

LEGAL EDUCATION: EXTENT TO WHICH "KNOW-HOW" IN PRACTICE SHOULD BE TAUGHT IN THE LAW SCHOOLS *

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AT THE OUTSET I want to make my basic position clear. The main argument before us is an old one. It was one bound to develop when the apprenticeship method of legal education was abandoned and the primary task of legal training was delegated to the university law schools, with no provision being made for supplying apprenticeship training.

As Alfred Z. Reed said in 1929¹:

The ideal preparation for any occupation, when applicable, is the apprenticeship method—participation under supervision, in the actual activities of the craft. . . . Our law was at one time so simple that this was a suitable and satisfactory method of preparing young men to enter the legal profession. At present, apprenticeship or law office study, by itself, is no longer adequate, for two reasons. The law that is to be practised is so complex that large portions of it, in order to be mastered by the student, must be presented to him systematically, instead of being left to be picked up in the haphazard way that formerly sufficed. And this law imposes such a burden upon practitioners and judges, and upon the system of preparation for legal practice and the bench, that its reform is urgently called for. These two activities—the systemization of the law as it is today, and its development into the better law of tomorrow—constitute the field of legal science, the cultivation of which is the special mission of the law school.

Important and indispensable, however, as this phase of legal education has come to be, we should not blind ourselves to the truth that something of value has been lost.

Mr. Reed then pointed out that practical training had been largely lost, and gave solid reasons why it could not be restored in law school and why it was unjust and impossible to expect law schools to provide it, about which I shall say more later.

This is essentially my position. I recognize that this value has been largely lost, but I deny that it can be adequately provided in law school, and I believe that to attempt to do the whole job in law school not only

* Based on a talk before the Section of Legal Education and Admissions to the Bar of the American Bar Association, at Boston, Mass., Aug. 25, 1953.

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¹ THE MISSING ELEMENT IN LEGAL EDUCATION—PRACTICAL TRAINING AND ETHICAL STANDARDS 4 (1929).

would result in failure but would seriously impair the primary function of a law school, *viz.*, to provide a scientific and systematized knowledge of the law. If practical training is to be restored in full, it must be done by the bar and under actual conditions of law practice.

This does not mean that no practical training can or should be given in law school. Many law schools now give considerable practical training and are searching for ways to do more on a sound basis. It does mean, however, that definite limitations must be recognized from the start or else grave harm can and will be done to some of the most important values in legal education. Thus viewed, it may be that the issue resolves itself into one of degree, but, even so, the question of degree is a vital one.

It appears to me that schools will necessarily differ in the amount and kind of practical training they can feasibly offer, and that such differences arise from problems of personnel and other factors peculiar to each school. For example, some schools can and do operate Legal Aid Clinics as an integral part of their curriculum, while others cannot because of cost, lack of clientele, or other factors.

Again, certain schools have on their faculties persons who, because of experience and special skills, can weave considerable practical training into their methods of instruction. For an interesting example of this sort, read the description by Mr. Orschel in the *Journal of Legal Education*.² He describes his method of handling a seminar in corporation and partnership problems so as to require legal planning, negotiation, and draftsmanship. He stresses, however, that others not having his particular practical experience might find his problem method unworkable.

In one respect I do believe the entire legal profession—lawyers, judges, and law teachers—has been in serious error. I refer to the field of procedure which I believe has been sadly neglected in favor of substantive law. Sunderland, Vanderbilt, and others have strongly emphasized this failure, and with them I agree.

I strongly believe that no person should be graduated from law school who does not have a thorough grasp of the entire field of procedure and modern pleading, and I believe that such knowledge can be gained in law school. Procedure cuts across the entire field of law administration and is highly important to every lawyer whether he goes to court or not. Regardless of ways and means of teaching procedure, there is no excuse today for failing to insure that every law graduate has thorough training in this field.

