

REPORT OF THE DEAN

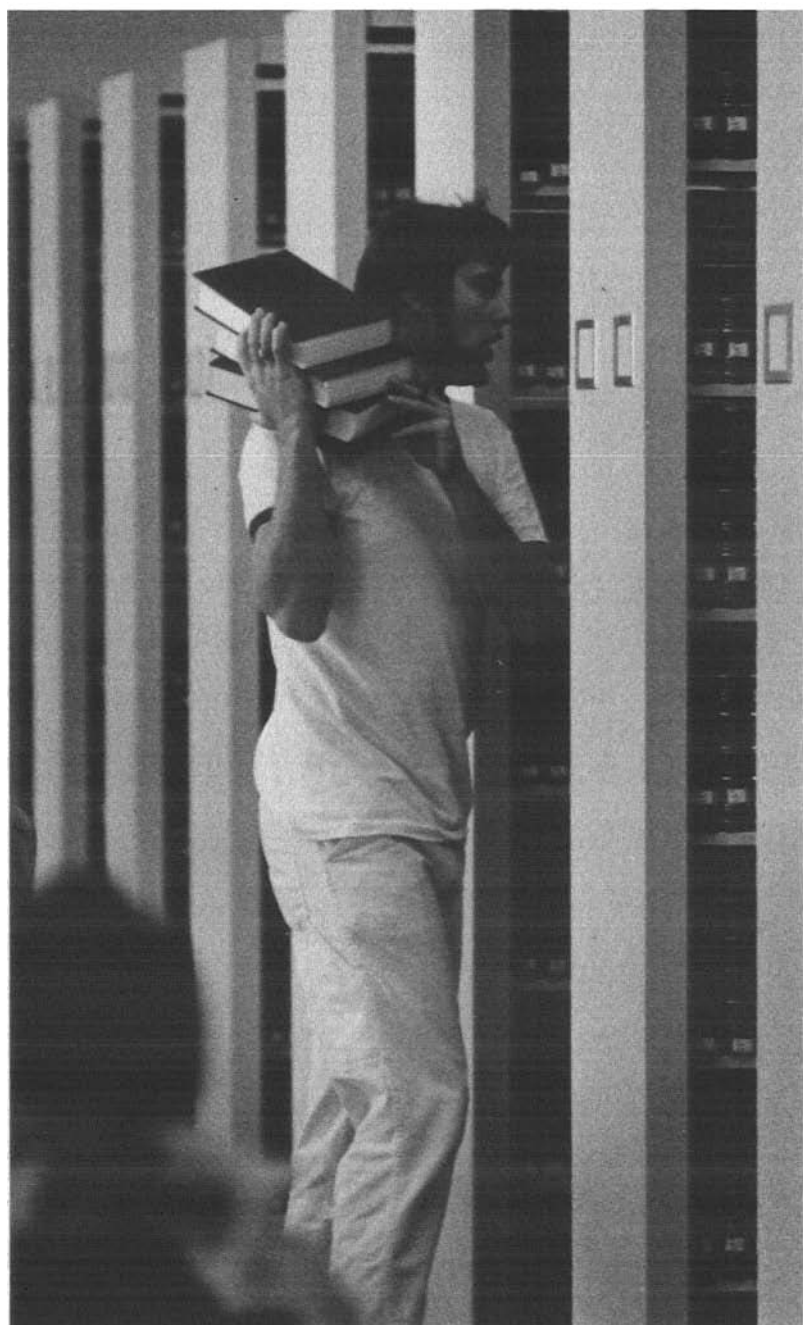
**University of Maryland
School of Law 1976**



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.

Contents

	Page
Some General Reflections	1
Curriculum	5
Why Johnny Esq. Can't Write	12
Admissions	14
The Evening School	16
Continuing Education	19
Placement and the Working Student	20
Alumni Involvement	23
Resources	25



Some General Reflections

My colleagues at other law schools insist that a dean who has been on the job just short of two years should begin to feel helpless and to make plans for imminent retirement. I suffer none of this desolation that is supposed to afflict a law school dean shortly after the novelty of the office begins to wear off. In fact, my enthusiasm for the school and its future is, if anything, more pronounced after a year as dean than it was when I began the job.

Last year my report reflected a respect for the strengths of the school and pleasures of the deanship: the extraordinary faculty investment in (and concern for) the curriculum, the growth in the curriculum and the intellectual climate of the school, a faculty blessedly free from internal wrangling and “politics”, and the continuation of a highly qualified student body with signs of a stronger community spirit. Looking back over my 20 months as dean, I continue to be impressed at the extraordinary amount of energy and commitment that pervade the school. The school is at a critical stage in its growth as an intellectual and community enterprise. This report is a record of progress during the year and a description of some of the challenges and opportunities that lie ahead.

There was one especially tragic and sad note about the year, namely the sudden death of Bill Cunningham, who led the school during the years of modernization and rapid growth from 1962 to 1975. The memorial service we held on November 11 at the school commemorated Bill’s great contributions and celebrated his strength of character, devotion to the law school and marvelous sense of humor. At the request of his family, we have established a William Cunningham Memorial Fund which is devoted to providing the kinds of student amenities that the state budget will not provide — things that could make life more pleasant for our students in their leisure hours.

