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School of Law Annual Report 1959-1960

School of Law Dean

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The Report of the School of Law
July 1, 1959 - June 30, 1960
Vern Countryman, Dean

I. GENERAL SCHOOL INFORMATION

A. Significant achievements during the
academic year 1959-60

The law school graduated its eleventh class of 12 members. There are now 214 graduates of the University of New Mexico School of Law.

During the year 1959-60 the law faculty continued the revision of the curriculum initiated during the previous year. Some old courses were eliminated; others were reduced or consolidated. The consequent saving of 17 credit hours made it possible for us to introduce a new course in Trade Regulation and seven new seminars designed primarily to give the students training in original research and writing not covered by the traditional case-method of law school study.

As a result of action taken by the general University faculty on April 30, 1957, a prior baccalaureate degree from an accredited college or university based upon at least a C average will become the normal requirement for admission to the law school effective in the fall of 1960. However, the general faculty on January 12, 1960, approved an alternate program whereby exceptional students may at the end of their freshman year in the University be selected by the law school faculty to pursue a combined six-year

course leading to the acquisition of a B.A. or B.S. degree from the College of Arts and Sciences and the LL.B. degree from the School of Law. Students so selected will for the most part continue to study non-law courses during their sophomore and junior years, although they may take a few introductory law courses during those years, and will enter the law school at the beginning of the senior year. They will be advised, with respect to major and group requirements of the College of Arts and Sciences, by the faculty of that College and, with respect to minor requirements and electives, by the faculty of the law school. All students entering the law school under this combined program will be required to take a first baccalaureate degree before receiving the LL.B. and will be allowed to select a minor in law for credit against the requirements for the first baccalaureate degree. The combined program is designed to correct, through law faculty participation in the selection of pre-legal courses, deficiencies in prelegal education which have long been evident in law schools throughout the United States but which have nowhere been remedied.

Concurrent with the new requirement that all graduates of the law school have a prior baccalaureate degree, the name of the school has been changed from the College of Law to the School of Law, reflecting its status as a graduate professional school.

The general University faculty on January 12, 1960, approved a law school proposal for graduation honors whereby the LL.B. degree may, in the discretion of the law school faculty, be awarded with the honors indicated to graduating students who have successfully

completed two seminars prescribed by the faculty and who have achieved the following over-all grade point averages in their law school work: 2.4, cum laude, 2.6, magna cum laude, and 2.8, summa cum laude.

Plans were completed during 1959-60 for the law school to initiate in the fall of 1960 the publication of a quarterly Natural Resources Journal. The Journal will provide a national forum not now available for lawyers, economists, scientists, engineers and public administrators interested in natural resources development and conservation. It will also provide the students in the law school with valuable editing and writing experience.

On March 15, 1960, Associate Justice William O. Douglas of the United States Supreme Court delivered the John Field Simms Memorial Lecture on "Vagrancy and Arrest on Suspicion." The lecture was printed by the law school and distributed to all lawyers in the state and on a selective basis to others. It will also be printed in a forthcoming issue of the Yale Law Journal.

During the academic year Dean Countryman attended the annual convention of the New Mexico State Bar Association and visited eight local bar associations of the state. On each occasion he explained the law school's plans for curricular revision, for the new combined six-year program and for publication of the Natural Resources Journal, and concluded by warning that the school was also planning an appeal to the alumni for financial support. Despite the conclusion, his remarks were on all occasions very well received.

B. Significant plans and recommendations for the near future.

One serious problem which cannot be solved immediately is that of admission requirements. We know that ours are too low. Our 214 graduates in eleven graduating classes represent only 40% of those who entered the school in those classes and most of the 60% attrition was due to academic deficiencies. Most law schools now require as a condition to admission the attainment of a specified score on one of two standard legal aptitude tests -- the Iowa Legal Aptitude Test or the Educational Testing Service's Law School Admission Test. But neither of these tests is universally reliable. Some schools find the correlation between law school performance and test scores to be higher on the Iowa test; others find a higher correlation on the Testing Service's test. Beginning in the fall of 1960 we will require all of our entering students to take both tests. We will continue this requirement on an experimental basis for a three-year period and will then determine whether either test, or a combination of both, provides us with a sufficiently reliable standard to warrant incorporating required test scores into our admission requirements.

