The presumption—the trial. Our and created maneuvers—onasion, Day the presumption pledge from a because—whether at law puts the dignity of all men—will our profession have lived up to its responsibilities.

That job is not to be done by simply writing a check for $100—or $1,000—to the legal aid society. These are jobs that will take the combined commitments of our intellectual, and ethical energies—a sustained commitment—a pledge to donate not once or twice but continuously the resources of our profession and our legal system.

Our professional mandate goes far beyond protecting the presumption of innocence throughout a criminal trial. Our obligation extends to championing a larger presumption—the presumption of individual sanctity and worth which must attend all—rich and poor alike—if the rule of law is to prevail in reality as it does in Law Day speeches.

These are obligations of the legal profession. But here at this University they are peculiarly yours. That is so because—whether you welcome it or not—graduating from a great school puts an obligation squarely upon you.

Last October, President Kennedy, visiting Amherst College, said:

There is inherited wealth in this country and also inherited poverty. And unless the graduates of this college and other colleges like it who are given a running start in life—unless they are willing to put back into our society those talents, the broad sympathy, the understanding, the compassion—unless they are willing to put those qualities back into the service of the Great Republic, then obviously the presuppositions upon which our democracy are based are bound to be fallible.

It is time we used these traditional skills—our precision, our understanding of technicalities, our adversary skills, our negotiating skills, our understanding of procedural maneuvers—on behalf of the poor.

Only when we have done all these things, when we have created in fact a system of equal justice for all—a system which recognizes in fact the dignity of all men—will our profession have lived up to its responsibilities.

In giving my impressions of this Law School, the first and most important thing I want to say is that my year here has been a most exciting and enjoyable one. I attribute this mainly to three things. First, to the library, which offers facilities far better than those of any single law library now open in England. Secondly, to the students whom I have found lively, intelligent and pleasant to teach. Thirdly, to the faculty: their kindness and patience in innumerable discussions have done more than anything to make this such a rewarding year for me, and I should like to take this opportunity of thanking them.

My impressions of the Law School may be most interesting to you at the points of contrast between this School and Oxford. Of course one must bear in mind that this is a graduate professional school, while at Oxford we teach a law course to undergraduates which does not lead them to, or even very near to, a professional qualification. This may account for some of the differences between the two places, such as differences in the curricula. But even so, there are two differences between this School and Oxford which are so striking that I should like to say something about each of them. They are teaching methods and examinations.

In Oxford the principal method of teaching is still the individual tutorial. A student writes a weekly essay on some topic. He then reads it out to his tutor who criticizes it, discusses the topic generally, and tries to answer any questions which the student may ask. We also use the straight lecture, with no audience participation at all. Seminars have come into vogue as a method of teaching those who stay on to do graduate work; they are not commonly held for undergraduates. We attach great importance to the undergraduate's own reading for his tutorial essay. The number of hours of formal instruction which he is expected to attend is rarely more than eight a week. The number which he actually attends is of course much smaller. Lectures are truly voluntary.

I have not found it at all easy this year to make the transition from teaching single students in tutorials to teaching up to 140 students in a case class. I have enjoyed teaching by this method, partly because of the many utterly unexpected things which have happened to me in classrooms here. I have also been impressed by the ability which it develops in students to analyze cases, and by the skill which it fosters in oral discussion. In these important

1 We hope soon to rival it in Oxford, where a new Law library, built with the aid of a very generous grant from the Rockefeller Foundation, was opened in October, 1964.
respects, the case class method is, I think, clearly superior to our tutorial method. On the other hand, I have some doubts or worries about the case method, which may simply reflect my own shortcomings in a strange medium.

First, I have missed the close relationship between pupil and tutor which develops under the Oxford system and which is, I think, a great help in teaching. When the pupil is cleverer than the tutor, this relationship is also very valuable to the tutor.

Secondly, I have found the case method slow, at any rate with large classes. That is, I have consistently failed to cover in class as much material as I had hoped to cover. Perhaps I was too optimistic; perhaps "covering ground" is not very important. All the same, I was worried by this feature of the case method.

Thirdly, I was worried by the fragmentary nature of the case method. The materials which an Oxford student is told to read will usually give him some initial framework for his essay topic. If he is a good student he will probably modify or abandon this framework in the light of his reading of cases and articles; but it does give him some help in organizing his ideas. It seems to me that the American law student is given much less help of this kind. Of course this has the merit of forcing him to be more creative and independent. My only doubt is whether the challenge which he is in this way made to face is not too severe for the majority of students; or, to put the matter in a slightly different way, whether the majority would not profit by being guided by their books a little more. I am thinking now of the average, not of the best, students.

My fourth doubt is whether the case method sufficiently develops the student's ability to write. I rather think that it does not. My impression is that the students here are on the whole better than Oxford students in oral discussion, but worse on paper. I wonder, in this connection, whether it would be a good thing to extend the tutorial program here in some form into the second and third years. I know that second and third year students write occasional seminar papers, moot court briefs and even notes for the Law Review. But I doubt whether these occasional exercises are any real substitute for the constant practice in legal writing which we in Oxford regard as an important part of legal education.

I want to turn now to examinations. I do not want to discuss the merits and demerits of examinations generally. I only want to raise some questions about your examination system which have occurred to me as a result of the contrast between it and our examination system at Oxford.

I have an uneasy feeling that students here are examined too soon, too often and too much. Is it, I wonder, right to examine them in a subject less than a week after their last class in it? Is it necessary to examine them at the end of every quarter? Is it necessary to make them write about thirty examinations in three years? I am not asking these questions out of concern for the comfort of the students. I am asking them because I feel that the examination system here may have some undesirable effects. Two points, above all, disturb me.

The first is that a student's final standing in his class will be affected, perhaps adversely, by the result of examinations taken at the end of his very first quarter. We may assume that his capacity as a lawyer increases during his three years here. Should he not be graded on the basis of his capacity at the end of his course? What is the case for averaging out his performance over three years? If we must average, must we do so over the whole period? Could first year grades at least be left out of account in determining final standing, and be used for qualification purposes only? Many students find it hard to settle down to law in their first year but later do good work in the subject. Are not such students unfairly prejudiced by the system of averaging over three years?

The second thing that disturbs me is that the examination system here does not seem to give the student enough time to reflect on what he has learned. In Oxford a law student normally takes a qualifying examination after two terms; at the end of another seven terms he is examined on the whole main part of his course. The last of those seven terms is in most colleges set aside for a review of the whole course. No new subject is taught during it. I found this review period the most illuminating part of my time as an undergraduate. I began to see new relationships and to learn to profit from my own mistakes. I think that many other Oxford students have similar experiences. Of course it will be said that students who can look forward to such a long review period will work less hard than those who are under constant pressure of examinations. This is probably true. But there may be more important educational considerations at stake here than the need to keep students working at full pressure all the time.

I am afraid that these comments on your examination system may have distorted the perspective of this talk. In case they have done so, let me end as I began by saying how much I like and admire this Law School. I like it for its friendliness and informality. I admire it for its exciting intellectual atmosphere. That is the only really important thing I have to say.

New Fellowship Program

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