I still have the sense that I reported on last year of a growth in the spirit of the school. The first year advisory program which was established last year as a welcome to entering students and a method of helping them adjust to the rigors of law school was a success again this year. Upperclass students participated in large numbers and helped us to make some changes in the program. The "program", which may be too formal a title for it, simply consists of providing opportunities at gatherings of the small legal method sections in my home and elsewhere for students to talk informally with second and third year students and faculty about the school, the special pressures of law teaching methods, and any other matters that concern them. We think this demonstration of our accessibility and concern helps to undercut some of the sense of hazing law students can feel when they are greeted (as we think they should be) with a barrage of questions in the classroom.

One of the more delightful events of the year occurred last March when I challenged Judge Solomon Liss to a debate on "The Latke versus The Hamentasch in the Implementation of the Equal Rights Amendment". While the debate was somewhat embarrassing for Sol Liss who was rendered speechless by the subtlety, wit and charm of my attack on the Latke which he vainly attempted to defend, it was a pleasant experience bringing together students, faculty and members of the bar. There were those who said that the Irish soda bread that I offered following the debate in honor of St. Patrick's Day was even superior to the hamentaschen appropriate for Purim. The debate had an important sequel: as a direct result of his performance Judge Liss was "kicked upstairs" to the Court of Special Appeals. This coming spring, the third year students have promised for the first time in several years to present a "Faculty Follies" in which they will do imitations of their classroom oppressors. I take this to be a good

sign: the ability to laugh together suggests a growing sense of community.

There are a number of signs of change in the intellectual tone of the school which deserve some mention. We have begun to attract our share of honors: the election of Professors John Brumbaugh and Oscar Gray to the American Law Institute, Professor William Hall to the Presidency of the Law School Admissions Council (an important national association of law schools), and Professor Hungdah Chiu's award from the International Law Society for his book with Jerome Cohen, *People's China and International Law*. Professional involvement and contributions of our faculty have increased rather sharply of late. A few examples are Professor Abraham's service as co-chairman of the Special State Bar Association Committee on Medical Malpractice; Dean Laurence Katz's leadership of the major study of Maryland Probate Practice funded by the American and Maryland Bar Foundations; the selection of Professors Brown, Gibson and Tomlinson as reporters for a new judicial bench book; and Professor Michael Millemann's service as a special public investigator of complaints concerning the handling of funds impounded in Baltimore City gambling raids. Faculty have been involved in some interesting and important *pro bono* cases before the United States Supreme Court and the Court of Appeals for the Fourth Circuit (see p. 11). We have begun a series of faculty seminars and lunch time discussions, which have ranged from Professor Robert Keller's paper on "Tax Policy and Tax Expenditures" to analyses of Grant Gilmore's *The Death of Contract* and the Campaign Reform Act case. Of a number of faculty scholarly publications, probably the most notable are professor Oscar Gray's major case book, a revision of Schulman and James on Torts, and Professor Edward Tomlinson's article on Maryland administrative law and Professor David Bogen's article on First

Amendment theory in the *Maryland Law Review*. Our faculty, which now includes 39 full time members, is, in my estimation, experiencing a growth in its performance at all levels — a fundamental sign of continuous improvement in the quality of the school.



The Curriculum

I have long been a proponent of the so-called “practical” curriculum, i.e. courses which expose law students to certain skills associated with the profession, in addition to the traditional grounding in analytical techniques and the substantive contours of the law. Several noteworthy developments in 1976 have placed our law school in a leadership role in clinical legal education in the United States.

Last spring the faculty approved the creation of a “clinical semester” elective, a full-time program that allows a student to take the Juvenile Law Seminar and devote his or her full energies to criminal defense practice in the Juvenile Court of Baltimore City. In addition to the representation of juveniles under faculty supervision, the seminar includes extensive drafting work, together with three credits of Trial Practice, and two credits of Legal Profession.

A second major development is the opening of a program unique in the nation, a Legal Services Clinic in partnership with the Baltimore law firm of Piper and Marbury. This clinic, located half a block from the Law School on North Paca Street in a rehabilitated building, provides an intense practice experience for students who specialize (and therefore know what they are doing) in landlord-tenant law, Patuxent Institution cases, and social security appeals. Students work under the supervision of three full-time lawyer-faculty members and members of the firm.

The Rights of the Handicapped Clinic—which began operation last year under H.E.W. funding—has been enormously successful and has been expanded to a full-time staff of five attorneys (many of whom are working on national or regional projects not associated directly with the curriculum). We are now looking for additional space to

house the clinic, which is a model student practice program focusing on administrative law solutions to issues handled by the clinic rather than litigation.

In addition to these developments we have opened two smaller clinics utilizing the leadership of two members of the Baltimore Legal Aid staff, Gerald Walsh in a housing law clinic and Alan Davis in a mental health law clinic. Both of these programs are funded through the Council on Legal Education for Professional Responsibility (CLEPR), a Ford Foundation affiliated group committed to sponsoring clinical legal education around the country. The competition for CLEPR money amongst law schools is fierce and we are extremely pleased that CLEPR thought well enough of Maryland to fund such programs here. I should mention that Maryland is a member of the Northeast Clinical Group consisting of representatives from Harvard, Columbia, the University of Pennsylvania, Rutgers Newark and N.Y.U. Law Schools. This group meets regularly to review the progress and problems of clinical legal education.

