948 to 1963. His scholarly background and long experience in law school teaching combine to make Mr. Currie's appointment a most valuable addition to the faculty. His work in the classroom has been received with enthusiasm by his students.

With considerable regret, I report the resignations of Associate Professor Thomas Sholars Currier and Assistant Professor David W. Robertson. Mr. Currier, a former member of the Tulane Law Faculty, joined the LSU Faculty in September of 1962 to offer courses in Labor Law and Constitutional Law. He also served as Faculty Editor of the Louisiana Law Review. He has accepted an appointment at the University of Virginia Law School effective at the opening of the second semester 1963-1964. Although Mr. Currier's service to the Law School was for the relatively brief period of less than two academic years, the high quality of his work had endeared him to those with whom he had come in contact. The bright professional future open to him makes his departure a distinct loss to the school. The best wishes of the law faculty accompany him in his challenging new assignment at Virginia.

Mr. David W. Robertson leaves the faculty at the conclusion
of the 1963-64 academic year to accept an appointment as Sterling Fellow at the Yale Law School where he will undertake graduate studies. Mr. Robertson, a 1961 honor graduate and former Associate Editor of the Law Review, joined the faculty in 1962. He has taught with great effectiveness such important courses as Torts, Introduction to Common Law, Trusts, and Sales. He has also made a noted contribution to the school's work in the capacity of Faculty Adviser for the Moot Court Program. During the biennium Mr. Robertson served as a consultant to the Louisiana State Bar Association's Law Reform Committee performing research and draftsmanship in the preparation of a comprehensive revision of the Louisiana Business Corporation Act. This work is to be presented for legislative adoption at the Regular Session of 1964. Mr. Robertson's work in each assignment entrusted to him was of the very highest order. His colleagues of the faculty predict a brilliant future for him in whatever professional work he may undertake. It is to be hoped that he will eventually return to the field of legal education even though he may, for an interim period, decide to follow his inclination eventually to enter private practice. The latter factor prompted him to decline a continuation of his faculty appointment with us for 1964-1965.

During the biennium, in order to handle the instructional load incident to the increasing enrollments, it was necessary to add to the part-time teaching staff.

Mr. Harry R. Sachse of the Baton Rouge Bar, an honor graduate of the Law School and the holder of a diploma in comparative law earned as a Fulbright Scholar at the University of Paris, lectured during 1962-1963 in the Civil Law Property course. Mr. Sachse subsequently accepted a full-time teaching position at Tulane for the academic year 1963-1964.

Mr. R. Gordon Kean, Attorney for the City-Parish of East Baton Rouge, an outstanding LSU law graduate and a leading local practitioner, served as special lecturer in law to offer the regular course in State and Local Taxation in both years of the biennium. Mr. Kean's broad practical experience in this field makes his teaching contribution one of particular value.

Mr. Frank Craig, a prominent member of the Baton Rouge bar and a high-ranking graduate from the class of 1940, has accepted a part-time lecturership to offer the course in Family
Law during the Second Semester of 1963-1964. He fills a position temporarily vacant due to the sabbatical leave granted to Mr. Pascal. Mr. Craig has, on several occasions, assisted the Law School in a similar manner. His conscientious and stimulating teaching is always of great benefit to his students.

Mr. Jerre Lloyd, former judicial administrator for Louisiana, and an extremely able recent graduate, has accepted temporary appointment as part-time lecturer and research associate. Mr. Lloyd will teach one of the sections in the Family Law course in the Spring Semester of 1963-1964 during the remainder of Mr. Pascal’s leave.

Mr. Alvin B. Rubin of the Baton Rouge Bar and Mr. Benjamin W. Yancey of the New Orleans Bar, both long-time lecturers in the Law School, have again assisted with their respective course offerings. Mr. Rubin continues to offer his popular course in Tax Law and Estate Planning and is teaching a section of Civil Law Property. Mr. Yancey, in the Spring Semester 1963-1964, will offer his course in Admiralty which will be open again to practitioners in the greater Baton Rouge area as well as to law students.

