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This is the eleventh of a series of articles on Catholic law schools in America.

THE LAW SCHOOL OF LOYOLA UNIVERSITY, NEW ORLEANS

ANTONIO E. PAPALE*

THE SCHOOL OF LAW was established at Loyola University by the Jesuits in October 1914. Classes were held at night in Alumni Hall of the old College of the Immaculate Conception in downtown New Orleans. After the first year and until 1931, the School of Law was housed in Marquette Hall, on the campus of Loyola University. The day division was organized in 1925. In 1931 the school was moved to the ground floor of Bobet Hall which was occupied until June, 1941. From September of that year until May 1942, classes were held in Bieber Hall. Since May 1942, law classes exclusively have been held in Thomas More Hall, 6333 St. Charles Avenue. In due time, the school will be housed in a new, fully air-conditioned building, plans for which are included in the University's program of development. The new physical plant will contain all of the essential facilities needed for the operation of a modern law school with adequate space for library expansion and increased enrollments for approximately fifteen years.

The ensemble of the aims and objectives of the school is the result of a complex of distinctive pedagogical, moral, juridical and geographical factors, and hence is unique. These factors are that this Law School is a fully accredited American law school, located in the partly civil law jurisdiction of Louisiana, and administered under the auspices and authority of priests who are members of the Society of Jesus.

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First of all, like all other American law schools which are approved by the American Bar Association and which are members of the Association of American Law Schools, this Law School aims to prepare



Dean Antonio E. Papale

the student for the practice of his profession by adequate education in the Anglo-American legal system, and by holding up to him, as example, the highest ideals of professional conduct and leadership. Like these other schools also, this Law School endeavors to inculcate a love of legal scholarship among the members of its student body, and to broaden the horizon of legal knowledge and wisdom through investigation and research. It seeks to conserve, interpret, transmit and apply the values underlying the common law for the benefit of posterity.

Secondly, as part of a Catholic university this Law School has been entrusted with the significant responsibility of presenting the positive law of the State as a means by which the scholastic concept of natural law ought to be implemented. This law is presented as the objective pattern of moral be-

havior consonant with human nature and the will of a divine Lawgiver, known by reason alone. It is emphasized that while the content of the natural law is absolute yet its application is flexible because of the ever changing sociological facts to which it is applied.

The natural law is shown to be the source of all inalienable rights, and the dynamic basis of our legal system. It is the integrating element in the entire law school curriculum. It is related to the executive, legislative, judicial and administrative processes on both the state and national levels. The concept of "the rule of law" which is being so widely proclaimed as an essential ideal throughout the American legal profession is identified with the supremacy of the natural law. Principles are distinguished from facts, standards from techniques, and spiritual values from materialistic utility.

The maximum vision of the legal order, therefore, is given to the student. The analytical, historical, philosophical and sociological implications of the positive law are thus brought within the area of awareness of the student, all within the inhibiting circle of an objective natural law. The legal order is presented partly as a body of rules, precepts and principles, made by the various organs of the State to be used as precedent in the adjudication of cases, and as experience in determining the direction of future law-making activity. But more important it is studied as an amalgam of ideals, standards and criteria which orient the positive law, and which are to be given progressively more effective implementation by the architects of the legal order. Education in the positive law, related to the natural law as the controlling philosophy, is offered at Loyola in a religious environment which stresses the obligations of men under the

supernatural law toward themselves, to other men individually, to society, and to God Himself.

Thirdly, since this Law School is located in Louisiana it not only provides training in the common law, but also offers substantive and procedural courses in the civil law and case jurisprudence of that unique state. Of all the American jurisdictions, only this state adopted the Code Napoleon. It was adapted to the prior Spanish, French, English and American legal experience of a century of colonial life.

Significance is attached to Article 21 of the Revised Civil Code of Louisiana which prescribes the dominant philosophy of the natural law as one of the *subsidia* to be used by the judges in the absence of positive law. That Article states that "in all civil matters, where there is no express law, the judge is bound to proceed and decide according to equity. To decide equitably, an appeal is to be made to natural law and reason, or received usages where positive law is silent." The inter-relation of the dual curriculum, which affords education to the undergraduate in both the common law and the civil law, becomes meaningful in the light of the historic fact that it was recourse to the scholastic concept of the natural law which made possible the reconciliations of the Code Napoleon with the Anglo-American legal system in Louisiana.