Another serious problem which also directly affects the quality of the student body is that of scholarship funds. Tuition scholarships allocated to the law school and private gifts to the school make available approximately \$2,800 per year in scholarship funds. This is insufficient to prevent our losing one or two promising students each year for financial reasons. Even more seriously, it is insufficient to enable us to compete for superior New Mexico undergraduate students with a number of large eastern schools whose substantial scholarship funds are employed in part to attract qualified students from all

parts of the country. We are currently making an appeal to our alumni for financial contributions over a three-year period on the basis of a \$10 contribution per year for each year since graduation from law school. A 100% response to this appeal -- which we do not anticipate -- would yield in excess of \$12,000 the first year, \$14,000 the second and \$16,000 the third. While we hope that the response to our appeal will provide us with substantial scholarship funds we have not limited ourselves to that use but have asked the alumni to contribute to a fund "expendable in the Dean's discretion, after consultation with the faculty, as the best interests of the school may dictate."

The Ford Foundation has made a grant of \$800,000 to the National Council on Legal Aid Clinics to be used in law schools selected by the Council to finance studies and teaching experiments relating to the professional responsibility of lawyers. This school has an application pending with the Council to participate in the program.

C. Appointments to staff

Effective July 1, 1959, Vern Countryman was appointed Professor of Law and Dean of the law school. He holds the B.A. and LL.B. degrees from the University of Washington. He was law clerk to Justice William O. Douglas, Assistant Attorney General of the State of Washington, a Sterling Fellow at Yale Law School, and a member of the Yale law faculty for seven years. For the four years immediately preceding his appointment he practiced law in Washington, D. C.

Ted Finman was appointed Assistant Professor of Law effective September 1, 1959. Mr. Finman holds the B.A. degree from the University of Chicago, and the B.A. and LL.B. degrees from Stanford University. For the five years preceding his appointment he practiced law in California.

Effective September 1, 1960, Jack L. Kroner was appointed Assistant Professor of Law. Mr. Kroner holds the B.A. and M.A. degrees from Columbia University and the LL.B. degree from New York University. He is currently completing requirements at New York University for the LL.M. degree. He will devote one-half of his time to teaching and one-half to editing and managing the Natural Resources Journal. His appointment brings the total law school faculty to nine, the first increase since 1949.

D. Separations from staff

The law school lost a cherished friend and esteemed adviser with the death of Dean Emeritus Alfred L. Gausewitz on May 31, 1960. As first Dean of the school he recruited a faculty and established standards of scholarship which do much to aid our aspirations to excellence in legal education.

E. Gifts

The Dona Ana County Bar Association, effective Semester I, 1960-61, will award a scholarship of \$120 per semester, primarily on the basis of need, to a law student who is a resident of the state of New Mexico.

As it did in 1958, the Albuquerque Journal Publishing Company again in September, 1959, made a gift of \$10,000 to the law school library to be used for special collections in honor of the memory of T. M. Pepparday. These gifts have been of tremendous aid in the large and continuing task of building an adequate law school library from beginnings in 1947.

Following the death of Dean Emeritus Alfred L. Gausewitz on May 31, 1960, members of his family requested that, in lieu of floral tributes, contributions be made to the law school to create an award in his memory. Contributions to date total \$853.59.

In early 1960 the law school began a campaign to raise funds to finance the publication of the Natural Resources Journal during its first three or four years while circulation is being built up. Appeals are being addressed to companies, organizations and individuals interested in any aspect of resource development or conservation in New Mexico or elsewhere. Contributions and pledges to date are in excess of \$6,000 which is more than enough to cover the costs of the first year of publication. Our solicitations, which have not yet reached one-third of our prospects, will continue.

II COMPOSITE OF INFORMATION REQUESTED ON INDIVIDUAL
BIOGRAPHICAL SUPPLEMENTS

1. Advanced Study

Professor Robert Emmet Clark was on June 13, 1960, awarded the J.S.D. degree by Yale University based upon his year of graduate resident study at the Yale Law School in 1955-56 and upon his dissertation, "Public Ground Waters In The Western States."

Professor David H. Vernon was on June 8, 1960, awarded the J.S.D. degree by New York University based upon his year of graduate study at N.Y.U. School of Law in 1953-54 and upon his dissertation, "Statutes of Limitation in the Conflict of Laws."

During the summer of 1959 Professor Vernon also attended a seminar for teachers of Conflict of Laws at N.Y.U. under an eight-weeks fellowship granted to him by that institution.

