

1-1-1954

# School of Law Annual Report 1953-1954

School of Law Dean

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## R E P O R T

For the period January 1, 1953 - June 30, 1954

UNIVERSITY OF NEW MEXICO COLLEGE OF LAW

A. L. Gausewitz,  
Dean

1. SIGNIFICANT ACHIEVEMENTS AND TABULAR MATERIAL

The College graduated its fifth class in June 1954.

The following are tabulations of some significant points:

RECAPITULATION OF FIRST FIVE GRADUATING CLASSES:  
(1950, 1951, 1952, 1953, 1954)

Beginning students	258	
Transferred in from other law schools	43	
TOTAL CANDIDATES FOR DEGREE	<u>301</u>	
Dropped out although eligible to continue		120
Suspended	74	
Returned later	<u>9</u>	
NET SUSPENSIONS		65
Died		1
LL.B.'s granted		<u>115</u>
	<u>301</u>	<u>301</u>

It will be seen from these figures that 38.2% of the candidates for the degree successfully completed their law course.

SUCCESS OF COLLEGE OF LAW GRADUATES - NEW MEXICO BAR EXAMINATIONS  
From August 1950 through February 1954:

TOTAL College of Law graduates have taken	95
TOTAL College of Law graduates passed	74 - 78%

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BAR EXAMINATIONS - Continued

TOTAL graduates of other schools have taken	156.
TOTAL graduates of other schools passed	104.- 67%

Of the applicants to take the New Mexico bar since August 1950:

University of New Mexico graduates were	38% of total.
Graduates of other law schools were	62% of total.

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FOREIGN BARS TO WHICH COLLEGE OF LAW ALUMNI HAVE BEEN ADMITTED:

Alaska	2
California	1
Idaho	1
Kansas	1
Maine	1
Minnesota	3
Mississippi	1
Nebraska	1
New York	2
Ohio	2
Texas	4

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OCCUPATIONS OF ALUMNI AS OF July 20, 1954:

Private practice	68* (59% of total)
Non-legal work in business and industry	16.
Legal work in business and industry	4.
Legal work in armed forces	5.
Legal work in federal and state government	8.
Military service	1
With F. B. I.	1
General Counsel, Legal Aid Society	1
Housewife	1
Do not know occupation	3
Deceased	1
Have not taken bar examination	6

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OCCUPATIONS OF ALUMNI - Continued:

\*Of the 68 in practice, there are:

Assistant District Attorneys	3
Members of the New Mexico legislature	2
Assistant City Attorney	1
Police Magistrate	2

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In the reporting period we graduated two classes.

The data on them are as follows:

CLASS OF 1953

Beginning students	58	
Transferred in from other law schools	6	
Returned after suspension	2	
Net shifts (in and out of class)		3
Suspended		12
Did not continue although eligible to do so		35
LL.B.'s granted		16
	<u>66</u>	<u>66</u>

CLASS OF 1954

Beginning students	27	
Transferred in from other law schools	3	
Net shifts (in and out of class)	3	
Did not continue although eligible to do so		20
Suspended		6
LL.B.'s granted		7
	<u>33</u>	<u>33</u>

The number of dropouts, that is, those who did not continue although eligible, may be explained, at least in part,

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by the number placed on probation during the first year. In the class of 1953 there were 27 of these, or 47%; in the class of 1954, 12, or 41%. The figures of total dropouts cover the entire three years, and those placed on probation cover the first year only. Nevertheless, it would seem that at least three-fourths of the dropouts result from having been placed on probation. The College encourages all probationers who seem likely to succeed to continue for at least one more semester, but it is wholesome for those unlikely to succeed to transfer to another college of the University, as they are encouraged to do, or even to leave the University to go into other lines of work.

