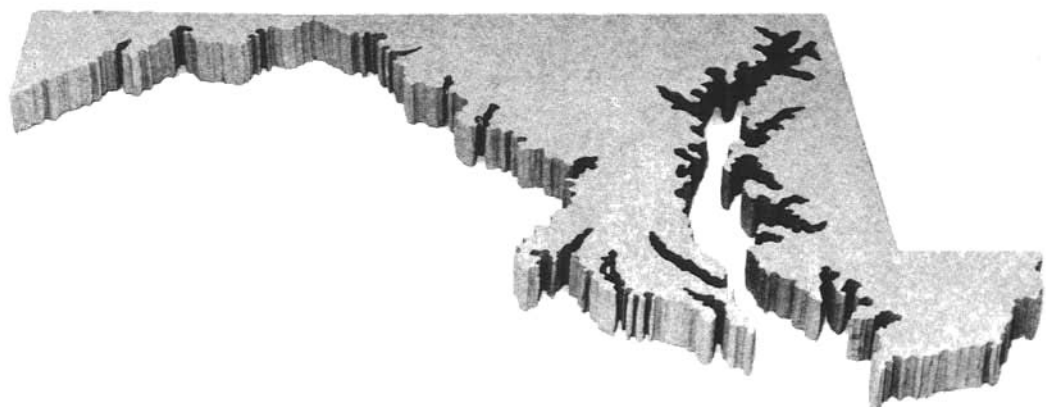
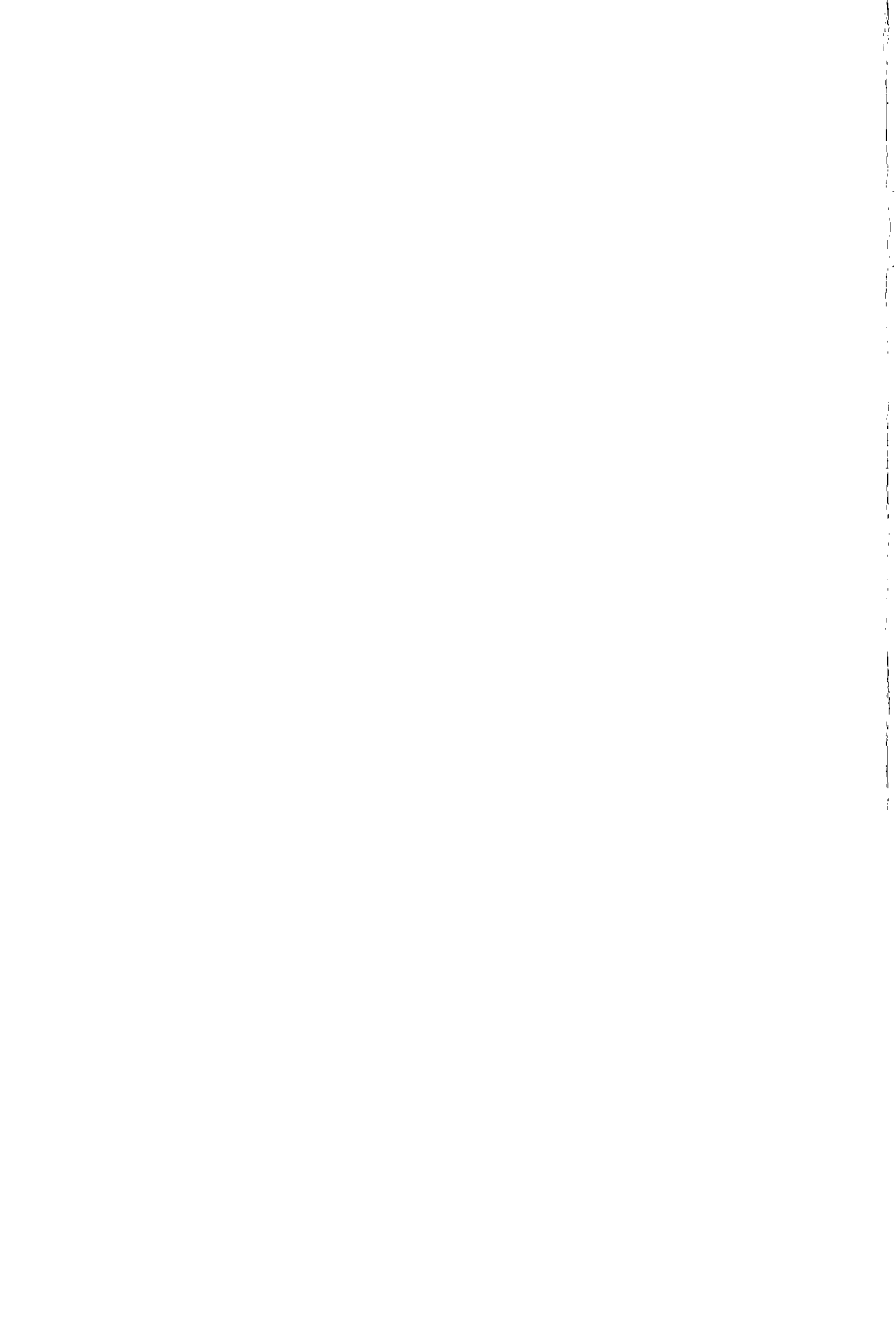