2. Sabbaticals, leaves of absence, summer teaching elsewhere, travel, etc.

CLARK, ROBERT EMMET

Visiting Lecturer, University of Colorado School of Law, summer session, June-July, 1959, pilot course in "Public Water Law."

POLDERVAART, ARIE

Visited law schools in Dominican Republic, Venezuela, Brazil, Argentina, Chile, Peru, Ecuador, Colombia and Panama during summer of 1959, to compare their systems of legal education with ours and to arrange for exchanges of legal publications.

SWIHART, R. DALE

Visiting Assistant Professor of Law, Indiana University, summer of 1960.

3. New scholastic honors, fellowships, etc.

None

4. Publications

CLARK, ROBERT EMMET

"The Pueblo Rights Doctrine in New Mexico," Proceedings, Fourth Annual Water Conference, New Mexico State 29 (1959).

4. Publications - continuedCLARK, ROBERT EMMET - continued

"New Water Law Problems and Old Public Law Principles," 32 Rocky Mountain Law Review 432 (1960)

COUNTRYMAN, VERN

"Bankruptcy in the United States" -- Encyclopaedia Britannica (1959)

"Douglas of the Supreme Court," Doubleday (1960)

Review of Brown, "Loyalty and Security," 11 J. Legal Ed. 577 (1959)

POLDERVAART, ARIE

"New Mexico Justice of the Peace Manual Supplement," Courtright Publishing Company, Denver, Colorado, 1959

Review of "A. Lincoln: Prairie Lawyer," Summer, 1960, New Mexico Quarterly

VERNON, DAVID H.

"The Uniform Statute of Limitations on Foreign Claims Act: Tolling Problems," 12 Vand. L. Rev. 971 (1959)

"Economics of the New Mexico Legal Profession," New Mexico Business, September, 1959

"Statutes of Limitation in the Conflict of Laws: Borrowing Statutes," 32 Rocky Mountain L. Rev. 287 (1960)

WEIHOFEN, HENRY

"Compensation for Victims of Criminal Violence," VIII Journal of Public Law 209 (1959)

"The Test of Criminal Responsibility: Recent Developments," 172 National Record of Medicine 638 (1959)

4. Publications - continued

WEINHOFEN, HENRY - continued

"Retribution is Obsolete," 39 N.P.P.A. News
No. 1 (1960)

"The Definition of Mental Illness,"
21 Ohio State Law Journal 1, (1960)

Review of Marvin E. Wolfgang, "Patterns
in Criminal Homicide," V N.P.P.A. Journal
311 (1959)

Review of Philip Q. Roche, "The Criminal
Mind," 50 Journal of Criminal Law, Criminology
and Police Science 280 (1959)

Review of Philip Q. Roche, "The Criminal Mind,"
29 New Mexico Quarterly 113 (1959)

Review of John O. Rogge, "Why Men Confess,"
27 University of Chicago Law Review 180 (1959)

5. Other research projects or creative work in
progress or completed during period

CLARK, ROBERT ENMET

Preparation of course materials in Family Law,
Water Law and Local Government Law. Still
in progress.

COUNTRYMAN, VERN

"For A New Exemption Policy in Bankruptcy" --
to be published in Rutgers Law Review

Teaching materials for Debtors' Estates and
Business Units

FINMAN, TED

In progress: article on Rule 36, Federal
Rules of Civil Procedure.

POLDERVAART, ARIE

New Mexico Probate Manual completed and to be
published by University of New Mexico Press
during summer of 1960

5. Other research projects or creative work in progress or completed during period - continued

SEED, VERLE R.

Has 106 pages of galley proof for Title II -- "Mineral Development of Federal Public Domain, Acquired and Reserved Lands" -- to form part of a work to be published summer of 1960 by Matthew Bender and Company under the title "American Law of Mining," sponsored by Rocky Mountain Mineral Law Foundation (no grant involved).

SWIHART, R. DALE

Prepared teaching materials in Federal Income Taxation, Legal Research, Legal Analysis and Estate Planning.

VERNON, DAVID H.

Article for Journal of Public Law scheduled for fall publication.

Preparing teaching materials for Contracts and Administrative Law.

WEIHOFEN, HENRY

Writing chapters for a book on "The Law of Criminal Correction," sponsored by the National Probation and Parole Association.

Writing book on "Legal Writing Style," to be published by West Publishing Company.

