Biennial Report of the Law School to the Chancellor of Louisiana State University, Main Campus, 1964-66

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EDITORIAL

BIENNIAL REPORT OF THE LAW SCHOOL TO THE
CHANCELLOR OF LOUISIANA STATE UNIVERSITY,
MAIN CAMPUS, 1964-66

Paul M. Hebert, Dean

I have the honor to submit the biennial report of the Law School for the period 1964-1966.

I. THE LAW SCHOOL'S MISSION

The last biennial report, in a concluding paragraph, emphasized:

"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."

The factors shaping this dynamic role are many:

The American law school is constantly reminded that it stands at the gateway to leadership, engaged not simply in training lawyers, but in educating men and women who will occupy prominent positions among tomorrow's political and civic leaders. In addition to producing competent legal craftsmen, therefore, the American law school carries a significant part of today's responsibility for providing tomorrow's statesmanship.

These responsibilities are vitally affected by the phenomenal increase, of such widespread concern, in the numbers, proximity, mobility, and law-oriented activities of the American people. Ever-increasing regulation of human activity has been accompanied by the imaginative and voluminous refinement of legal doctrine by scholars and the constant differentiation of established fields of law study into special areas of inquiry. Change in the social order is thus immediately reflected in problems of order in legal education.

Alongside these nationwide influences is Louisiana's movement toward industrialization, urbanization, and heightened
participation in interstate and international trade. The adaptation of our legal institutions to these trends is a process in which the Law School must necessarily provide guidance. This is a heavy responsibility. Louisiana's central tradition of private law, grounded in Roman institutions but encircled and infiltrated as it were by the common law tradition of its sister states, poses unique problems of adaptation, requiring legal scholarship of the highest order on the local scene for their solution.

Directly or indirectly these conditions have created problems for the Law School which—in terms of faculty recruitment, reward, and retention, in terms of student admission and performance standards, and in terms of sheer space to house an adequate library and additional faculty and staff members needed for the instruction of enlarging classes in an expanding curriculum—have constituted in one form or another the burden of many reports of this nature in the past.

This report will record a number of the gains made during the biennium toward the solution of these problems, gains made possible by the support which the Law School has received from the University administration.

II. Some Important Developments

Plans for a Proposed Law Center

Through the efforts of the Board of Supervisors and the University administration, progress has been made toward realization of plans for proposed alterations and additions to the present Law School building. In the summer of 1965, Governor John J. McKeithen made public announcement that he would recommend to the appropriate state building authority that an allocation of funds be made for that purpose, as requested by the Board of Supervisors, from the proceeds of bonds to be issued for capital improvements throughout the state. In December of 1965, the sum of $3,000,000 was made available from this source, with an application for supplemental federal funds pending. This action is the culmination of efforts ranging over a number of years to achieve a solution of problems resulting from the serious shortage of space and equipment described in detail in the last biennial report. Expressions of appreciation are due to the Governor and to the many alumni
and friends of the Law School who have assisted in furthering the Law School's development project.

Dean Russell N. Sullivan of the University of Illinois visited the Law School in the late summer of 1965 to consult with the Dean and Associate Dean in regard to initial planning of the improved physical facilities. As a result of these conferences, data have been compiled to facilitate the architectural work which is expected to begin in the near future. The general plan contemplates a substantial additional library, classroom, and office unit to be erected in the rear of the present building and a complete modernization and renovation of the existing structure. Among the improvements envisaged are: additional library space to provide for a collection of 300,000 volumes, with a large ground floor reading room permitting conversion to "open-stack" operation; adequate typing rooms, carrel facilities and consolidated work rooms for the professional staff; additional classrooms, more adequate faculty offices and facilities for staff, students, visiting faculty, legislators and public officials; consolidated offices and work areas for the Louisiana State Law Institute and the Louisiana Law Review; modern and properly equipped seminar rooms and practice court facilities; additional space for special research activities; suitable lounge facilities for students; appropriate special rooms for housing of the significant "Tucker Civil Law Collection," generously donated to the Law School some time ago; library work rooms and offices; and modernization of library equipment together with re-equipment of the entire building.

These improvements should have a most salutary effect on all aspects of the Law School's current programs and should provide the physical facilities so necessary to meet the needs of an expanding student body faculty, and staff.

Institute of Civil Law Studies

Advanced research directed toward the understanding and solution of problems of the law has traditionally been regarded as the special province of the typical strong American law school. Through the years members of this faculty have contributed to the organized research of important national groups like the American Law Institute. Locally, agencies of law reform such as the Louisiana State Law Institute, the Judicial Council of
the Supreme Court and other bodies associated with the State Bar Association, have frequently called upon members of the law faculty to play prominent roles in furthering projects of far-reaching significance.

In addition to such activities however, there exists a long-recognized need in Louisiana for institutionalizing the intimate relationship existing between Louisiana's private law and the vast world of the civil law, represented on the contemporary scene by the advanced legal systems of Europe and the systems of Latin America oriented to the Roman tradition, and, historically, by the chronicle of development in most parts of the Western World formerly in the Roman Empire. The difficulty caused by language barriers, and by the pressure of the common law system on our civil law institutions, constantly threatens to reduce the Louisiana legal system to a morass of purely pragmatic attitudes. This danger requires that Louisiana civil law be subjected to systematic evaluation, and that its capacity for adaptation to change be critically appraised. Answers must be found for the bedrock question of whether or not Louisiana still has a "civil law system," with desirable predictability founded in the written law. No comprehensive commentary on the entire Louisiana Civil Code has yet been written, despite its history of more than a century and a half. These are needs which the Law School should attempt to satisfy.

Establishment during the biennium of an Institute of Civil Law Studies marks an initial step toward achieving a better understanding of Louisiana civil law in terms of its relationship to the entire system of which it claims to be a part. The objective of the Institute is "to promote and encourage scientific study of civil law in the modern world, its history, structure, principles and actualities, with a view toward facilitating a better understanding of the civil law of Louisiana and other civil law jurisdictions and making it a better instrument of good order." Chartered by the President of the University on August 4, 1965, the Institute is now in the process of organizing its Management Committee and preparing to further these objectives. Although no funds in addition to the Law School's resources are presently available for its work, it is hoped that the Institute will provide a vehicle for the controlled utilization of private gifts to the Law School from alumni who seek means
of assisting in the pursuit of the specific purposes to which the Institute is dedicated.

