Changes at Chicago's Law School

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During the last eighteen months there has been in progress at the Law School of the University of Chicago, a study into certain possibilities of change in the work of the Law School. A statement of the steps of this study may have value as furnishing specific data as to the way in which certain problems, more or less common to many law schools, have been dealt with in one particular case.

The particular aspects of the problem that manifested themselves as justifying immediate consideration were these: first, the possibility of a more exact selectivity in the composition of the student body; second, the development of closer co-operation with other departments of the University, both for the purpose of education of students and of faculty members, and for the purpose of carrying on activities, either alone or in conjunction with such other departments, which are broader than the instruction activities of the University, and serve to connect the Law School with those aspects of the life of the community where natural contacts might be found. The method adopted of dealing with each of the problems just outlined will be taken up in detail.

The special determination of the constitution of the student body may take place either before the students enter the School or after they are enrolled in the School, or at both times; a postentry selection is ordinarily made at the end of the academic year. The pre-entry selection process has been in this School, as it is in most schools, by group rather than by individuals. In other words, if a man had a certain number of years of college work, in substantially all cases three or four, he was admitted as a student in the Law School. That the existence of these requirements has a certain value in the elimination of undesirable students is not open to doubt. At the same time, in any entering class thus selected it may safely be said that there is a margin of 5 to 10 per cent at the bottom of the class composed of students that beyond question are not and never will be satisfactory legal material.

Of course, the proportion dropped by the end of the first year is considerably larger than this, but this intermediate material shades off from the man who at the end of his first year pretty unquestionably should be dropped from the list of students, to the man who at the end of his first year should on the whole be allowed to stay on. With regard to this larger group, probably 20 to 30 per cent of the whole class, the line of demarcation is much less easily drawn. If, however, the lower 5 to 10 per cent of clearly undesirable material could be ascertained before entering the school a considerable saving would obviously be accomplished. While there is still a far from united opinion as to the value and accuracy of the intelligence tests and legal aptitude tests as a device for sifting out the incompetent student before his admission to the Law School, it was felt that the experience in the employment of this device was sufficiently favorable to justify its tentative adoption. Consequently, beginning with the Fall Quar-

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1928-29  Accounting and Comparative Law are added to the curriculum.

1929-30  Harry Bigelow is appointed Dean.
The John P. Wilson Professorship in Law is established.

1930-31  Mortimer J. Adler, Charles O. Gregory, and Wilber Griffith Katz join the faculty.
First Progress of the Law School report is published.
The James Parker Hall Professorship is established.

1931-32  Sheldon Tefft is appointed to the faculty.
Tuition increases to $375 annually.

1932-33  The University of Chicago Law Review is established and enjoys immediate success with more than 1,000 subscriptions in the first year.
The system of allotting numbers to identify student examination books begins.

1933-34  Professor Henry C. Simons from the Economics Dept. offers an informal seminar in Economic Theory.

1934-35  Corporate Finance is added to the curriculum.

The desire to find a method of avoiding the difficulties of this situation led the faculty to a consideration of the merits of the so-called “true-false” type of examination, in use in some law schools and in the undergraduate departments of some universities. In pursuance of this plan a careful study has been made in an effort to help in a determination of the value of the true-false type of examination as compared with the essay type. For this purpose a statistical comparison was made of the results obtained from true-false and essay examinations in the same courses. It is sufficient for present purposes to say that the results obtained from the true-false examinations gave a more accurate index of the capacity of a law student than did the results obtained from the essay type.

Like many other schools this School has a passing mark for students and a higher average that must be obtained in order to graduate. If a student fails a certain distance short of these grades he is either suspended or dropped. The relation of these two grades to each other, and to the “dropping” point and the “suspending” point based partly on tradition, partly on more or less intuitive judgments, has also been made the subject of a statistical inquiry.

This study indicates clearly that there is a definite mark, determinable within a small variation, which a student must attain in his first year of work if he is to be able to carry through the work of the second and third years to a successful completion; and if he does not attain this mark he may be definitely excluded with the certainty that not once in 25 cases is any injustice being done. Here again it is unnecessary to go into detail. The grade has been definitely found for this School, and we are acting upon it in the elimination of first-year men.

Co-operation between the Law School and other departments of the University and the enlargement of the activities of the Law School have numerous aspects. All the law schools of thirty years ago and many law schools at the present time confine themselves to strictly professional law training. For this purpose the material of the curriculum and the point of view that governs
the exposition and treatment of the material contained in that curriculum are based fundamentally upon the decisions of the various courts in England and of this country, that is, the common law. This common law is modified in its use as a social tool by various factors. Among the more important of these are doctrines that are still in the process of formation, have a certain pedagogical value, they are by no means as effective as would be a checking of such rules by statistical data in fields where the obtaining of such data is possible.

