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# Transition to the Modern Law School

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We cannot afford to consider a man who desires the job just for the sake of rounding out a life of what he may think has been prominence in the profession, by wearing the honors of scholarship as a mere adornment of himself."

Another wrote: "I agree with you that a teacher of law and not a practitioner of law should be placed at the head of the law school. We should go to some high grade law school and get the best man we can. Five years of active work in the Courts as now conducted will 'diffuse' any mind to such an extent that exact principles escape it. This is our golden chance to start a fine law school. We have had and have now good teachers. We need a commanding head. Count on my cooperation."

In June, 1924, President Chase won overwhelmingly on all three issues, and on his recommendation the Trustees elected Merton Leroy Ferson, former Dean of the Law School of George Washington University, as Dean of the Law School of the University of North Carolina. ". . . I believe that under his direction," said President Chase in his report to the Trustees in the fall of 1924, "we can look confidently forward to the building here of a law school which should be outstanding in its work and service . . . it is the business of a university law school to develop men who will regard law, not as a trade, but as a profession; whose training has been directed, not toward immediate objectives of passing bar examinations, or the acquisition of a superficial facility in the routine details of practice, but toward precisely those ends which any professional school of university character must seek, and among which capacity for growth, based on a large knowledge of fundamentals, must always rank higher than mere technique."

#### IV

#### TRANSITION TO THE MODERN LAW SCHOOL

The story of the modern law school is the story of the implementation of the policies outlined by President Chase in 1923 and approved by the University Board of Trustees in 1924. It is the story of three law school deans working from 1924 to 1941: Merton Leroy Ferson from 1924 through 1926; Charles Tilford McCormick from 1927 through 1931; Maurice Taylor Van Hecke from 1931 through 1941.

The immediate contrast between the old and the new became apparent in the changing type of law school leadership—from outstanding practitioners at the bar and on the bench in North Carolina to outstanding legal scholars in the American law school world.

The first of the modern law school deans was Merton Leroy Ferson. He was born in Iowa in 1876 and graduated from the University of Iowa with the degrees of Ph.B. in 1900, LL.B. in 1901, M.A. in 1905. He practiced law for three years, taught Constitutional Law and Jurisprudence in the Political Science Department of the University of Iowa, 1904-05, became Assistant Professor of Law in George Washington University in 1911 and Dean in 1917, Professor of Law in the University of Missouri in 1923, and Dean of the University of North Carolina Law School in 1924, at the age of 56.

The second of the modern law school deans was Charles Tilford McCormick. He was born in Texas in 1889, graduating from the University of Texas with the degree of A.B. in 1909 and from the Harvard Law School with the degree of LL.B. (cum laude) in 1912. He practiced law in Dallas, Texas, 1912-17 and 1919-22, before he became Professor of Law in the University of Texas, 1922-26. In 1926, he became Professor of Law in the University of North Carolina, and in 1927 Dean, at the age of 38.

The third of the modern law school deans was Maurice Taylor Van Hecke. He was born in Wisconsin in 1892, graduated from the University of Chicago with the degree of Ph.D. in 1916 and from the University of Chicago Law School with the degree of J.D. in 1917, practiced law in Chicago and served in the Illinois Legislative Reference Bureau, 1917-20. He became Assistant Professor of Law in the University of West Virginia in 1920, Associate Professor of Law in the University of North Carolina in 1921, Associate Professor of Law in the University of Kansas in 1923 and Professor in 1924, Visiting Professor of law in the Yale Law School in 1927, Professor of Law in the University of North Carolina Law School in 1928, and Dean in 1931, at the age of 39.

The story of the modern law school under the leadership of these three deans is the story of the gradual evolution of the curriculum in regular sessions and in summer schools; in steadily rising law school standards and bar admission requirements; and in the development of the Law Library, the *Law Review*, and the Law School Association.

## LAW SCHOOL CURRICULUM

The case method of instruction inaugurated by McGehee was further developed under Ferson and his successors; and whereas at the end of McGehee's administration only two of the Faculty had been trained in this method, a decade later all had been trained in it. "The relative advantages of this method of instruction are no longer debated," said the Law School catalogue of 1925-26. "More than 90 per cent of the members of the Association of American Law Schools have adopted it. This method discloses the common law principles, not as mere sequences of words—but as living forces. The analysis and interpretation of cases under a fire of Socratic questioning tends to develop in a student the mental accuracy and acuteness which mark a real lawyer. The case method provides an education of ideas rather than words, establishes an active and critical rather than a passive attitude, and produces real mental power rather than facility in repeating definitions, maxims and high sounding phrases."

New courses were added in a gradual process of curriculum revision, including: Taxation in 1924; Trial and Appellate Practice in 1926; Trade Regulation, Criminal Procedure, Office Practice, a Reading Course, and Faculty Seminars in 1927; Administration of Justice in 1929; Corporation Finance, Legislation, and Credit Transactions in 1931; Public Utilities and Administration of Debtors' Estates in 1932; Vendor and Purchaser, Future Interests, Labor Law, Statutory Construction, and Jurisprudence in 1934. Old courses were reorganized and grouped under new names, as in Credit Transactions; new courses were developed as offshoots from old ones, as in Corporation Finance and Municipal Taxation and Finance; Problems Courses appeared for small groups of advanced students; curricular experimentation and expansion continued to the eve of World War II.