A number of significant professional honors were received by members of the law faculty during the period covered by this report. A complete enumeration of such matters is not possible in the limited space of this report but specific mention is made of the following:

Professor Henry George McMahon was named a Boyd Professor in 1963. He is the first member of the law faculty and the 12th member of the University faculty to receive such an appointment. In 1962 Mr. McMahon received the Hatton W. Sumners Award from the Southwestern Legal Foundation of Southern Methodist University and the honorary degree of Doctor of Laws from Loyola University of the South. These honors all reflect the widespread recognition of his distinguished scholarship in the field of Civil Procedure as well as the leading role he has occupied as chief coordinating draftsman for the new Louisiana Code of Civil Procedure, a project of the Louisiana State Law Institute, adopted by the legislature in 1960.

Professor Joseph Dainow has been notified by the Rector of the University of Ghent that the degree of doctor of laws honoris causa has been conferred upon him by the Faculty of
Law of that University with the approval of the University Board. This action is a tribute to Professor Dainow for his services rendered to the University of Ghent during his sabbatical leave of 1962-1963. While at Ghent, Mr. Dainow participated in a seminar in comparative civil law and lectured on a variety of topics in public law, judicial organization, Anglo-American common law, and Louisiana law. Mr. Dainow also lectured at the universities of Brussels and Liège and at universities in Germany, Luxembourg, France, England and Denmark. The full details of his professional activity while abroad during the past academic year illustrates the value of the sabbatical leave support accorded such work under the present policies of our University.

Professor Wex S. Malone during the past two years has held the high honor of the national presidency of The Order of the Coif. During 1962 he served legal education at the national level through his membership on the Executive Committee of the Association of American Law Schools. He continues to serve as an adviser on the American Law Institute's Restatement of the Law of Torts. These honors all testify to the high regard held for his scholarly contributions in the fields of his special interests.

Faculty members, in addition to Mr. Dainow, who were away on sabbatical leaves included: Professor Pascal, during the entire year 1963-1964 for participation in seminars and lectures at the Institute of Comparative Law, University of Rome; and Professor J. Denson Smith, in the first semester 1963-1964 for research, writing, and travel in England, Scotland, Spain, France, and Italy. Leaves of this character are most beneficial to the faculty members involved, as well as to the teachers, lawyers, and students with whom they come in contact during their respective sojourns abroad.

Professor Rudolph Wietholter of the University of Frankfurt, Germany, has accepted appointment as Visiting Professor of Law for a three-months period during the Spring Semester of 1963-1964. Professor Wietholter will participate in the advanced Seminar in Comparative Civil Law, will lecture in several of the civil law courses, and will be available to collaborate with members of the faculty in regard to the furtherance of the Law School's interest in civil law studies related to Louisiana law.
Professor G. de Grooth, of the University of Leyden, will serve as Visiting Professor during the month of March 1964. He will conduct a seminar in the law of Obligations and will collaborate with other members of the regular civil law faculty in certain of the regular courses.

III. VISITING LECTURERS

During 1962-1964 the visiting lecturers program inaugurated several years ago was continued with marked success. Lecturers on numerous legal topics not specifically covered elsewhere in the curriculum were arranged for by a special faculty committee and the Law School was exceptionally fortunate in obtaining noted leaders in the various fields of the law to participate in the series. The visitors and their respective topics included: Carl H. Fulda, Professor of Law, Ohio State University — “The Common Market”; George W. Hardy, Jr., Judge, Louisiana Court of Appeal, Second Circuit, “Three Views of Truth — An Examination of the Adversary Process”; Brainerd Currie, Professor of Law, Duke University, “Maritime Injury and Death”; Myres S. McDougal, Professor of Law, Yale University, “Customary Law of Outer Space”; James W. Moore, Professor of Law, Yale University, “Conflict Between State and Federal Jurisdiction”; DeLesseps S. Morrison, United States Ambassador to Organization of American States, “New Horizons in Latin America”; Herbert Wechsler, Professor of Law, Columbia University, “Major Proposals of the Model Penal Code”; Charles J. Zinn, Law Revision Counsel, U. S. House of Representatives, Committee on the Judiciary, Washington, D.C. — “How Our Federal Laws are Made”; Ernest A. Gross, Attorney, New York, — “The International Judicial Process and the Rule of Law”; E. Gordon West, Judge, U. S. District Court, “The Role of the Lawyer in Pre-Trial Procedures”; Robert C. Finley, Judge Supreme Court of Washington — “Notes on the Law and the Judging Function”; Zelman Cowen, Dean, University of Melbourne Law School (Australia) — “The British Commonwealth: The Challenge of the Common Market.”