REPORT OF THE DEAN



UNIVERSITY OF MARYLAND
SCHOOL OF LAW 1975



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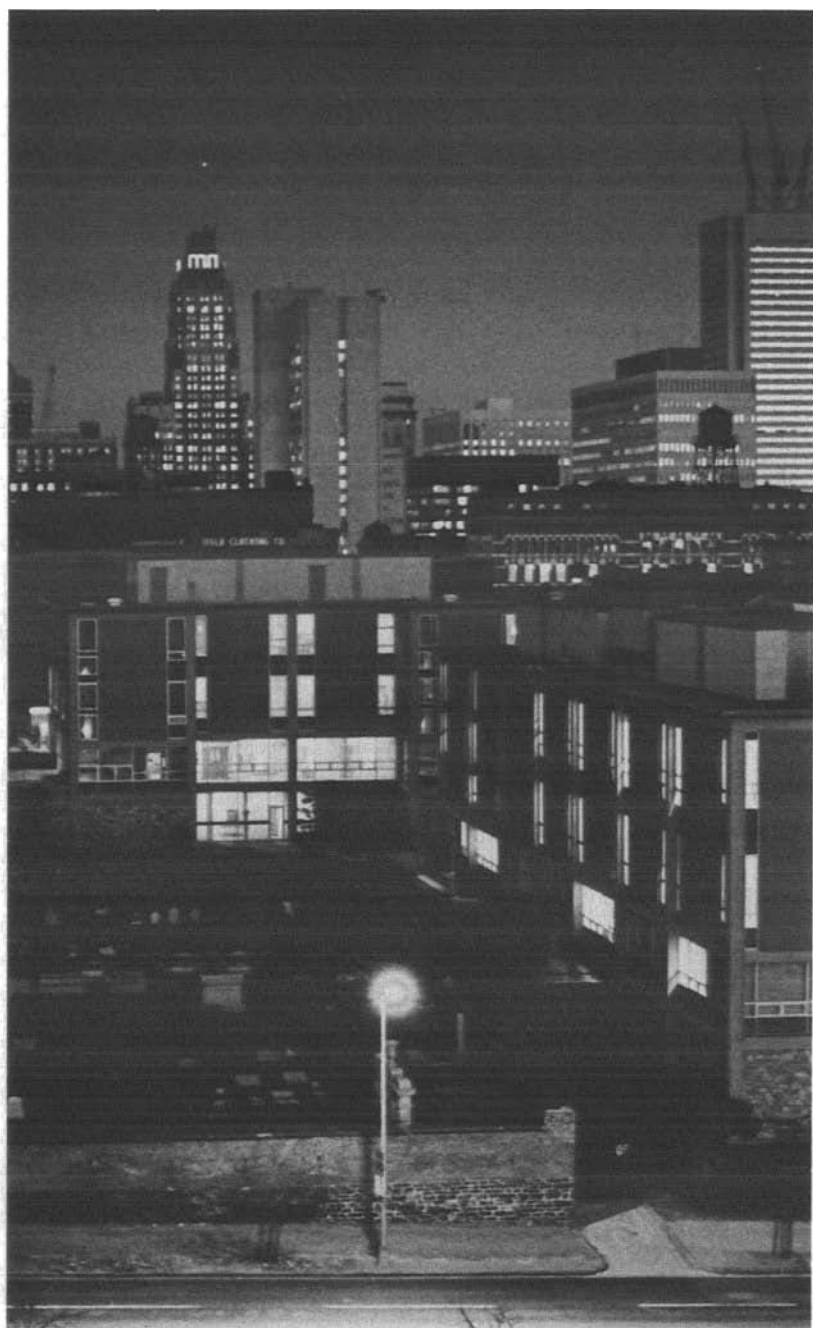
**UNIVERSITY OF MARYLAND
SCHOOL OF LAW 1975**

The status and development of the State University Law School is a matter of importance not just to the Dean and the faculty, but to the students, the alumni, and the profession as a whole. Law schools play a critical role in the formation of professional values and the development of professional competence, but for many years law schools have tended to assume that upgrading the quality of the institution was synonymous with distinguishing themselves from the practicing bar. In the belief that this is a profoundly mistaken notion of what the professionalization of legal education should be, I am submitting this report to the Bar of Maryland, as well as to the Regents and Administration of the University, the alumni, faculty, students and friends of the Law School. I hope that this can begin the process of establishing a more direct relationship between our institution and the legal profession of the State.