Ideas motivating the curricular revision process are apparent from the description of specific courses. To illustrate: The Law School announcement phrased by Dean McCormick for 1927-28 gave the following description of the Reading Course, which, however, after a two year trial period, was abandoned: ". . . it is the aim of the school to develop the habit among the students of frequent informal conferences with faculty members, over the difficulties and problems which are encountered in their studies. It is believed that this personal contact between student and teacher, which is no longer possible in the larger

schools, is of inestimable value and will foster some of the professional spirit which was engendered by the former association between lawyer and student in the days when legal instruction was secured in law offices. To this end a Reading Course has been introduced for first year students. This course will consist solely of the reading of books designed to acquaint the student at the outset with some of the history, general ideas, outstanding personalities and rich literature of the law. The students will be divided into small groups, each of which will be assigned to a different professor as adviser, with whom individual conferences on the readings will be held."

In the same year dean McCormick gave the following description of the Faculty seminars: "The faculty this fall has initiated the plan of weekly faculty conferences of several hours each, devoted to the group discussion of papers prepared by its members on legal subjects incidental to the work of the School. It brings an interchange and comparison of knowledge and ideas among the members of the groups, which makes the whole result greater than the sum of its parts, and may be likened to the firm conferences on current business which are systematically held by some law firms. This has already proved to be a powerful influence towards coordinating the courses, and increasing the effectiveness of the instruction in the School."

In 1929-30 he outlined the purpose of the newly inaugurated course in the Administration of Justice. "The purpose of this course is to stimulate the interest of the students in the proposals which are being urged all over the country for changes in methods of judicial administration, and to give them some knowledge of the argument for and against these proposals. The public is looking to the legal profession for guidance and leadership on this subject, and this can only be forthcoming if the younger generation of lawyers is fully informed of modern ideas about procedural reform. The course will be conducted by the entire faculty in cooperation with visiting members of the profession. Seven conferences will be held during the year to deal with important subjects which are now in the forefront of public and professional interest."

The course in Administration of Justice continued in the curriculum for two years, with different subjects for discussion for the second year. Both the Reading and Administration of Justice courses served a real purpose in the process of broadening student and faculty interests, in raising standards of class-room accomplishment and student scholarship,

and in bringing about a professional attitude toward the study of law which has continued to the present.

The expanding purpose of the Law School was continued throughout Dean Van Hecke's administration. He brought new men to the Law Faculty: Frank Hanft and James H. Chadbourn in 1931, John Mulder in 1934, Don Markham and John Dalzell in 1937, and Henry Brandis in 1941. He revised the curriculum, adding courses in the Administration of Justice, Future Interests, Administrative Law, Jurisprudence, Labor Law, Taxation and expanding the course in Contracts to two semesters. In 1931 he secured Carr Dormitory, adjacent to the Law School, for the exclusive use of law students. In his administration the law library expanded from thirty-one thousand to fifty-two thousand volumes. In 1936 the student editors of the *Law Review* took over from the faculty the responsibility of reading advance sheets and selecting cases for comment and began the process of taking over full editorial responsibility for the *Law Review*. Admission requirements were lifted from two to three years of undergraduate work, with the added requirement of a C-grade or better in half of those courses, and there was a consistent rise in the quality of the student body to the point that seventy-one per cent of the students enrolled in the Law School had college degrees in 1937.

He expanded the Law School's services to the Bar of the State by holding a conference on the new Federal Rules of Civil Procedure, attended by a hundred fifty members of the bar, by holding similar conferences on other topics using visiting summer school faculty as instructors, by starting in the *Law Review* the biennial survey of statutes passed by the North Carolina General Assembly, and by initiating Chadbourn's study of the legal problems involved in lynching for the Southern Interracial Commission. Under his leadership faculty members submitted ten bills to the General Assembly with supporting research pointing to the need for changes in the law and four of these were enacted. He offered the Law School's services to the Legislative Commission on Revision of the Constitution. Fred McCall worked with the General Statutes Commission on revising the Intestate Succession Laws of the state and was chairman of its research committee in this field. Hanft served as a member of the State Utilities Commission to hear special problem cases. Breckenridge worked for the General Statutes Commission on revision of the corporation laws, provided the annotations for the Workmen's Compensation Act published by the North Carolina In-

dustrial Commission, and did research and drafting for the Interstate Commerce Committee of the National House of Representatives.

#### THE SUMMER LAW SCHOOL

In 1922 McGehee had suggested the giving of credit courses toward the law degree during the summer months, paralleling the review course for the bar examination. A full schedule of credit courses for twelve weeks was added to the review course in the summer of 1925, and in the years that followed the review course was abandoned altogether.

The Summer Law School from its beginning has brought distinguished lawyers and law teachers to the teaching staff. "We regard this summer work as among the most significant features of our educational program," wrote Dean Van Hecke in 1933. "We are able to offer courses in the summer in specialized fields which no member of our resident faculty is competent to give in the regular year, thus greatly enriching our curriculum. Most of these visitors are among the distinguished authorities in the country in their respective fields. Not only do our students profit from their visits but the library and the educational thought of our regular faculty reflect their stimulation."