Among the lecturers scheduled to appear during the Spring Semester of 1963-1964 are: A. Leo Levin, Professor of Law, University of Pennsylvania; Paul G. Kauper, Professor of Law, University of Michigan, as the Edward Douglass White Lecturer; and Frank Scott, Dean, McGill University Faculty of Law.
The 1962 Edward Douglass White Lectures were delivered by Jerome Hall, Distinguished Service Professor of Law, Indiana University, on the general theme of "The Philosophy of Comparative Law." The expanded lectures have been published by the Louisiana State University Press under the title *Comparative Law and Social Theory* (1963). The publication constitutes an important addition to the long list of scholarly studies which have come from the Edward Douglass White Lecture Series through the years. The 1963 White Lectures, arranged by the Department of Government, were devoted to the subject "The Governors and the Governed" and were delivered by Professor William A. Robson of the London School of Economics, University of London. The value of Professor Robson's lectures will likewise be preserved in a forthcoming publication by the University Press.

IV. THE BAILEY LECTURESHIPS

James J. Bailey was a distinguished graduate of the Law School, Class of 1934. He served as a state senator from East Baton Rouge and for many years was an active practitioner and leader of the bar in the Baton Rouge area. His untimely death in 1961 was a distinct loss to the legal profession in Louisiana.

As a fitting and lasting memorial to her late husband, Mrs. Fairfax Foster Sutter has made substantial donations to the LSU Foundation to enable the Law School to inaugurate a series of occasional lectures to be given by eminent scholars who are to be chosen from varied fields in the law. The plan for the lectureships contemplates that the lectures will be published so as to constitute a lasting contribution to legal literature. As a result of the donor's generosity in making these donations, the Law School is now in a position to plan effectively for the first in the series, now tentatively scheduled for the Fall of 1964. This support of the Law School, by furthering objectives for which University funds would not be sufficient, is a most valuable addition to the total program. The Law School expresses to the donor its gratitude for her vision and generosity in selecting this means of aiding the Law School's work. We can look forward to the time when the delivery of the Bailey Lectures will mark one of the most important periods in the Law School's calendar, an appropriate memorial to the much-beloved alumnus whose name they will bear.
V. THE STUDENT BODY

Student enrollment continues to grow and the impact of this growth will be with us considerably into the future. In 1960-61 there were 219 students in Law School. The number increased to 231 in 1961-62. Comparison with the biennium 1962-1964 is reflected in these figures:

<table>
<thead>
<tr>
<th></th>
<th>Fall 1962-1963</th>
<th>Fall 1963-1964</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students</td>
<td>267</td>
<td>299</td>
</tr>
<tr>
<td>First Year</td>
<td>126</td>
<td>153</td>
</tr>
<tr>
<td>Second Year</td>
<td>86</td>
<td>87</td>
</tr>
<tr>
<td>Third Year</td>
<td>55</td>
<td>58</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

LL.B. Degrees Awarded:

<table>
<thead>
<tr>
<th></th>
<th>January 1963</th>
<th>January 1964</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidates</td>
<td>21</td>
<td>12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>June &amp; August 1963</th>
<th>June &amp; August 1964</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidates</td>
<td>37</td>
<td>46</td>
</tr>
</tbody>
</table>

These figures show an increase of 26% in the total number of students in the biennium 1962-1964 over the total for the two-year preceding period. An increase of approximately 11% in each of the first-year classes during the past four years has taken place. The larger size of the first year classes has justified the policy of attempting to provide at least two sections of each first year course offering, a program which will be completed as rapidly as faculty personnel can be added for this purpose.

In the last biennial report comment was made on the increasing concern of the law faculty over the problem of the relatively high rate of student drop outs and failures in the first year. The admission standards adopted in 1960 were recognized to be too low for a complete solution to this problem, but it was hoped that the 1960 standards would serve as a motivation to prospective students to prepare themselves better for the study of law. Since 1960, experience has demonstrated that only 51% of the students entering Law School earned satisfactory scholastic records.