The graduating class of 1954 was the smallest we have had. This class entered in 1951. Enrollment has dropped since the fall of 1950, most sharply in the fall of 1951, when this class entered. We believe it is related to the drop in veterans. First-year registrations did not reach the lowest point until 1953. We hope that the trend will be reversed this year and expect both first-year and total registrations to be substantially higher than in 1953-54:

Fall of 1953	53
Estimate for fall of 1954	74 - increase of 39.6%

During this period Dr. A. A. Welck, Director of Counseling and Testing, made the first comprehensive study of

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the quality of our students as reflected in the Law School Admission Test and the prelaw average. The purpose of the study was to determine the predictive value of the Law School Admission Test and the ACE scores. The sample we reported to Dr. Welck was necessarily small. Without commenting on Dr. Welck's report of predictiveness, but rather using the data for purposes of measuring the quality of our entering students, it was found that the average Law School Admission Test score was 41.31%ile, and the average prelegal grade on this sampling of students was 1.57. The average prelegal grade of those who had less than a "C" average at the end of the first year was 1.45. These figures indicate that the quality of our students is not high. This is said on an absolute basis and not in comparison with students in other law schools. The Dean checked one class in which mortality seemed rather high, and found that only one of those placed on probation had a prelaw average of 1.5, and that average was obtained in an unaccredited school. Law schools that screen their students before entrance frequently require a 1.5 or higher average. Had we done that, none, or only one, of those placed on probation would have been admitted. On the other hand, we have had students with less than 1.5 prelegal average who made good, which is a reason for not requiring the

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average. At this point it is proper to say that we are very grateful to Dr. Welck and his staff for the above study and for the many instances in which they have assisted us by giving legal aptitude and other tests to prospective students, and by advice and assistance in other cases.

In line with the general endeavor to get our students working diligently but happily, I wish to report among our achievements the fact that our Student Bar Association has maintained a lively existence. It has published a paper called "The Docket" twice a year, at Homecoming and on Law Day. One of its members was elected Treasurer of the national organization of the American Law Students Association; and one of its members was recently elected Vice President of the regional Tenth Circuit American Law Students Association. It has maintained and administered our Honor Code. It continued the bi-weekly luncheons and put on our Law Day. It has done a great deal to keep the school the happy, hard-working place that we have desired it to be. Our students are entering a team in the National Moot Court Competition this year and are to be hosts to the Tenth Circuit in the regional trials.

We received the Harry Robert Parsons Scholarship of \$400 a year, a tremendous addition to our still inadequate

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scholarship list. We have done much of the groundwork to raise a multi-purpose student loan fund of \$15,000. Mr. Albert G. Simms gave \$25,000 to the University, the income to be used for an annual lecture in memory of his brother, John Field Simms. The value of this needs no comment.

Professor Ralph Douglass designed an attractive new cover for our law school bulletin, which we think will help us greatly in our promotion, and we are sending out with it, in the routine distribution, the brochure, "Your University," prepared by Dr. Sherman Smith.

We have maintained good relations with the bar through the Legal Aid Society of Albuquerque, membership in the Albuquerque Lawyers Club and attendance at its monthly luncheons, attendance at the annual meeting of the State Bar of New Mexico and at the bar institutes, talks before county bar associations, scheduled lectures by members of the bar, and, of course, through our alumni. The annual meeting of the State Bar was held in the fall of 1953 in Albuquerque. During its sessions we held a very successful and well attended open house for the lawyers at the law school. The law school was favorably mentioned in the State Bar meetings, especially in connection



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with Legal Aid work and the possibilities of our publishing a law review. The Law Alumni Association has been effective, notably by reason of its wholehearted support of the loan fund campaign.

One activity that rates special mention is a television show on the University Six Keys series in which Legal Aid was treated as an arm of the law school. This program was suggested and largely scripted and administered by Mrs. Julia R. McCulloch, Secretary of the law school.

We reestablished our Practice Court in February 1953. It had been discontinued until we should get our building. Our entire curriculum is under continuous study, as are also our teaching methods, but there has been no other single notable change.