Their influence reached out to the bar as conferences and institutes for lawyers were organized around individual specialists—such as the conference on federal tax problems, with Judge Percy W. Phillips of the U. S. Board of Tax Appeals and Arthur H. Kent, Acting General Council of the U. S. Bureau of Internal Revenue; on social security taxes with Mr. Evan Clague of the Social Security Board; on federal rules with Edson R. Sunderland of Michigan, Harry Shulman of Yale, and Judges John J. Parker and Johnson J. Hayes. Many other distinguished visiting professors spoke to the North Carolina Bar Association and to various conferences during the summer sessions.

#### RAISING LAW SCHOOL STANDARDS

*Entrance requirements.* Efforts to improve the quality of entering students are reflected in the annual reports of the Deans: "The argument in favor of college training as a prerequisite of law study is generally directed to the need a lawyer has for it in his practice," wrote Dean Ferson in 1924. The records ". . . indicate that he needs it also in his study of law. It appears for example that 79 per cent of the college graduates passed all their work while only 36 per cent of the men without college work passed in all their work. It appears that 50 per

cent of the college graduates made an average of B or better, while only 9 per cent of the non-college men attained a B average. The men with part of a college course fall between these extremes."

This situation was gradually corrected. In 1925, two years of college work, urged by McGehee in 1922 and pushed by Ferson in 1924, were required of entering students who were not degree candidates, as well as those who were. In 1932, three years of college work were required of all entering students. These efforts to extend pre-law training had been strengthened in 1921 by the requirement of a "six year course—three years of undergraduate studies strictly prescribed . . . and the three-year law course" for the combined degrees of A.B.-LL.B.—instead of the five-year course previously required. In 1926, the B.S. degree in commerce was offered at the end of the first year in law, to those who had completed three years in commerce, and the LL.B. was offered on the completion of the third year in law. Thereafter the A.B.-LL.B. was revised to accord with this pattern.

As a consequence of developments such as these, Dean McCormick could write in 1929: "Of the present entering class of 43, 22 have had four years of college work, 14 have had three years, and only 7 have only the minimum entrance requirement of two years of college preparation." This picture was confirmed by Dean Van Hecke in 1931: "Ninety-nine of the total of 113 have had three years or more of college preparation. Forty-six have received a college degree, two a master's degree, and 10 have had four years of undergraduate work. Of the entering class of 52, only five have barely complied with the present entrance requirement of two years of college work. The new trustee regulation requiring three years of college preparation for entrance to the Law School which will take effect in September, 1932, will, therefore, merely confirm a situation already voluntarily created."

*Graduation requirements.* It was one thing to get well equipped students into the Law School, but it was another thing to keep them there until the completion of the course. "It will be observed," wrote Dean Ferson in 1924, "that only 35 per cent of the second year class returned. . . . It apparently indicates that men are using the school as a means of getting to the bar and that when the school has served this purpose they are through with it. This practice is unfortunate for the student who resorts to it and prejudicial to the public good." In 1925, he reiterated this complaint: "The shrinkage in the second year class appears . . . [as] a precipitate drop in February. . . . The drop occurs, it will



be noted, just after the winter examinations for admission to the bar. Nearly one-half of the second year class took the bar examination last winter, and, with one exception, all passed it. A few of the men who took the examination returned to the school, but most of them did not. . . . It will be a bright letter day in the history of legal education when this State elects to safeguard her law students and her administration of justice by requiring that each person admitted to the bar shall have had a thorough three-year law course. This school will be hampered in the fulfillment of its mission, to adequately prepare men for the bar, so long as present conditions prevail."

Efforts to correct this condition gradually succeeded. In 1929 Dean McCormick could write: "Our Senior class numbers 39 as compared with 15 last year. . . . The great majority have already taken and passed the Bar examinations, and their return evidences the more clearly, therefore, the realization of the value to them of a complete legal education." In 1938, the State Bar requirement of three years of law study of all applicants for admission to the bar turned this educational tendency into a legal obligation.

Other evidences of stiffening Law School standards may be found in the limitation of the number of "special students," who were not degree candidates and who did not comply with the normal admission requirement, to "ten per cent of the average number of students first entering the school during each of the preceding years," as required by the Association of American Law Schools; in lifting the age requirement of "special students" from 21 to 23; in the 1935 requirement that "all regular applicants for admission . . . must have received a grade of C or better in at least 50 *per cent* of their undergraduate courses," and in the later extension of this standard to all undergraduate work for degree candidates; in the requirement of personal interviews of applicants with the committee on admissions; in barring from participation in major extracurricular activities all students with less than a B average; in the deduction of credit given for D grade work and absences from class; in the requirement of a higher than passing average on all Law School work; in the offering of the J.D. degree in 1924 to students with the A.B. degree, or its equivalent, who attained a B average in three years of Law School work and wrote a ten-page note or eight pages of case comments for the *Law Review*; and in the offering of the LL.B. degree with honors to the highest tenth of the class. In 1928,

the Law School received a chapter of the honorary law school society, the Order of the Coif.