Both the scholastic record in prelegal studies and the score of the Law School Admission Test are valid evidences of the
adequate preparation for law study. A combination of the two factors provides an excellent basis for prediction of success or failure. During the past three years, when a minimum combination total of 450 was required for admission, successful work has been done by only 8% of the students having a combination total of 450 to 499, by 28% having a total of 500 to 549, and by 71% having a total of 550 and above.

On the basis of this experience, the faculty of the Law School has amended its Standards of Admission by raising the minimum combination total from 450 to 550. Applicants for admission will be required to present a scholastic average of at least 1.0 (C average) and a combined average with the Law School Admission test score of at least 550. This means that a student with a bare “C” average would require a minimum of 450 on the LSAT score, with a higher scholastic average operating to reduce the LSAT requirement. The new standard is to be put into effect progressively through exceptions made applicable to the years 1964-1965 and 1965-1966.

It is believed that this change should insure that a higher proportion of applicants will be more adequately prepared for law study and that the attrition rate resulting from scholastic failures should be reduced. The raising of admission standards should be accompanied by scholarship aid to attract a larger number of especially gifted law students. It is hoped that funds can be made available for such awards as the legal profession must make further gains in its ability to attract to its ranks future leaders of marked ability.

VI. PLACEMENT SERVICE

Realizing the importance of professional placement both to the young lawyers and to those seeking their services, the Law School each year makes special efforts to assist in matching each professional opportunity with the availability of law graduates. This activity is participated in by virtually every member of the faculty who gives generously of his time in interviews, in making evaluations, and in preparing recommendations. On the basis of extensive personal interviews and other essential data, information concerning the plans of each graduate is kept current in order to facilitate this work.

The placement service is coordinated by Associate Dean
Milton M. Harrison, who devotes a considerable portion of his time to necessary interviewing and to making the required contacts with members of the bar and others seeking the services of law school graduates. In recent years, the Law School has been unable to fill all of the requests received simply because the demand has been much greater than the number of available graduates. The Placement Service is a most important feature of the Law School's work because the decisions made in this phase of the senior law student's status often determine and fashion the entire character of his future professional career. This factor justifies the time, attention, and services rendered by the Law School in effecting mutually satisfactory placements of so many of its graduates.

VII. THE MOOT COURT WORK

Reference was made in the last biennial report of the progress made in adopting additional measures in the nature of formal instruction in advocacy as a means of strengthening the work of the Moot Court programs. These efforts have been continued and procedures have been reviewed and further revised. The first round of the competition is now a civil jury trial and the second round consists of an oral appellate argument with students required to present written appellate briefs.

Assistant Professor David W. Robertson, Faculty Adviser for the Moot Court Program during the current biennium, has inaugurated the preparation of written critiques of the preliminary briefs submitted by the participants. The comprehensive critique is intended to provide some measure of training in legal writing and analysis similar to that received by law review students. It has proved to be extremely beneficial to students participating in the Moot Court work.

The student Moot Court Board has sponsored an excellent lecture series devoted to trial and appellate advocacy. This series has been aided by a group of able practitioners and judges who have lectured to participants in the program on such pertinent subjects as pretrial procedure, preparation of a case for trial, techniques of oral argument, preparation of briefs, and similar matters.

It is evident that student participants now devote a far greater amount of time and effort to the program and, in gen-
eral, the quality and quantity of participation has been required to be considerably higher than in the past. Members of the Moot Court Board and the Faculty Adviser are to be commended upon the numerous improvements made in the substantive and administrative aspects of the Moot Court program.

Winners of the finals during the biennium were:

1963 1964
Carey J. Guglielmo Leon Gary, Jr.
James E. Phillips, Jr. Eldon T. Harvey III

VIII. THE LOUISIANA LAW REVIEW

The Louisiana Law Review continues to be one of the most important teaching means available to the law faculty. Students who have the scholastic attainments to be selected for the demanding and high quality work in research and writing required in law review work receive the full benefit of working under the immediate supervision of faculty members. Intensive work on casenotes and comments, aided by the careful editing of the student editors, affords a type of training in legal writing which is invaluable to the student. Examination of any issue of the Review will reveal the broad scope of subject matter treated in the student contributions. They reflect many man-hours of work and the quality of the student product evokes favorable comments from the courts and from the attorneys who have occasion to use this material.