A law school clinic differs from the clerking or internship experience with which most lawyers are familiar. Clinic students practicing pursuant to Rule 18 may represent clients in court under supervision of a Maryland attorney. However, much of what goes on in a clinic is not court room litigation, but the development of inter-related skills of written and oral advocacy and counseling in lieu of, or preparation for, trial. Our clinics do not generally handle walk-in cases. Clinic cases are carefully chosen and controlled to meet specific educational goals as well as to assure that the student is competent to provide first-rate representation for clients. Fortunately, the Legal Aid Bureau and (in the case of the Legal Services Clinic) the Public Defender have been exceptionally cooperative in referring cases that meet our needs. Their cooperation, too, is based on the fact that

they know the law school clinic cases are so well prepared and superbly researched and presented that the clients are receiving “Cadillac” representation. For our part, we would like to see “Cadillac” representation become a habit with our graduates.

For a variety of reasons I consider the growth of these courses and programs and this orientation to be important to the intellectual stature and development of the school. Let me say at the outset that they are not designed as a substitute for the fundamental task of the school, which is to teach people to think like lawyers, with a grounding in substantive law, analytical skills, and legal writing and research. Indeed, they extend and enrich this function by integrating legal research, writing and analysis with live ethical issues as well as counseling and negotiation and litigation insights and experiences. How a case will present itself in a court or in a negotiation is obviously an important analytical dimension to an attorney’s understanding of the law. More important, what students tell us about these controlled practice environments confirms the conviction of many educators that the most profound intellectual experience is one that includes emotional involvement, such as performing for a client. We think, therefore, that these practice courses are fundamentally justifiable in the University setting because they generate important conceptual experiences for students. We do not pretend to produce a finished or accomplished lawyer although we believe that graduates of these programs, unlike most newly admitted members of the bar, are not “certified public menaces” to their first clients. The students from these programs understand what first-rate preparation, high standards of practice, and the pressure of deadlines mean to the outcome of a case. They understand their chosen profession better, and they can make more intelligent decisions about the type of practice (if any) to which they are best suited.

Although we are introducing students to practical skills in these programs, their basic justification, in my opinion, derives from the important intellectual and professional dimensions of this kind of training. It is not the least bit incongruous to me that at the same time as we extend the clinical curriculum, we have developed some equally exciting courses at other frontiers of the law. For example, Law and Psychology is a new seminar taught by Don Bersoff, a member of our faculty who also holds a position as Professor of Psychology at Johns Hopkins. We are on the verge of offering, with the Business School at College Park, a joint J.D.-M.B.A. Program. Theories of Interpretation, another new course jointly taught by Kenneth Abraham of our faculty and Walter Michaels of the Johns Hopkins English Department, explores the relationship and differences between literary and legal analysis of language.

I have gone on at some length about the “practical” curriculum because there is considerable confusion about what it is and what it represents in legal education. On one side, many lawyers do not appreciate how sharply this form of training contrasts with clerking, and, in previous years at Maryland, the old two credit internship at the Legal Aid Society. It is, we believe, on the whole a far more rigorous, demanding, systematic and analytical approach to the acquisition of lawyering skills than pre-graduate work experience.

On the other side, something of a backlash has begun to develop among academic lawyers who challenge this type of training on the grounds that it is detracting from the fundamental purpose of law school (which could be described as inculcating legal literacy); that it cowers to student “consumerism”; and that it is excessively responsive to the concerns about lawyer competence raised by members of the profession. I certainly have no embarrassment in defending an approach which threatens to

produce more competent attorneys and more satisfied students. I should point out, however, that at present clinics are largely available only to third year students and that there is resistance in some student quarters to enrolling in clinics at Maryland because the work is so demanding (or should I say lawyer-like?). And while I share concerns about "legal literacy" (witness pages 12-13 of this report), these programs, in my opinion, enhance this goal of legal education. I suspect the critics of clinical education may be affected by two other major problems it raises. Clinical training is expensive, up to five times the cost of classroom instruction per student. And it requires a different kind of teacher, someone who is both practitioner and pedagogue and is given to a phenomenal appetite for hard work. In short, a first-rate lawyer. Such individuals are hard to find.

I do not mean to suggest that clinical education is without problems. Cost is certainly a formidable issue in view of the general low cost history of legal education. Another problem we are facing this year is the delicate issue of how we handle student failure in clinical programs with extensive credit hours. This is, however, the type of problem which, to my mind, is a symptom of the success of clinics. A law school can perform an important role for students and the profession by identifying and counseling potential attorneys who consistently cannot meet real deadlines, or seem emotionally incapable of handling the pressures and judgments required in practice.

I also do not want to suggest that practice clinics are the only methods by which we develop professional skills. We have expanded significantly the number of sections in Trial Practice. In addition to Professors Abraham Dash and Michael Millemann of our own faculty, we had superb help in 1976 from outside practitioners: Stephen Sachs of the firm of Frank, Bernstein, Conaway and Goldman; Jeffrey White of the office of the U.S. Attorney

for Maryland (who taught the course during the summer session); and Herbert Semmel of the Center for Law and Social Policy in Washington, D.C. Professor Joel Woodey's popular course in Counseling and Negotiation continues to be well received by students, and some of our other offerings, such as Morton Fisher's and John Steele's course in Real Estate Drafting and Negotiation, Professor Alice Soled's Estate Planning Seminar and Bruce Bereano's Legislation Seminar, are noteworthy skill development programs.