#### BAR ADMISSION REQUIREMENTS

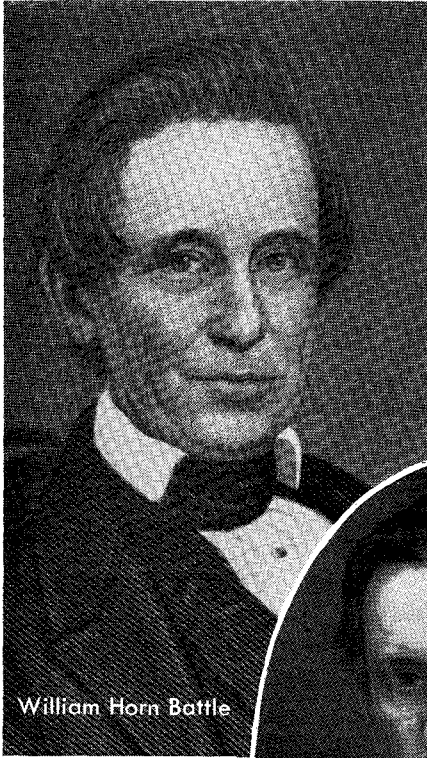
It may be fairly said that modern standards of legal education in North Carolina have been set by Law School leadership. In 1845, William Horn Battle required two years study of the law for the LL.B. degree from this Law School. In 1919, this requirement was raised to three years, and before and after 1919 the quality and content of the two and three year law course was steadily and rapidly improving. In 1910 a high school education was required for admission to the Law School; in 1923, one year of college work was required; in 1925, two years; in 1932, three years. And this record is all the more impressive when put against the background of standards for admission to the bar. In 1849 a rule of the Supreme Court prescribed a list of law books for applicants desiring admission to the bar; later a list of subjects—to be studied through textbooks or case books of the students' choice. In 1889, the Court required that this prescribed law course be studied for "one year"; in 1901 for two years—omitting any requirements of preliminary education. Even these requirements were not aggressively enforced.

No one can read the proceedings of the North Carolina Bar Association since its organization in 1899 without feeling its keen and enthusiastic interest in standards of admission to the bar. Particular reference may be made to certain discussions of the quality and content of legal education.

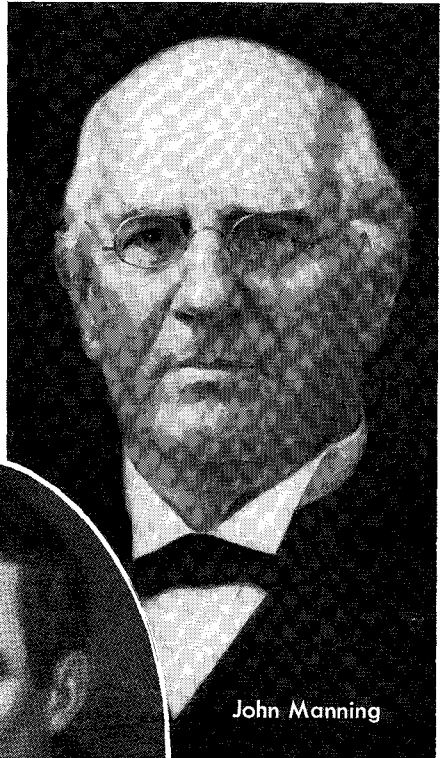
In 1903, R. W. Winston rose in open meeting and argued that "Blackstone ought to be restored to the (prescribed) course. . . . When I look back over my course of study I think I derived more benefit from Blackstone than any book which I studied. . . . Now, Mr. President, I am interested in this matter. I have a son who is about to enter upon the study of law, and while I was willing for other people's sons to study the present course, Ewell's Essentials included, I am positively opposed to my boy studying law with Blackstone left out. . . . What are the essentials? The essentials are Coke and Blackstone, that is what they are, and the Great Masters of the Law. . . . This is a very business and a very practical age, but my observation is that unless a man has a legal mind, he might just as well quit the law. If he thinks he can make a lawyer unless he has a legal mind, he is very much mistaken, and

cramming his mind, or rather his memory with disjointed facts, will not supply the deficiency. Young men ought to be required to study the old books of the profession, they ought to go back to first principles and learn them. . . . We must get away from the idea that a boy must be examined on the Code of North Carolina which changes every second year. I think studying The Code is really a hardship to a boy. He will come into that quick enough when he gets into the law. What he wants to do is to train his mind, he wants to become a hard headed old fashion lawyer; careful, painstaking, obstinate and stubborn. Such a man holds by first principles. Let the human mind be well trained first of all and then all of this little trash as to when you have got to file your complaint, or when you have got to issue your summons, or how many extraordinary remedies or judgments there are—all of those little matters will come in the practice of the law afterwards. The statute law of a State changes with each changing wind, to teach it to the young aspiring law student, lowers his ideals and makes of him a mere clerk. You might as well ask a boy how many trees there are between South Building and Pickard's Hotel, as to ask him how many legal holidays there are in North Carolina.