*Revision of the Summer Session*

During the Summer of 1965 the Law School inaugurated a new plan for the Summer School. The schedule, which is of approximately eleven weeks' duration, is divided into two sessions of five and a half weeks. Students may attend either or both sessions and are permitted to earn up to five semester hours' credit in each session. This plan replaces the prior long-standing nine weeks' summer term in which students were restricted to a maximum of two courses for six hours' credit.

Experience with the experimental plan in 1965 has borne out the expectations of the faculty, and the flexibility introduced by the changes has been well received by the student body. The plan makes additional course offerings available, and by coinciding with similar schedules in effect at other schools, will make it easier to obtain visitors for the summer faculty. At the same time it will reduce the burden on the faculty resulting from the longer nine weeks' session. The plan is not designed as a means of accelerating graduation, but the availability of the extra courses will materially assist a large number of students who have special needs for particular course offerings difficult to schedule or available only in larger classes in the regular academic years.

*Operating Support*

Substantial increases in the operating budget were allocated to the Law School for each year of the biennium. Such funds were used principally for salary increases, for sabbatical leave replacements, and for the additions to faculty needed to carry out sectionalization of the larger classes. Some badly needed budgetary increases approved by the University administration could not be allowed when it developed that the State's overall financial situation would not permit realization of the total appropriation request presented to the Legislature by the University. As a result the Law School has only been able to maintain existing programs in the context of a somewhat more diversified curriculum and a growing enrollment. Thus the status of operating needs remains substantially unchanged from the conclusion of the previous biennium, when it was stated:
"The Law School also has a continuing need for funds for additional research appointments, funds for 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." It is to be hoped that these needs can be overcome in the ensuing years through realization of the University's total requests for additional legislative appropriations for the rapidly growing University system.

Scholarships and Student Aid

It is a pleasure to report that several far-sighted and public-spirited alumni have recently made gifts to the Law School for use in its limited scholarship program. This added support will make more scholarships available, particularly in the first year of study, the period in which the absence of any substantial number of such awards has been a severe handicap. Increased entrance requirements must be accompanied by programs of financial aid for talented but needy students. Unless such aid is provided, an increasing number of able students will either forego legal study or seek out the institutions offering better opportunities in student financial support. Full advantage is being taken of existing loan programs, federal and state, and this has been of major assistance in meeting problems faced by many worthy Law School students.

The quality of a law school is mightily affected by the level of talent to be found in its student body. The necessity of achieving a much higher level of student financial support for scholarships and fellowships in legal education is being widely recognized in professional circles. The importance of the law to society dictates that the financial attractiveness of scientific and other greatly subsided fields of study should not be permitted to deprive the legal profession of its fair share of intellectually gifted students who may have inclination toward the law, but who are deterred for monetary reasons.

Against the general background, it is gratifying to report a substantial gift made by Mr. and Mrs. Garner H. Tullis of

1. See, for example, the action of the Section of Legal Education and Admissions to the Bar pointing to the need for teacher training in the field of legal education and recommending that federal programs should include assistance in this field on a level at least equal to subsidies given in competing fields of study, 89 A.B.A. REP. 398, 696 (1964), 50 A.B.A.J. 975-76 (1964).
New Orleans establishing the "Robert Lee Tullis Memorial Fund" in memory of the late distinguished Dean Emeritus of the Law School. Revenues from the capital donation will be used to establish a fellowship in civil law. This constitutes an especially appropriate memorial to Dean Tullis, whose gifted teaching in the civil law is so well known to those among the alumni who were fortunate enough to be his students. It is hoped that similar support for fellowships and scholarships can be obtained from other donors who recognize this pressing need of the Law School.

AALS Visitation Program

The availability of Carnegie funds has made it possible for the Association of American Law Schools to supply to participating law schools the services of highly regarded legal educators from other schools in a visitation program established with the following considerations in mind:

"An outsider's informed view may stimulate local consideration of unnoticed imperfections, or may suggest solutions of seemingly intractable problems; moreover, a visitor's awareness of activities elsewhere may encourage fresh experimentation that might not otherwise have occurred."

The LSU Law School was honored by the visit under this program of Dean Frank E. Maloney of the University of Florida and Professor Joseph M. Sweeney of New York University. The exchange of views on problems in legal education occurring during their visits demonstrated the value of the visitation program as envisioned by the Association. Dean Maloney's comprehensive written report has been particularly helpful in the consideration of numerous problems related to the Law School's long-range planning considered during the biennium.

III. Resident Instruction and Research

Funds and facilities alone cannot give assurance that the Law School will discharge its responsibilities creditably. On the other hand, an able faculty can do much to overcome insufficient financial support and inadequate facilities. So has it been in the 1964-66 biennium. Continuing dedicated service by the regular faculty group, augmented by the indispensable work of new and visiting members, has maintained the Law
School's relatively high position in legal education. It is in the area of instruction and research that the most meaningful progress of the Law School in the biennium must be recorded.

Regular Faculty Group

Space limitations do not permit a detailed report on all the varied services so ably rendered by the resident faculty in the regular course offerings and related work. A few illustrations marking recognition of such service must suffice.

In the spring of 1965, Professor Wex S. Malone received one of the highest annual awards conferred by the University, the LSU Foundation's Distinguished Faculty Fellowship. This award is given for "service to the University beyond that normally expected of an LSU faculty member." Those among whom Professor Malone's career has unfolded, and the many alumni who have profited from the rare vigor, depth, and scope of his instruction, know how well deserved this honor is.

In December of 1965, Professor Malone became President-elect of the Association of American Law Schools, an honor paralleled by the recent selection of Professor Kate Wallach as President-elect of the American Association of Law Libraries.

Also illustrative of the work of the faculty are the following items, which by no means constitute a complete reporting of note-worthy faculty activity: Associate Professor George W. Hardy has completed one of the two volumes of student materials planned for his course in Mineral Law. Associate Professor Carlos E. Lazarus has completed the preparation of up-to-date student materials for his course in Successions and Donations. Professor Athanassios N. Yiannopoulos is preparing a treatise on Louisiana Civil Law Property and has also translated Aubry et Rau, Cours de droit civil Français (Obligations) 6th edition, which promises to be a valuable addition to the legal literature for English-speaking students, teachers, lawyers, and judges.