Another activity which focuses on skills has been extraordinarily successful of late, namely the Moot Court Program. All first year students are required to enter the Moot Court Program in the second semester of their first year (for evening students, the second year). After the initial year the program is entirely voluntary, but we have witnessed over the last year or two exceptional enthusiasm among students for Moot Court. We have a "Second Round" competition in the Fall to select the Moot Court Board, and this Fall over 70 second year (and third year evening) students entered the competition. In the Spring the Myerowitz Prize competition also generates a large turnout for the selection of our National Team and the William and Mary Invitational Team. The results have been impressive. The Law School has now won two successive William and Mary Invitational Competitions in the spring semester, and two successive regional Moot Court competitions in the National Moot Court competition (the latter includes all the Washington, Pennsylvania, Maryland and Delaware law schools). Although Professor Richard Falcon has been an able and effective faculty advisor, the success of this educational program is largely the work of student enthusiasm and student labor. I should also point out that several of our Juvenile Law Clinic students have acquitted themselves well in real arguments before the D.C. Court of Appeals and the Fourth Circuit Court of Appeals.

A “practice” orientation in the curriculum generates more of a practice environment at the institution. For example, Professor Christopher Brown argued *Norton v. Weinberger*, 427 U.S. ____ (1976), and will argue *Batterton v. Francis*, cert. granted, 45 U.S.L.W. 3342 (November 9, 1976), in the Supreme Court after the first of the year. Professor Michael Millemann was co-counsel in *McCray v. Burrell*, 427 U.S. ____ (1976), and recently argued *Roberts v. Warden* in the Fourth Circuit. Students take great interest in this type of activity, not because it is un-academic, but because it is what the law school “academy” is all about — the development of that extraordinary collection of insight, experience and skills we gather together under the rubric of “thinking like a lawyer.”



Why Johnny Esq. Can't Write

Despite exceptionally high grades and aptitude scores, many of our students arrive at law school with poor writing skills. To some of the faculty, the causes of this deficiency are clear: their teachers in grade school, high school or college did not require enough writing and did not edit work before requiring rewriting. The *Chronicle of Higher Education* recently reported that colleges and universities are undertaking a variety of crash programs to deal with the serious deficiencies in writing most students bring to college. A case of bad writing can be exacerbated by exposure to the language of law. The results can lead to a chronic habit of substituting pretentious legal jargon for lucid English prose. Any school which emphasizes fundamental skills for law practice cannot overlook *the* most fundamental of all skills, the ability to write.

This past spring the faculty council, in what has become an annual critical review of some aspect of our curriculum, scrutinized the first year writing and research (legal method) program, and our whole system of teaching writing. While there has been some talk of instituting some form of pre-entrance diagnostic writing test for entering students, the faculty has focused on three steps to improve our program. First, the faculty insisted that the Dean devote more resources to the legal method program to improve the quality of the writing experience in small seminar settings for first year students. We established three small legal method sections for the evening class and legal method sections of 20 for the day class. These changes mean the faculty now has the opportunity to pursue one-on-one editing and critiquing of each student's writing. Second, we have established a new course entitled Legal Writing, which is, in effect, a writing tutorial available to second and third year students. Last

year we had one such section and this year we have expanded to three sections. Students who have been through the tutorial have been lavish in their praise of the program. It is hard but rewarding labor for both the students and teacher. Finally, the increase in the number of upperclass seminars (all of which require writing) has been a distinctive feature of our curriculum growth over the past two years. The Law School has a "writing requirement" as a pre-condition for graduation. The requirement must be satisfied by a professor's certification that a seminar paper or supervised independent written work satisfies the requirement. Students are now able to take several writing courses before they graduate if they have any ambition at all to improve their writing abilities.

Whether these steps and developments will alleviate the problem, we do not know. Since we are acutely aware of the fact that a poor writer cannot be a good lawyer, the situation bears careful watching.