Before proceeding with the discussion I want to do two things. First, I wish to invoke the doctrine of incorporation by reference to the end

² *The Teaching Approach of a Practicing Lawyer*, 5 J.LEGAL EDUC. 515-523 (1953).

that Mr. Cantrall's article on legal education which appeared in the *American Bar Association Journal*,³ and my reply article which appeared in the same *Journal*,⁴ may be fully incorporated into this discussion. I shall be unable to repeat much of what I said in that article, which represents rather fully my views on the subject.

Second, I wish to amend the language of the proposal before us for discussion, which is an excerpt taken literally from the article by Mr. Cantrall, by adding the next paragraph that followed and which read as follows:

It goes without saying that a proper law course would include instruction on the management of a law office, the handling of clients, the development of a practice, the charging of fees, practical legal ethics, and the benefits flowing from participation in professional organizations and movements.

The addition of these words by Mr. Cantrall I deem material to emphasize further the impracticality of his entire proposal. Any law school that could effectively teach how to develop a successful practice would need to enlarge its quarters on a scale known only to the federal government in some of its more ambitious construction moments.

As I have said, the exact proposal listed for discussion today is merely an excerpt from Mr. Cantrall's article last November attacking legal education. In order to evaluate his entire position and philosophy one needs to read that article in full, and thus see the proposal before us against its full background and philosophy.

If one does this it becomes apparent that Mr. Cantrall has a misconception of modern legal education, of law schools, of law teachers, of law students, and of the realities which exist during the very first years of a young lawyer's practice. It becomes apparent, also, that certain definite assumptions and beliefs underlie his entire proposal. I now attempt a short summary of some of these assumptions and beliefs.

(1) He assumes that a law graduate should be a finished practitioner.

This I deny.

(2) He thinks that the public believes that the recent law graduate is a finished practitioner and goes to him freely from the first, that the public is shocked on learning that he is not a finished practitioner, and that this situation results in diverting business from the legal profession to other vocations.

Here he has the wrong pig by the ear. It is the older lawyer whose incompetence diverts legal business.

³ *Law Schools and the Layman: Is Legal Education Doing Its Job?* 38 A.B.A.J. 907 (1952).

⁴ *Is Legal Education Doing Its Job? A Reply*, 39 A.B.A.J. 120 (1953).

(3) He believes that law teachers, as a class, are impractical theorists, who are both lazy and perverse, and who claim and exercise complete independence as individuals as to what and how they teach.

This, of course, is libel *per se*.

(4) He believes that law teachers should be considered as "hired hands" and should be controlled and regimented (by someone, he does not say who) to the end that they teach efficiently.

Let him try running a faculty for a few years to remove this illusion.

(5) He further believes that law teachers should be distinguished from other university teachers, and that, as lawyer-professors, they should not be entitled to academic freedom, which he deems nonsense as applied to them.

Academic freedom should never be a protection for incompetence, but properly understood, must apply to any teacher.

(6) He further believes that it would be futile to expect most law teachers to prepare students for the practice of law because they have not practiced, or, if so, not enough or recently enough to comprehend the present and future needs they are supposedly trying to fill.

This one belief would wreck his suggested proposal, unless law teacher personnel could be completely replaced. And then to keep the new personnel's practical experience "recent enough," I suppose continuous replacements would have to occur every few years.

(7) He believes that the law teacher is so wild and loose in his freedom that often the subject matter of the curriculum is not even adequately covered from the standpoint of theory.

Here, let him talk to a senior who has just stood his final examinations.

(8) He assumes that the law schools have three years of twelve months each to train the student.

This would be great news, if true—which it is not.

(9) He believes that the course load is too light and that the students and teachers waste time.

Again, he should talk to some serious law students from representative law schools.

(10) He believes that the method of military instruction used in World War II could and should be transplanted to law school.

This, I submit, is absurd.