“To this exordium F. H. Busbee responded: ‘I desire to suggest, though I will not make an amendment to the motion of my learned friend, that we add Granville, and Fleta and Braxton, and also add that no report or other text book shall be used by the profession subsequent to 1830.’ . . . Mr. Busbee spoke briefly in opposition to the suggestion of requesting the Supreme Court to alter its course. He also objected to the suggested elimination of the Code and thought that the course of study should be one calculated to prepare the lawyer for the actual practice of his profession, to advise clients who [come] to him concerning their affairs, and to conduct litigation successfully. He heartily concurred in the eloquent eulogy upon Blackstone, and stated that when his son was a law student at the University he had sent Blackstone and Adams' Equity and Stephens on Pleading, to be read and studied in connection with the condensed statement of the law in these volumes which is contained in Ewell's Essentials. The great names in the history of North Carolina jurisprudence had read and studied the volumes then accessible. It is not to be supposed that Gaston and Badger would have omitted to study the modern text books and decisions if they had been accessible, and unless the lawyers of this age should rival that of



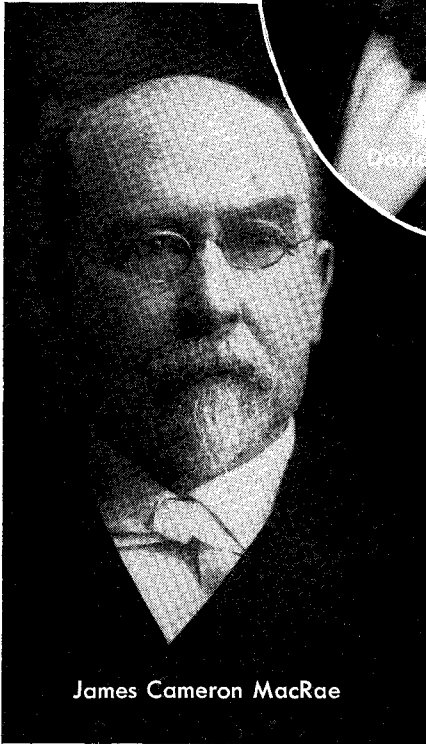
William Horn Battle



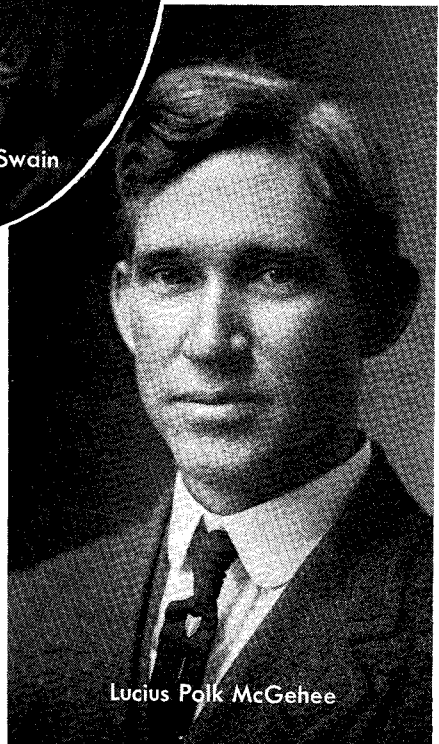
John Manning



David Lowry Swain



James Cameron MacRae



Lucius Polk McGehee



Atwell  
Campbell McIntosh



Merton Leroy Ferson



Harold Woodburn Chase



Charles Tilford McCormick



Maurice Taylor Van Hecke

Methuselah, time would fail him to study minutely both old landmarks and the modern treatises and decisions."

In 1930, Bar Association officers appeared with Law School deans before the Supreme Court of North Carolina to urge higher standards of legal education for admission to the bar. It suited action to its words after the shifting of the bar admission responsibilities from the Supreme Court to the newly incorporated and self-governing bar in 1933. This organization forthwith prescribed rules, raising by degrees the requirements for admission to the bar: requiring a "standard four-year high school education, or its equivalent . . ." of all applicants in 1938, and two years of college work in 1940; requiring a prescribed three-year course of study in legal subjects in 1938; and requiring as proof of this study the "certificate of the dean of an approved law school . . . or the affidavit of a member of the North Carolina State Bar engaged in active practice of law, who has been a licensed practitioner in North Carolina for five years prior to the beginning of instruction, that the applicant has studied law under his personal instruction for three years and that he has passed written examinations given by him in the entire minimum course of study above prescribed, and on each subject contained therein; which affidavit shall be made on the form prescribed by the Board of Law Examiners, and the originals of which written examination, and the answers thereto shall be attached to such affidavit." These regulations put teeth into the requirements for admission to the bar and the administrators have given them a bite.