The student editorial boards under the guidance of Mr. Currier have achieved a high level of performance and are to be congratulated. With the resignation of Mr. Currier as Faculty Editor, Professor George W. Pugh has resumed the faculty editorship for the second semester 1963-1964. He will serve until the inception of his sabbatical leave in June of 1964.

IX. COURSES AND CURRICULUM

During the biennium the faculty put into effect several significant changes in the course content of the first year curriculum. A new course called Introduction to Civil Law was inaugurated as a means of providing a more systematic and comprehensive approach to the study of the Louisiana civil law. The course deals with civilian philosophy and tradition in historical perspective, including the ancient and classical Roman
law, the Justinian compilation, the eras of reception and codification, and contrasts between the philosophy of the civil law and the common law in the twentieth century. The Louisiana experience with codification is examined in broad historical context and fundamental ideas related to law and legal institutions are considered. Graduates of the Law School of the era of the late esteemed Dean Robert Lee Tullis will recall a comparable course which was offered for many years by Dean Tullis as a regular part of his own teaching program in the civil law. It is believed that the new introductory course will provide an essential basis for deeper understanding of the Louisiana legal system as a whole.

The effectiveness of this approach should be enhanced by two companion courses of the first semester of the first year — Basic Civil Procedure and Introduction to Common Law. The former is a broad introductory course consisting of a study of the organization and operation of the judicial system, of the functions served by the basic procedural devices and remedies, and of the administration of justice. This new procedural course is designed as a foundation for the more advanced procedural courses such as Louisiana Practice, which has now been shifted to the senior year, and Federal Jurisdiction and Procedure. The Introduction to Common Law course, as its name implies, is an introduction into the philosophy, history, and the development of the Anglo-American common law in relation to the legal system of Louisiana.

Traditionally many law students are inclined to react unfavorably to introductory work of this nature. These offerings are, however, in keeping with a marked trend recognizing the necessity for such approaches to legal study in the first year. Louisiana, as a “mixed” civil law jurisdiction, has far greater need for such work on the part of its students because the extensive foundation courses in Roman Law so characteristic of the curriculum in typical civil law jurisdictions are not given. The entire plan will be carefully appraised to ascertain the extent to which it broadens the students’ capacities for the more advanced course work.

Other course additions of the biennium, to be offered as required by student demand, include the courses in international trade, regulated industries, and legal process. The seminar work in comparative civil procedure, criminal procedure, in problems
of proof and in oil and gas law have provided a variety of opportunities for individual student work of greater depth through the research and writing opportunities these new seminars afford.

Curriculum committees are continuing their studies of the entire offerings of law courses with a view toward suggesting to the faculty those additional changes that are called for by the many factors pressing for appropriate adjustments in the respective subject-matter fields of the law.

X. THE LAW LIBRARY

The holdings of the Law Library as of June 30, 1963, have risen to 118,699 with 8,667 volumes added in the two-year period 1961-1963. This growth has been made possible by additional allocations of $16,500 added to the book fund budget by action of the President during the biennium. Such gratifying support given by high administrative officials of the University has been indispensable to the efforts made to maintain the Law Library's strength both in the collection and in its services. Grateful acknowledgment is made of the work of the Law Librarian, Miss Kate Wallach, and of her dedicated staff in building the collection into one of the more important law school libraries ranking among the finest in the South and exceeded in volume count only by such extensive southern collections as those of the University of Texas, University of Virginia, and Duke University.

An outstanding acquisition was the recent donation of the "Tucker Civil Law Collection" by Colonel John H. Tucker, jr., and his wife, Mrs. Hortense Rigby Tucker. The Tucker Collection is undoubtedly one of the finest private collections of civil law materials ever to be assembled by a member of the bar. It is a remarkable complement to the Library's extensive Lenel Collection of Roman law materials. At the time of the donation the collection comprised 3141 volumes and was appraised by the Law Librarian Emeritus of Columbia University at a value of $20,610. The Tucker Collection will eventually be housed in a special room and maintained as a separate unit when expanded and new facilities are made available to the Law Library. In the words of Law Librarian, Miss Kate Wallach:

"The materials in this collection vividly display the growth of the civil law from its beginning, Roman law, through the
various stages of development in France and Louisiana. There are comparative source materials from several other countries; a complete Louisiana collection. The general texts show the exceptionally broad interest of this practicing attorney in history, philosophy and literature, besides legal philosophy, trials and biographies of lawyers.”

