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

SETON HALL UNIVERSITY SCHOOL OF LAW

MIRIAM T. ROONEY*

THE YEAR 1950 was significant for legal education in New Jersey, because in this year John Marshall College and Law School in Jersey City, which had been granting degrees for over twenty years under regulations of the New Jersey State Board of Education, closed its doors and turned over all its facilities to Seton Hall College as a gift. By that time, the desirability of university affiliation for law schools had become recognized rather generally. This need was felt especially in New Jersey, where a succession of proprietary law schools, preparing for local bar examinations and local practice, had been almost the sole means of obtaining a legal education for those residents who were unable for one reason or another to study outside the state. Just three years before, a new state Constitution had gone into effect with a completely revised system of courts, with the incidental requirement, through new court rules, that only graduates of law schools approved by the American Bar Association could qualify for admission to the Bar of New Jersey thereafter. Obviously, Seton Hall was confronted with a new challenge in legal education.

What method Seton Hall could adopt in undertaking a new approach to American legal education was one of the basic questions to be settled by the University. The requirements of approval had to be met first, before any innovations could be introduced. Inquiry had disclosed that the New Jersey State Board of Education could not authorize a curriculum until the New Jersey Supreme Court had certified, but that Court's own Rules required approval by the American Bar Association, and the latter could not give provisional approval until after a thorough inspection of a going institution.

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Furthermore, the Veterans Administration could not authorize the attendance of students under the "G.I. Bill" until approval had been given by the State Board of Education. Yet a school cannot exist



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without students. In order to untie this endless chain of knots, it took a special ruling of the Supreme Court of New Jersey to waive temporarily that part of the Court Rules requiring attendance at ABA approved schools, so that the new school could open and function long enough for the ABA to be able to inspect and approve the operation of it as a going institution.

A new school, it is said, should not be permitted to open if it is merely duplicative of facilities already available, since such duplication divides the resources available to the community unduly. Yet, if a school is not to be merely duplicative, how can its curriculum be made distinctive and still properly conform? Seton Hall answered this first of all by selecting only students who were college graduates who had also obtained a satisfactory score on the Law School Admission Test (thus constituting

the highest admission standards ever established in New Jersey), and then, by prescribing several unusual features in addition to the conforming curriculum currently considered professionally acceptable. Three courses were stipulated as indispensable requirements for graduation, affecting students admitted by transfer from other approved schools, as well as those taking the complete curriculum. These were: Jurisprudence (two hours a week throughout the senior year); Legal Writing (completion of a revised casenote, and of a major legal essay, of publishable quality); and two semesters in Trial Moot Court (before judge and jury), after completing the prerequisite course in Appellate Moot Court (two semesters with arguments twice before a three-judge bench). It will be noted that these requirements are double those of most law schools, and differ also in being closely supervised and directed by the faculty, rather than being volunteer student activities. Briefs as well as arguments are graded by the faculty in both Moot Court courses. In the Legal Writing course, a faculty committee must approve each major essay as of publishable law review quality. Moot Court and Legal Writing courses, as well as the Introduction to Law course (legal bibliography, legal history, and the canons of ethics) are offered also to meet, in part, the current demand for skills training. The course in Jurisprudence affords the principal means of ascertaining the philosophical premises implicit in many judicial opinions, and of forcing the student, by use of the Socratic rather than a didactic method, to give some thought to how he could improve the law while asking himself why the rule is so. The results vary in quality and depth, of course, but by making these three courses indispensable requirements for graduation,

the standards must be met by all candidates, including the 90 per cent who need it most, and not merely by the upper 10 per cent only who, being good students, might attain satisfactory results on their own initiative anyway.