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The Quality of the School

One of the pleasures of the first few months of heading the Law School has been the chance to gain some perspective about the nature of the institution for which I am responsible. I have come increasingly to respect the fundamental strengths of the school developed under the leadership of Dean William Cunningham. Rather than having to repair serious weaknesses in the school's educational program, my task has been to build on a solid base. It is my belief that the modesty of the Law School's claims for itself are far out of proportion to the quality of its educational program. During a period of unprecedented growth in the size of the student body and the faculty during his dozen years as Dean, Bill Cunningham developed a faculty deeply committed to the highest quality of law teaching. Some indications of this commitment are the extraordinary investment by the faculty in the introductory training of first year students. There are few, if any, law schools in the United States that not only provide first year students with at least one small (25 student) class in substantive law, legal research and writing and appellate advocacy, but also limit the large classes to 60 in the Day, and 75 in the Evening. Although all law professors know that the smaller the class, the more opportunity students have to participate and to have critical review by the teacher, most law schools our size, or larger, refuse to limit first year classes to a reasonable size because it inevitably entails a heavier burden on the faculty.

Another feature of Maryland which I believe is unique is the availability of our faculty to students. There is no tradition at Maryland of faculty office hours, largely because the presence of faculty at the school is so extensive that no posting of hours is

generally felt to be necessary. The faculty is heavily committed to working with students individually in small groups, particularly with respect to supervision of student research and writing. The faculty is predominantly young: the average age is 39. It is a group of individuals who enjoy and believe profoundly in the importance of the teaching enterprise. Even more unusual, it is a faculty that maintains an extraordinary civility and cooperative spirit despite strong differences of opinion on educational policy and a host of other issues. It is also a faculty that maintains a strong governing role in the life of the institution, through the Faculty Council. The faculty actively participates in decision-making and in reviewing decisions it has delegated. I welcome that participation and I believe it is the key to the continuation of the healthy, constructive and pleasant way in which the faculty and administration work at our school. People at other professional schools tell me that our "faculty politics" situation is just short of miraculous.

Another major strength of the school is its conservative curriculum. By that I mean that Maryland has not followed the prevailing fashion in legal education of doing away with required courses and de-emphasizing fundamental areas of substantive law. In a survey completed last year for the Council on Legal Education for Professional Responsibility, Maryland ranked as one of the more conservative schools in terms of courses required for graduation. We now require two semesters each of Torts, Contracts, Civil Procedure and Property, and one semester each of Criminal Law, Criminal Procedure, Constitutional Law, Evidence, Income Tax and The Legal Profession. In addition, we require that a student complete a major piece of writing, either through a seminar or independent work under the supervision of a faculty member, a first year

legal writing course, a moot court argument and brief, and a perspective course (Legal Process, Jurisprudence, etc.). Besides these formal requirements, most students take a semester of Business Associations, Commercial Transactions, Administrative Law, and Estates and Trusts. Of the many curriculum changes recommended by the faculty, none has involved altering this basic core of the curriculum.

The results of this educational program, at least by one perhaps imperfect measure, Bar passage rates of our graduates, are exceptional: Over the last few years, an average of 90 percent of all of our students taking the Maryland Bar for the first time have passed it; an average of 97 percent of our students taking the Bar have eventually passed the Bar. (We do not yet have the Summer 1975 results.) This bar passage rate is exceptionally high by any standards, perhaps so high that it may in fact decline in the years to come. But I think it is fair to say that we are doing a solid job of training students at least for the first major threshold they must pass in order to become part of the profession.

I will have more to say later in this report about two other major strengths of this school that I encountered upon assuming the deanship, namely the student body and the important changes we are making in the third year curriculum. But I cannot ignore one rather personal note, namely the extraordinary resource that Bill Cunningham has been to me during my initial months of learning the details of the deanship. Bill, who is now a member of the teaching faculty, has been generous and unstinting in his willingness to assume anything I have asked of him, and I have asked him not only for advice, but also hard work, particularly in connection with the accreditation visit of the American Bar Association and the Association of American Law

Schools in the spring of 1975. I have also had the extraordinary pleasure of numerous visits with Dean Emeritus Roger Howell at his home, who has given me background on the history of the school. I now have some insight about why he is so beloved by the students who attended the school while he was Dean.

New Activity at the School

One of the distinct pleasures about my short tenure as Dean has been the extent to which my job is simply that of facilitating or blessing the energies of other people in the school, both faculty and students. For whatever reason, there has developed a whole new range of activities which has generated, I believe, a lively intellectual climate at the school. Shortly after I became Dean, there emerged, after many months of planning, the International Trade Law Journal, a new law review which was put together through the devotion and hard work of a group of students assisted by a few members of the faculty. The journal reflects a strong interest by students at the school in problems of international law, and serves as an important educational tool for students interested in writing and research in that area. The theme of the journal ties in with the international trade role of the State of Maryland and the Port of Baltimore. Already the journal, along with the very active International Law Society at the School, has given some students an unusual expertise and channelled them to employers in the field.