There are other assumptions and beliefs that could be listed, but these ten are sufficient, I believe, to indicate rather clearly the misconceptions

he holds of modern legal education, and only in this perspective can his suggestions be appraised.

In line with the old aphorism that "the proof of the pudding lies in the eating," I wish to make a few general conclusions based on the last twenty-five years which I believe the record and your own observations and experience will support.

During the past twenty-five years the young lawyer who has reflected less credit than any other on the profession, has been the one who attended some law school which purported to put primary emphasis on practical training, and which often advertised that its faculty comprised successful practitioners who could make great contributions to law instruction because of their vast practical experience. Most often the graduate of such a school possessed no real scholarly ability and training, but was preoccupied with practical slants and tricks of the trade.

The young lawyer who has reflected the greatest credit on the profession, and who generally has made the greatest professional progress, is the one who received a thoroughly sound analytical and scholarly training on a high-level basis, with relatively little emphasis on the so-called practical know-how while in law school.

The lawyer who has been the cause of diverting to other vocations and persons business that normally should go to lawyers has not been the young lawyer trained in the type of school which Mr. Cantrall criticizes; it has been the older lawyer who did not have training in newly developing fields of law and who has been too preoccupied or lazy to find out about them.

Permit me to use one practical example. Recently, a lawyer friend who has kept well abreast of the law, including taxation, told me the following story.

He asked a lawyer friend who had attained considerable success if he planned to attend a certain Tax Institute. His friend's reply was that he did not encounter tax problems in his practice, but thought he would go out of pure curiosity. Further inquiry developed that he had drawn wills for important estates, and that he had drawn his own will, but he was not aware of any tax problems. A suggested study of his own will called for a redrafting that resulted in a tax saving of \$30,000. No neophyte lawyer graduating from a good modern law school could possibly have been that oblivious.

The same lawyer told me of his difficulties as chairman of a bar committee in trying to work out a mutually agreeable understanding with trust companies, which now practice law comprehensively in many states. The committee of the trust companies pointed out that the vast majority

of lawyers—particularly the older ones—were incapable of handling modern trust and tax problems; this is unfortunately too often true. Nor is this the only legal area in which a similar observation can be accurately made.

It is not the young lawyer who lacks the know-how skills, which Mr. Cantrall advocates so enthusiastically, who is driving law business away from the profession; it is the older lawyer who possesses many of the so-called practical skills, but who has let modern developments in law pass him by—be it taxation, administrative law, labor law or what not—who has failed to deliver the goods.

The young lawyer's lack of "know-how" is soon cured by experience, and I am not too much impressed with the idea that the public suffers when (under Mr. Cantrall's theory) they rush to him when he first puts out his shingle. My observation of several hundred young lawyers whom I have had in my classes does not indicate (1) that there is a rush of business to the young lawyer on his own, and (2) that such business as he does get suffers seriously because of his lack of practical skills.

We must not forget that, while we do not have formal apprenticeship training in America, we do have a rather broad and generous type of informal apprenticeship, whereby older lawyers in any community (particularly in smaller communities where most young lawyers start on their own) gladly and freely lend a helping hand to the youngster. Moreover, the young lawyer who happens to secure a case of outstanding importance in his very first years of practice (which is not the rule) has little difficulty in associating an older and experienced lawyer in the case. I have known young lawyers who have followed this practice, and it paid them well to be willing to share a fee.

On the other hand, the young lawyer who does not have a broad background of scholarship and strong analytical reasoning ability, is not cured by a reasonably short experience in practice. The public is much more apt to suffer seriously from this type over the long pull than from the neophyte who lacks practical know-how at the beginning of his practice. Just study your own local bar and test the "problem lawyers" by this yardstick. So much for general conclusions.

Now I want to take a more specific look at Mr. Cantrall's proposal in relation to the problems which a law school faces with respect to (1) the time limitation of three years, (2) lack of finances and manpower, and (3) the educational qualifications of the entering law student.