Another problem in the administration of conforming curricula is presented in metropolitan areas, where excellent candidates for law school study may be employed in well-paid positions, be married, and be fathers of families and have already devoted some years to military service. It is not possible for such men to give up their jobs to attend law school, nor is it possible for them to do satisfactory law school work on a full-time basis, if they must earn their way in outside employment. Seton Hall provided a solution by repeating the full-time curriculum on a part-time basis in the evening, with limited study schedules. This makes heavy demands on faculty and administrative personnel, but demonstrably can be made to work, so that the same full-time teachers repeat their regular courses day and evening, the same part-time teachers give their courses during afternoon as well as evening hours; identical examinations are given, and a single standard of grading used. Competition between day and evening groups is, however, kept rigidly distinct in classroom discussion, since no mixture of day and evening attendance at student's choice is permitted. Only in the Moot Court program and in Legal Writing are students from both day and evening divisions brought together, and since students in these courses are usually seniors, who have survived competition with their own classmates in previous years, it is considered desirable for them to meet in skills courses as they will soon after meet in actual practice.

Competence is, of course, the first mark of a professional, and this means, primarily, mastery of techniques. In the case of a law student, it means ability at analysis and at synthesis applied to human situations involving damage to personal or property rights, and it functions through the use of legislative, administrative, and judicial processes and materials. Until a student can qualify for admission to the bar and talk like a lawyer, no one in the legal profession will give him credence if he mentions such esoteric matters as legal philosophy along the way. Many of the ablest members of the profession use up all their energies in a demonstration of competence. Comparatively few have ever taken time out to ask of the law — Why? To what purpose? Is the goal worthwhile? — but of those who do, statesmen are made. It has been the hope at Seton Hall to train competent members of the legal profession first of all, but above and beyond that, to raise the sights and challenge the minds of those who are receptive to a higher call. Interstitially, all the courses are designed to the latter end, but, since most law school courses can be little more than survey courses at best, giving a prospector's view of the terrain, a problem yet unsolved is the way to provide a training in depth. It had been projected from the beginning to offer an LL.M. program in a limited number of specialties, and faculty selection and library acquisitions have been made with this end in view. Graduate work, however, attracts fewer students and makes broader demands than undergraduate, so that concentration rather than division of resources is considered essential generally. Furthermore, the debate over skills training in law schools, which has characterized legal literature for the past several years, has had sufficient appeal for

the overworked judges to suggest postgraduate, or rather, preadmission courses in practice skills. In New Jersey, for example, the Supreme Court appointed a Committee on Training for the Practice of Law, which deliberated for over four years before making any recommendations regarding the modification of clerkship and similar local requirements. Until the Supreme Court acted in the summer of 1959 by amending the Rules, it was uncertain what new burden might be placed upon the law schools, and therefore any innovations on the post-graduate level had to be held in abeyance. This has retarded the development of an LL.M. program, even to a very limited degree. Yet the need still exists, and the unique contribution which Seton Hall might make in giving a new direction to legal rules on the basis of philosophical reappraisal, remains to be worked out in the future.

Has Seton Hall Law School then made no impression in accordance with its expressed hopes and purposes? The record is not totally void, and the innovations are noteworthy. Rigid attendance records are kept on the ground that we cannot undertake to educate absent students, and dress and deportment characteristic of the highest professional circles are expected at all times. In the effort to inculcate a consciousness of God as the Author of all law and the cause of our freedom, each class is begun with the recitation of the Lord's Prayer; each academic year is begun with a Mass invoking the assistance of the Holy Spirit; and at all times spiritual guidance is available through the presence of the Very Reverend Regent, Monsignor Thomas M. Rear-don, in his office at the Law School each day. An orientation conference is provided at the beginning of each year to acquaint