The Law School hosted on November 20th and 21st a national symposium to discuss alternative solutions to the medical malpractice crisis in the United States. The symposium was the work of Professors Kenneth Abraham and Oscar Gray of our faculty. It was generated partially in response to the problems our own University Hospital was having in handling malpractice costs earlier in the year. The symposium was funded by the Commonwealth Fund, the Center for Law Related Studies, the Schools of Medicine of the University of Maryland and the Johns Hopkins University, and the Maryland Medical Practice Action Committee. The symposium represents an activity that the Law School can perform well, namely bringing together the best minds in the field to discuss a serious problem that affects Maryland as well as most other states. The focus of the symposium was not on the practical aspects of defending or bringing malpractice cases, but rather on the directions of future research and analysis about the problem which might enable state legislatures to come to grips with the issues.

Another activity which has enhanced the diversity of intellectual offerings and activities of the School is the clinic on the Rights of the Handicapped, funded by the Social and Rehabilitation Service of the United States Department of Health Education and Welfare. This project not only gives law students the opportunity to become involved in a rich mixture of practice before administrative agencies and the courts, it also includes encouraging the creation within the governments of five states of disabilities "councils" to deal with the special legal problems of handicapped people.

Associate Dean Laurence Katz is director of an American Bar Foundation study of the probate system in Maryland. The study, which utilizes law students in gathering data throughout the state, is designed to

elicit facts about such matters as the length, cost, and management of the probate process. The Maryland results will ultimately be compared with those of studies in states with dissimilar probate procedures in order to evaluate the effectiveness on a national scale of different probate systems.

Another aspect of the livelier intellectual atmosphere is the institution of faculty colloquia, at which faculty members and others, in an informal setting, discuss their current research and engage their colleagues in a critical dialogue. Andrew Watson, of the University of Michigan, was a guest at one colloquium; William Marbury was another guest, speaking of the changes in the profession in Maryland over the last fifty years.

Some student activities are particularly worth noting. Our national moot court team swept top honors at the William and Mary Invitational Tournament in the spring and placed first in the Regional Finals of the National Moot Court Competition in the fall. In the Regional meet, the team defeated the University of Baltimore, all the Washington, D.C. schools, the University of Pennsylvania, and other Pennsylvania schools, winning not only the oral argument, but the best brief, as well as overall first. Another activity very much on the upgrade in quality and student participation is the Law Review, which changed its face from gold and black to a more attractive blue and white format, and is changing its editorial direction to more direct focus on Maryland law so as to better serve its constituency among Maryland lawyers. The recent symposium in the Law Review on electronic fund transfers may seem somewhat esoteric at first glance, but it is an area that will affect all of us in a very short time. That symposium has, in fact, attracted national attention to the Law Review and the Law School.

A Change of Spirit

Our school has always suffered somewhat from the impersonality, coldness, and distance of being a downtown, commuter school. The school has been noted, I think, for being all business, very little affected with the pleasure or sense of warmth about the process of becoming a lawyer.

No professional school can or should duplicate the expressions of school spirit that are characteristic of undergraduate campuses. Nevertheless, one of the things I have most enjoyed about being Dean (and it is a job that I confess I thoroughly enjoy) has been instituting the small touches that seem to have some small impact on the way students view the school. Much of what has happened this year has been fortuitous: for example, the Student Bar Association, the student government of the Law School, experienced in the spring a major revival of interest after a hotly contested election for its leadership. What pleases me so about the many small changes that have recently taken place in the life of the school is that they are a result largely of student and faculty initiative with simply the encouragement and financial support of the Dean's Office.

Last spring several students developed an orientation session for incoming students that led to the creation of ten freshman advisory groups this fall. The first year advisory program was designed to help freshmen adjust to the pressures and complexities of law school. One faculty member and two upperclass students were assigned to 25 first year students, day

and evening, with the mission to see the students in informal sessions and communicate to them our welcome, and our strong concern about their experience at the school and their initiation into the legal profession. Each advisory group was given a small budget for beer and soft drinks, and each group was invited to my home for refreshments and informal discussion. No grand agenda for the groups was established other than to set a tone of informality and accessibility and to provide whatever advice students might seek concerning problems in or outside the school. Another feature of the program was the appearance on November 18th of Andrew Watson of the University of Michigan Law School who spoke to the first year day and evening classes about dealing with the special pressures of being a law student.

