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# School of Law Annual Report 1954-1955

School of Law Dean

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The Report for the College of Law  
 July 1, 1954 to June 30, 1955  
 Alfred L. Gausewitz, Dean

1. Significant achievements

Last year we gave a recapitulation of the first five graduating classes. We graduated 17 this year out of a total of 44 candidates for the degree.

In last year's report we estimated that our fall enrollment would be 74, an increase of 39.6%. It was actually 72, an increase of 35.8%. The enrollment was divided as follows:

First-year students	35
Second-year students	16
Third-year students	21
Part-time (not candidates)	$\frac{2}{74}$

Because the second- and third-year classes pick up a substantial number of transfer students in the second semester, and because the mortality rates in these classes is constant and comparatively negligible, we are reporting year mortality rates only on the first-year class. Our entering class in the fall of 1954-55 fared as follows:

Registration	35
Placed under suspension	5
Withdrew during semesters	10
Did not return although eligible to continue	$\frac{3}{18}$
	- mortality of 52%

The 1954-55 first-year mortality will undoubtedly be increased slightly when the drop-out figures are available at the close of registration this September. We expect the final mortality rate to reach the average first-year mortality of 56%.

The number of admitted first-year students as of August 12, 1955 is 26% greater than the number of admitted students a year ago on this date. We therefore anticipate a fall enrollment as follows:

First-year students	45
Second-year students	20
Third-year students	20
	<u>85</u>

In our report last year we stated that on the basis of a study made by Dr. Wellock and our own observation we are not getting our share of top students. We reported that we do not screen our students for admission further than to require a C average, and explained why. We shall explain in Section 2 of this report a plan for a slightly more selective admission requirement. Our problem is to get students with greater capacity and more taste for the study of law. This is related to the problem of prelegal education, which also will be mentioned below.

One of our efforts in this direction was a Prelaw Day, planned and administered under the leadership of our Professor Walden. It was attended by 72 high school and college students, who were given a tour of the Law Building,

served coffee and refreshments, presented with a film on law, and addressed by Judge Medina, Justices Sadler, Compton, and Kiker of the New Mexico Supreme Court, and by the Dean. We always also have in mind the need for making our school known throughout the country. We send our bulletins and the "Your University" brochure out on every occasion. We are grateful to the other departments of the University for their cooperation. We are getting inquiries from all over the world to an extent that indicates that we are having substantial success.

The State Bar of New Mexico Law Student Loan Fund drive, under a sponsoring committee of which Judge Sam G. Bratton is Chairman, has resulted in substantial additions to our loan funds. An individual letter from Judge Bratton to a selected list of older lawyers has produced something over \$3,400 thus far, and is expected to reach \$4,000.00. To this should be added a contribution of \$1,000 by Mr. Albert G. Simms. In mid-July the Law Alumni Association officers wrote to alumni asking them to make pledges. Responses to this appeal are beginning to come in, and \$1,200.00 in pledges and \$212.00 in cash have been received up to this time. And Judge Bratton has done further work by sending out some four hundred letters to lawyers not on the list mentioned above. When responses have been received to the letters to alumni and the group

last mentioned, the alumni will personally solicit all lawyers who have not responded. There is a need for a loan fund of at least \$15,000. Justice Augustus T. Seymour and Mr. Jackson Akin of the Albuquerque Bar are serving with members of our faculty on a committee to administer the fund. We also need scholarships, and are very grateful for the assurance that we can promise students with an exceptional record, especially out-of-state students, a scholarship of \$200 per year. One such assurance has been made for next year.

During the year we made a comparative faculty salary study. After this had been undertaken, we received a notice from the Adviser to the Section of Legal Education and Admissions to the Bar of the American Bar Association calling our attention to our comparative standing on salaries. Both of these were reported to the administration, together with the correspondence relating thereto.

Relations with the Bar continue to be good; we have much to be grateful for to judges and lawyers for services performed. We are especially grateful to Mr. Vance Mauney and Mr. Robert J. Nordhaus for taking over, respectively, the courses on Negotiable Instruments and Corporations on the death of Professor Meek.

The first John Field Simms Memorial Lecture was delivered by Judge Harold R. Medina of New York. It was

completely successful. While here Judge Medina also addressed the Rotary Club, the Bar, the law students, and a luncheon given for him and the faculty by Federal Judges Sam G. Bratton, Carl A. Hatch, and Waldo H. Rogers.