Whether critics accept it or not, any method of law training—and we have only a three year period in which to work—forces a choice of values both by the law school and the student as to what is offered and what

the student should take. Moreover, there is not, in the light of current demands for military man-power, much prospect of substantially lengthening the law course.

The school knows that its program of instruction will constitute the basis of forty years or more of a professional career. It knows that there are some things the lawyer will get on his own or learn in the practice, and that there are some things he will not be likely to get except in law school. It would be silly, indeed, to offer in school most of the things that could normally be expected to be learned in practice, to the exclusion or impairment of things that could not be thus learned. After all, the primary responsibility of a university law school is and, in my opinion, must remain the inculcation of a scientific knowledge of the law.

It appears sensible and practical to me not to attempt to crowd into an already overcrowded curriculum things which the student will learn by necessity, and particularly is this so when you consider, in addition, that certain things can be taught most effectively in law school as compared with other things that we know are difficult if not impossible to teach effectively in law school. Even farmers know this, and that it is not good sense to farm poor lands to the neglect of fertile ones that promise high productivity. I would expect law teachers and even lawyers to have as much gumption. Adam Smith in his *Wealth of Nations*, not now the current rage, made this fundamental point in relation to economics in his famous principle having to do with division of labor, and the same principle applies to our problem. If law graduates must know all the practical skills before they may practice on their own, the place for them to learn is in practice under apprenticeship and not in law school.

Law schools, therefore, for very good reasons do not purport nor should they be expected to train students so that upon graduation they will be equipped with all the necessary know-how of practice. They should not attempt to do this, and if they did attempt this, the result would be a miserable failure, with serious damage to the standards and values they have established in the past fifty years.

They could not accomplish this objective effectively because they do not have the time nor the manpower to do so, and even if more time and manpower were available, the job could not be done because of several reasons—the most obvious of which is that actual clients and live problems would be required and these conditions cannot be created in law school, but can only be found in actual practice.

I have purposely refrained from discussing the practical values that may be gained by law student participation in a Legal Aid Clinic, because the vast majority of schools do not have such Clinics available, and I did not want to consider the question in particularistic terms of the con-

ditions in my own law school. Most schools do not have Clinics because of cost and lack of clientele. We do have our own Clinic at Duke, which for 22 years has been solely controlled and operated by the School in its own law building. Five lawyers are attached to the Clinic, and we believe it to be of the best. About half of our seniors take the Clinic course, which is optional. They are the students in the main who plan to enter practice on their own. We do not claim, however, that we can or do turn out finished practitioners, even with aid of our Clinic. I have approached the question before us, however, from a general perspective, in the realization that most law schools do not have Legal Aid Clinics, and Mr. Cantrall's proposal relates to the typical law school curriculum. What I say from here on primarily refers to schools without Clinics.

Viewing law schools as a whole, I do want to say as strongly as possible that the sensible thing to do is to make an effort to distinguish between what can and what cannot feasibly be accomplished in law school, and not permit ourselves to be lured in to the wishful and wasteful pursuit of so-called practical training which is impossible of real accomplishment and which will only result in damage to educational values which have been established over the past fifty years. I believe Mr. Cantrall's program would do just this.

In connection with this point I want to call a few lawyer witnesses in absentia by reading excerpts from their letters concerning the articles by Mr. Cantrall and myself in the *American Bar Association Journal*.

First, here is a statement by an outstanding trial and appellate lawyer of the St. Louis, Missouri, Bar, who has taught several years part-time in a good law school:

Observation and experience, extending over many years, convince me that a student who is well grounded in the principles of the law readily acquires the practical "know-how" which Mr. Cantrall deems of such great importance. The standard three-year course is all too short a time for acquiring the necessary foundation in legal principles and theories. In my opinion, to increase the time now being devoted by law schools to "practical" as contrasted to "theoretical" subjects would be a distinct disservice to legal education. The law schools should go no further along that course, but if anything, the trend should be in the opposite direction.