Such examples of the work standards which the faculty has set for itself in student instruction and related work could be here expanded into a much longer list. But these few illustrations taken together are sufficient to indicate the constant by-products of the faculty's dedication to the teaching process and its awareness of professional needs. The catalogue of such ac-
complishments grows with each succeeding biennial report. Additional faculty activities will be referred to later in this report.

Faculty and Staff Additions—Visiting Faculty

The requirements of the curriculum and the faculty's continuing desire to offset any tendency toward intellectual insularity more than justify the Law School's efforts at every opportunity to bring into the faculty group talented law teachers from other schools and other jurisdictions. Such appointees bring, and hopefully take with them on departure, new and fresh insights into common problems. Provision must be made for the future of the Law School through recruitment of new faculty members to supplement the senior faculty. This process has continued in the biennium, with notable success.

Associate Professor Benjamin M. Shieber, an honor graduate of Columbia University Law School, accepted regular appointment to the faculty effective in the summer of 1964. He comes to the faculty group with a broad experience in the private practice of law gained in some ten years as an active member of the bar in New York City. Mr. Shieber has taken over the Law School's courses in the Labor Law field and is also teaching Constitutional Law and Basic Procedure to sections of the first year class. His appointment constitutes a considerable strengthening of the faculty and his work has been enthusiastically received by the students whom he has taught. In the relatively short period since his appointment, he has produced additional student materials for the first year procedure course and has given unmistakable evidence of an exceptional ability to make major contributions to the Law School's programs.

Professor J. Hector Currie, B.A., L.L.B., M.A., formerly of the University of Mississippi Law School, returned to the faculty under a regular appointment in the fall of 1965. Professor Currie offered the courses in Introduction to Common Law, Constitutional Law, and offered a seminar for students working on the Law Review. He is also serving as Faculty Editor of the Louisiana Law Review. Professor Currie's impressive academic background, which includes degrees from Yale and from Oxford, is reflected in his stimulating classroom work and his able direction of the policies of the Law Review.
Professor Saul Litvinoff, B.A., LL.B., S.J.D., S.C.D., University of Buenos Aires, LL.M., Yale Law School, formerly of the Faculty of the University of Puerto Rico, is serving as Visiting Professor in 1965-66. Professor Litvinoff has offered the courses in Introduction to Civil Law, Contracts, and a Seminar in Foreign and Comparative Law. He will offer the regular courses in Obligations and Family Law in the spring of the second year of the biennium. He brings to the faculty a wealth of experience in the practice gained in Argentina and has special competence in the civil law field. His presence as a member of the faculty has been unusually helpful to the maintenance of essential teaching programs. It is to be hoped that he will elect to continue his sojourn at the Law School.

Professor Clive M. Schmitthoff, of the City of London College, an internationally known authority in the law of international trade, served as Visiting Professor during the period of one month in the fall semester of 1964-65, and again in the fall semester of 1965-66. The availability of his services, even for such a brief period, led the faculty to offer an intensified seminar on this subject with special reference to American trade with Europe. Professor Schmitthoff's course explored such areas as the institutional organization of the Common Market, the harmonization and unification of the law of international trade, factors influencing the choice of location of American subsidiaries in Europe, and problems in finance, transport, and insurance involved in doing business abroad. The value of such a course, conducted by one so competent, was inestimable, not simply for its usefulness to a few graduates, but for its broadening effect on the professional horizon of all seniors. During his limited stay, Professor Schmitthoff found time to serve in the Law Lecture Series, and his discussion of "The Impact on the New Law of Europe on the Common Law" was most informative and well received.

Professor John C. Chommie, B.S.L., LL.B., LL.M., J.S.D., a member of the faculty of the University of Miami School of Law, served as Visiting Professor in the fall semester of 1965-66. He replaced Professor Melvin G. Dakin, who was on Sabbatical leave, and offered courses in State and Local Taxation and Income Taxation. Professor Chommie's stature in the field of taxation and his ability as an experienced
teacher have made his visit especially beneficial and stimulating to students and faculty alike.

Professor Giovanni Pugliese, of the University of Rome, served as Visiting Professor of Law in the fall of 1964-65. His background as a teacher in the Universities at Sassari, Macerata, Trieste, Genova, Milano, Istanbul, and Roma is indicative of his versatility and reputation. Professor Pugliese shared the responsibility for the seminar in Comparative Law, and gave many of the lectures to the first year class in the course in Introduction to the Civil Law. The Law School was fortunate in enjoying the services of such an outstanding scholar in the field of Roman law.

Claus-Jürgen Drestler, of Hamburg, Germany, served as Research Associate during 1964-65. The assistance he rendered the instructional staff, both formally and through informal consultation, was of considerable value, and his basic research in civil law aspects of property law has furthered the Law School's work in this important field.

Mr. Anton Pos, of Holland, a graduate of the University of Leiden, served as Graduate Research Assistant during the 1964-65 year. His research in matters of property, security devices, and prescription in Dutch, French, and German law enriched the course materials in those subjects and assisted Professor Dainow in his continuing research in those areas.

Mrs. Priscilla F. R. Apperson, LL.B., a graduate of the University of Virginia and former instructor at that school, taught the course in Legal Bibliography in the fall and spring of 1964-65, while serving as Reference Librarian. Her work gave evidence of high standards of performance reflecting her marked interest in legal education. Her services were lost when she and her husband accepted career opportunities elsewhere. The good wishes of the Law School accompany her in her new undertaking.

Mr. William E. Crawford, of the New Orleans Bar, former Editor-in-Chief of the Louisiana Law Review, and an honor graduate of the Law School in 1955, accepted an appointment as Assistant Dean and Associate Professor of Law effective December 27, 1965. Mr. Crawford's experience in practice, his association since graduation with a leading firm, his record of service in the State Bar Association, which he served as
Secretary-Treasurer from 1961-1963, and his interest in teaching, combine to make his appointment a valuable addition to the faculty group. Mr. Crawford will offer the course in Relational Interests in the spring of 1966 and will devote the balance of his time to administrative duties in the Dean's Office.

Mr. Donald J. Tate, of the Evangeline Parish Bar, Editor-in-Chief of the Louisiana Law Review in 1955 and former Judicial Administrator for Louisiana, accepted a temporary appointment as Visiting Associate Professor for the 1965-66 year. Mr. Tate conducted the revised Moot Court program and offered the courses in Legal Ethics and Legal Bibliography. The diversified nature of the successful general practice from which he came made his service to the Law School most fruitful. It is hoped that he will see fit to continue his connection with the Law School.