6. Activities in learned and professional societies

CLARK, ROBERT EMMET

Membership on Committees of State Bar of New Mexico; Committee on Law School, Committee on Publications (Chairman), Committee on Judicial Selection.

COUNTRYMAN, VERN

Attended meetings of Association of American Law Schools and Conference of Western Law Schools.

6. Activities in learned and professional societies - continued

COUNTRYMAN, VERN - continued

Spoke before meetings of New Mexico State, Dona Ana County, San Juan County, Chaves County, Quay-Curry-Roosevelt-DeBaca Counties, Clovis-Portales, Albuquerque, Santa Fe and Hobbs bar associations.

FINMAN, TED

Attended annual meeting of Association of American Law Schools, St. Louis, December, 1959.

POLDERVAART, ARIE

Attended annual meeting, American Association of Law Libraries, New York City.

Attended annual meeting, Southwest Chapter of American Association of Law Libraries, Santa Fe.

Professional papers read: "Legal Education and Court Systems in Latin America" and "The Uniform Commercial Code."

SEED, VERLE R.

Attended Rocky Mountain Mineral Law Foundation Institute at Salt Lake City, July 30-August 1, 1959, as trustee for School of Law.

SWIHART, R. DALE

Attended annual meeting of Association of American Law Schools, St. Louis, December, 1959.

VERNON, DAVID H.

Attended annual meeting of Association of American Law Schools, St. Louis, December, 1959.

7. Other professional activities

COUNTRYMAN, VERN

Spoke at Citizenship Day ceremonies in U. S. District Court and before meetings of Albuquerque Kiwanis Club and Law Wives.

7. Other professional activities - continued

COUNTRYMAN, VERN - continued

Member of Advisory Committee, Journal of Legal Education

Member of Committees on Law School and Continuing Legal Education, Albuquerque Bar Association

Member of Association of American Law Schools Committee on Pre-legal Education

Member of American Bar Association Committee on the Bill of Rights

POLDERVAART, ARIE

Chairman, New Mexico Commission for Promotion of Uniformity of Legislation in the United States

Vice-Chairman, New Mexico State Library Commission

SEED, VERLE R.

Attended meeting of Interstate Oil Compact Commission at New Orleans, La., June 15-17, 1959, as member of Legal Committee, nominated by Governor John Burroughs of New Mexico, and appointed by Governor Hugo Aronson of Montana.

VERNON, DAVID H.

Several talks to civic groups concerning the Uniform Commercial Code

Speech to four county bar association meeting in Tucumcari, May, 1959 (Uniform Commercial Code)

WEIHOFEN, HENRY

Speeches, lectures, etc. delivered before:

Clark County Association for Mental Health, Las Vegas, Nevada

Eastern New Mexico Mental Health Association, Clovis, New Mexico

7. Other professional activities - continuedWEIHOFEN, HENRY - continued

New Mexico State Hospital, Las Vegas,
New Mexico

New Mexico Psychological Association

Liberal Religious Youth

Ministerial Alliance of Albuquerque

Radio discussion of World Peace
Through Law, Station KHFM, Albuquerque

8. Non-teaching University serviceCLARK, ROBERT EMMET

Retirement Committee
Academic Freedom and Tenure Committee
Law faculty committees

COUNTRYMAN, VERN

Member of Administrative Committee
Committee on Entrance and Credits
Board of Deans

POLDERVAART, ARIE

University Library Committee

SEED, VERLE R.

Policy Committee
Member of Athletic Council

VERNON, DAVID H.

Curricula Committee
Patent Policy Committee
Patent Committee
Committee on Future Policy (Subcommittee
of Policy Committee)
Vice President of local A.A.U.P.

WEIHOFEN, HENRY

Faculty Club Committee

9. Public serviceCLARK, ROBERT EMMET

Consultant to Legal Aid Director

COUNTRYMAN, VERN

Director of Legal Aid Society of Albuquerque

POLDERVAART, ARIE

Boy Scouts

VERNON, DAVID H.Executive Board of Temple Albarth Men's Club
Executive Board of Citizens' CommitteeWEIHOFEN, HENRYPresident, New Mexico Committee for Refugees
Vice President, New Mexico Association for
Mental Health
Board member, Albuquerque Association for
Mental Health
Member, Advisory Committee, Division of
Mental Health, State Department of
Public Health10. Personal InformationSWIHART, R. DALE

Daughter (second child) born June, 1960


Vern Countryman
Dean

August 24, 1960