While it is difficult to evaluate a program like this, my general sense is that first year students feel the School has gone out of its way to be forthcoming and helpful, and the advisors have been instrumental in communicating that spirit. For my part, I have thoroughly enjoyed the opportunity I have had as a teacher to talk extensively with first year students and to help them deal with some of the tensions we generate, quite deliberately, in their lives as fledgling lawyers.

Another important development at the School has been the emergence of a school paper. The Student Advocate died many years ago, and there had long been a vacuum created by the absence of any method of communicating with students other than the rather impersonal over-crowded notice boards that reached the few students who took the time to stand and read them. I indicated my willingness to serve as the publisher of some form of student notice sheet, and I received an enthusiastic response from members of the freshman class. Phil Caroom, an eager and extraordi-

narily hard working first year student editor, brought out "The Bi-Weekly" (which is still seeking a more lively name), in which appears a column by the Dean, placement notices, stories about activities of faculty and students, letters of complaint, and the like. The paper has been enthusiastically received and even advertisers now like it, so that it may eventually emerge as a totally student run publication without any further subsidy or encouragement from the Dean's Office. The combination of official announcements, hard news, gossip, informal bantering, reporting of student activities, and even something approaching an action line has, in my opinion, added immeasurably to the sense of cohesion and concern about the school among students.

Another small sign of a change in student attitudes about the school was a successful school-wide picnic held in September at a farm north of the city. The students and the Dean split the cost, and I expect that the success of this picnic will lead to another one in the spring, similar to the annual picnic which was held some years ago. I mention this only because it is symptomatic of what I think is a somewhat different student reaction to the University of Maryland Law School than has existed in the past few years, namely, that it is a warmer place. It is hard to assess the importance of an intangible like this, but I believe that it adds an extremely important dimension to the solid educational program of the school.

The new school spirit, if that is a proper word for it, also reflects some recent changes in student attitudes which are far more sympathetic toward institutions in general than a few years ago. Whatever are its causes, I welcome it, for I think it has helped make our school a place where the law displays its pleasures as well as its demands.

The Evening School

My predecessor as Dean was consistent in his public and private opposition to continuance of the evening division. I have been outspoken in support of it. I do not mean to minimize the difficulties of providing part-time students with the extensive training, both in theory and in research, writing and clinical skills that the school believes is critical to the development of first-rate lawyers. But I feel that the evening program permits the Law School to train some highly qualified people who would not ordinarily be able to afford three years of full-time education. The quality of the evening division students is reflected in part in their paper credentials and results: The average Law School Aptitude Test score of the evening class is some twenty points higher than the average test score of the day for the class entering in the fall of 1975; the Bar exam passage rate of the evening students has been consistently higher than that of the day students for some years, even reaching 100 percent in two of the last five years.

Several steps have been taken to improve the evening program. We have increased substantially the elective curriculum open to evening students, both by increasing the number of evening courses and by scheduling certain courses at 5:00 p.m., which makes them available to both day and evening students. In order to reduce the sense of isolation felt by evening students we have arranged to have one of the deans available at the school until 7:00 p.m. three nights a week. While I have no facts and figures to back this up, my general sense is that the evening students feel more welcome and more important to the school than at any time in recent years.

The critical issue facing us with respect to the evening program is its cost. We are, in essence, running two law schools: a small 225-student evening school and a larger 525-student day school. It is true there are important efficiencies that are achieved. For example, the schools share the same physical plant; also, we can combine courses by scheduling day and evening sections at 5:00 p.m., as I mentioned earlier, or by asking day students to take certain electives in the evening. I, for example, teach a course each semester only at night. But the basic element of a quality education is the teaching staff. We have taken what I believe is a responsible position that the evening school should be taught primarily by the full-time faculty, and that part-time faculty who are practicing attorneys should be concentrated in the upperclass courses where practice skills and insights are most essential.

The evening program requires additional resources if it is to keep pace with the day program. For example, Legal Method, the first year writing course which is the heart of our introductory program to develop legal research skills, has never been properly staffed in the evening. In the day, we are able to allocate one professor for each 25 students in Legal Method. In the evening, it is one for 75 students, with other teachers assigned to help review papers. The Law School needs at least two additional faculty members to cover adequately this one critical part of the curriculum.

Another major weakness in the evening program is the inadequate attention to writing skills beyond the first year. The day program far outstrips the evening in the opportunities for students to do moot court, clinic and seminar work. The evening moot court program is being upgraded with a young part-time faculty member, but it is essential to add a full faculty position to

work with evening students on independent writing projects. There is no better way to bring the evening program closer to the quality of the day program than to focus on the development of writing skills.

Finally, a matter of major importance in establishing parity between the day and evening divisions is the provision of adequate professional assistance in the library for reference and guidance in legal research. The three professionals in the library have begun working evening duty, but the library professional staff can only be stretched to a limited extent. There are still serious complaints by faculty and students of inadequate service in the library.