## 2. PLANS AND RECOMMENDATIONS FOR NEXT ACADEMIC YEAR

We have no plans or recommendations relating to instruction or administration for the next academic year. We shall mention some capital needs under the next section, but we trust that the cooling of offices, the landscaping of our grounds, and the provision of screens for our outside doors will not be considered on a ten-year basis.

### 3. LONG-RANGE PLANS

This is taken to be a request for matters under consideration. The mention of a "plan" is therefore not to be taken as a decision of the dean and faculty on the questions of policy and expense involved. Matters are mentioned that the Dean is thinking about in order that the President may also be thinking about them. The planting of grass and landscaping around the building, the cooling of offices that must be used in the summer, and the screens for at least half of each of the four outside doors are presently necessary. The establishment of a law review if and when it becomes feasible to do so without permanent expense to the University has for some time been looked upon favorably. The Dean, as at present advised, is against the establishment of a summer session. The giving of a graduate degree and the requirement of a bachelor's degree as a requirement for entrance into the College are merely under consideration. A law dormitory and funds to provide income for scholarships, books, and other needs are mere hopes dependent on gifts. However, there is a very real need for a \$25,000 fund to produce income for scholarships, and another \$25,000 fund to produce income for books. Our library is, we believe, unusually good for a school our size and age. As of June 4, 1954, we have a total of accessioned volumes of 35,273. We expended

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\$4,470 in 1953-54 for law books and periodicals, but of this only \$489.54 was for law books and periodicals other than continuations.

<u>Project</u>	<u>Capital Needs</u>
1. Improvements of building and grounds	
(a) Grass and landscaping (cost variously estimated by Buildings and Grounds)	\$ 1,000.00
(b) Coolers for four offices that must be used summers	_____*
(c) Cooling of library and classrooms if a summer session be established. (Mr. Meem is making an estimate of the cost of (b) and (c) separately.)	_____*
(d) Screens for outside doors (one-half of each door)	200.00
(e) Washbowl for secretaries' mimeograph room (unofficial estimate)	100.00
2. The establishment of a law review	1,000.00 for one year
3. The giving of an LL.M. in law	None
4. The requirement of a bachelor's degree as a condition for entrance to the College, if the state will make a like requirement for taking the bar examination and for admission to the bar.	None
5. The establishment of a summer session.	5,000.00 for instruction and administration

\* Estimates will be reported later.

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<u>Project</u>	<u>Capital Needs</u>
6. The addition of a summer session or an office internship to the requirement for the degree	None
7. A law dormitory	None
8. A \$25,000 fund to provide income for scholarships	None
9. A \$25,000 fund to provide income for books and other needs	None
10. Continuing legal education projects (post degree and post bar admission courses for lawyers)	None
11. The possible giving of regular courses that lawyers might desire in the evening	None
12. Additional shelving and stack units for library	1,632.53

4. APPOINTMENTS TO STAFF

During the reporting period one staff appointment was made. Mr. Jerrold Walden was appointed as Assistant Professor to replace Mr. John A. Bauman. Mr. Walden, twenty-nine years old, received his A.B. from Union College (Schnectady, New York) in 1945. He was an honor graduate there, was a member of Phi Beta Kappa, and received the Warner Cup for scholastic achievement. His law work was done at Columbia, where he received his LL.B. in 1947, and

at Yale, where he was a Sterling Fellow. He was named Harlan Fiske Stone Scholar, and served as Research Assistant to Professor Noel T. Dowling in Constitutional Law. He served as one year as Law Clerk to Judge Samuel H. Kaufman, United States District Judge, and for four years was Assistant Counsel and Special Counsel for House of Representatives committees in Washington, D. C. Mr. Walden is presently completing work on his dissertation for the J.S.D. degree from Yale.

5. SEPARATIONS FROM STAFF. See page 13.

6. Publications

(a) Books and monographs

POLDERVAART, ARIE. New Mexico and the Uniform State Laws. Albuquerque, Division of Research, Department of Government, University of New Mexico, 1954. 93 p.