On the last New Mexico bar examination, in August of this year, 79% of our applicants passed the examination on the first attempt and were admitted to practice. This is the exact average of our success since the first graduating class took the August 1950 bar. 68% of the graduates of other schools have been successful, on the first attempt, since the August 1950 bar. We do not make comparisons on the basis of these percentage figures, however, because we know that some of the graduates of other schools come to the New Mexico examination after being out of school for several years. It is interesting to note that of the total who have taken the New Mexico bar examination for the first time since August 1950, 38% have been graduates of this law school.

2. Significant plans and recommendations for the next academic year, including estimated capital needs.

We not only plan to get a better quality of student but to do an even better job of educating those we now get. One item towards this end is an Orientation Day program to be held the morning of the first day of registration. The students are making the plans for this, and as a part of it

we shall reinstate the system of faculty advisers and add to it a system of upperclassmen advisers. Our student, Austin E. Roberts, President of the Student Bar Association, is making arrangements.

The students, under the leadership of R. Franklin Jones, Jr., are again planning to get out an experimental issue of a law review about next April. The students made a similar effort twice before. It now appears that this effort will probably be successful.

In order to have a slightly more selective screening, we are discussing with J. C. MacGregor, Director of Admissions, an experiment of looking toward an eventual requirement that students will not be admitted unless they have not only done three years of college work but have also, by meeting major, minor and other requirements, acquired credits that will enable them to obtain a Bachelor of Arts or a Bachelor of Business Administration at the end of their first, or later, year in the law school.

The Executive Committee of the Association of American Law Schools at a special meeting, attended also by chairmen of the Association committees closely associated with educational and curricular policies, stated, "It was suggested that at the present time a number of Association schools were operating on a marginal basis from the standpoint of salary scale, enrollment, and number and quality of the teaching staff," and the President "outlined the

complete agenda for the newly constituted committee on Law School Administration and University Relations." The President has "asked that committee to make a 'searching survey of existing policies and practices relating to Law School budgets, faculty salaries, provisions for clerical and secretarial assistance; work loads (both teaching and otherwise), allowances of leaves of absence with and without pay, and retirement benefits, same with respect to appointments and promotion of faculty personnel; same with respect to administration of law school libraries; and the autonomy of the law school in the administration of these matters.'" (Journal of Legal Education, Volume 7, Number 4, 1955.) It is believed that our College will stand well in almost all aspects of such a "searching survey." At the same page there is reported the work of the Committee on Pre-Legal Education, which is of immediate relevance here. In an article at page 540 of the same issue by Dean Frank R. Strong, Chairman of the Committee on Pre-Legal Education, reference is made to a long overdue statement of policy by his committee.

This statement of policy has been out for a couple of years and has been utilized in our prelegal advisement and circularized among prelegal faculty advisers here. Several members of our prelegal faculties have expressed amazement at our decision not to specify subjects for prelegal education. Dean Strong points out at page 543 that the

Statement of Policy of his committee "abandons the subject-matter approach to prelaw for one emphasizing the development in prospective law students of basic skills and insights," saying that "What really counts is not so much the subject matter studied as the quality of education that is imparted." At page 548 Dean Strong says, "There remains, therefore, largely the missionary task of carrying this pedagogical gospel to every corner of the educational world." In subsequent portions of the article he points out the need for adequate prelaw counseling and the need for objective measurement of results obtained in the cases of individual students who apply for admission to the law school. The point is that we must make an earnest effort to improve and organize and systematize our prelegal counseling. Professor Walden is working on this for our College. Only 47% of our entering students for the eight years of our existence have come from the University of New Mexico, and 9% from other colleges or universities of New Mexico. The figures are:

Admitted from University of New Mexico: 198 - 47% \*

Admitted from:

Highlands University	6
New Mexico Military Institute	5
New Mexico College of Agriculture and Mechanic Arts	12
New Mexico Western	4
New Mexico Institute of Mining and Technology	2
Eastern New Mexico University	9
	<u>38</u> - 9% *

\* of all students admitted

Nevertheless, we must take the lead and hope that our efforts will be utilized by other New Mexico schools, and rely upon the probability that similar efforts will be made in other states.