Second, here is a statement by an able lawyer and Chairman of the Board of Bar Examiners of the State of Florida:

I was much impressed with your observations that the young graduate's lack of "know-how" is soon cured by experience whereas the graduate without broad scholastic background and strong analytical reasoning ability never recovers. Broad scholastic background is fundamental and there is no short

cut or substitute for it. The law schools must develop it. The development is slow and unsure after a lawyer gets into the active practice.

Internship is a recognized need. It is something that the profession must do itself and it is quite unfair to lay this problem upon the doorstep of the law schools. Another matter that must be attended to by the profession, as you pointed out, is that of better bar examinations. That subject has been very much neglected by the profession. As chairman of the Florida board for a number of years I have come face to face with this problem and the lack of interest in this all important subject on the part of a considerable segment of our profession.

Third, here is a statement by a lawyer from Lake Bluff, Illinois:

There has been a good deal written and said along the lines discussed in your article but there is no one who has suggested any real solution to the matter. Generally speaking I think law schools are doing a pretty fair job. They could be improved, of course, but that can be said of most all lines of endeavor. I note your comment on page 123 quoting minimum requirements (as listed by Mr. Cantrall) of a lawyer and your statement that there would be few lawyers that had practiced five or ten years who could do all these things with real competence. Well, I have practiced law for almost half a century and I can't say that I could do all of these things with real competence [parenthetical material supplied].

There is another problem in connection with time limitations to which serious consideration must be given in deciding just what type of training a law student should undertake, and that has to do with the quality of pre-law preparation of the entering law student.

Today, all students entering approved law schools must have completed three years of college work. One would think, therefore, that the group would at least be literate. This is far from the fact, if by literate is meant the ability to read, speak, and write the English language effectively. Regardless of I. Q., the great majority of entering law students, despite high school and three or more years of college, cannot use the English language with precision.

Yet, we know there is no more necessary tool in the lawyer's kit than that of effective and accurate expression. The good lawyer must indeed be a precisionist in language. I know I need not labor this point. Its truth is too obvious for lengthy comment.

Law Schools cannot, of course, undertake to repair all the defects of pre-legal training, but any effort to teach good draftsmanship or careful legal writing of any kind must struggle with the language difficulties of the average law student.

I am of the opinion that if the law student has any spare time (Mr. Cantrall thinks he should have a lot) it could be more profitably spent in

exercises with legal materials that would tend to cultivate his use of language, than in attempting to become proficient in many of the practical skills which cannot be thoroughly learned in law school anyhow—such as advocacy, how to develop a practice, and other skills that can only come from live problems and live clients.

Careful law review writing helps to develop language skill, but it is limited to a small percentage of students who make the staff because they write rather well to begin with. Nearly every law school today has a course in legal research and writing, in which the principal object is to cultivate in the student the ability to write with effectiveness. Such training is only at its best when placed on an individualized basis. You cannot teach this to students in groups. Papers need to be written and re-written, and under close personal supervision of an instructor. This requires time and patience on the part of the instructor, and most schools are not adequately staffed to perform this task as it should be done. And here we meet another problem—namely, inadequate finances—which is another limiting factor I have mentioned.

In my opinion, the greatest handicap under which legal education has had to work has been that of financial starvation. The idea has been too generally accepted that good legal education can be had cheaply. Nothing could be farther from the truth. Yet, the funds that go into legal education are a mere pittance as compared with what goes into medical education and the natural sciences.

Several factors have contributed to this situation. One principal factor comes from the lawyers themselves. It has been traditional in most parts of the country for law schools to be established and operated by active practitioners. Typically, they have used inadequate quarters, inadequate library facilities, and inadequate staff. They and too many of the bar have viewed law as a trade, and preparation in technical skills as adequate training for the bar.