#### LAW SCHOOL LIBRARY

When the Law School moved into its new building in the fall of 1923, the Library contained a little less than 7,000 volumes. "It would require the expenditure of \$20,000 to bring our library up to a par with the libraries of other schools that otherwise stand in about our class," wrote Dean Ferson in 1924. "All plans for placing this school on a parity with [other comparable schools]," wrote Dean McCormick in 1927, "are conditioned upon the rapid expansion of the present law library to at least twice its present size, and the subsequent expenditure of sufficient funds annually to keep it abreast of the rapidly expanding literature of the law." Under the stimulus of these pressures the Library grew: from 7,000 volumes in 1923, to 14,000 in 1927, to 27,000 in 1932, to 52,000 in 1946. This growth was made possible by a \$20,000 appropriation by the state in the biennium of 1926-28, supplemented by a

\$10,000 gift by Junius Parker in 1929, and by other gifts including the libraries of Chief Justices Richmond Pearson and William A. Hoke, Judge A. C. Avery, Judge W. D. Pruden, Dean Lucius Polk McGehee, Professor A. C. McIntosh, James H. Pou and Z. V. Walser, together with numerous volumes from the libraries of Thomas H. Battle, A. B. Andrews, George M. Rose and a multiplicity of others.

In 1933, Dean Van Hecke wrote: "During the last twelve months, 1,514 volumes have been added. This steady growth has been made possible by appropriations for continuations, periodicals and new books from the University Library budget, by a number of valuable gifts, by the enterprise of the Librarian in selling various duplicate sets, and by two appropriations from the \$30,000 gift to the University by the General Education Board for bibliographical materials.

"The present collection is hardly more than an ordinary working law library. It is not yet adequate for research and investigation of University calibre. No University Law School comparable with ours has a library so narrowly restricted. To the end that these minimum facilities may be adequately expanded, an endowment is required which, in addition to state appropriations for maintenance, will yield \$2,500 a year for new books.

"The Library now faces a serious shortage of available space for expansion. When the Law Building was constructed ten years ago, arrangements were made for the housing of 25,000 volumes. We are now 2,000 volumes in excess of our capacity. We face the immediate necessity of converting a room in the basement, not connected with the present Library, into special library service with special supervision. In the very near future we must plan for an addition to the building to house not only the expanding Library but to furnish also much needed seminar rooms and additional office space for research workers."

*The first librarian.* Much of the successful growth and development of the Law Library in this transition to the modern period, and indeed until her retirement in 1955, can be attributed to the first librarian of the Law School, Lucille Elliott. She came to the Law School in the summer of 1923 as a combination secretary and librarian, replacing a graduate student who had been working only part time. She came with four years of college study and a degree from the State Normal School which is now known as the University of North Carolina at Greensboro. She had no formal training or experience in library work in general, nor law library work in particular, nor any knowledge of the

law. But she brought with her a fine native ability, a capacity for hard and persistent work, an aptitude for overcoming difficulties, and the spirit and resolution of a builder.

With all of these qualities working overtime within her she started out to learn the law librarian's business from the ground up and to make it her profession. She took the cataloguing course and related courses in the University Library School and started cataloguing her materials. She took law school courses at the rate of one a term to acquaint herself with the faculty and student needs. She began to supply personal services that faculty, students, and the law review editors had not known before. She was called on to teach the course in Legal Bibliography.

Around her painstaking devotion and unflagging efforts Law School deans, University administrations, and library friends built the library from the 7,000 volumes in 1923 to 75,000 volumes in 1955. She has told part of this story in 7 *North Carolina Law Review* 37; in a paper presented to a round table of the Association of American Law Schools and the Association of American Law Librarians in Chicago in 1931; in the proceedings of the Carolina Law Librarians which she initiated in 1938; in *Resources of the University of North Carolina Law Library*, published by the University Press in 1945; and in the "History of the Law Library" published in 24 *North Carolina Law Review* 402.

In a report to the Law School faculty in 1946 she said: "This Library is more than a collection of books. It is a living creature. It is an organism of strong frame work, filled out with meat and muscle, capable of being clothed and even adorned with frilly habiliments. It has its place and carries its responsibilities. Heavy and increasing demands are made on it by students, faculty, law review editors, research workers, university scholars, lawyers, and even the State. The outside pressure makes a steady development imperative. Like a growing child, a library cannot know lean years. Its needs must be cared for. It cannot mark time. Particularly is this true when all law and order have been in a state of flux and upheaval and new courses added to the curriculum based on this new law have made it imperative to keep abreast of the available material. There was only one course to pursue—to go right ahead. We have begged, borrowed, and bartered for our library."

"What the future of the 52,000 volume law library will be is uncertain," she later wrote. "What the future *should be*, if the School is to train good lawyers, satisfy research students, and hold a scholarly



faculty, is clear. The trend of 'things to come' is apparent from the activities of the law schools and professional groups. The American Law School Association and the American Association of Law Libraries are formulating new and higher standards for law libraries. Research librarians are thinking in terms of libraries stocked with material produced by microphotography for a two-way economy of time and space."

In a report to the President, Dean Van Hecke wrote: "The extremely efficient service of Miss Lucille Elliott, the law librarian, in developing the system of exchanges of periodicals, reports, session laws, and bar association reports has resulted in the acquisition of substantial material without cash expenditure. . . . Because of her work in developing the Law Library without adequate financial support during the lean years of the depression Miss Elliott was invited by the Association of American Law Schools to deliver a paper at the annual meeting in Chicago on How to Build a Library Without an Appropriation."

She organized the North Carolina Law Librarians into an association with periodic programs which attracted the attendance of law librarians from neighboring states and was chosen president of the National Association of Law Librarians.