Mr. and Mrs. Tucker will continue to defray the costs of current acquisitions and further additions to the Tucker Collection during the period in which Colonel Tucker has reserved the use and possession of the books under the terms of the donation. In addition, at the special request of the Dean, arrangements were made for a portrait of Colonel Tucker which was done by the distinguished English artist, A. Egerton Cooper. The portrait commission has been executed and the portrait has been delivered to the Law School for preservation in the Dean’s office pending the completion of further plans for the housing of the Tucker collection. Its cost was defrayed from a special donation made to the Law School by Mrs. Tucker. Acquisition of the Tucker Collection should, over the years, be an added stimulus to students and faculty alike in their study and research in the civil law.

The LSU Foundation has made grants totalling $5300.00 to the Law Library. These funds were expanded in part to purchase a special edition of English Statutes of the Realm. The balance of the allocation has been ear-marked for purchases of foreign materials in procedure, both civil and criminal, for certain special research projects now in progress and for the general upkeep of the French civil law collection. Mention should be made of cash gifts of $200.00 made by Mrs. Doris Gates Rankin of the Baton Rouge bar. This fund will be used for materials of special use to students participating in the Flory Moot Court trials.

Additional University support given to the library in the current year has made it possible to obtain a modern efficient photocopying machine which has multiple uses in servicing the needs of the faculty, students, and members of the bar at a minimal cost.

Obtaining professionally qualified staff replacements is a continuing problem. Miss Shirley Birdsall, Reference Librarian, resigned in 1962 to accept a position as head librarian elsewhere.
It has been necessary for a temporary period to utilize student assistants to carry the work load in the face of inability to obtain a professionally trained replacement. It is expected that a more comprehensive solution of the problem of obtaining library personnel will be achieved by the end of the current academic year. The solution must eventually embrace a training program designed to combine work needs with the special training expected to of those who bear particular responsibilities in the Law Library.

The Librarian's detailed report, including a full analysis of the volume count, setting forth the manner in which the total book budget has been expended over a four-year period and containing illustrative listing of book acquisitions divided into major subject-matter fields, is on file in the Dean's office.

XI. PUBLICATIONS BY THE FACULTY

During the biennium the faculty contributed significantly to the periodical literature through articles and book reviews. A complete listing of faculty publications is on file in the Dean's office. Specific mention should be made of the following books and compiled materials:

_Cases and Materials on Workmen's Compensation_, by Professor Wex S. Malone in collaboration with Professor Marcus L. Plant of the University of Michigan School of Law, published by West Publishing Company as part of the American Casebook Series (June, 1963).


_Revised Edition of Louisiana and Comparative Materials on_
Conventional Obligations (Lithoprinted, 1962) by Professor J. Denson Smith.

Revised Edition of Louisiana and Comparative Materials on Sales and Leases (Lithoprinted) by Professor J. Denson Smith, published in 1963.

Guide to Foreign Legal Acquisitions (mimeographed 27 p.) prepared by Associate Professor and Law Librarian, Kate Wallach, for participants of a panel on Foreign Law, American Association of Law Libraries, San Francisco, July, 1962.


The faculty's publications appearing in the Louisiana Law Review and in other scholarly journals are evidence of the constant research activity made possible with University support in a wide variety of fields of interest.

XII. OTHER FACULTY ACTIVITIES

Professor Dale E. Bennett continues to serve as Chief Reporter and General Coordinator of the Louisiana State Law Institute's revision of the Code of Criminal Procedure, a project undertaken by mandate from the Louisiana legislature. He has also served as Reporter for the Special Committee of the Judicial Council of Louisiana to prepare a statute to govern transcripts of the record for appeals in criminal cases. In addition to his writings appearing in legal periodicals and other publications, he is in frequent demand as lecturer and speaker before various professional and similar organizations. During the biennium, he delivered papers before the Criminal Law Section of the Louisiana State Bar Association, the Louisiana State Law Institute's general membership meeting, the meeting of Law Enforcement Officers, the Special State Seminar for Fire Prevention Officers, and the Louisiana Judicial Seminar.

Associate Professor Thomas S. Currier served during the major part of the biennium as Faculty Editor of the Louisiana Law Review. In that capacity, he was the 1963 Program Chairman of the Southern Law Review Conference.