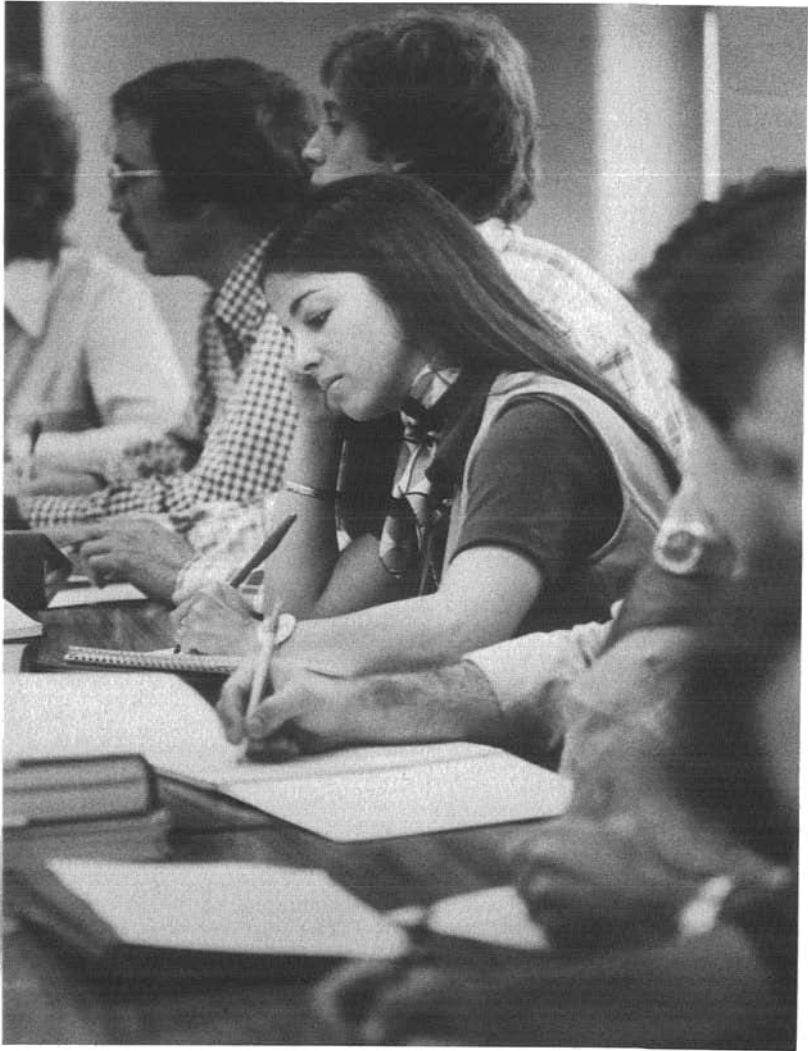


Admissions

The pressure for admission to law school remains strong despite the rather widespread publicity about the poor job market for law graduates. (The demand for evening school presents a special situation which is discussed on pages 16-18). Our total applications were down some four percent: 1677 for 250 first year positions. The quality of applicants, in terms of the paper qualifications of grades and aptitude scores, has not suffered as a result of the slight number reductions. Indeed, applications from Maryland residents for the day division were up two percent.

The continuing heavy demand for places at law school still generates the inevitable reaction of applicants, parents and friends who have difficulty adjusting to the fact that since the early 1970's Maryland has been, and is forced to be, an extremely selective law school. A public law school such as Maryland has, I believe, a particularly important responsibility to justify its selectivity and to scrutinize its method of selecting students. Shortly after I became Dean in 1975, I created a special faculty committee to undertake a thorough review of our entire admissions process. Their report, which has been a painfully long time in process, is almost completed. The report should provide us an opportunity to evaluate our operation and examine various options for changing our methods. Beginning in January, we will have a new Assistant Dean of Admissions, James Forsyth, the first full-time Admissions Director in the history of the law school. Previously, we have always borrowed a faculty member and handled admissions administration with a part-time professor and associate dean. Although the faculty committee will continue to make all final decisions on admissions, we will now have the capability to do far more interviewing and counseling of applicants. Jim Forsyth

served as an Assistant Dean at the Law School for several years before taking his present position as Financial Aid Officer for the Baltimore Campus. We are pleased to have lured him back to the school. He knows the Law School well and he will be a fine representative of the School to applicants.



The Evening School

As part of our commitment to the maintenance and strengthening of the evening school, the evening program was upgraded in 1976.

- Favorable action of the 1976 General Assembly on our budget enabled us to provide a small section of Legal Method for every first year student. This year we have three professors working with small groups of first semester evening students on research and writing.
- We have continued our successful program of scheduling some classes at 5 p.m., thus expanding the range of the elective curriculum for evening students, and combining day and evening students in the same course.
- We have arranged to have a dean present every evening until 7 o'clock to serve the needs of the evening students.
- We have taken some steps to make up for the lack of a clinical curriculum accessible to evening students. This year we have three sections of our Trial Practice course scheduled in the evening together with some other skills-oriented courses such as Real Estate Negotiation and Drafting.
- The summer program has also been a special help for evening students, permitting them to take courses otherwise unavailable and to accelerate their graduation by a semester, or to lighten their course load during the school year. This past summer we offered a seven week semester which included courses in Corporate Tax, Conflicts, Evidence, Legal Profession, Domestic Relations, Trial Practice, Counseling and Negotiation, and Real Estate Transactions.

One issue affecting the evening school we have not yet resolved is the precise size of the entering class. For the

past few years the law school has admitted to the evening division an entering class of 75 students, and the qualifications of the day and evening classes were roughly the same. The size of the entering evening class had previously varied considerably from a high of 104 in 1965 to a low of 54 in 1968.

This year, the Admissions Committee offered a substantial number of places in the evening division to day applicants. Seventeen (23%) of the 75 students in the entering evening class were day applicants who probably would have preferred to be full-time students. Although they could not be accepted into the day division, these applicants received evening offers because they were thought by the Admissions Committee to be better qualified than the next evening applicants on the list and because we have taken it as a matter of firm policy to have students with comparable qualifications in the two divisions. (This is not to say that the next evening applicants were unqualified, only that they were *less* qualified).