It is a tribute to the spirit and the purpose of Miss Elliott that she picked a series of assistants through the years who had at the start the legal training and library craftsmanship that she had acquired along the way. There was Margaret Hall who came as Assistant Law Librarian in 1935 and went on to become Reference Librarian in the Columbia University Law School, Reference Librarian of the United States Information Library, and Associate Professor of Law and Librarian in the University of Puerto Rico. There was Kate Wallach who came as Assistant Law Librarian in 1947 and went on to become Law Librarian at the Louisiana State University Law School and President of the National Association of Law Librarians. There was Louis Cherry who came as Assistant Law Librarian in 1943 and went on to become Law Librarian of the Institute of Government, Librarian of the National War College, and Reference Librarian in the Congressional Library.

It is characteristic of Miss Elliott that on retirement in 1955 she picked as her successor a person who could start with all of the qualifications her predecessor had sorely missed along the way—a law degree and a librarian's degree. Mary Oliver fully recognized the lasting contribution that Miss Elliott made to the Law Library: "During her years as Law Librarian Miss Elliott, with very limited funds, built a fine basic

collection of Anglo-American legal materials. Her foresight in anticipating the future needs of the law school resulted in the purchase of important titles which are not now available and which provide a solid foundation for the research of both faculty and students."

#### NORTH CAROLINA LAW REVIEW

In 1921, Dean McGehee had called attention "to the desirability of a journal or periodical publication which may represent the School and the work it is doing. It would serve as a link between the legal profession and the School, and would be a most valuable tool for improving our instruction, and an incentive to faculty and students alike."

Professor Van Hecke came to the law school faculty in 1921 and was the moving spirit in starting the *North Carolina Law Review*. He explained its purpose in this editorial in the first issue coming off the press in June, 1922: "It is hoped that the *Review* may be of service to the law students, the law teachers, the members of the bar, and to the judges upon the bench, and, through them, to the people of the state.

"As a supplement to the routine daily class work of the School, it will afford to the second and third year students, a means of intensive training in legal writing. To them, the independent experience, under faculty supervision, in the analysis, investigation and critical discussion of current problems in North Carolina law will be invaluable. As the *Review* goes into volumes year by year, it will constitute a collection of reference materials on the local law, of definite value as collateral readings in connection with class discussions.

"To the faculty of the School, the *Review* will be an added incentive to systematic research in the state law and a medium for the publication of the results achieved. To the members of the bar and the judges upon the bench, the *Review* will make available, in the form of leading articles, editorial notes and comments, discussions of important legal problems, statements of the significance of outstanding recent state and federal decisions, and historical accounts of the development of distinctive topics and doctrines of North Carolina law. In other words, the *Review* will carry to the active members of the legal profession, the work the School is doing in tracing the development of law in North Carolina and in the country at large.

"Of equal importance to the law student and to the law teacher, will be the opportunity afforded by the *Review* to learn of the attitude, the needs, and the problems of the attorneys and judges in active practice.

It is hoped that those who are daily carrying on the litigation and the legal work of the state may find in the *Review* a means of expressing their reactions to, and their constructive suggestions for dealing with, the difficulties encountered in the practical administration of the law. Only through this closer contact and understanding can the lawyer, the judge, the law student, and the law teacher effectively unite in what should be a common effort for the solution of modern legal problems. In this latter connection, namely, that of the public service of the legal profession as a whole, particular attention will be given in the pages of the *Review* to the influence upon legal problems of matters of legislation, government, business and social and economic conditions."

In 1922 Dean McGehee commented: "The foundation of the *North Carolina Law Review* last June is a notable event in the history of the School. Two numbers of the *Review* have been issued, which have enlisted much approving comment from the profession in and outside of the State. The influence of the *Review* upon the work of the students is already making itself felt for good. The editorship of the *Review* has been committed to Mr. Van Hecke, who is devoting untiring energy and enthusiasm to the task, and is making it a credit to the law department and the University. It is one of the chief means by which we hope to extend the influence of the School and to increase its usefulness."

The *North Carolina Law Review* developed under the successive editorships of Professors Van Hecke, 1922-23; Wettach, 1923-32 and 1943-45; Chadbourn, 1932-36; and Hanft, 1936-43. In the early years the faculty took the lead in planning the *Law Review* and in supervising the preparation of its contents. In 1936, the *Law Review* announced that a "new policy, in accord with that of the better law reviews of other universities, has been established whereby the student members of the *Law Review* staff are assuming a larger responsibility for the work of the *Review*." Under this policy the student editors took the lead in planning and preparation, with faculty assistance.

In his letter to the alumni in 1933, Dean Van Hecke said: "*The North Carolina Law Review* is now in its twelfth volume. Through exchanges we are able to secure 143 legal periodicals for our library. Its articles and student notes are frequently cited in other Law Reviews and in legal treatises. The Supreme Court of the United States has referred to it twice in the last four years, as has the New York Court of Appeals. It has been referred to scores of times by the Supreme Court of North Carolina. From fifteen to twenty of the abler students

in the School receive training in legal investigation and discussion each year as members of the editorial staff of the *Law Review*, under the immediate personal supervision of members of the faculty. Thus the *Law Review* is a teaching device of the first order. The University has done its best, in spite of drastic budget cuts, to maintain this journal, and we are grateful. The position of the *Review*, however, would be permanently assured if it could be endowed in an amount to yield \$2,000 a year."