Continuing Legal Education

The Law School has long maintained a program of continuing legal education in the evening for members of the Bar. It was my belief that the School should significantly increase its efforts in this area. Fortunately, I was able to prevail upon Associate Dean Laurence Katz, who was finishing his third year at the helm of our admissions operation, to assume a position of Associate Dean for Continuing Legal Education. Freeing a major portion of his time to devote to post-graduate education for lawyers has already generated substantial activity at the school. Under Larry's direction, the enlargement and improvement of our program is underway. In addition, at the request of Woody Preston, President of the State Bar Association, Larry developed a proposal for the creation of a state-wide institute for continuing legal education. Larry and I both serve on the special committee appointed by

Woody Preston, and chaired by William L. Marbury, which is exploring the structure of such an institute. While the nature of the institute, and the Law School's role in it, have not been determined, it is our expectation that the Law School will continue to play a constructive and important role in working with the State Bar Association to provide an expanded continuing legal education program. This activity would replace and enlarge the role that John Ester of our faculty has been playing as Director of the State Bar Association's CLE Program.

With the substantial voluntary commitment by members of the Bar who are interested in education for the profession, I believe some of the most dramatic developments in the Law School in the coming years will result from Larry's effective leadership in this most important area of the School's responsibility to the profession.

Curriculum Changes

I reported at some length in the summer issue of the Maryland State Bar Journal about the substantial changes made by the faculty in the spring of 1975 in the elective curriculum of the Law School. In brief, this amounted to placing much stronger emphasis on legal writing skills, on practice-oriented skills, on clinical training, and on interdisciplinary approaches to specialized law topics, as well as making a variety of improvements in some of our traditional offerings. The report on the elective curriculum adopted by the faculty represents an innovative and far-reaching program of legal education in terms of the range, the

richness, and the depth of upperclass offerings. Implementation of the report began this fall. Some highlights are:

- a new upperclass course in Legal Writing taught by Professor Lee Walker;
- a new clinical program on the Rights of the Handicapped in which students represent handicapped people and assist agencies in developing rules and regulations to help the handicapped. This clinic is led by a nationally recognized expert in the field, Professor Marcia Pearce Burgdorf;
- a new civil law clinic which will open in the fall of 1976 and will be headed by Professor Michael Millemann;
- a new course offered by Professor Joel Woodey on Counseling and Negotiation;
- the expansion of our offerings in Trial Practice to four sections, two in the day and two at night;
- a new Appellate Litigation Seminar offered by Professor C. Christopher Brown, an experienced appellate advocate;
- a new seminar on the Philosophy of Law offered to Maryland law students and philosophy graduate students by the Philosophy Department of the Johns Hopkins University;
- a course in Health Care Law and a Health Services Law Seminar, new offerings which form part of our efforts to develop closer and more effective relationships to the two great medical schools in Baltimore and involve law students in the rapidly expanding health law fields. Professor John Regan, and Joseph Onek, Director of the Center for Law and Social Policy, teach these courses.



The range and the importance of the curriculum change means (I think, but perhaps I should say, I hope) that it is unlikely that we will be making any major changes in the elective curriculum for a period of time as we evaluate the effects of some of these changes.

Alumni Affairs and Attorney Involvement

A striking gap in the activities of the Law School has been the absence of an active alumni program. There are a variety of ways in which we are moving to remedy this situation. On November 20th we held our first general alumni meeting in the moot court room of the law school. The program, featuring Robert Keeton talking on "Training in Trial Advocacy," was a great success; the capacity crowd displayed considerable enthusiasm about the initiation of alumni meetings at

the school. We plan to hold many more sessions like this at the Law School.

On November 3rd, James Almand, fresh from the Judge Advocate General Corps at Fort Meade, assumed the duties of Assistant Dean for Alumni Affairs and Placement. Jim has already done a fine job helping to organize the November 20th session and making contact with alumni. Larry Katz has begun to organize panels of attorneys (not confined to our alumni) to advise us on substantive areas of continuing legal education programs. The Moot Court Board has had an enthusiastic response from attorneys who participate in the appellate competitions held at the School throughout the year. Our Trial Practice and Legal Profession teachers are constantly drawing on the contributions of attorneys, who add greatly to these courses. I am convinced that this involvement by alumni and other lawyers in the life of the school will substantially improve our programs.