The reason for this situation relates to some simple numbers. Evening applications fell sharply last year (12%). Our guess is that the reason for this decline is related to word about the poor employment market for law graduates. To evening students, the mobility which the law degree provides turns rather directly on the job market. In general, the demand for available places has been much higher for many years in the day division than in the evening division. For example, last year the entering day class constituted only 13% of the total number of day applications, but evening enrollment was 24% of the evening applications.

If this year's trend continues, it raises the question whether the size of the first year evening class should be reduced or whether it should stay at 75 regardless of the relative qualifications of the applicants. We are reluctant to undercut the comparability of the qualifications of the

day and evening classes. A Maryland degree should mean the same thing whether one graduates from the day or evening division. A policy of admitting a group in the evening with generally lower qualifications could lead to difficulties because of our encouragement of switching of divisions and cross-enrollment in individual courses.

If the principle of comparable qualifications is maintained, there are several alternatives to the present policy which might be considered. For example, we might shift some 10 or 15 places from evening to day, perhaps by expanding the number of part-time day students we admit (it now totals five). Or, we might continue our total first year enrollment of 250, with the break-down between day and evening depending primarily on the qualifications of the applicants to each division. A third possibility would be simply to reduce the size of the evening division to a number more consistent with the qualifications of the applicants and the resources available to teach the first year sections.

The Admissions Committee will carefully review the situation this year to see if the trends of last year continue. We may have to take some action in the Faculty Council in the spring if we are faced with the same problem as last year.



Continuing Legal Education

Last year I reported our good fortune in prevailing on Laurence Katz to become Associate Dean for Continuing Legal Education, and I referred to the State Bar Association pending study of a statewide institute for continuing legal education. I am pleased to say that our law school has played an important role in the formation of the new program, which bears the ponderous title: The Maryland Institute For Continuing Professional Education of Lawyers, Inc. This Fall, after formation of the Institute and election of its officers, Dean Katz was chosen as its first executive director, and the main office of the Institute is now housed in the basement of the faculty wing of the school.

Although Dean Katz still remains a member of the faculty and is one of our finest teachers, the new Institute is entirely separate from the law school, and has its own Board of Directors and financial and operating procedures. The Institute is designed to upgrade continuing legal education programs within the state and to work closely with the state and local bar associations to enlarge CLE activity throughout Maryland. The traditional CLE program offered by the law school will henceforth be presented under the auspices of the new Institute. And the Institute will, of course, be very active in sponsoring programs at other locations throughout the state.

In one sense, we have "lost" or given up the Law School's rather profitable continuing legal education programs for the bar. In a more important sense, however, we have made a major contribution to the creation of what may become an extremely important professional organization for the practicing bar. The Institute is, I believe, symptomatic of the cooperative and supportive role that our school can play in the development of the profession in Maryland.

Placement and the Working Student

A new Assistant Dean, James Almand, has headed our placement office for the past year. Jim has been active and, I believe, quite effective in helping third year students find their way in the job market, as well as in assisting graduates looking for jobs and second year students and others seeking clerkship opportunities. But the job market for our graduates is no better today than it was a year ago. The projections by Professor Hal Smith and by the Maryland Council For Higher Education indicate that there is a substantial oversupply of lawyers being admitted to the bar compared to the number of traditional legal jobs available. The figures may be as high as a 2:1 ratio between new lawyers and open positions.

In addition to the new leadership in our placement office, we are continuing to warn incoming students through the catalog that the present job market for graduates is a difficult one. As I hope is obvious to any reader of this report, we are committed to a substantial upgrading of the quality of the school. It is clear to us that success in this area spells a better reputation for the school and better success for any graduates seeking jobs.

Despite the somber job outlook for new lawyers, an employment survey of the Law School's 1976 graduating class shows that our graduates are doing relatively well. Approximately 75 percent of those members of the class that responded to the survey (82 percent of the class) had jobs by August. Private practice continues to be the area that most of our students enter after graduation (38 percent), with judicial clerkships (19 percent), government legal (13 percent), government nonlegal (9 percent), business legal (4 percent), and business nonlegal (3 percent) following. The remainder of those employed went into a variety of areas including public interest law, teaching and postgraduate education. The average salary for these

graduates is approximately \$13,500.

The state of the job market has generated a side effect with rather serious consequences for the school. Because of our proximity to the large number of firms in downtown Baltimore, many of our students have taken clerkships to enable them to finance their legal education and to gain some practical experience. The part-time job phenomenon is not unique to Maryland. It is widespread and affects schools of all types, sizes, and reputations. [See e.g. Stevens, "Law Schools and Law Students", 59 U. of Va. L. Rev. 551 (1973)].

Some commentators have suggested that this is one method students use to abolish the third year of law school and to reduce their boredom with a strictly classroom academic program. Lately, however, a special urgency has attached to the traditional interest of students in clerkships. Students feel themselves under great pressure to work to make contacts with firms, or to build better resumes that improve their employability upon graduation. We are now — if I may exaggerate to some degree — faced with the phenomenon of two part-time divisions: evening *and* day. The results during the day, where (unlike evening) students are still required to assume a full course load, are distressing to some faculty who believe that work in law offices, instead of enriching law school work, in some cases generates second-rate law school work. Increasingly we find students making critical choices of upperclass courses on the basis of convenience to their work schedule rather than the substantive importance or intrinsic interest of the courses.

