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School of Law Annual Report 1956-1957

School of Law Dean

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The Report of the College of Law
July 1, 1956 - June 30, 1957
A. L. Gausewitz, Dean

1. Significant achievements during the
academic year 1956-57

For the year 1955-56 we made a detailed report of first-semester enrollment and attrition, graduating class, demand for graduates, administration of the loan funds, Orientation Day programs, Legal Aid, Alumni Association, and advisement. There is little significant change to report for the year 1956-57.

The size of the entering class was up from 32 to 47 (an increase of 47%), of whom 31, or 66% had baccalaureate degrees at the time of their admission. Attrition rates remain substantially the same.

There were 19 graduates in 1957. The demand for our graduates seems to be greater than the supply.

The most significant action taken during the year was the adoption by the faculty of the College of Law of a resolution making a baccalaureate degree the basic requirement for admission to the College of Law in the fall of 1960 and thereafter. This resolution was submitted to the administration and to the University faculty. It was approved by the University faculty on May 14, 1957. It is hoped that the

Supreme Court of New Mexico will, commencing in 1963, require that applicants from other states for admission to practice in New Mexico, by examination or on motion, have had at the time of their graduation or admission in another state the substantial equivalent of the education required by this College at that time.

Student interest, participation, and responsibility have not diminished, but have improved. The students administered a successful orientation program for the beginning students in the fall. They continued their bi-weekly luncheons with practicing lawyers and others as speakers. They attended a number of occasional special lectures by foreign and American scholars and lawyers visiting the campus. They also attended two series of special lectures, one series for first-year students on the legal profession and ethics and another series primarily for third-year students delivered by practicing lawyers on practical problems of the beginning lawyer and ethical problems incidental thereto. These lecture series have now been formalized by being numbered as courses. On satisfactory attendance the grade "CR" will be entered on the students' records in the Office of Admissions and Records and thus appear on their transcripts, but without subject credit. A similar provision is being made for work in the office of the Legal Aid Society of Albuquerque. Thus the

students will have some recognition for their time thus spent, though without subject credit, and be subject to a check of their required attendance.

The major activity of the students was a legal institute on the new Workmen's Compensation Act, which was arranged by the students and held May 3, 1957 as a part of the annual Law Day celebration, which closes with a banquet and dance. This institute was attended by over 150 lawyers and was thought so successful by them that they are earnestly considering joining it with, or substituting it for, the annual mid-year institute of the State Bar, usually held in Albuquerque, the thought being that attendance at each would be enhanced if lawyers need not attend two separate institutes at about the same time of the year.

During the year the College also instituted a system whereby practicing attorneys are provided with keys to the building and library to enable them to utilize the library nights, Sundays, and holidays when it would otherwise be closed. Thus far this has worked very well. The effect is to make available to the bar a library collection additional to that of the Supreme Court library at Santa Fe. Albuquerque has the greatest concentration of practicing lawyers and is more readily accessible to lawyers in the southern part of the state than is Santa Fe.

This arrangement was one result of a number of conferences by the members of the bar and the College of Law on how the two organizations could best co-operate on library facilities. In these conferences a number of suggestions were made, such as how to further prevent duplication of expenditures by the District Court library in the courthouse and the law school library and how the bar could otherwise contribute to the College library. One of its contributions was a Verifax machine by which documents and excerpts from books can be quickly duplicated without laboriously making a copy by hand or bringing a secretary to the library. The Verifax has similar and other uses for the law school.

Notwithstanding that the College objected that special appropriations for departments of the University by the Legislature were objectionable on principle, the Legislature, at the prompting of members of the bar, passed a line item appropriation of \$10,000 for the College of Law library. The College relinquished its claim to a share of the departmental book allocation for this year by reason of this appropriation. It did this notwithstanding that it needed the full amount to make up for past shortages caused by the fact that the College has in actuality never had any money for the purchase of new books. The reason that it

has had no money is that the departmental book allocation has in the past been barely adequate for continuations (which should be considered more in the nature of laboratory equipment), and the few new books purchased have been obtained by devious methods by our librarian, Mr. Poldervaart. An appropriation of \$10,000 per year is the minimum for all library book purposes. It may also be said for a line item appropriation that if the state is to maintain two law libraries, one in Santa Fe for the bar and another at the University which is available to the bar and others than University students and faculty, there is some justification for recognizing this as, in some degree, non-University expense.

The Simms Memorial Lecture was held on April 15, 1957. Senator John Sherman Cooper of Kentucky, recently Ambassador to India, spoke on "Neutralism and Nationalism in World Affairs."

Rudolph Schware was admitted as a student in the fall of 1950. He finished his requirements Semester I, 1953-54 and was graduated in June, 1954. The State Board of Bar Examiners refused him permission to take the bar examination on the ground that his past activities, chiefly past membership in the Communist Party, indicated moral unfitness to practice law. Mr. Schware took the matter into the courts. The New Mexico Supreme Court, in an

opinion rendered September 7, 1955, one justice dissenting, sustained the action of the Board of Bar Examiners.