POLDERVAART, ARIE. Author Headings for the Official Publications of the Territory and the State of New Mexico. Chicago, Publishing Division, American Library Association, 1954. 62 p.

WEIHOFEN, HENRY. Mental Disorder as a Criminal Defense. Buffalo, N.Y.: Dennis & Co., 1954. 530 p.

(b) Articles

BAUMAN, JOHN A. "Summary Judgment: The Texas Experience," 31 Texas Law Review 866 (1953 October).

5. SEPARATIONS FROM STAFF

Associate Professor John A. Bauman resigned to accept an appointment at Indiana University School of Law, Bloomington, Indiana. He had previously received many tempting invitations from other law schools, but this one could not be declined. We deeply regret his loss to us. Other members of the faculty have also received offers from other schools, but thus far have not been tempted away.

## 6. Publications - Articles - Continued

CLARK, ROBERT EMMET. "Matrimonial Law in New Mexico and the Western United States," Matrimonial Law Vol. II, Comparative Law Series, University of Toronto (Carswell Co. Toronto).

CLARK, ROBERT EMMET, "Free Intelligence or Conformity," Frontier (magazine) March, 1953.

CLARK, ROBERT EMMET, "Comments on The Report of the Senate Interim Committee on Community Property" by Joe Wood, Legislative Council Service. (Mimeographed. To be published with the Committee Report).

GAUSEWITZ, ALFRED L., "A Lawyer Looks at Psychiatry and the Law," book review, printed as an article, of Guttmacher and Weihofen, Psychiatry and the Law, Buffalo Law Review, 3 (Winter 1953), 25-40.

POLDERVAART, ARIE, "Legislation by Reference, a Statutory Jungle," Iowa Law Review, XXXVIII (Summer 1953), 705-737.

SEED, VERLE R., "A Symposium on American Law of Property -- Easements and Licenses," 41 California Law Review, pp. 352-355.

SEED, VERLE R., "Escrows -- Rights, Duties and Liabilities," 32 Title News, No. 3, pp. 3-9.

WEIHOFEN, HENRY, "The M'Naghten Rule in its Present Day Setting," Federal Probation, XVII (Sept. 1953), 8-14.

WEIHOFEN, HENRY, "The Law and the Mental Hospital," in Progress and Problems in Mental Hospitals, Proceedings of the Fifth Mental Hospital Institute, American Psychiatric Association, Oct. 19-22, 1953, 66-77.

## 6. Publications - Articles - Continued

WEIHOFEN, HENRY, "The Law and the Mental Hospital," Mental Hospitals, IV (Nov. 1953), 10-11.

WEIHOFEN, HENRY, "Improving Legal Procedure for Hospitalizing the Mentally Ill," Dicta, XXXI (March, 1954), 81-89.

WEIHOFEN, HENRY, "How Can We Eliminate the Battles of Medical Experts?" Nebraska Medical Journal (June, 1954).

WEIHOFEN, HENRY, "The M'Naghten Rules," Federal Probation, XVII (Dec. 1953), 51.

WEIHOFEN, HENRY and DIAMOND, BERNARD L., "Privileged Communication and the Clinical Psychologist," Journal of Clinical Psychology, IX (Oct. 1953), 388-390.

(c) Book reviews

BAUMAN, JOHN A., book review of Blume and Joiner, Jurisdiction and Judgments: Cases and Statutes, 6 Journal of Legal Education 265.

BAUMAN, JOHN A., book review of Patterson, Men and Ideas of the Law, 2 University of Kansas Law Review 223.

GAUSEWITZ, ALFRED L., book review of Puttkammer, Administration of Criminal Law, Journal of Public Law, 2 (Fall 1953), 418-429.

WEIHOFEN, HENRY, book review of Cooper, Effective Legal Writing, Yale Law Journal, LXI (March, 1954), 761-763.