Placement

In 1974 the Maryland Council for Higher Education issued a report entitled Legal Education in Maryland. The report projected a substantial oversupply of lawyers in Maryland based on estimates calculating the ratio of lawyers to population. Although the Law School was critical of the report on several grounds, the school supported its conclusions with respect to oversupply. Subsequently, the Law School submitted to the Maryland Council for Higher Education, and a new Ad Hoc Committee on the Future of Legal Education in Maryland formed by the Council, a paper by Professor Hal M. Smith of our faculty entitled "A

Projection of the Need for Law School Graduates in the State of Maryland.” Professor Smith’s paper generally confirms the conclusions of the 1974 Report of the Council. Professor Smith notes that each year approximately 700 lawyers are being admitted to practice in Maryland. However, based on calculations relating the need for lawyers to economic activity, he projects that, for 1978 for example, there will only be a need for 390 new lawyers to do traditional legal work in the State. Professor Smith makes an additional important point: the perceived quality of the Law School has a major impact on the employability of its graduates.

The studies by Professor Smith and the Maryland Council spell out in detail something most Maryland lawyers have been aware of for some time, namely that the job market is very much a buyer’s market, and that there are many attorneys young and old who are looking for work.

The Law School is taking three steps to deal with this problem. First, the new catalog of the School includes a section on placement which spells out to prospective applicants some of the statistics on the oversupply problem and the difficulty of the present job market. Second, we have hired a new Assistant Dean for alumni affairs and placement, both to expand our placement activities and provide career counselling for students. Third, as suggested throughout this report, the Law School is committed to a substantial qualitative upgrading in its programs without adding additional students.

It is the position of the administration and the faculty of the School that further enrollment increases at this time are irresponsible in light of what we know about the oversupply of lawyers, and all of our plans are posited on holding the present enrollment of the

Law School at the present size of about 750 students total for day and evening.

Admissions

The quality of the University of Maryland student body, measured by the paper credentials of aptitude test scores and undergraduate grade point averages, has improved markedly over the last five years. We are not unusual in this respect, but share in the general increased interest in legal education throughout the country. However, there already are signs that the phenomenal crush to get into law school is abating. For example, this year we received 1750 applications for the 250 places in the entering day and evening classes. This was about the same number of applications as the previous year, but was about 700 fewer than the number of applications received in peak years of 1972 and 1973.

Nevertheless, the law degree still remains the most portable of all graduate degrees, and, with the improving reputation of our program, I expect the quality of our student body to remain at a high level.

The increase in the intellectual quality of our students is not an unmixed blessing. The highly selective and competitive nature of the admissions process has generated a great deal of hostility among rejected applicants, particularly those who are qualified to study law, but who could not be accepted because of the limited number of seats in the class. This hostility is shared by their families and friends. Selection of the entering class involves a determination by the Admissions Committee as to those applicants with the highest potential for law study. As with most other

law schools, the primary factors used in this evaluation are an applicant's previous academic record and the score on the Law School Aptitude Test; other factors bearing on ability may also play a part. We believe it is important to be sure that the standards which we use stand up to the strictest scrutiny. Therefore, a faculty committee has been appointed to review the admissions policy of the school, including our experience with the special admissions program for minority students, and to recommend any changes which may be needed in our admissions standards and procedures.

In addition, I have requested in next year's budget a full-time admissions officer and secretarial staff. If we obtain these personnel, we should be able to invest more time and effort in the admissions process, particularly in the areas of interviewing, and counseling applicants. Finally, we have revised our catalog with the purpose, in part, of giving a more accurate picture of the high quality of our faculty and educational program, and the stimulating atmosphere at the school. We hope this will help us to continue to attract highly qualified students.

Resources

This Spring, the school received a three-day visit by an accreditation team of the American Bar Association and the Association of American Law Schools. We were duly re-accredited, but the accreditation resolution of the ABA Section on Legal Education was highly critical of the inadequacy of the resources available to the University of Maryland School of Law, particularly the services and size of the library, compensation and secretarial support for the faculty,

and the inadequacies of our physical plant. We have taken some significant initial steps to improve in these areas: the Board of Regents included in the University budget for fiscal year 1977 a substantial increase in operating funds for the School of Law which should be a large help in upgrading the school.

As those of you who have visited the school know, the law school building constructed about 10 years ago is now outmoded in several respects: we have eleven faculty officed in temporary trailers behind the school, and we are now storing over 15,000 library volumes for lack of space in our present library. We have developed a careful and detailed program for a new library building (which would be located adjacent to the school in the vacant lot immediately north of our present location), and have submitted this proposal to the State in order to obtain planning funds for the building. We are hopeful that the Governor and General Assembly will acknowledge the serious deficiencies in our current physical plant, and approve the planning funds for the library building. The space vacated by the present library can then be used to house faculty, student activities, and clinical programs which are inadequately housed at present.

The assumption behind construction of a new library at our present site is that the School of Law should remain in Baltimore. This assumption is questioned by some people, and it is presently under consideration by the Maryland Council for Higher Education's Ad Hoc Committee on Legal Education in Maryland. I am strongly of the view that our educational programs (with the growing use of practice clinics) as well as job opportunities for our day and evening students, necessitate a continued location in the city which is the center of legal activity in the state. While I personally think it might be beneficial to our school and to the

metropolitan Washington area of the state to have a branch of the University of Maryland School of Law at College Park, the costs of such an installation seem hard to justify at this point with the oversupply of law graduates, and state assumption and ABA provisional accreditation of the University of Baltimore (with an enrollment of about 1100 law students).