Mrs. Leila Cutshaw, an honor graduate of the 1965 law class, has accepted an invitation to remain with the school during the 1965-66 year. Mrs. Cutshaw has assisted Associate Professor George W. Hardy III in the work he is pursuing in connection with the expanded mineral law program.

This array of new names in the Law School's roster demonstrates the constant effort made to bring to the faculty and staff the variety of talents and viewpoints so indispensable to achieving the objectives of the School's activities.

IV. OTHER FACULTY ACTIVITIES

Professor Dale E. Bennett has prepared brochures for the Louisiana State Law Institute on completed titles of the Louisiana Code of Criminal Procedure revision in seven major subject areas. In his capacity as Chief Reporter and General Coordinator for this important revision project he has played a leading role in bringing this badly needed procedural reform to the point of completion on schedule. Through his efforts and those of the two other draftsmen with whom he has worked, the Institute expects to present its projet of the Code for legislative action in 1966. Professor Bennett has also maintained an active participation in the affairs of the Criminal Law Section of the Louisiana State Bar Association as well
as other professional groups before whom he has frequently lectured and spoken.

Professor Melvin G. Dakin has served during a portion of the biennium as Reporter for the Louisiana Legislative Committee on Formulation of Rules for Administrative Procedure. For the Workshop on Highway Law of the Highway Research Board he prepared materials on trade association information-exchanges under the anti-trust laws, and lectured at the Seminar on Public Utilities Economics, sponsored by Southern Bell Telephone Company, on the subject, "Regulation v. Application of Anti-Trust Laws: A Conspectus." He is presently engaged in the preparation of a proposed code of procedure for Louisiana administrative agencies, and has published a paper on this general subject in the Louisiana Law Review. During the fall of 1965-66 Professor Dakin was on sabbatical leave for study and travel abroad.

Professor Joseph Dainow, since his return from the University of Ghent, where he served as Fulbright Lecturer on American and Comparative Law during 1962-63, has published a number of papers in the legal periodicals on Privileges, Conflict of Laws, Comparative Law, and other subjects in his fields of special competence. In addition, he has continued to serve as a member of the Council of the Louisiana State Law Institute, of the Planning and Special Advisory Committee of the American Association for the Comparative Study of Law, of the Board of Editors of the American Journal of Comparative Law, and of the Steering Committee of the Canadian-American Law Teachers Conference. In the fall of 1965 he received the high honor of being selected as a faculty member of Omicron Delta Kappa, national scholastic leadership organization.

Associate Professor George W. Hardy III, who holds the Chair in Mineral Law, is preparing a treatise on Louisiana Mineral Law and the second volume of his student materials on the same subject. He serves as Reporter for the Louisiana State Law Institute's Project to Codify Louisiana Mineral Law, as director of the research program of the Louisiana State Mineral Board, and as editor of a newsletter published by the Mineral Law Section of the Louisiana State Bar Association. He is charged with the organization and administration of

Associate Professor Carlos E. Lazarus completed and published during the biennium a volume of teaching materials for the course on Successions and Donations. These materials supply a need for providing in convenient form significant jurisprudence and legislative developments of recent years to which students need easy access for this course. He has also worked on various matters for the Louisiana State Law Institute. Mr. Lazarus is engaged in research and writing on various topics related to his responsibility for the course in Successions and Donations, and is preparing a translation of one of the works of Aubry and Rau in this field.

Boyd Professor Henry George McMahon has completed the second of the three-volume series of annotated forms in civil procedure, which he is preparing in collaboration with Mr. Alvin B. Rubin, of the Baton Rouge bar, a special lecturer on the faculty for many years. This publication has been acclaimed in the profession as a most valuable aid for use in connection with the 1960 Code of Civil Procedure, for which Professor McMahon was the chief draftsman. Despite his heavy work schedule in the law of procedure, Mr. McMahon has lectured in the Government Department of the University, has spoken before the Baton Rouge Bar Association, and has maintained a lively pace of research and writing as a member of the Judicial Council of the Supreme Court of Louisiana and the Council of the Louisiana State Law Institute. He is currently engaged working with a special committee of the Louisiana State Law Institute charged with responsibility for proposing amendments to the Louisiana Constitution.

Professor Wex S. Malone has made significant progress in research and studies for the preparation of a treatise on Wrongful Death and the Survivorship of Fatal Injury Claims. The first chapter of this forthcoming book was published as an article in the Stanford Law Review. Professor Malone's activities include service on the National Executive Committee of The Order of the Coif, which he previously served as President, and on the
Program Committee of the Association of American Law Schools, and the Advisory Committee to the Reporter for the Restatement of the Law of Torts of the American Law Institute. As mentioned earlier in this report, Professor Malone has also received the signal honor, for himself and for the Law School, of being designated President-elect of the Association of American Law Schools. During the spring semester of 1964-65 Professor Malone was on sabbatical leave devoting the major portion of this concentrated period to further research and writing in his field.

Professor Robert A. Pascal has continued his research and studies in Louisiana Family Law, augmenting his prior work in publishing special readings for use in his regular course in this field. He has carried on comparative studies in Family Law and assisted a legislative committee in its deliberations on the Louisiana Trust Code when that proposed measure was before the Legislature for adoption in 1964. During the summer of 1965, Mr. Pascal was one of the American scholars invited to participate in the University of Mexico session of the International Faculty of Comparative Law. In this program he lectured on "The Evolution of Civil (private substantive) Law in the Romanist Jurisdictions since 1804" and on "Property and Trusts in England and America."

Professor George W. Pugh during the biennium completed his part of the field studies in the comparative analysis of the administration of civil and criminal justice which took him to France in the summer of 1964, to the Republic of South Africa in the fall of 1964, and to the Philippine Islands in the summer of 1965. These studies were conducted by a small, selected group of American law professors under the auspices of Loyola University of Chicago through funds made available by the Ford Foundation. Mr. Pugh is preparing, in collaboration with the other professors, an American textbook on the comparative study of the administration of justice, which will integrate the foreign materials collected by members of the project during their research trips abroad. He is preparing articles in this field for publication in legal periodicals as well. Mr. Pugh serves as a member of the Council of the Louisiana State Law Institute and maintains a lively interest in the work of the Judicial Council and related professional matters. Mr. Pugh was on sabbatical leave during the fall semester of 1964-65. This leave
enabled him to continue the studies he inaugurated in the summer of 1964 in connection with the administration of justice project.