This general condition has had a profound and adverse effect on the effort to obtain adequate funds to conduct first-class university law schools. The idea has been general that a few teachers, largely part-time, and a few books were enough to train lawyers as technicians. Read Harno's book on *Legal Education*, which he prepared for the National Survey, and you will see that some great American lawyers and judges who held this concept fell down in attempting to provide adequate legal education.

It has become fashionable for critics of modern legal education to compare it unfavorably with medical education. The young doctor is depicted as capable of stepping right into practice with complete medical know-how skills, while the young lawyer is depicted as being totally un-

able and unfitted to practice after graduation from law school. Therefore, comes the proposal to cram the suggested practical skills down the law student. And I may add the list varies with the proponent according to his idea of what is important. Personally, I am fed up to the point of nausea with such superficial and unsound comparison.

To begin with, modern medical education is not supposed to produce an educated person, and it does not. Starting with rigidly prescribed pre-medical training, heavy emphasis is placed throughout medical education on the attainment of high technical skill. Such a program is successful in producing skilled technicians, but it also produces a profession with the highest percentage of civic and political illiteracy known to us, not to speak of the dearth of leadership in these areas among doctors.

The history of the legal profession is quite the opposite, and its record of public leadership and service is outstanding. I hope it will ever be so and increasingly so. Whether it lives up to and increases its prestige and influence in these areas, however, will depend directly upon the degree to which it maintains breadth and depth of professional and pre-professional university training, unhampered by undue emphasis on or pre-occupation with so-called practical know-how skills.

Other differences are obvious. The medical school with its associated hospitals has a minimum of seven years to do the job, and can present the student with actual problems—dead and alive—from practice. Moreover, disease in the poor is the same as it is in the rich, while legal problems often vary with the social and economic setting of each case and client. The law school has only three years, and cannot present actual conditions in the practice.

Second, for every dollar spent on legal education, medical education spends ten dollars or more, and uses about ten times as much manpower or more as legal education. The result is that crushing financial burdens are placed on the universities which have medical schools, and the expense of obtaining a medical education is so great that a virtual monopoly exists among doctors, with the consequence that fees are so high for adequate medical and hospital care that only veterans and the extremely rich and completely indigent can afford adequate care—the latter because of subsidization. God forbid that we attempt to ape medical education!

I would now like to consider the know-how skills which Mr. Cantrall deems to be the minimum for the law graduate.

(1) The ability to defend a criminal case.

If this means only familiarity with principles of criminal law and procedural steps, the average law graduate will have this knowledge. If it means proficiency as a criminal lawyer, he won't have it, and the vast

majority of the bar doesn't have it. With all due respect, there are not many lawyers in this audience I would want to defend me against a serious criminal charge.

(2) To institute and prosecute suits, including the statutory proceedings of his jurisdiction.

Just what does this mean? It could mean, and probably does, that the graduate be a competent trial lawyer. If serious efforts were made to teach students along these lines (our own students at Duke come from about thirty different jurisdictions), it would require the entire three years and then the result would be a failure.

To give only one example, how many of you would feel competent to undertake the trial of a statutory ejection suit which is exceedingly complex in many states?

(3) How to develop a law practice.

This almost answers itself. General observations can be made to students, but no one I have heard of has any particular formula for this.

(4) How to handle clients.

This can come only from experience in the practice with live clients and much depends on the personality and good judgment of the individual lawyer. It cannot be taught *in vacuo* or in law school.

The other minimum requirements mentioned could be taught with more or less success in law school, and many schools do a pretty good job with them now.

Most property teachers require the student to draft a deed, but again form is not so important as the student's ability to use effectively the property principles he has learned. Many schools also require at least the examination of one land title.

Today most schools give the student rather good indoctrination in his responsibility as a lawyer to participate in organized bar activities and as to the benefits he and the public can receive from such activity. The recently organized American Law Students' Association is doing much along this line.