The accreditation visiting group emphasized that the many improvements taking place in the life of the Law School were no substitute in the long run for improvement in the resources available to the School. In comparison to other state law schools, Maryland ranks rather low in terms of financial support. For example, a "resources index" published in the Summer 1975 issue of *Learning and the Law*, the journal of the ABA Section of Legal Education and Admissions to the Bar, placed Maryland behind 35 other state schools, including West Virginia, North Carolina, South Dakota and Kentucky (to mention only a few states behind which we should not be lagging). This "resources index" is far from a perfect indicator, but I believe in this case it reflects with some accuracy the relative faculty salary and library support ranking of our law school against other state law schools developed in unpublished confidential ABA surveys.

This resource problem is not just a set of abstract numbers. The intellectual activity of a school makes individual faculty members better known, and this inevitably leads to other law schools bidding for our talent. Law firms are used to the fact that they must reward their most effective and productive partners or associates if they expect to retain them. The law teaching field is no less competitive.

My career before law teaching included a period of time in local government, where I became familiar with the characteristic posture of department heads that

more money is the answer to most problems. More money, without skillful management and a sensible case for the benefits that expenditures generate, is usually not an answer in itself. So I am firmly of the mind that the posture of the Law School in asking for more resources should consist in proving that we are a competent and effective organization that deserves only that additional support which will make substantial improvements and benefit people other than just the faculty and the staff of the school.

Although it is wise to be cautious about such generalizations, I think it is fair to say that at this time, the law school is seeing a high level of student and faculty morale and productivity, and that there is a great opportunity to capitalize on this enthusiasm and create a significant improvement in the school, its reputation, and its services to the State of Maryland through additional resources.

There are two reasons why this resources point needs to be emphasized. An article in the October 29th *Wall Street Journal* about the underfunding of legal education cited the statement of George Bunn, the former Dean at Wisconsin, who alluded to the higher costs of important new law school developments like clinical education. As our ambitions increase to see to it that students are better trained in *all* the skills of being lawyers, not just equipped to pass the bar examination, the quality of our program will depend on our ability to hire more staff (and staff, of course, that are experienced lawyers). But the concerns of our school to perform at a higher level come at a time when resources for higher education are more difficult to obtain. According to a recent survey by *The Chronicle of Higher Education* published October 6, 1975, the revenue of most state universities has not even kept pace with inflation. Maryland is no excep-

tion to this trend. Wilson Elkins, the President of the University, has already asked the law school to undertake, through a special "task force", a detailed budget analysis to determine how we can survive further budgetary belt-tightening.

There are several steps we are taking to deal with the twofold problem of shrinking resources and more costly program ambitions. First, we are presenting as forcefully and as clearly as we can to University and State officials the strength of the school and the case for more generous public funding. Although the budget cycle is not completed, the support of the University thus far suggests we will have a chance to improve our situation in FY 1976-77. But the rising demands on state government from all quarters, and the heavy pressures on other parts of the University, must lead us to take a sober (or perhaps somber) view of the long term prospects for dramatic increases in resources through the traditional budget process.

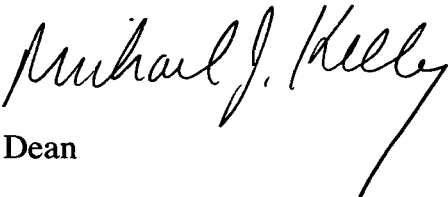
Second, we are actively engaged in generating sources of funding for our programs outside of the University. This year, for example, we have initiated funds for the Rights of the Handicapped Clinic and the National Conference on Medical Malpractice from foundation and government funds. By the Fall of 1976 the School will have attracted what I consider to be a modest sum of new money of \$250,000 annually for our educational program from outside sources. While we look to improvements in this area, we must acknowledge that most funding of this kind is temporary and special purpose in nature. It adds importantly to our program, but does not affect our basic financial structure.

Third, we are making plans to develop a source of funding to enrich our program that mobilizes private support, namely a Law School Foundation. Many of

the better state law schools have generated funds in this way that, while not massive, are exceptionally important new resources for the upgrading of the school. We think that alumni giving should be channelled to endowment through a Foundation (rather than the annual operating fund drives of most colleges and universities). More important, however, the foundation should appeal to members of the bar and bench and even to non-lawyers who are concerned with the overall performance of the profession in Maryland, and are convinced of the important and constructive role which the principal state university law school performs in contributing to the quality of the profession in our state.

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It has been a busy and satisfying year at the Law School. I look forward with great eagerness to our growth and development over the next few years.


Dean