Professor J. Denson Smith’s service as Director of the Louisiana State Law Institute, continuing through the biennium, contributed significantly to the completion of the Institute’s work on the Trust Code, adopted in 1964, and the proposed Code of Criminal Procedure, scheduled for submission to the 1966 Legislature. He has also planned for the early stages of the Institute’s consideration of a Code of Evidence, assisted the study group considering legislation to clarify our mineral law, inaugurated studies related to the advisability of Louisiana’s adoption of the Uniform Commercial Code, and has worked with the committee considering revision of the Louisiana Constitution by major areas. These projects have all been undertaken pursuant to legislative mandate. Mr. Smith presented a significant paper before the 1965 Mineral Law Institute on the subject, “The Cloudy Concept of Default,” which will be included in the published proceedings of that program.

Professor Athanassios Yiannopoulos has published a volume of materials for the course in the Introduction to Civil Law, and has completed the translation of the title on obligations of Aubry and Rau, Cours de droit civil Français (6th ed. 1946) for the Louisiana State Law Institute. This latter publication joins a growing body of materials in the English language providing invaluable means of access to the civil law tradition of our legal system. Mr. Yiannopoulos serves as Coordinator of Program and Research for the Civil Law Section of the Louisiana State Law Institute. His research and writing in the field of Civil Law Property has continued and the first volume of a treatise in this subject is expected to be published in January of 1966. These many contributions to Louisiana’s legal literature demonstrate the value of the research chair held by Professor Yiannopoulos.

Professor Kate Wallach has continued her able management of the Law Library under the difficult conditions created by a shortage of professional assistance. During the biennium Miss Wallach contributed materials to Mr. Pollack’s book on legal research and presented a paper on the use of government documents before the American Association of Law Libraries in St. Louis. She also prepared a revision of the “Recruitment Check
List’ for the Recruitment Committee of the American Association of Law Libraries. Miss Wallach enjoys an enviable reputation among professional law librarians, which is attested by her selection, mentioned earlier, for the high national office of President-elect of the American Association of Law Libraries for 1965-66. This honor will result in her succession to the Presidency of the Association for 1966-67.

At the request of the Governor of Louisiana, the services of the Dean of the Law School have been made available to the State to direct the legal research and related work incident to presenting Louisiana’s position to the United States Supreme Court in the so-called “Tidelands” litigation. The dispute, which is of long standing, involves Louisiana’s claim to mineral and other natural resources in the Gulf of Mexico off the shore of Louisiana. Novel questions of domestic and international law pertaining to the problem of determining a state’s coast line under The Submerged Lands Act are involved. This assignment is indicative of the assistance frequently sought from Law School personnel by high ranking public officials. Although such assignments are inevitably time-consuming, they bespeak the conviction that the discharge of such professional responsibilities contributes to the betterment of the society which the Law School serves.

V. COURSES AND CURRICULUM

Water Rights

In the 1965 summer session, the Law School initiated a course in Water Rights, to implement its growing emphasis on natural resources law. Dean Frank J. Trelease of the University of Wyoming was invited to teach this first course offering. The course centered around Louisiana problems, with the law in western and mid-western states being used as examples of possible solutions. The Louisiana Civil Code and decisions relating to rights to divert and use water from rivers and streams were studied against the background of common law riparian rights, western appropriation, mid-western regulatory statutes, and federal powers and programs. Pollution problems and water control mechanisms were considered. The law of underground water was given special emphasis, with Louisiana’s analogy of ground water to oil and gas being contrasted with doctrines of
ownership, reasonable use, correlative rights, and appropriations.

The course explored legislative policy and the form that future water statutes might take. Louisiana has much water, and very little law devoted to water use. In the past, the abundance of water has permitted much use with little conflict, and most of the law has been concerned with getting rid of it, by drainage and flood protection. Today, growing cities are looking for new supplies of potable water. New industries need large quantities of soft, mineral-free water. Agricultural users are pumping water for the supplemental irrigation of many crops, in addition to the irrigation of rice. Sport fishermen and recreational users of water are demanding protection of streams and lakes. Louisiana has almost no law that allocates firm rights to water users, or that provides a mechanism for settling disputes and conflicts between water users, or that provides modern organizations and institutions for development.

The new course augments a trend in growing political and scientific interests in Louisiana water use. In 1964, the legislature set up a Water Resources Study Commission with a membership widely representative of state officers and groups of water users. The Commission is to draft legislation for the revision of the water policy of the state and the means for carrying out and administering the new policy. Louisiana State University has this year established a Water Resources Research Institute, which will undertake as its first project an interdisciplinary study of geological, engineering, economic, and legal possibilities of maintaining and improving the water supply of Baton Rouge and its industries. In that area, current withdrawals from underground sources threaten to bring salt water intrusion into the well field.

Although resources did not permit the continuation of the course throughout the biennium, it should occupy a high place of priority on the list of courses to be added to the curriculum as funds and facilities permit.

Juris Doctor Degree

Committees of the American Bar Association, the Association of American Law Schools, and the American Law Student
Association have given their support to a strong trend for replacing the Bachelor of Laws degree with the Juris Doctor degree as the first professional degree in law in American law schools. Some leading schools, like those of the University of Chicago and Northwestern University, have conferred the Juris Doctor degree for many years. In 1965, the University of Florida College of Law adopted that degree. Its newsletter stated at the time:

"The reasons for the trend in favor of adoption of the J.D. degree are many. Probably chief among them, however, are the need for degree uniformity in American law schools, the confusion of the bachelor of laws degree with other bachelor's degrees, discrimination in favor of graduates of law schools awarding the J.D. degree as against graduates of law schools awarding the LL.B. degree despite identical degree requirements, particularly in government service, and the logical inconsistency of awarding a second bachelor's degree to candidates completing three years of professional training."