Professor Joseph Dainow, as noted above, served as a Ful-
bright lecturer on American and Comparative Law at the University of Ghent during 1962-63. He has conducted further studies into the movement for civil code revision in Belgium and in France and, in addition to various publications in periodical literature, has contributed an essay on points of comparison between civil law and common law which is being published in a volume of essays honoring Professor Louis Fredericq.

Professor Melvin G. Dakin is continuing his research into rate-making principles applied by utility regulatory agencies. The results of his comprehensive study of the changing nature of utility rate regulation were published in two articles appearing in the Tulane Law Review in 1962. He is currently engaged in special studies of area pricing for natural gas regulation and is studying the use of accounting and corporate finance analyses in the teaching of the bankruptcy course. This latter subject was treated in a paper delivered by Professor Dakin before the Round Table on Creditors Rights at the 1963 meeting of the Association of American Law Schools.

Associate Professor George W. Hardy, III, as holder of the Chair in Mineral Law, is conducting further research on the nature of the Louisiana mineral servitude and mineral royalty. He is preparing student materials for his course in Mineral Rights, is serving as Reporter for the Louisiana State Law Institute's project to codify Louisiana mineral law, has edited a news letter for the Mineral Law Section of the Louisiana State Bar Association, and has served in an advisory capacity for a special research project being undertaken by the Louisiana State Mineral Board. Mr. Hardy also edited the Proceedings of the Ninth and Tenth Institutes on Mineral Law. This activity in the expansion of the Law School's work in mineral law has been made possible by the Superior Oil Company's generous grant for the establishment of a special faculty position in this field.

Associate Professor Carlos E. Lazarus has conducted research and studies designed for the preparation of much needed teaching materials for the Law School's course on Successions and Donations. He has assisted the Louisiana State Law Institute on a variety of legislative matters and has made contributions as consulting editor to publications of the Probate Section of the Louisiana State Bar Association.
Professor Henry George McMahon's current research and writing is being devoted to the completion of the remaining two volumes of annotated form series being prepared in collaboration with Mr. Alvin B. Rubin of the Law School's part-time faculty. The first volume which has appeared in print is a service of far-reaching importance to the legal profession of Louisiana. Mr. McMahon is active in the work of the Judicial Council, the Louisiana State Bar Association, and a number of other important professional groups. In 1963 he delivered a paper on constitutional home rule and general legislation affecting municipalities before a meeting of the Louisiana Cities Attorneys Association.

Professor Wex S. Malone is continuing his research and writings for the preparation of a comprehensive text on Wrongful Death and Survivorship. He also has in progress work on a fourth supplement to his book on Louisiana Workmen's Compensation Law and Practice. He has served on important committees of the Association of American Law Schools and on the Round Table Council on Torts. He has delivered papers in his field before the Institute of Louisiana Appellate Judges in 1962, before the Institute of Southern Supreme Court Justices held under the auspices of the American Bar Association in Tuscaloosa, Alabama, in August 1963, and before the annual meeting of the Claims Adjusters Association of Louisiana in December of 1962. Mr. Malone will serve as Visiting Professor of the University of Michigan in the summer of 1964.

Professor Robert A. Pascal, during the biennium, completed the research for the preparation of his two-volume Readings in the Louisiana Law of Family designed for instructional use in the Law School's first year course in this subject. During a portion of the biennium he acted as consultant for the Louisiana State Law Institute project for the revision of the Louisiana Trusts Estate Law. He is currently lecturing at the University of Rome.

Professor George W. Pugh is serving as a Fellow with five other American law professors in conducting a comparative study of the administration of justice. This project was established under the terms of a grant made by the Ford Foundation to Loyola University of Chicago. It embraces field studies into the law of evidence and the actual administration of civil and criminal procedure in selected countries throughout the world.
Mr. Pugh will continue further field investigations in France between June and October of 1964 and in the Republic of South Africa from October 1964 to January of 1965. He has been active in a number of professional meetings and seminars devoted to the problems of the judiciary in the fields of evidence, civil procedure, and judicial organization.

Professor J. Denson Smith has served as director of the Louisiana State Law Institute and has had a prominent part in furthering the Institute's projects for the revision of the Louisiana Code of Criminal Procedure, the revision of the Law of Trusts, and the work of the Institute's Civil Law section. As indicated above, Mr. Smith was away on sabbatical leave during the fall semester of the current academic year. His research activities were related to the preparation of revisions of course materials in the fields for which he is responsible.