Mr. Schware carried the matter to the Supreme Court of the United States, which in a unanimous decision reversed the action of the New Mexico court. Schware v. Board of Bar Examiners of the State of New Mexico, 77 Supreme Court Reporter, 752 (decided May 6, 1957). To quote from the headnotes of the case, the Court held that the evidence "could not be said to raise substantial doubts about his present good moral character, and refusing him the right to qualify for practice of law constituted a denial of due process." The College was not involved in these matters but nevertheless was subjected to some suspicion by the action of the State Board of Bar Examiners. These suspicions should be substantially allayed by the action of the United States Supreme Court.

2. Significant plans and recommendations for the near future

The requirement of a baccalaureate degree for admission in 1960 has been reported above.

The question of publication of a law review has been agitated since the establishment of the school in 1947. The College has throughout this entire period taken the position that the expense of a law review should

be borne by the members of the bar, except so far as the College could carry the editorial and writing work as incidental to its regular activities. The faculty at least twice expressed its willingness to carry this extra load, but the bar never was able to assure us of its support. At the last session of the Legislature a bill was introduced to provide for the publication of administrative orders and regulations officially in a law review to be published by the College of Law. It was thought that if it were the official publication for administrative regulations, it could be self-supporting, and the bill required that it be self-supporting. The College of Law indicated its willingness to carry the burden except for financial expense. The bill was passed by the Legislature, but vetoed by the Governor. The College has decided not to take the initiative in further solicitation of bar support for a law review, but to await action by the bar itself to undertake the support of the law review if the editorial work and administration be done by the law school. In giving a member of the bar an estimate of the expense, the Dean included an item for a person who would assist by doing secretarial work and otherwise. Members of our faculty have written for publication by the Division of Research

of the Department of Government, and the possibility of finding an outlet in the Quarterly has been discussed. These and other methods of publishing student and faculty work will continue to be considered and utilized, but the idea of a law review has not been abandoned even though at this time it appears desirable to shift to the bar a bit more of the responsibility for getting one established.

Another bit of legislation which would have helped the College, but failed in the Senate, was a bill that would have provided the College of Law with reports, statutes, and other state publications which could be used for exchange purposes. A bill to that effect had also been introduced in 1949. On both occasions, we of the College were greatly disappointed and unable to understand why there should be substantial opposition to a measure which would have, in our opinion, resulted in substantial savings to the state.

The curriculum and teaching methods of the College are continually under study, and little hope is seen for stabilizing the curriculum in the near future. It is not seen how it can be otherwise if the College is not to become lethargic by being static.

Commencing in 1957-58, the course in Trade Regulation will be dropped, and a course in Federal Jurisdiction added, --

this in addition to the regularization of the lectures on the legal profession and ethics previously mentioned. A similar experiment with a course in Commercial Transactions will continue for at least another year. Such experimentation is certain to continue in a College having a creative, progressive, and dynamic faculty. The problems of "liberalizing" the curriculum by work in legal philosophy and jurisprudence, and by making the program more "practical" by work in estate planning, for example, are always under consideration. The question of what, where, and how (whether by separate courses, by lectures, or incidentally in regular courses) is always being given thought, as is also the greater use of the problem method and other devices intended to take advantage of our relatively small enrollment to individualize instruction.

The problem of reducing teaching loads and the best and most efficient methods of utilizing faculty time in a school with a small student body is being solved by the alternation of some of the courses now being given every year.

Mention may be made of a number of matters. No legal fraternity has yet established a chapter here. The matter of obtaining a chapter of the national honorary society of the Order of the Coif is always in mind, and

there was some correspondence about it this year.

The Bar and the Supreme Court have amended the rules governing the admission to practice to waive the taking of examination and admit on motion the Dean and full professors who have been admitted to practice in other states, who have been members of the faculty of the University of New Mexico for the two years immediately preceding the filing of their application, and who have taught in or served as dean of a law school, approved by the American Bar Association, for seven of the eight years immediately preceding their applications. This action indicated a pleasing interest in, and desire to help, the College.

The College has attempted to do its part in general University administration and formulation of policy, and the Law alumni have maintained an active interest in the College and University.

3. Appointments to staff. None.

4. Separations from staff.

Dr. Ralph Carlisle Smith, Lecturer in Law, resigned from our staff May 1, 1957 because he is leaving New Mexico. The generous contributions and society of this gifted man

will be severely missed. The evening course in Patent Law that he gave will probably have to be dropped. If it is, it will for the present end our endeavor to make a contribution to the evening program, for our other evening course, Military Law, has already been dropped.

5. Publications

(a) Books and monographs

POLDERVAART, ARIE. New Mexico Statutes 1953 Compilation, 1957 supplements.