## 7. Other professional activities (of the College as a whole)

1. Traffic Courts Conferences 1953-1954
2. Open House for Bar in fall of 1953
3. Pre-trial conferences arranged by Judge Hatch



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7. PROFESSIONAL ACTIVITIES - Continued - faculty membersBAUMAN, JOHN A.

- (1) Legal Director, U. S. Senate, Subcommittee on Privileges and Elections, summer of 1953.

CLARK, ROBERT EMMET

- (1) Appointed to represent the College of Law and advise the New Mexico Legislative Reference Council in the study of community property laws pursuant to Senate Resolution #3, 1953 Legislature, establishing the Senate Judiciary Committee as an Interim Committee to Study the Community Property Laws of New Mexico and furnish a report before the 1955 Legislature meets.
- (2) Chairman, Legislative Committee, Bernalillo County Tuberculosis Association.
- (3) Paper, Community of Property Between Husband and Wife, before 21 Club, April 1954.
- (4) Paper, Joint Tenancies and Community Property before State Convention of Abstractors, June, 1953.

POLDERVAART, ARIE

- (1) Associate Editor NEW MEXICO STATUTES ANNOTATED (1953) published under direction of the New Mexico Compilation Commission. The Allen Smith Company, Indianapolis, Indiana, publishers. 12 vols.

WEIHOFEN, HENRY

- (1) Delivered addresses, etc., as follows:  
"The Law and the Mental Hospital," before the Fifth Mental Hospital Institute of the American Psychiatric Association, Little Rock, Arkansas, October 20, 1953.

## 7. PROFESSIONAL ACTIVITIES - FACULTY - CONTINUED

WEIHOFEN, HENRY.

"Mental Illness and the Law in Colorado," before the Colorado Association for Mental Health, Denver, Colorado, November 20, 1953.

"How Can We Eliminate the Battles of Medical Experts?" before the Lancaster County (Nebraska) Medical Society and the Lincoln Bar Association, Lincoln, Nebraska, February 16, 1954.

"The Right to Differ," before the Law Convocation, University of Colorado School of Law, Boulder, Colorado, April 28, 1954.

"The Fifth Amendment," before the American Civil Liberties Union, Boulder, Colorado, April 30, 1954.

Before the Conference on World Affairs, University of Colorado, Boulder, Colorado, April 28-30, 1954.  
Panel member on following panels:

The Age of Conformity  
The American Presidency  
Atomic Energy Control

"Labor Legislation," before the Institute of Labor Relations, University of New Mexico, Albuquerque, May 22, 1954.

"The Engineer in the Modern World," before Pi Tau Sigma, University of New Mexico, Albuquerque, May 25, 1954.

"The Age of Conformity," before Sertoma, Albuquerque, May 27, 1954.

"The Policeman, the Citizen and the Law of Arrest," before the State Police School, Clayton, New Mexico, June 22, 1954.

"The New Mexico Law of Criminal Insanity, After the Allen White Case," before the Albuquerque Bar Association, June 25, 1954.

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7. PROFESSIONAL ACTIVITIES - FACULTY MEMBERS - ContinuedWEIHOFEN, HENRY - Continued.(b) Labor arbitrations.

Acted as arbitrator in following labor disputes:

Piggly Wiggly and Retail Clerks International Association, May 27, 1953.

Crest Tile Co., et al. and International Association of Marble Stone and Slate Polishers, Rubbers and Sawyers, September 30, 1953.

Southwest Potash Co. and United Mine Workers, November 18, 1953.

Potash Co. of America and International Brotherhood of Electrical Workers, February 3, 1954.

Sandia Corporation and Office Employees Int. Union, May 26, 1954.

8. COMPLETED RESEARCH PROJECTS (See, also, PUBLICATIONS)

POLDERVAART, ARIE, comp. Laws Governing the University of New Mexico. Revision of 1953. Albuquerque, 1953. [2], 206, xxi p.