Its geographical location in Louisiana, therefore, has contributed to the determination of the juridical objectives of the Law School. But this location has not been allowed to affect its rather long time educational policy of admitting all qualified students regardless of color or race. Though a part of a private institution of higher learning situated in the South, indeed, the very "Deep South," this Law School has pur-

sued that policy in the name of applied natural law with very satisfactory results.

The tradition of the civil law is a strong influence in Louisiana. Much of the curriculum is planned for the Louisiana Civil Code and the Code of Practice. Nevertheless, the variety of courses is sufficient to permit students from other states than Louisiana to study at Loyola in preparation for practice in their home states. This variety affords to every student a choice of curricula and a rare opportunity to acquire a background and foundation in both of the great legal systems of the Western World. Basic work is offered in jurisprudence, legal theory and method, legal ethics and philosophy.

The curriculum of studies covers a period of six semesters for full-time students and eight semesters for part-time students. All students in the evening division are part-time students. To keep within these limits, the curriculum has over the years been revised in order to make room for new developments in public law and new socio-legal institutions. As an example, traditional courses in agency, partnerships and private corporations are now included in a general course in business associations. This sort of consolidation and a consistent effort on the part of the faculty to avoid duplication in their respective courses has made it possible to continue the case method of instruction without extending the course of study beyond the limits above mentioned. The usual pressure to include in the curriculum of studies highly specialized courses has been resisted. Serious consideration, however, is being given to an increase in the requirements for the LL.B. degree by adding to the six or eight semesters, as the case may be, one or more summer sessions. At the present time no summer courses are offered. Likewise, no graduate work is offered and

none is contemplated for the immediate future.

The primary responsibility for the educational program of the School of Law is vested in a faculty of nine full-time teachers, including the dean. They, together with fourteen part-time instructors, including the librarian, are responsible for the instructional program. Great diversity in background and experience exists among them. The majority of the full-time teaching staff are veteran law teachers. The younger members of the staff selected for their superior training and ability in law and related areas of knowledge are all capable and competent teachers. The part-time teaching staff consists of outstanding members of the bar and bench of Louisiana from the Greater New Orleans area. Most have been with the School a long time. Several are ex-members of the full-time staff.

To prepare adequately graduates qualified to commence the practice of law, the School of Law must and does maintain high scholastic standards. Although applicants are carefully screened, some who objectively meet the School's admission standards are either unwilling or unable to maintain its minimum scholarship standards and are excluded. Most of these are eliminated at the end of their first year, some at the end of their second year, and occasionally one or more is eliminated in his third year.

The basic working tool for today's law student is the law library. The Loyola Law Library of more than 28,000 volumes is available every day to the faculty, students, alumni and other members of the bar. In addition to the general law collection, a special library and reading room is dedicated to research in the civil law. This collection contains one of the most complete groups of French authorities in the state,

together with Roman, Spanish, Swiss, and other national legal literature. Other units in the room are a valuable historical collection of editions of Louisiana codes, and an international law section enriched by having been a depository of the Carnegie Endowment for International Peace.

The faculty and students of the School of Law publish annually the *Loyola Law Review*. Through this medium students are afforded opportunities for legal research and writing. The officers of the student board are chosen from high ranking upper-classmen. For the past two years the faculty has permitted the student board to assume the primary responsibility for the *Law Review*. No miracle drug or tonic could have produced more satisfactory results. Student interest and enthusiasm in legal research and writing is at an all-time high and the quantity and quality of publishable student material has immeasurably increased.