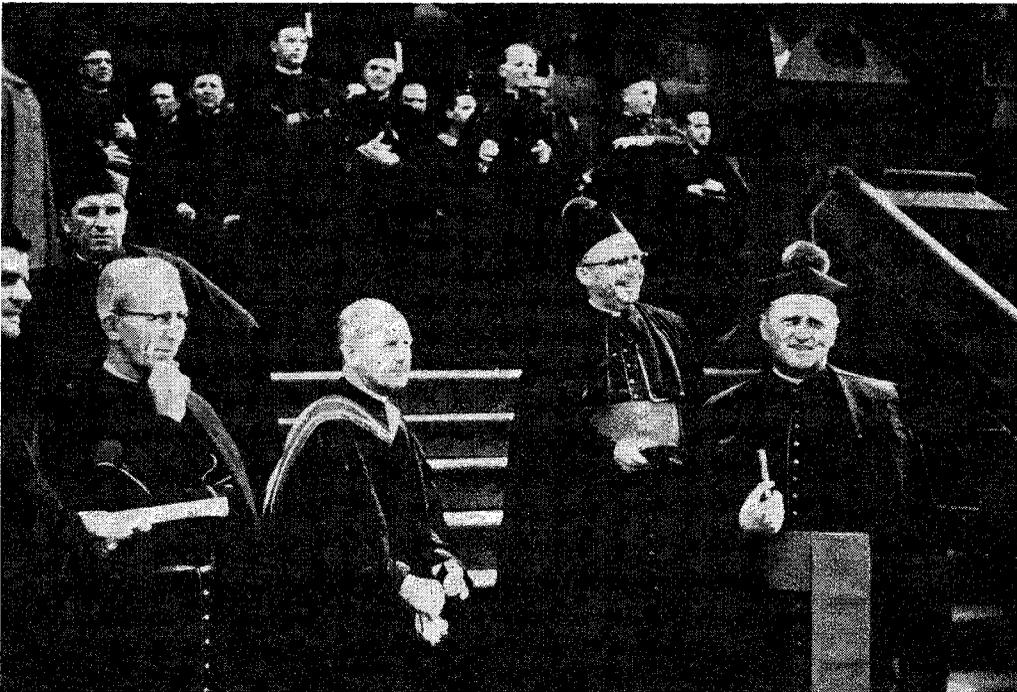
the new students with the aims and purposes of the school. A carefully supervised interview program is conducted whereby every student is invited to come in for a half-hour conference and to ask advice personally from the member of the faculty assigned as his adviser. Individual guidance is also given in the Moot Court and the Legal Writing programs, and in the latter, the student is urged by Socratic questions to think as deeply as time permits on the overall aspects of the particular problem he has chosen. Perhaps more than any other, the course in Jurisprudence, by its searching case method technique, and its philosophical viewpoint, brings before the student some intimation of the creative work he may undertake, once his competence as a legal analyst has been shown.

The special emphasis on publication inculcated among faculty and students alike, should, if carefully fostered, result ultimately in a modest literature representative of Seton Hall's ideas. The national prizes already earned by the students in the Legal Writing program yield a confidence that it can be done. The articles and books published by the faculty, of which Dr. Wu's *Fountain of Justice* and his *Casebook in Jurisprudence* are particularly worthy of note, indicate the direction that future work can take. The success on the bar examinations and in practice attained so far by the first five graduating classes, gives promise of a leaven beginning to work in this greater metropolitan area, which justifies the establishment of Seton Hall's Law School — not as just another law school, but as a creative and somewhat unique institution — ready and anxious to serve God and country in working toward greater justice for all.

At the start of its second hundred years,

Seton Hall University has, hand in hand with its Law School, turned a new page. The subsidies which it has added to the original gift have provided in nine years a law library almost four times the original donation, and one which is becoming increasingly rich in source materials for the history and philosophy of the Common Law. The continuing expansion of budgetary allotments for faculty and administrative services has steadily outstripped the income for tuition paid in by an expanding student body. The teamwork displayed by

a competent and dependable teaching staff in such unusual activities as the Faculty Conferences on Natural Law, benefits University and students alike. Like a pebble thrown into a pond, the honest effort that has gone into the making of Seton Hall University School of Law reaches out in ever widening circles to the shore of the community it serves. May that community, when it comes to read the page of history upon which the name of Seton Hall is written, discern there the finger of God.



*Seton Hall University Clerical Faculty —
Very Rev. Msgr. Thomas M. Reardon, Law School Regent, Front — right*