Although many of the faculty think tough measures would be appropriate, I am not eager to prohibit students from working, or to structure course schedules to make it difficult to work. But I think it may be time to urge the private bar to show some restraints in their use of full-time day students. I would urge the private bar to consider

more flexible hours so that students can take the courses they want or should, rather than those which are convenient to the employer's hours. And I would hope the bar would consider, where financial need is not paramount, structuring less hours of work each week per student so that students can concentrate on their studies; students may never again have this opportunity to become deeply immersed in the study of law. And finally, I would expect lawyers not to hire first year day students at all. Unfortunately we have a few examples of first year students who have gotten off to an extremely poor start as a result of outside work pressures.



Alumni Involvement

Alumni involvement with the Law School has increased significantly. This fall we initiated an Alumni Seminar program featuring distinguished graduates speaking on a variety of subjects: Chief Judge Robert Murphy, "Reflections on the Maryland Court System"; Alan Wilner, "The Legislative Process in Maryland"; Woody Preston, "Professional Liability and Its Consequences for Lawyers"; and Mathias DeVito, "A Lawyer Turned Businessman Looks at the Law." These seminars will continue next semester and, I hope, become a permanent part of our program.

As part of our placement service several alumni have visited the school this year to speak on career opportunities. Alumni have also taken an active role in courses at the Law School. This fall lawyers from around the state participated with students in the Trial Practice course, and our moot court program was enhanced by the involvement of practicing attorneys who presided over oral arguments by second-year students.

In addition to inviting alumni to speak at the Law School and participate in our courses, we have encouraged their attendance at Alumni Reunion programs begun last year when Harvard's Robert Keeton spoke on "Training in Trial Advocacy." In April we held an Alumni Reunion at the Law School at which former assistant Watergate prosecutor George Frampton discussed "The Practical and Ethical Issues in Prosecuting Public Officials." At this program, co-hosted by the Law School Alumni Association and the Federal Bar Association, the Class of 1951 was honored in recognition of its 25th Anniversary. In November we presented another Alumni Reunion featuring Norman Ramsey of the Baltimore Bar and Peter Schuck of Consumers Union discussing "The Future of Legal Advertising." Again the

Alumni Association hosted a reception in honor of the Tenth Anniversary of the Class of 1966. These Alumni Reunions are immensely important because they allow graduates to get back for a look at Law School and to meet with former classmates and friends, and they give our graduates an opportunity to discuss contemporary legal issues in an informal setting.



Resources

In June of this year, the Maryland Council for Higher Education approved a lengthy report on Legal Education in Maryland. The report called for state support of the University of Maryland Law School and the University of Baltimore Law School in their present locations, at their present enrollment levels, and urged the provision of better physical facilities for the two schools, and increases in the level of operating funds support for the schools.

In a separate statement, I expressed concern about several of the assumptions and implications in the report which I felt did not emphasize strongly enough, or examine realistically the need to provide substantial new funding for legal education in Maryland, in light of tight state budgets and high enrollments.

In addition to my concern about achieving adequate support for the traditional law school teaching program, I believe legal education in the future needs to proceed far beyond the limited aspirations of its past. Not all the problems of the law and lawyers are attributable to legal education. But if the public and the profession are concerned about the quality of law and justice in Maryland, support for the improvement of legal education is surely a place to begin.

The most startling facts I have encountered concern the cost of educating various professional school students in Maryland and throughout the nation generally. It costs *substantially* less to educate a law student than it does to educate a medical, dental, pharmacy or social work student. In fact, the annual cost of educating a medical student is approximately five times the cost of educating a law student. I cite this comparison not to suggest a reduction in the educational and financial commitment being made to train doctors or social workers or pharmacists,

but to illustrate how limited financial support for legal education has been.

The high cost of education in the other professions is largely due to the lower student-faculty ratios necessary to train students in clinical and practice skills. The burden and the costs of training students in the practice of law falls largely on the law firms, private practitioners, government agencies, and businesses who hire law school graduates. Unfortunately, some of these employers are often unwilling or ill-equipped to train young lawyers thoroughly in performance skills and the ethical dimensions of the profession. This is part of the rationale for the development of programs I discussed on pages 5-11.

Not long ago John Wahl, the Dean of Northwestern University Law School, commented that:

The faculties of the law schools are disgracefully small in comparison with those of other professional fields — so small that it is unrealistic to think of their handling the major projects required for the endless problems of professional performance that need solving or of their training all of their students individually and clinically to do a better job.

Occasionally a voice is raised from the ranks of legal education calling upon members of the practicing profession and upon the government to help the law schools to meet the severe financial problems which the schools face in seeking to enlarge their faculties to tackle the big questions, but the response is anything but encouraging.

The plain fact is that the legal profession as an entity ... shoulders no major responsibility of this kind. I am not referring to the many large and small contributions made by individual law-

yers to their schools, but to the lack of massive support on a profession-wide basis and with profession-wide magnitude ... Chief Justice Burger has called upon the schools to help cure what he calls the incompetence of many trial lawyers. But I do not recall hearing him argue for money to do this. He cannot even obtain enough money to provide the additional federal judges we badly need and to pay them sufficient salaries.

These are the really profound problems of professional responsibility. Here is where the law schools could really count, if they were given the support they need.