We have in the past considered and will study again this year the possible need and justification for a degree of Bachelor of Science in Law, to be conferred by our College on the basis of a curriculum which we believe to be adequate, although it does not meet the requirements of the combined Bachelor of Arts and Law curriculum or the combined Bachelor of Business Administration and Law curriculum. This will be suggested only if after consultations with deans and faculties of other colleges it is believed to be both needed and justified.

Justice is one of the most important of human needs. It cannot be maintained in a democracy without good lawyers. It is remarkable that lawyers, most of whom have had only a general education, do as well as they do in a highly technological world. They, as well as the members of other professions and callings, need a good education. We have therefore not forgotten matters previously considered, such as the requirement of a first degree before admission to the law school, or the expedient of encouraging more students to have a first degree (65% of this year's graduating class [17] members and 43% of last year's graduating class [7] members had a first degree

before graduation) by some special recognition such as a J.D. degree instead of an LL.B. for those who had earned a four-year first degree before admission.

Under the capital needs for next year: Attention is called to the fact that in our budget request for this year we included \$1,200 for shelving that was supposed to have been provided when the law building was built, but the purchase of which was postponed when, due to some mistake, it was not provided. It is now needed. Similarly, we have this year requested the Comptroller to provide lighting for our bulletin boards. Although we made written requests for lighted bulletin boards during the planning of our building, lighting at these spots was not provided when the building was built. We have tried to get along without this lighting; we now feel we must have it.

### 3. Long-range plans

There is nothing to be added to what has been said above and to what is said in last year's report.

### 4. Appointments to staff

Professor Joseph Walter Meek died during the year. His work for the balance of the first semester was carried on by practitioners, mentioned above. To replace Professor Meek we obtained Magnus E. Robinson, who joined our faculty February 4, 1955. Mr. Robinson received the degree of

Bachelor of Science in Business Administration in 1951 from the University of Nebraska, and the degree of LL.B. from the University of Kansas City School of Law in 1953. He has done some work toward the LL.M. at the University of Kansas City School of Law. Professor Robinson has agreed to stay for the academic year 1955-56. He is attending courses in legal education and taxation at New York University this summer and will decide on his return this fall whether he desires to make teaching a career. If he so desires, we hope to keep him.

Professor Edward G. Riggs desired to take a leave of absence for one year to work with the Legislative Council in Santa Fe. His courses will be taken over by David H. Vernon, who is joining our faculty September 1, 1955. Mr. Vernon received an A.B. (cum laude) from Harvard in 1949, an LL.B. from Harvard in 1952, and an LL.M. in Trade Regulation from New York University School of Law in 1953. He taught one year at New York University School of Law and one year at the University of Houston College of Law.

Professor Clark will be on leave without pay the first semester of next year. Charles Driscoll has been appointed, as of September 1, 1955, as Visiting Associate Professor of Law to replace Mr. Clark for the first semester. Mr. Driscoll received an A.B. from the College of the City of New York in 1939, an LL.B. from Columbia University in 1949. He taught as Assistant Professor of Law at Loyola

University, New Orleans, 1950-52, as Associate Professor of Law, Seton Hall University, 1952-53, and as Visiting Associate Professor of Law at the University of Nebraska 1954-55.

We have had some difficulty in obtaining faculty in competition with schools that operate summer sessions. For example, we had an oral agreement with a man to come here for \$5,000. When the time came to sign the contract, however, he had been offered \$6,700, on an eleven months' basis, by Syracuse and accepted the position. This summer three of our faculty have obtained work for the summer which will augment their salaries more than if we had a summer vacation. We are hoping to make arrangements with State offices and lawyers to utilize our faculty during the summer so that we can give some assurance that take-home pay will be as great as though we had a summer session.

Because of the resignation of Professor Blauman, the death of Professor Meek, and the leave of Professor Riggs, we were confronted by something in the nature of an emergency in that there was danger that too large a portion of our faculty would have teaching experience of one year or less. We were fortunate in being able to obtain Professor Vernon and Professor Driscoll, who will come to us with substantial experience. Our general policy is to replace faculty with young men, but this policy ought not to be adhered to when several replacements must be made at once.

5. Separations from staff

We have previously mentioned the death of Joseph Walter Meek on December 17, 1954. As mentioned above, Professor Riggs was granted a leave of absence beginning July 1, 1955.