The faculty has taken this matter under consideration to determine whether a change of this nature in the Law School’s degree practices is desirable. The effect of any such change on the combined curricula in Law and Arts and Sciences, Business Administration, and Geology, and its effect on degrees previously authorized (Bachelor of Laws, Master of Laws, and Master of Civil Law), must be carefully weighed against the advantages usually cited in its support. Furthermore, confusion might result from the University’s probable inability to effect such a change retroactively—a change only prospective in character might occasion invidious comparisons between present and future degrees by the uninformed. This problem suggests a need for delaying any change, even if otherwise desirable, with a view to making it part of a national or regional undertaking, attended by the wide dissemination of information as to its true character. In any event, no such change will be recommended without more detailed consideration of all its possible adverse results.

Curriculum

No major curriculum changes were made during the biennium, although some course additions were approved and refine-
ments of the regular offerings were continued as a constant process. The faculty is seeking to increase seminar offerings in the second and third years. Recent work of this nature has included the seminars in Oil and Gas Taxation, in Comparative Civil Procedure, in Foreign and Comparative Law, in Criminal Procedure, in Problems of Proof, in Administration of Criminal Justice, and in Torts. It is hoped to expand further the seminar opportunities as the faculty grows in number.

As previously indicated, special experimental offerings, such as the special course in Water Rights, are made available as funds and personnel permit. The intensive seminars in the Law of International Trade, made possible by Professor Schmitthoff's visits of 1964 and 1965, are examples of the Law School's efforts to adapt its programs to changing needs. The same may be said of Professor Pugh's 1965 seminar in the Administration of Criminal Justice.

On the whole, the pattern of the Law School's instructional work during the biennium continued to be that of maintaining a fixed basic curriculum of fundamentals in the first year, and offering in the second and third years a large group of varied courses for selection according to the students' probable future needs and present interests. A comprehensive, systematic review of the relation of the Law School curriculum to the change and growth characteristic of today's legal systems should be undertaken in the near future. Such a study would undoubtedly develop fresh approaches toward solutions for the myriad of problems present in the Law School's efforts to employ the student's time during three and one-half years in Law School in the most efficient and meaningful manner. It is hoped that means may be found to release a sufficient amount of faculty time to undertake such a study.

VI. VISITING LECTURERS

Several years ago, in an effort to overcome some of the limitations of the curriculum and to expose the students to more of the special areas of law development, especially with reference to subject matter not assigned to particular courses, the Law School instituted the visiting lecturers program. This program supplements the regular instruction which students are expected to receive in the Law School. During the biennium the faculty
committee in charge of the lecture series was successful in bringing noted authorities and scholars of outstanding reputation to the Law School for special lectures. Among the visiting lecturers and the topics explored in 1964-1965 were:


In the 1965-66 series now under way, Senator Adrian G. Duplantier of New Orleans, Louisiana, has lectured on “The Legislative Process in Louisiana”; Professor G. W. Foster, Jr. of the University of Wisconsin, on “Unburdening the Courts: The New Responsibility of the Executive Branch for Race Relations”; Professor Marcus L. Plant, University of Michigan Law School, on “Dynamic Aspects of Medical Malpractice”; and Professor Louis Loss of Harvard, on “The SEC and Insider Trading.” The Edward Douglass White Lectures scheduled for the spring of 1966 will be delivered by Professor Kenneth Culp Davis of the University of Chicago Law School on selected topics from the field of Administrative Law. Also scheduled to lecture in the Spring of 1966 are Professor Richard Falk, Princeton University; Professor Robert Mathews, Ohio University; and, Professor Telford Taylor, Columbia University.
The Bailey Lectures

The first lectures given under the LSU Foundation's administration of the donations made by Mrs. Fairfax Foster Sutter in honor of her late husband, James J. Bailey, were a fitting memorial to his memory and evidenced the impact which such lectureships have on the Law School's program. Well attended and well received, the 1965 Bailey Lectures were devoted to the Uniform Commercial Code, now under consideration for possible adoption in Louisiana. The lectures were delivered by Professor Soia Mentschikoff of the University of Chicago Law School; Professor Norman Penney, Associate Dean of the Cornell Law School; Professor Robert Braucher of the Harvard University Law School; Dean William D. Hawkland of the State University of New York Law School; and Professor Grant Gilmore of the University of Chicago Law School. Names of such distinction, so well known, suggest the high quality and estimable value of the 1965 series. The lectures are being preserved through publication in the Louisiana Law Review.

VII. FACULTY PUBLICATIONS

The Louisiana Law Review provides a medium for the publication of faculty writings on the work of the courts and of the legislature through regular symposia in those fields. By this means, significant court decisions and legislation receive critical treatment from those members of the faculty working in the particular areas of the law to which those decisions and legislation relate. This continuing service to the Bar and the public is regarded as a special recognition of the responsibilities of a state-supported law school. In broad subject matter areas going considerably beyond the local legal scene, the faculty also contributes notably to the analysis and improvement of legal doctrine by their individual programs of research and publication. A partial list of noteworthy faculty publications appearing in the biennium includes:


VIII. STUDENT BODY

The policy of gradually raising the admission standards, begun in the last biennium, has not had sufficient time to operate to justify any conclusion as to whether or not the new requirements will significantly lower the rate of attrition noted in the last biennial report. Preliminary indication points hopefully to partial accomplishment of that purpose.
The division of the ever-growing first year classes into at least two sections—a process begun in the last biennium—has been made possible for virtually all first year course offerings, although occasional exceptions must be made because of lack of faculty personnel. Scheduling innovations introduced by Associate Dean Milton M. Harrison have alleviated serious problems of classroom shortages accentuated by the division of first year classes.

Continued progress in obtaining scholarship aid coupled with the elevation of admission standards should insure a steady flow of talented students into the Law School.

During the biennium the Law School's total enrollment continued to grow. Fall enrollments for each of the two years were 317 students in 1964-65 and 330 in 1965-66. This compared with 267 students in 1962-63 and 299 in 1963-64. In percentages the growth was 18 percent and 10 percent, respectively, over the corresponding year of the previous biennium. By classes enrollment was:

<table>
<thead>
<tr>
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<th>Fall 1964-65</th>
<th>Fall 1965-66</th>
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<tbody>
<tr>
<td>317 Students</td>
<td>330 Students</td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>165</td>
<td>161</td>
</tr>
<tr>
<td>Second Year</td>
<td>83</td>
<td>110</td>
</tr>
<tr>
<td>Third Year</td>
<td>67</td>
<td>59</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>Other</td>
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</tbody>
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Degrees awarded were a total of 57 in 1965 (January, 16; June and August, 41). Candidates for degrees in 1966 number 69. These prospective graduates are divided into the January 1966 group of 25 and the June and August 1966 group of 44.