The American Bar Association has tried, in a somewhat cumbersome fashion no doubt, to assist us in improving our program at Maryland. Many of you have seen a story in the press about threats made by the ABA to re-evaluate the accreditation of the law school. Maryland is fully accredited by the American Bar Association as well as American Association of Law Schools which sets a higher standard. As part of the accreditation process, we received a visit, the first in ten years, in April, 1975. Since that time, the ABA through a series of letters and hearings has put pressure on the University and the State to improve their financial backing to the law school. I am not aware of anyone who seriously entertains the idea that Maryland will lose its accreditation. There is no question, however, that the American Bar Association has indicated its desire to upgrade quality in legal education generally, and in our case has been quite willing to embarrass the University and the State with the goal of improving the nature of the support provided to the law school. Pressure from the ABA, which has been disturbed by the disparity between the quality of our program and the resources we have to underwrite it, has clearly been helpful. For example, the speed with which

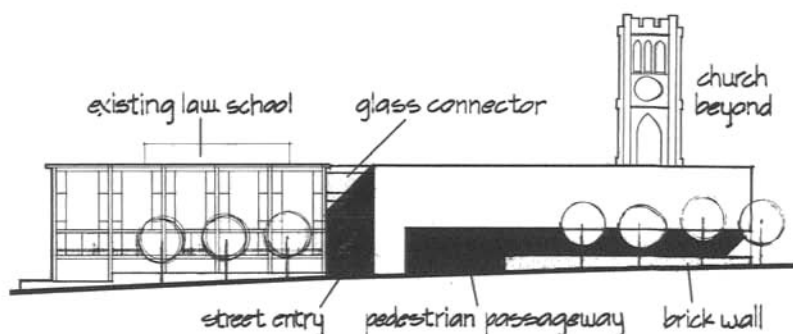
plans for a new library have unfolded and the architect appointed appears to be directly attributable to the ABA pressure. While the University has been faced with exceedingly meager budget allocations from the State, the law school has fared rather well in the budget process with special increments this year and next to upgrade faculty salaries and a dramatically improved library acquisitions budget.

The chief means of funding next year's improved budget is a tuition increase. The \$400 per semester tuition for day residents will be increased to \$500. This 25% increase is high by any standards, especially so when compared to the 5% average tuition increase in law schools at public colleges in a national survey recently reported by the *Chronicle of Higher Education*. It is unfortunate that students are caught in a crossfire between severe inflation, the costs of improving the law school, and lagging state appropriations for higher education.

We are taking several important steps to improve our financial support. First, in addition to the budget progress just mentioned, we have submitted a budget to the University which has been translated into a supplemental request to the State for approximately \$200,000. These funds can alleviate serious shortages we now face in library and staff personnel support and the operating budget (e.g. the furniture which came with the law building is now rapidly disintegrating).

High on our priorities is funding for a new law library. Last spring the General Assembly approved an allocation of \$250,000 for planning for a new law library at the school. We were fortunate in having the cooperation of the Department of General Services and the Board of Public Works so that the process of choosing the architect for the law library was expedited, and we are now deeply involved in the planning process for the new library. Some preliminary ideas of what the new library would look like

is pictured below. The need for this library is extremely acute. Approximately 15,000 of our 120,000 volume collection is now stored in a warehouse, and our seating space for law students is still inadequate. The new library addition should give us a chance to build a major resource center for the profession of the State. The new library will have a capacity for more than 250,000 volumes together with study and seating space and research facilities which will include a rare book and other special collections and new computerized technology such as LEXIS. Construction of the library, to be located north of the present classroom building, should create a pleasant and inviting courtyard with our existing buildings and the wall of Westminster Graveyard.



UMAB LAW LIBRARY ADDITION

*paca street elevation massing study
vkr partnership*

Funding for both the supplemental operating budget and the new law library is not assured. We need the assistance of our alumni and friends in urging the State to provide us with these critical elements of financial support.

Along with our efforts to increase State funding, we continue to seek and attract outside funding to the Law

School. In addition to the substantial Handicapped Clinic funding, we have received five new grants from a variety of sources, including the National Legal Services Corporation, and the American Bar Association BASICS program, which enable us to enrich our education and service programs.

Finally, we are pleased that a group of alumni and friends of the school have formed the University of Maryland Law School Fund, which is designed to elicit private support for the Law School. The endowment funds generated by private giving can make a significant impact on the quality of our program.

* * *

It has been a busy and satisfying year. I continue to look forward to our growth and development over the coming years.

Michael J. Kelly
Dean

UNIVERSITY OF MARYLAND SCHOOL OF LAW
500 WEST BALTIMORE STREET • BALTIMORE, MARYLAND 21201

OFFICE OF THE DEAN

PHONE 528-7214

December 13, 1976

MEMORANDUM

TO: FACULTY AND STAFF

The attached report will be mailed this week to the members of the Maryland State Bar Association. The obvious pleasure and excitement I take in my role at Maryland and which is reflected in the report leads me to express my appreciation for your contribution to the Law School this past year. Our school is undergoing a growth and a strengthening which I trust is as encouraging to you as it is to me.

I hope the development of the school can be added to a host of personal hopes and satisfaction as cause for celebration during the coming season.

My special thanks and best wishes.

Michael Kelly