6. Publications

(a) Books and monographs

POLDERVAART, ARIE. Manual of Effective New Mexico Legal Research: University of New Mexico Publications in Social Sciences and Philosophy No. 2, 1955. 135 p.

POLDERVAART, ARIE. New Mexico and the Uniform State Laws. Albuquerque, University of New Mexico Division of Research, Department of Government, July, 1954. 91 p.

(b) Articles

CLARK, ROBERT EMMET. "Matrimonial Property Law in New Mexico and the Western United States," MATRIMONIAL PROPERTY LAW, Vol. 2, Comparative Law Series, University of Toronto (1955) 89-138.

CLARK, ROBERT EMMET. "New Mexico Community Property Law: The Senate Interim Committee Report," 15 Louisiana Law Review, 571-694 (April, 1955)

CLARK, ROBERT EMMET. "The International Arid Lands Meetings," Frontier, June, 1955.

SEED, VERLE RUE. "Mortgage 'Payment' Statutes in Kansas and New Mexico," 3 Kansas Law Review 87, (December 1954), p.87-98.

WEIHOFEN, HENRY. "The Flowering of New Hampshire," University of Chicago Law Review, XXII (Winter, 1955), 356-66.

WEIHOFEN, HENRY. "Problems Arising in Hospitalization and Incompetency Proceedings," Hill Echoes (February, 1955) 18, 32.

6. Publications, Continued(c) Reviews

CLARK, ROBERT EMMET. Review of Elmer Peterson, "Big Dam Foolishness." Frontier (March, 1955) 17-18.

CLARK, ROBERT EMMET. Review of Michael Straus, "Why Not Survive?", Frontier, May, 1955 17-18.

GAUSEWITZ, ALFRED L. Review of Morgan, "Basic Problems of Evidence," Michigan Law Review, 53 May, 1955, 1021-1026.

RIGGS, EDWARD G. Review of Gellhorn and Byse, "Administrative Law: Cases and Comments," Jaffe, "Administrative Law: Cases and Materials," Merrill, "Cases and Materials on Administrative Law," Rocky Mountain Law Review, XXVII (December, 1954) 127-132.

WEIHOFEN, HENRY. Review of Gregory Zilboorg, "The Psychology of the Criminal Act and Punishment," Indiana Law Journal, XXX (Winter 1955) 289-91.

7. Completed research projects

CLARK, ROBERT EMMET: Community of Property and the Family in New Mexico. To be published in law review during 1955, about 50 pages.

FOLDERVAART, ARIE: Justice of the Peace Practice Manual. This project includes the study of the most effective justice of the peace procedures in use in the counties over the state and the preparation of a guide for New Mexico justices of the peace and attorneys practicing in their courts. Publication of this manual has been delayed in order to incorporate new legislation passed at the 1955 session of the Legislature. FOLDERVAART: New Mexico Practice Manual. In process of completion.

WALDEN, JERROLD: Completed first draft of J.S.D. thesis for Yale University.

8. Outside-sponsored research.

None.

9. Other professional activities.

CLARK, ROBERT EMMET:

Participant, Discussion Group #12, Administrative and Legal Problems of Arid Land Development, April 29, 1955.

Paper on "Recent Decisions of the New Mexico Supreme Court on Community Property," before Albuquerque Bar Association, October 29, 1954.

GAUSEWITZ, ALFRED L.:

Director, Legal Aid Society of Albuquerque

Consultant, Bernalillo County Tuberculosis Association.

Consultant, Special Education Center.

Member, Atomic Energy Commission Personnel Security Board.

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

Participant, radio broadcast on the subject of career counseling.

POLDERVAART, ARIE:

Radio seminar, Santa Fe, New Mexico, October 26, 1954. "Public Library Service in New Mexico."

Talk before the Federation of Women's Clubs, March 11, 1955. Subject: "Do I Need a Will?"

Associate Editor, 1953 Compilation New Mexico Statutes Annotated, 12 vols.

Editor, 1955 Supplements, 1953 Compilation New Mexico Statutes Annotated.

Consultant; Preparation of new Small Loans Statute for New Mexico.

Consultant: Albuquerque Sales Tax Ordinance with city attorneys and commissioners.

Consultant: Preparation of amendatory food and drug legislation for New Mexico.

9. Other professional activities, continued.

WALDEN, JERROLD L.