IX. THE LOUISIANA LAW REVIEW

The desirability of intensive training of all law students in research and writing is widely recognized in legal education. Substantial work of that character is provided in the course in Legal Bibliography, the Moot Court program, the seminars, and in certain other courses in the curriculum in which the subject matter lends itself to requiring written work. The Louisiana Law Review is the special medium provided for more advanced work in legal writing by those students whose scholastic standing indicates that time and talent will permit them
to meet the exacting standards of the Review. Student comments and casenotes are prepared for publication after varying degrees of consultation with the faculty members in whose fields of teaching responsibility the various subjects fall. Students on the Law Review profit from association with the faculty on the level of common scholarly interests, and from the extensive editing of their work conducted by the board of student editors.

The Review also provides a medium for the publication of faculty writings and the research product of legal scholars. During the biennium, the Review discharged with a high degree of competence its basic responsibility of making additional legal literature available in a wide variety of subject-matter fields.

The Faculty Editor and Student Editorial Boards for the biennium were as follows:

1964-1965
Douglas M. Johnston, Faculty Editor
Karl Cavanaugh, Editor-in-Chief
Kenneth McCoy, Managing Editor
George A. Kimball, Jr., Senior Associate Editor
Anthony J. Correro, III, Associate Editor
Wendell G. Lindsay, Jr., Associate Editor

1965-1966
J. Hector Currie, Faculty Editor
Howard L'Enfant, Editor-in-Chief
Gordon Rountree, Managing Editor
Paul Dué, Senior Associate Editor
Marshall B. Brinkley, Associate Editor
J. Clark Martin, Associate Editor

During 1964-1965, Douglas M. Johnston, M.A., LL.B., M.C.L., LL.M., J.S.D., formerly of the Faculty of the University of Western Ontario, served as Visiting Associate Professor of Law. He declined an invitation to continue on the faculty in order to accept a special fellowship at Yale preparatory to further work in International Law. The good wishes of the Law School accompany him in his new assignment.
In the fall of 1965-1966, with Mr. Donald Tate as Faculty Advisor, the Moot Court program was further expanded to provide a more thorough familiarity with the problems the future lawyer is likely to encounter in conducting litigation when he enters active practice. Impetus was given to the new program by the faculty's decision to give two hours' credit for the students' work in that field. Conceived as an introduction to some of the forensic, ethical, economic, and strategic problems of conducting litigation, the program requires student participation in demonstrative exercises under the supervision of a student board, research and writing related to advocacy at all court levels, and attendance at a series of lectures arranged by the faculty member in charge of the course. The Robert Lee Tullis Competition is continued as an integral part of the course.

Revision of the program was made with a view to giving the students a practical foundation in such important matters as investigation, discovery, the mechanics of the pre-trial conference, incidental hearings, introduction of exhibits, expert testimony, briefing and argument from the appellate record, and the norms of settlement negotiation and consummation. Because of the enlarged obligations of the bar to indigents accused of crime, special emphasis is placed on the problems of such court-appointed lawyers. The objective is not to provide definitive solutions in these difficult problem areas but to acquaint the students with the nature of the problems, so that they may be prepared to bring to bear the knowledge and skills acquired in other parts of the curriculum in reaching solutions to the problems they will encounter as practitioners.

In this type of training, it is of course more than ordinarily a commonplace that there is no substitute for experience. But without some form or means of gradual orientation of all law graduates to the realm of practice—an orientation which only some of those entering the largest firms now receive—the prospective young lawyer will be plagued with unnecessary difficulty in his first professional endeavors. The faculty considers it quite possible to supply this orientation in part without affecting the scholarly attitude of inquiry and theory which the Law School seeks to cultivate in all of its students.
The intensified Moot Court program, the practical course in Law Office Practice, and the post-graduate orientation program of the Junior Bar Section of the Louisiana State Bar Association should be most helpful to Law School graduates in reducing some of the difficulties associated with the earlier period of their law practice.

Mr. Ben R. Miller, Jr., of the Baton Rouge bar, an honor graduate of the Law School, served as Faculty Advisor for the Moot Court program in the 1964-1965 year. His critical review of the students' research and writing, his work in the lecture series which he and other practitioners and jurists offered, and his constant guidance and advice in the execution of the program, made 1964-1965 one of the most successful Moot Court years in recent memory.

The 1964-1965 Student Moot Court Board, under the chairmanship of Morris A. Lottinger, Jr., deserves credit for initiating and conducting a survey of practices in effect at other law schools. This led to the faculty's decision to broaden the Moot Court program and give credit for satisfactory participation in it. The 1965-1966 Board is carrying out its enlarged responsibilities in a most competent and successful manner under the chairmanship of Mr. Paul Wimbish.

Winners of the Finals in the Robert Lee Tullis Moot Court Competition, judged each year by the Supreme Court of Louisiana, were:

1965
Patrick A. Juneau, Jr.
B. Dexter Ryland

The competing team reaching the Finals was composed of Bradford Ware and Donald Carmouche.

1966
Don E. Bradford
R. Gray Sexton

Other finalists in the competition were D. Scott Brown and Donald G. Kelly.
XI. PLACEMENT OF GRADUATES

In the biennium, as for many years past, the faculty devoted much effort to determining the suitability of various members of the third year class to the specific needs of those members of the legal profession who call upon the Law School to recommend prospective graduates for association and employment. Associate Dean Milton M. Harrison gave much of his time to the placement program, not only coordinating the interviews, evaluations, and recommendations of other faculty members, but bearing a generous share of these tasks himself.

Opportunities for the young graduate continue to increase in number and in potential for rewarding professional service. Attempts are made in private interviews and in appropriate places in the curriculum to acquaint third year students with the many extrinsic factors which should be considered by each in choosing the place in the profession in which to pursue his career. The importance of a proper initial choice in entering the profession is of such moment to every graduate that the Law School deems it necessary to provide all possible information to enable the student to make his decision only after consideration of the most pertinent factors. Such a responsibility is a heavy one, and warrants the considerable pains taken by the faculty and Dean's office to discharge it.