POLDERVAART, ARIE, comp. New Mexico Probate Practice and Forms. Second edition. Albuquerque, University of New Mexico, 1954. 64 p.

9. ACTIVITIES IN LEARNED AND PROFESSIONAL SOCIETIESCLARK, ROBERT EMMET

Family Law Committee and Round Table,  
Association of American Law Schools

9. ACTIVITIES IN LEARNED AND PROFESSIONAL SOCIETIES - Cont'd.CLARK, ROBERT EMMET

Committee on teaching Comparative and International Law, American Bar Association, section on International and Comparative Law.

New Mexico State Bar Committee on Development of Law School.

Albuquerque Bar Association Committee on Continuing Legal Education.

Legislative Committee, Council of Social Agencies  
Conference on Social Welfare (Institute on Probation)

Legal Aid Society of Albuquerque.

College of Law Curriculum Committee.

University committees: Prizes and Awards, Academic Freedom and Tenure.

American Association for the Comparative Study of Law, Associate Member.

GAUSEWITZ, ALFRED L.

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

Member, Associate and Advisory Committee on Legal Aid Work, American Bar Association.

Member, Committee on Sentencing, Probation and Parole, Section of Criminal Law, American Bar Association.

POLDERVAART, ARIE

Delivered Order of the Coif address at University of Iowa Supreme Court Day ceremonies, May 7, 1954.  
Title of address: "The Law Isn't Where You Find It."

9. ACTIVITIES IN LEARNED AND PROFESSIONAL SOCIETIES - Cont'd.POLDERVAART, ARIE - Continued

Secretary of Phi Kappa Phi, University of New Mexico Chapter, 1952-53; Vice President 1953-54.

Member, Committee on Legislation, American Library Association, 1953-54.

Member, Committee on Memorials, American Association of Law Libraries, 1953-54.

Member, Committee on Legislation, Association of American Law Schools, 1953-54.

Member, Committee on Legislation, Albuquerque Lawyers' Club, 1952-53 and 1953-54.

Member, Committee on Legislation, Albuquerque Bar Association, 1954.

Paper presented at American Association of Law Libraries annual convention at Miami Beach, Florida, June 28, 1954, entitled "How Much Administrative Work Can the Chief Library Administrator Delegate to his Chief Assistant."

Member, New Mexico State Library Commission, 1949 to date.

WEIHOFEN, HENRY

Chairman, Roundtable on Law and Psychology, Association of American Law Schools, 1954.

Member, Committee on Continuing Legal Education, Albuquerque Bar Association, 1954.

Member, board of directors, Bernalillo County Mental Health Society, 1953-54.

Co-chairman of program committee, New Mexico Conference on Social Welfare, June 10-12, 1954.

10. TRAVEL AND STUDYCLARK, ROBERT EMMET

Archivo General de la Nacion, Mexico City,  
between Semesters I and II, 1953.

GAUSEWITZ, ALFRED L.

While on a sabbatical one-semester leave traveled by auto in Mexico on route through Nogales, Hermosillo, Guaymas, Mazatlan, Tepic, Guadalajara, Morelia, Mexico City, Cuernavaca, Taxco, Tamazunchale, Linares, and Laredo, stopping at those cities, and with prolonged stops at Guadalajara, Mexico City, and Taxco. Also in the United States in Arizona, California, Utah, Texas, Louisiana, Mississippi, Illinois, Wisconsin, Minnesota, North Dakota, Montana, Utah and Colorado, visiting law schools in Arizona, California, Louisiana, Mississippi, Illinois, Wisconsin, Minnesota, and Wyoming.

FOLDERVAART, ARIE

Awarded Juris Doctor degree (magna cum laude) at State University of Iowa, College of Law, on August 12, 1953.

SEED, VERLE R.

Visiting Lecturer, University of Colorado School of Law, summer of 1954.

*AL Gausewitz*  
A. L. Gausewitz  
Dean

August 31, 1954