

SOME IMPRESSIONS OF HARVARD LAW SCHOOL

LESTER G. HOAR

(First of Two Installments)

Harvard Law School in the fall of 1946, was a very crowded place. Returning veterans had brought the enrolment to almost 1,800 students, thereby taxing greatly facilities of all kinds—classrooms, library, dining hall, and in fact nearly everything except the famous "Harvard Yard." In the circumstances, with hundreds of American students clamoring for an opportunity to enter the School, it was an act of generosity that admitted any *foreigners* at all.

Despite the crowded atmosphere, however, there was no delay in getting started. Even before the new term officially opened, the bulletin boards were so well filled with reading assignments that it must have required a stout heart on the part of some not to reconsider their entire selection of courses. The mere fact that one was in the Graduate School gave one some initial sense of security; after all, one was already a member of the Bar, and one's record at Harvard scarcely could disturb that.

Harvard apparently never has been noted for giving its students a feeling of security. It is indeed none other than Dean Emeritus Roscoe Pound who is said to have originated many years ago the oft-repeated admonition to new Harvard classes: "Take a good look at the man on the right of you, and then at the man on your left—one of you will not be here next year." Actually, however, the number of failures is now not nearly so high as it once was, and the School evidently hopes through an improved admission system to reduce it to as low as five per cent.

While Harvard University stretches across a whole section of the City of Cambridge and comprises many beautiful buildings, the site of the Law School is not particularly impressive. Located as it is, close to busy Massachusetts Avenue and surrounded by a variety of buildings, some old and some new, the Law School cannot help but compare unfavourably with the fine and relatively new Harvard School of Business Administration. The latter is situated about a mile from the Law School, on the banks of the Charles River—scene of many renowned boat races.

The main Law School Building is Langdell Hall, named in honour of the first Dean of the School—the man credited with inventing the so-called "case-book method" of studying law. The building is a massive one, construction of which was commenced in 1906, and completed in 1928-29. In addition to administrative offices, it houses the huge Harvard Law School Library, now containing over 640,000 volumes; a splendid court-room for use in the Ames Competition and other moot trial work; and a number of classrooms, the larger of which are arranged in amphitheatre style and are admirably adapted for the type of instruction which has marked Harvard for so many years. At the present time, the walls of these classrooms and those in nearby Austin Hall are filled, to the point of being cluttered, with fine oil paintings, and other framed portraits of the giants of Anglo-American legal history. But even this slightly discordant feature was overlooked when the writer discovered among them a large picture of the late Sir William Ritchie, one-time Chief Justice of Canada, identical with that presently hanging in the cloak-room of the Barristers' Library in Saint John.

Austin Hall, built in 1883, is still used for lecture purposes. Its reading room provides a necessary auxiliary to that in Langdell Hall, and is perhaps the more popular in that here the students are permitted to smoke. In Austin Hall are located also the offices of the Harvard Law School Record, a weekly newspaper established by the students in the summer of 1946. The other Law School buildings consist of Gannett House, a two-storey wooden building which houses the offices of the Harvard Law Review and the Harvard Legal Aid Bureau; Kendall House, providing a social centre, where, during the post-war period, lunches have been served by the wives of the Law School men in order to relieve the noon-hour rush in the restaurants and University dining halls; and Walter Hastings Hall, a dormitory for law students. Since the last-mentioned would not accommodate even half of the students in a normal peace-time enrolment, one of the pressing needs of the School at the moment is a building which will take care of the deficiency in living quarters.

Concerning the students themselves, perhaps what impressed one most was their industry. For almost all of them the study of Law was an extremely serious business, and they were prepared to devote most of their waking moment to it. A large proportion appeared to take no holidays at all, with the exception of the occasional Saturday evening. Probably many factors enter into the explanation of this situation, three or four of the more obvious ones may be suggested.

In the first place, the prestige of a Harvard education seems to be such that few people, once they have passed the admission barriers, want to run the risk of having to discontinue their course through failure at examinations. Secondly, there is the fact that during this post-war period so many applied for admission to the School that even with a three term accelerated program, not more than a third to a fifth of the total number of applicants could be accepted. When one considers, then, the large number of colleges from which the successful applicants were drawn, it would seem reasonable to suppose that these men had stood pretty close to the top in the respective institutions where they received their previous training. In addition, the successful ones probably felt in these times more than ever how great a privilege was theirs. Thirdly, there was the fact that more than ninety per cent of the students were veterans—men who knew what they wanted as their life work, and who were prepared to settle down to a period of intense study in order to achieve their goal as soon as possible.

Finally, there appeared to be a tendency—not present, so far as I know, in most Canadian universities—to regard as of almost primary importance the matter of grades. It was not a question of honours or pass marks, or of good, fair or poor scholarship; rather it was a question of one or two points' difference in a year's average. One's grades were considered something which must be expected to follow one from Law School to the grave, and to put a definite limit on one's future opportunities for practice. This does not seem the proper place to attempt to evaluate the advantages or disadvantages flowing from this attitude on the part of the students; I am certain that the Faculty would deny that they consciously did anything to foster it. The attitude was widespread, however, and whether or not in the end it made for better scholarship, it undoubtedly heightened the spirit of competition.

One activity which takes a great deal of the time of the first-year student at Harvard is the Ames Competition, which was made possible through the generosity of another great Dean of the School,—the late James Barr Ames. Participation in the competition is not compulsory,

but it is expected of, and usually embraces, practically everyone. The students are divided into small groups, known as "law clubs," whose members during the first year argue three moot cases, the third of which is an inter-club contest. Students completing the first-year work are eligible to enter the qualifying round of the Ames Competition in their second year. The competition that year culminates in quarter-finals, and in the third year in semi-finals, and final arguments, before distinguished judges of the state and federal courts. In other trials, the panel of judges may include Graduate students and members of the Faculty. The law club system is administered by a Board of Student Advisors, comprised of some of the better students of the second and third-year classes. These men assign the cases to be argued, and give instruction in the use of law books, brief writing, and oral presentation.

There can be no doubt as to the great practical value of this old institution of the School. If one who did not actually participate may criticize at all, it would be on the ground that the program as it now is organized, is too big a load for a considerable number of first-year students—many of whom already are at the "sink or swim" stage with their regular classroom work. To press these students into the actual conduct of moot court cases may not be the best thing for them; it might be better for them merely to assist the second-year students. One supposes that the answer is that the results of the training speak for themselves, and that in a school so large there would be little prospect of general participation if it did not commence in the first year.

(To be concluded)



RELIGION AND LAW

When Sir E. Coke was made Solicitor-General, Whitgift, the Archbishop of Canterbury, sent him a Greek Testament with a message that "he had studied the common law long enough and that he ought hereafter to study the Law of God."

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