WEIHOFEN, HENRY. English edition of "The Urge to Punish," published April 29, 1957. (American edition published July, 1956)

(b) Articles - none

(c) Reviews

GAUSEWITZ, A. L. Review of Dudycha and others, "Psychology for Law Enforcement Officers," 42 American Bar Association Journal (October, 1956) 955-57.

VERNON, DAVID H. Review of Lawrence P. Simpson, "Cases on the Law of Contracts," 35 Texas Law Review (1956) 156.

VERNON, DAVID H. Review of Thomas Reed Powell, "Vagaries and Varieties in Constitutional Interpretation," 35 Texas Law Review (1956) 300.

6. Completed research projects

CLARK, ROBERT EMMET. "Practice Court at a Small Law School." To be published in the American Bar Association Journal (precise issue not yet known.)

6. Completed research projects - continued

POLDERVAART, ARIE. "The Statute Law as an Aid in Legal Research." (To be published in forthcoming issue of the Law Library Journal.)

POLDERVAART, ARIE. "Book Selection for the Law Library on a Limited Budget." (To be published in forthcoming issue of the Law Library Journal.)

VERNON, DAVID H. The Uniform Commercial Code and New Mexico -- Article 2: Sales. Albuquerque: University of New Mexico Government Series, Bulletin No. 50, 1957. 30 p.

VERNON, DAVID H. Report on the First Tentative Draft of the Statute of Limitations on Foreign Claims Act. (To be published in the Summer 1957 issue of the Wayne State Law Review.) (Has been distributed in mimeographed form to the Commissioners on the Uniformity of State Laws.)

7. Outside-sponsored research

POLDERVAART, ARIE.

Name of sponsor: New Mexico Commission for the Promotion of Uniformity of Legislation.

Amount involved: \$500.00.

Purpose of grant: An appraisal of uniform acts for possible adoption in New Mexico.

Duration: The work was completed during the summer months of 1956.

7. Outside-sponsored research - continued

SEED, VERLE R.

Has been and is now working on a two-year project consisting of two titles (about 175 pages) for a proposed publication of four volumes on the Law of Mining under the auspices of the Rocky Mountain Mineral Law Foundation. No grant; authors share in royalties following publication of the treatise.

VERNON, DAVID H.

Name of sponsor: New Mexico Commission
for the promotion of Uniformity of
Legislation.

Amount involved: \$1,000.00

Purpose of grant: To make a preliminary
study of the effect on New Mexico law
of the adoption of the Uniform Commercial
Code.

Duration: The work was completed during
the summer months of 1956.

8. Other professional activities

GAUSEWITZ, A. L.

Member, New Mexico Commission for the
Promotion of Uniformity of Legislation.

National Conference of Commissioners
on Uniform State Laws.

Lecturer, Boys' State, Roswell, New Mexico,
June 9-10, 1957.

Board of Directors, Legal Aid Society
of Albuquerque.

Member, Advisory Committee, New Mexico
Probation, Parole and Correction Association.

8. Other professional activities - continued

POLDERVAART, ARIE.

Director, Third Biennial Law Librarian's
Institute, University of Colorado,
June 18-22, 1957.

SEED, VERLE R.

Trustee, Rocky Mountain Mineral Law
Foundation; attended Rocky Mountain
Mineral Law Institute, Boulder, Colorado,
August 1-3, 1956.

VERNON, DAVID H.

Two television appearances on
University-sponsored programs.

Drafting of legislation in civil rights
area for N.A.A.C.P.

Panel on Human Rights before Federated
Churchwomen.

WALDEN, JERROLD

Talked on legal careers at Career
Day, Valley High School.

Moderated Law Day Institute on Workmen's
Compensation Act.

9. Activities in Learned and Professional Societies

CLARK, ROBERT EMMET

Chairman, Committee on Continuing Legal
Education, Albuquerque Bar Association.

Member, State Bar Committee on Development
of the Law School.

9. Activities in Learned and Professional Societies,
Continued.

GAUSEWITZ, A. L.

Member for New Mexico, American Bar
Association Committee on State
Legislation.

FOLDERVAART, ARIE

Chairman, Committee on Legislation,
Albuquerque Lawyers Club, 1956.

Member, Board of Directors, Albuquerque
Bar Association, 1956-57.

ROBINSON, MAGNUS E.

Member, Committee on Co-operation
With Other Professional Groups, New Mexico
Society of Certified Public Accountants.

VERNON, DAVID H.

Member of panel on Law School Records
at Conference of Western Law Schools,
Denver, April, 1957.

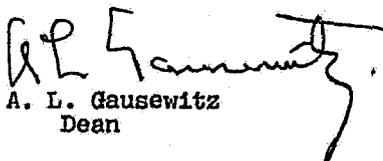
WEIHOFEN, HENRY

Member, Board of the Isaac Ray Award of
the American Psychiatric Association.

10. Study and travel - none

11. Gifts.

No gifts other than to the law library.


A. L. Gausewitz
Dean

June 28, 1957