Associate Professor Kate Wallach, Law Librarian, has had an active part in projects of the American Association of Law Libraries, serving as a member of its executive board. She has also served as a member of a special recruitment committee designed to aid in the nationwide problem of obtaining qualified personnel for law library work. She contributed the chapter on federal legislation under assignments prepared by a group of legal research teachers to accompany one of the standard works in fundamentals of legal research.

Professor Athanassios Yiannopoulos is completing the necessary research for a forthcoming book on the Louisiana Law of Property. He has served as coordinator for the Civil Law section of the Institute and is preparing a translation of Aubry and Rau, Volume 4 on Obligations. Mr. Yiannopoulos also organized and assumed administrative responsibilities for the Colloquium on Civil Law conducted under the auspices of the Louisiana State Law Institute in 1963 and served as editor of the papers which are to be published in a forthcoming book by the University Press.

XIII. THE LAW ALUMNI

The Law School takes great pride in the achievements of its graduates. Their loyal interest in the welfare of the school is a constant source of encouragement to the faculty. The financial support given through the Law School Alumni Association has permitted the carrying out of Law Day activities with appro-
priate awards provided through alumni assistance for student leaders of the Law Review, the Moot Court Board, and the Student Bar Association. Under the leadership of the three Presidents, who have each served during a portion of the biennium, namely, C. Arthur Provost, '21, A. K. Goff, '31, and Frank S. Craig, Jr., '40, active plans have been executed to obtain added alumni memberships and financial support of Law School activities. The membership drives have been quite successful with a high of 310 dues-paying members being reached in 1963.

Through the interest of Mr. Arthur Provost a special Law School fund has been established by the LSU Foundation to be used for such purposes as the Dean may direct. Mr. Provost started the fund with a contribution of $500.00 and has expressed the hope that other graduates of the School will make additions to the fund. The Law School is grateful for Mr. Provost's generosity and vision in this respect. The principle of such alumni giving has been a means of strengthening the programs of a number of American law schools. There are some 1,435 living alumni of the School, many of whom have enjoyed professional careers of success and distinction. Some of them may wish to follow the example of Mr. Provost and assist the School through the medium of this fund.

It is in the accomplishments of its alumni that the value of a law school may be truly measured. A good example of this was afforded in the fall of 1963 when the law class of 1931 held a reunion in Baton Rouge. This class originally numbered 18 graduates. In its ranks could be found a former Lieutenant Governor of Louisiana, another class member who was almost elected Governor, a State District Judge, the present Speaker of the House of Representatives, a member of the House, a former State Representative, a former President of the Louisiana State Bar Association, and a distinguished list of able practitioners. Such achievements spread through other law classes and multiplied many times indicate the influence of legal education at LSU upon affairs of great importance throughout the State of Louisiana.

XIV. CONCLUSION

The Law School is charged with the mission of providing for Louisianians the legal education and training essential to leadership in our society. This mission must be performed in a
world which is changing in many areas of the law almost as rapidly as the world itself is being altered physically, economically, and socially in virtually all of the concerns of men. It is unnecessary to dwell upon the obvious fact that changes in the law are being brought about with the increasing tempo of changes all about us. Many practitioners and jurists today find themselves dealing with problems in subject-matter areas in which law school courses did not even exist when they were in Law School. What is true now will be true even in a greater degree ten years hence.

The role of the Law School and its programs must be constantly reviewed, modified and strengthened. It must deal with the impact of increasing numbers and fashion the legal education of its students so as to insure that they will be capable of adapting to the further changes certain to be encountered in their future professional careers.

This report shows in detail the progress and problems on varied fronts of the sum total which goes to make up LSU's program in legal education and legal research. The School must, however, "run faster just to keep up." Teaching and research must be broadened into a wide spectrum of fields and the School must be furnished with facilities and resources to obtain instructional and research personnel in competition with the stronger law schools throughout this nation. Unless these things can be done, the Law School's vision of greatness cannot be achieved.

Respectfully submitted,

Paul M. Hebert
Dean

The Law School
Baton Rouge, Louisiana
December 16, 1963