XII. THE LAW LIBRARY

During the period ending with the first year of the biennium the volume count of the Library rose from 118,699 as of the last report of June 30, 1963, to 132,123. This was made possible through the action of the University administration in maintaining the appropriation for library acquisitions at a high level in keeping with the needs of the Law Library. The Library, under the capable direction of Miss Kate Wallach, has grown also in the strength of its special services.

During the biennium a survey was undertaken to determine the feasibility of establishing a Union Catalogue of the legal materials located in the four major law libraries in Louisiana. It was determined that a photocopying process now available could produce such a catalogue which could be made available in book form for sale to libraries and lawyers' offices. The
initial cost of producing such a catalogue is high and funds are not in sight for its production. If the initial costs could be borne by the participating libraries it is estimated that sales would pay the cost of annual upkeep. Louisiana’s library holdings of civil and foreign law materials would make such a catalogue of interest in other parts of the country and abroad. The project will be further studied with a view to implementing it at the earliest possible date.

The last biennial report referred to the generous action of Colonel John H. Tucker, jr., and his wife, Mrs. Hortense Rigby Tucker, in donating the “Tucker Civil Law Collection” to the Law School. A supplemental donation has brought the number of volumes to 3,840. This collection is undoubtedly the finest private collection of civil law materials extant. It will be an indispensable asset to future programs designed to strengthen and expand the Law School’s research activities in civil law.

Another significant gift to the library during the biennium is a complete set of Louisiana session acts donated by Mr. and Mrs. Jules F. Landry of Baton Rouge. This acquisition provides material essential as a primary source for any historical research in Louisiana legislation. Mr. Sol Goldman of New Orleans presented additional sets of the Lawyers’ Edition of the United States Supreme Court Reports and the American Law Reports to the Law Library. Duplication of these essential sets will be especially helpful because of the larger classes. *Kerr’s Exposition of the Criminal Law of the Territory of Orleans* (1806) was acquired with funds jointly contributed by members of the Baton Rouge Bar Association and the LSU Law School Alumni Association through the interest of an alumnus who undertook to raise the necessary funds for the purchase of this collector’s item. The Law Library is proud to have such loyal supporters of library acquisition projects.

During the biennium, Miss Frances Farmer, Law Librarian at the University of Virginia, was invited to visit the Law School to survey staffing needs. Her recommendations as to personnel additions have not been fully implemented owing to budgetary limitations. Extra cataloging help to clear up a backlog of work in the Catalog Department was provided through temporary appointments which have assisted materially in reducing the accumulation of uncataloged items. Shortage of profes-
sional staff continues to be one of the Law Library’s most pressing problems.

Miss Wallach has completed a three year term on the Executive Board of the American Association of Law Libraries. Her activities with this hard-working professional group continue for the period of 1965-66 during which she is serving as President-elect of the Association. This merited high honor is most appropriate for one who has shown such dedication to the professional ideals of the organization she has served with such ability.

XIII. THE LAW ALUMNI

Under the leadership of G. Frank Purvis, Jr., President for 1964-65 and Clarence L. Yancey, President, 1965-66, the work of the Law School Alumni Association continues to be most helpful in a variety of the Law School’s activities. Contributing memberships in the Association reached 451 in 1964-65 and it is expected that the number will be substantially increased during the remainder of the 1965-66 academic year. With a living alumni group of 1517, continued growth in the contributing memberships is feasible and would be of great assistance to the Law School.

Essential financial support for activities which cannot be charged against the Law School’s regular budget was again provided by the alumni during the biennium. This included the awards made to such important student organizations as the Law Review and the Moot Court Board, defraying expense incident to the Law Day exercises, special assistance to the Student Bar Association, and a number of miscellaneous similar expenditures.

The Law School gratefully acknowledges a special donation of $1000.00 made to the LSU Foundation by Mr. and Mrs. Arthur Provost of New Iberia to start a fund looking toward the eventual establishment, through alumni giving, of a special professorship. Mr. Provost, a member of the Class of 1921, was President of the Law School Alumni Association in 1961-62. He has manifested a keen interest in the Law School’s development and it is to be hoped that his idea in starting this fund may gain support from those among the alumni who are in a position to follow his example by adding to the fund.
EDITORIAL

During the biennium the alumni ranks suffered the loss of a most distinguished alumnus in the passing of Judge G. Caldwell Herget of the class of 1927. At the time of his death Judge Herget was serving as a member of the Court of Appeal, First Circuit. In his memory, funds for a non-recurring G. Caldwell Herget Scholarship Award were contributed by many friends and alumni of the University. This scholarship award will be made to a worthy student in the Law School for the Second Semester of 1965-66.

The Law School takes justifiable pride in the accomplishments of its graduates. They occupy positions of high responsibility in public affairs and in all avenues of civic, business and professional leadership. Especially does the Law School look with deep satisfaction upon those many alumni who, in the discharge of their calling, exhibit unshakable fidelity to the ideals of professional responsibility for which the Law School seeks to instill a fixed respect in its charges. The Law School hopes that this report on its activities will fulfill the expectations of its alumni, even as theirs are constantly surpassing ours.

XIV. CONCLUSION

It has been a pleasure to record the contributions made by the faculty in the biennium to legal education and research, their service to the public outside the strict demands of professional duty, the curriculum development, the establishment of the Institute of Civil Law Studies, the enlargement of the stimulating lecture program, the bolstered alumni support, and the many other matters covered in this report. But, above all, the administration's recognition of the Law School's long-standing need for suitable physical facilities, and its commitment to provide building and equipment for an expanded Law Center, is the most noteworthy development in Louisiana legal education during the biennium. The Law School has maintained, albeit with difficulty, under the most trying physical circumstances, a program of depth and breadth which compares favorably with those of all similar institutions. It is certainly to be expected that, relieved of the constant annoying irritants attending cramped classroom conditions, uncomfortable and access-hampered office and staff facilities, awkward and over-crowded library conditions, and acute equipment shortages, the faculty, staff, and
student body of the Law School will experience further growth and achieve new standards of efficiency and service.

Looking back upon the programs of the biennium, and beyond, it is not difficult to forecast a future for the Law School rich with challenge and opportunity, which its faculty enters with courage and faith, inspired by the general awareness of its lofty place in the destiny of an aroused University in a society striving for greatness.

Paul M. Hebert

December 31st, 1965