"How Fair is Fair Trade?", a speech in a debate held as part of a Fair Trade Forum sponsored by the College of Law in conjunction with Fifth Annual Law Day.

With House Judiciary Committee, Washington, D.C., summer of 1955.

WEIHOFEN, HENRY

Lecture, "Commitment of the Mentally Ill," University of Chicago, February 28, 1955.

Lectures, "Problems Arising in Hospitalization and Incompetency Proceedings," and "Problems Arising in So-Called Criminal Insanity Cases," Seventh Annual Institute in Psychiatry and Neurology, Little Rock, Arkansas, February 24 and 25, 1955.

Lecture, "The 1955 Program for Improving New Mexico Laws Governing the Mentally Ill," Highlands University chapter of Psi Chi, Las Vegas, New Mexico, February 11, 1955.

University of New Mexico Second Annual Research Lecture, "Crime, Law and Psychiatry," April 15, 1955.

Commencement address, Girls Welfare Home, Albuquerque, May 27, 1955.

TV program, "The Jaycees Ask," March 19, 1955.

Panel member, discussion of current labor legislation, Second Annual Institute of Labor Relations, University of New Mexico, May 27, 1955.

Panel member, discussion of mental disorder and criminal law, University of Chicago, February 28, 1955.

Recipient of Isaac Ray Award by American Psychiatric Association, for "most worthy contribution to the improvement of the relations of law and psychiatry," Atlantic City, May 11, 1955.

10. Activities in learned and professional societies.

CLARK, ROBERT EMMET:

Chairman, Committee on Continuing Legal Education, Albuquerque Bar Association

Chairman, Committee on Development of the Law School, State Bar of New Mexico

Member, Special Committee on Family Law, Association of American Law Schools

Member, Committee on Teaching of Comparative and International Law, American Bar Association

GAUSEWITZ, ALFRED L.:

Member, Association of American Law Schools Committee on Racial Discrimination.

Member, Association of American Law Schools Committee on Evidence

POLDERVAART, ARIE:

President of Phi Kappa Phi, University of New Mexico Chapter, 1954-55. Address at annual banquet, May 12, 1955: "This Law We Live Under."

Member, Legislative Committee, Albuquerque Lawyers Club.

Member, Rules Committee, Albuquerque Bar Association.

Parliamentarian, Albuquerque Library Club.

Member, Committee on American Citizenship, State Bar of New Mexico.

Vice Chairman, New Mexico State Library Commission, 1954-55.

Talk before Albuquerque Lawyers Club, November 8, 1954, "The Legal Literature of New Mexico."

10. Activities in learned and professional societies, continued.

WEIHOFEN, HENRY:

Chairman, Roundtable on Law and Psychology,  
Association of American Law Schools.

Member, Committee on Law and Psychology,  
Association of American Law Schools.

Member, Committee on Continuing Legal  
Education, Albuquerque Bar Association

We had our usual good attendance at the annual meeting of the Association of American Law Schools in New York; our faculty worked diligently and creatively, as is demonstrated by the reports on their work; and the students have taken a lively and responsible interest in the work of the school, as reported in other parts of this report.

11. Important study and travel

POLDERVAART, ARIE:

While on sabbatical leave Semester I, 1954-55, Professor Poldervaart did research in District Court libraries and other law and public libraries throughout New Mexico and in El Paso, Texas, pertaining to legal New Mexicana. Collected material for Justice of the Peace Manual and General Practice Manual.

In December 1954 Professor Poldervaart made a trip to Mexico, visiting the law libraries of the Supreme Court of Mexico and the Mexican National University, Mexico City.

11. Important study and travel, continued.

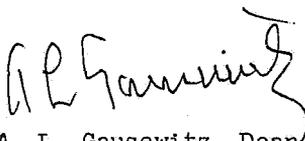
SEED, VERLE RUE:

Professor Seed spent his one-semester sabbatical traveling in the British Isles and the north countries. He visited law schools in the British Isles and met with deans and faculty members.

This brief summary of Professor Seed's sabbatical travel and study is written in his absence and before we have his report.

12. Gifts

During the academic year of 1954-55 the law library was augmented by various gifts. These are shown in Mr. Kelley's report for the University libraries.

  
A. L. Gausewitz, Dean  
College of Law  
August 29, 1955