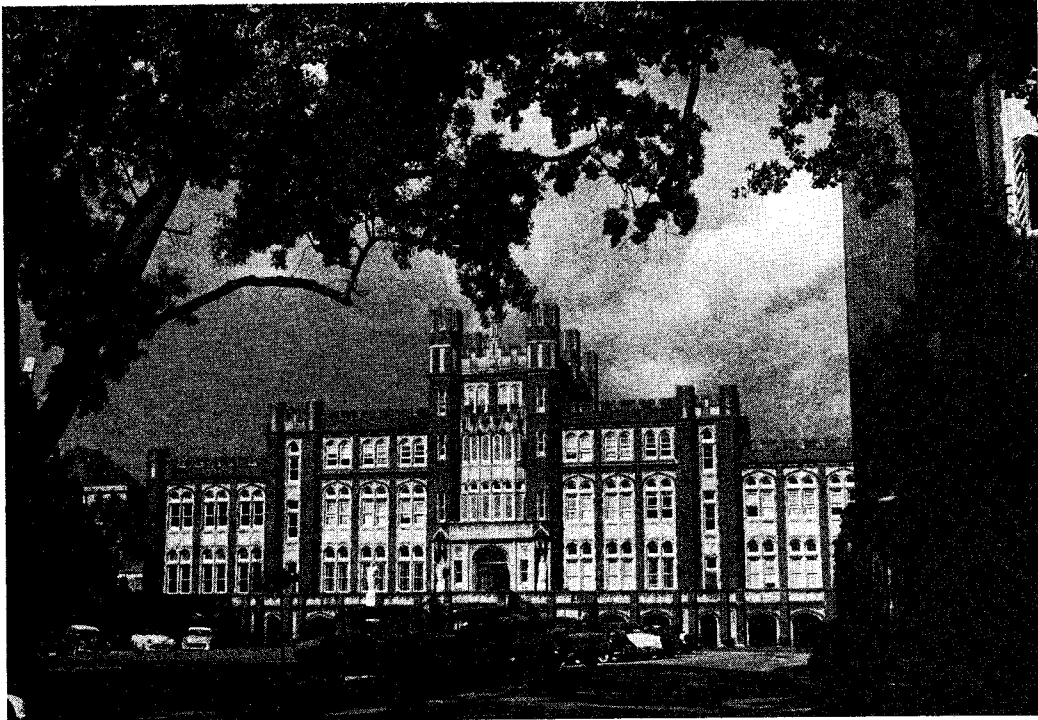
About five years ago the faculty accepted an invitation to enter a team in the National Moot Court Competition sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York. During this period the Loyola team has had more than its fair share of success. In two out of five contests the team went to New York to compete in the finals, once as the winner and once as a runner-up in the Southwest Regional Competition.

Two mutually exclusive student organizations with regard to membership, namely the Farrar Senate of Delta Theta Phi, national legal fraternity, and the St. Thomas More Law Club; one all inclusive organization, the Loyola chapter of the American Law Students Association; a chapter of Phi Delta Delta, national women's legal fraternity, for which women law students are eligible, and the St. Ives law sodality open

to all Catholic students in the School of Law, afford ample opportunity to all students to engage in worthwhile extra-curricular activities which aim to promote their spiritual, professional and social welfare.

In forty-five years the Loyola University School of Law has given to the community and the nation 1162 law graduates. While the vast majority have been or are engaged in the practice of law in Parish of Orleans, a fair number are practicing law in the so-called country parishes of Louisiana. Thirty-eight hold or have held judicial positions throughout Louisiana and in some of the bordering states. Many hold executive and responsible administrative positions with federal, state and local governments. Some are engaged in law teaching at law schools other than Loyola's.

Last, but by no means least, Loyola's Law School contributes immeasurably to the civic and social betterment of the community. Members of the faculty serve on local, state and national professional committees and have assisted in many legal reform projects such as the revision of the Statutes of Louisiana, the revision of the Louisiana Code of Practice now in progress, the criminal code of 1942 and the revision of the code of criminal procedure now in progress, as reporters for the Louisiana State Law Institute. One member of the faculty served on the committee of the Louisiana State Bar Association which drafted the Admiralty Rules for the federal courts for the Eastern and Western Districts of Louisiana. These are but few of the many legal reform projects in which Loyola's faculty members have participated.



Marquette Hall – Administration Building