#### LAW SCHOOL ASSOCIATION

In 1919-20, Professor Efrid, the first law teacher coming to this Law School with a modern law school training, turned the more or less spasmodic moot courts, with their mock trials too often degenerating into a mockery, into law clubs, organized in the form of appellate courts for the investigation of authorities, the preparation of briefs, and the argument of cases on appeal.

The work of these law clubs gradually crystallized into the pattern described in the Law School announcement for 1927-28: ". . . first year students investigate authorities, prepare briefs and argue cases involving questions of law arising in their courses of study. These cases are framed by members of the faculty and the arguments are presided over by a court consisting of one faculty member acting as Chief Justice and two third-year students acting as Associate Justices. At the end of each year the winners of these preliminary arguments argue the final case of the year before members of the Bar."

During the same period, in 1923, the Law School Association revived efforts at instruction in the techniques of practice, with the idea of acquainting law students with the present day organization of law practice, the types of problems lawyers are called upon to solve, and their ways of solving them. With this idea in mind a number of lawyers were asked to come to Chapel Hill to supply this instruction. This program began with a single lecture by each visiting lawyer, but the single lecture proved inadequate to its purpose and was expanded to a series. Practicing lawyers were asked to come to Chapel Hill for two or three days to present a thorough analysis of current types of law practice with illustrative problems.

This series of group lectures was transformed into a series of clinics conducted through a law office, a trial court, and an appellate court organized and operated in the Law School. Lawyers were invited to send

in for use in these clinics actual problems confronting them in their practice and later to come to Chapel Hill to discuss with the students the various ways and means of dealing with the problems and to compare the results they had reached with the results reached by the students.

The Law School Association originally came into being with the development of three distinct Law School classes. From the beginning, student body organization had followed the curricular pattern, and extra-curricular activities had been primarily class activities directed by class officers. For a long period these class ties were next to non-existent—with many students trying to cram a two-year course into one year or less, with many men coming for one term only, or a summer term, in the effort to learn enough to pass the bar examination, and with a short-lived and floating student body cramped for time and space. The basis for cohesion gradually appeared in the extending of requirements to three years of full-time study of law for all applicants for admission to the bar as well as for the Law School degree.

Thus the basis was laid for federating the first, second, and third year classes in the all inclusive Law School Association; integrating student activities involving the student body as a whole; initiating a Law School convocation of students and Faculty for introductory and orienting purposes at the beginning of the year; fusing the three separate class banquets hanging over from former days into one Law School Association gathering at the end of the year; organizing and directing the law office, trial court and appellate court activities; securing portraits for the law building; securing a dormitory for the housing of law students; organizing the Law School dances and a variety of undertakings; and growing into the accepted instrument of co-ordinated student action.

#### TRANSITION DAYS

With the end of Dean Van Hecke's administration in 1941, the transition from the ancient to the modern Law School was complete. The earlier deans and faculties emphasized the practitioner and judge and the values of practical experience, and looked on teaching as a professional sideline, or as the capstone of a lifetime career at the bar or on the bench. The later deans and faculties emphasized the professional teacher, the value of scientific training and research, while recognizing practical experience as an invaluable asset, and looked on teaching as a lifetime career. McGehee and McIntosh may be looked on as both the last of the "old school" and the forerunners of the modern law school,

for though they practiced law before they taught it, they were primarily students rather than practitioners and started teaching toward the beginning rather than the end of their careers. Whereas the old practitioner with his career behind him withdrew from the thick of things to take up teaching and carried the Law School with him to the sidelines, the professional teacher with his career before him carried the law school with him from the sidelines into the thick of things.

By 1941 the modern deans and faculties had stimulated habits of work, shifted methods of teaching, stiffened standards of scholarship, oriented the aims and objectives of legal education, and through these activities transformed the law school of their inheritance to the point where it could be said that students in the law school in that day were getting a better legal education than any previous generation in its history. The vision and leadership of President Harry Woodburn Chase had found its fulfillment.

## V

### THE WAR YEARS

Robert Hasley Wettach—Dean and Professor of Law  
1941-1949

Robert Hasley Wettach came to the deanship of the University Law School in 1941, after having served on its faculty for twenty years. He was born in Pennsylvania in 1891, graduated from the University of Pittsburgh with the degree of A.B. in 1913, M.A. in 1914, LL.B. in 1917, practiced law in 1919-20, and took the graduate degree of S.J.D. from the Harvard Law School in 1921. He became Assistant Professor of Law in the University of North Carolina in 1921, Associate Professor in 1938-39, Professor in 1940, and Dean of the University Law School in 1941, at the age of 49.

Starting with McGehee and McIntosh and working through the administrations of successive deans, Dean Wettach acquainted himself with the problems of legal education in North Carolina and throughout the country, and united in his experience the old law school traditions with the new. His work with Bar Association committees, with state commissions such as the Commission to Revise the Insurance Laws (of