Working out an estate plan is an integral part of courses in property and estate planning, and is done in many schools. The drafting of a will is an essential part of such a plan, but, again, the formal know-how is relatively unimportant as compared with the scientific knowledge required of the future interest and tax problems that must be solved in such plan. The lawyer I previously referred to who had cost his estate \$30,000.00 had a perfectly good will as to form, but it was a bum job because he lacked scientific knowledge of tax consequences.

Most tax courses today deal with individual, fiduciary, estate and corporate returns, and give some treatment of tax procedure and the various remedies open to the taxpayer.

The course in corporations, and more particularly the seminar courses offered by many law schools in corporate planning and reorganization, deals with the steps and procedures for incorporation and for many other important corporate problems.

If you ask, why do the schools provide some of these minimum requirements and not the others, I give you this answer:

(1) The exercises given are reasonably feasible ones that can be accomplished with the facilities and conditions available in law school.

(2) They are integrally related pedagogically with the very substantive problems the student is studying, and thus when performed increase understanding of such subject-matter and at the same time give some know-how knowledge. Thus, they pay double dividends. Moreover, they are not so time-consuming as to impair the primary objective of law school instruction.

The same cannot be said about the other skills which I have described as not being feasible. These can only be acquired in practice with live clients and problems, and require several years of experience.

If the bar seriously desires that a law graduate be proficient in all these skills before he is permitted to practice at large, then a complete revolution will have to take place in our system of preparation for the bar. Moreover, this revolution would not primarily touch the law schools, but would call for an apprenticeship system of substantial length after graduation, for which the bar would have to accept responsibility. There are real dangers, too, in such an apprenticeship system, and if one should be established, great care would need to be taken to avoid various evils that could easily develop.

In conclusion, I believe that the law schools generally have done a remarkably good job during the past twenty-five years in discharging the delegated responsibility of training for the legal profession under very adverse and trying conditions.

Such conditions have included, among others:

(1) Inadequate finances and manpower, a condition which unfortunately continues.

(2) An unsympathetic and at times hostile attitude of a substantial portion of the bar, who viewed law teachers as some curious species, lacking in personality, practicality, sex appeal, and common sense.

This condition has been largely remedied by the impact of the law teacher in the work of the American Law Institute, the American Bar

Association, and State Bar Associations, and the development of a generally more intelligent and understanding bar.

(3) Competition from commercial sub-standard law schools often supported by lawyers and judges who should have known better.

Fortunately this condition has greatly changed, so that such schools have virtually disappeared.

(4) Inadequate and poorly conceived state bar examination systems, which remain so in many jurisdictions.

(5) The shocking impact of World War II which denuded schools of students and teaching personnel, followed by the post-war era in which law schools had to care for training unprecedented numbers at a time when their facilities were least able to do so.

(6) Constant and often uninformed criticism by lawyers who made loose charges against law schools and law teachers not based on real information, and who did not realize the principal task of law schools and their necessary limitations as to providing practical training.

Despite all these obstacles the law schools have generally made great progress, though admittedly they have deficiencies and must constantly be alert to improve legal education to their utmost capacity. Obviously, all is not well in legal education. Quite a ferment is working among law teachers now looking towards various improvements, including practical training within feasible limits. I believe a perusal of the *Journal of Legal Education*, now closing its fifth year, will bear witness to this ferment.

We must remember, however, that there is practical know-how involved in operating a law school just as there is in the practice of law. Anyone who has witnessed at close hand some judge, no matter how outstanding, who failed of election or reappointment, attempt to run a law school will know exactly what I mean.

If lawyers who feel called upon to emit serious charges against law schools generally will take the time to inform themselves as to actual facts and conditions in law schools, we would have more constructive criticism for which there is plenty of room, and much less wild shooting. For such orientation, I recommend visits of several days' length at selected law schools, including class attendance and conferences with teachers, as a means of knowing just what is going on. I believe the result would be quite edifying to many lawyers who feel that law schools are not doing a very good job.