By the end of the second year in the Law School, sometimes somewhat ear-

1935-36  William Winslow Crosskey and Malcolm P. Sharp join the faculty.
The Max Pam Professorship in American and Foreign Law is established.

1936-37  Edward H. Levi ’35 and Max Rheinstein join the faculty.

1937-38  The “New Plan” for the curriculum is instituted—four years of courses for students with some college, three years for those with a B.A.

1938-39  Barristers Club, a moot court club, is founded.
The legal writing program is established.
Professor Max Rheinstein publishes The Law of Inheritance.

1939-40  Wilber Katz is appointed Dean; Henry Simons joins the faculty.
The Law and Economics Program is founded.
Elements of the Law is added to the curriculum.

1940-41  Professor George Bogert publishes Cases on the Law of Trusts.


changes produced by statutes and the warping due to business or social or personal or political considerations, these latter as often as not unformulated and frequently disguised. Good law instruction has always recognized these elements and sought to give them their proper value. The evaluation of these factors is naturally a difficult task; it is one that to a large degree has depended upon the instructor’s own point of view or common sense or “hunch.” There is coming to be a general recognition that even though legal doctrines may be self-contained and harmonious with legal doctrines, light upon their political or social or economic desirability can frequently be obtained if these rules of law are examined from the point of view of some disciplines other than the legal one. Similarly, while the checking and qualifications by “hunches” or common sense, of established legal doctrines and, perhaps of more importance, of legal
1941-42  The library exceeds 100,000 volumes.
Law and the Nature of Man is taught by President Robert
Maynard Hutchins and Professor Mortimer Adler.
The University of Chicago Legal Aid Group, which
provides legal aid services at the
University of Chicago Settlement
House, is established.

1942-43  LL.M. degree is established.

1943-44  Faculty assume management of
the Law Review because the
size of the student body is
dramatically reduced by the war
(Professor Ernst Puttkammer is
Editor-in-Chief).
Professor Hans Morgenthau of
the Dept. of Political Science,
teaches International Law of
War.
Almost all student housing is
taken over by the U.S. Navy.

1944-45  Law fraternities temporarily
disappear during the War.
Professor Ernst Puttkammer
publishes War and the Law.

1945-46  The Frieda and Arnold Shure
Research Fund is established.

1946-47  Walter J. Blum '41, Harry A.
Kalven Jr. '38, and Bernard D.
Meltzer '37 join the faculty.

peated efforts.
Another consideration that weighed
with the faculty in its examination of
the whole problem of research from a
law-school point of view was the belief
that the giving of professional training
even in the broad sense was not neces-
sarily the sole duty of a University Law
School. It was felt that the obligation of
utilizing the training and knowledge of
the law faculty in making some contri-
bution toward the solution of social
problems might well be regarded as part
of its broader functions.

These factors of broader, advanced,
individualized education for both stu-
dent and instructor and of the applica-
tion of the legal ability and training of
the faculty to ends other than those of
solely giving professional instruction
were all of effect in leading the faculty
to the determination to provide for the
establishment of so-called "seminar
courses" and to afford opportunities for
extra-curricular activities on the part of
those members of the faculty who de-
sired to engage therein.

These seminar courses are open only
to a limited number of students. They
meet informally at hours fixed by the
instructor. The method of procedure in
the various courses varies according to
the subject-matter, the size of the group,
and the ideas of the instructor. In some,
individual problems are assigned to the
various students and reports thereon
made during the progress of the course.
In others, some one topic is taken for
examination by the entire group. The
methods, of course, can be varied con-
siderably. The courses are, roughly, of
two different kinds. In some, the ele-
ment of research consists in a detailed
and careful scrutiny by the students of
certain legal problems. Such, for ex-
ample, are the seminars in trusts, corpo-
rates, finance, administrative law, radio
law, and one seminar in taxation. Other
seminar courses take up one or more
problems that are basically legal, but
which are profitably open to examina-
tion from a non-legal point of view.
Such are a seminar in evidence con-
ducted jointly by the member of the law
faculty giving the course in evidence
and a member of the Department of

Entering students dinner 1958
After classes in the Old Law School

Philosophy interested in the fundamental legal assumptions of evidence and in the psychological aspects of rules in evidence; a seminar in taxation conducted by the member of the law faculty giving the courses in constitutional law and taxation and a member of the Department of Economics who has specialized in the economic aspects of problems of taxation; and a seminar in psycho-analytic aspects of criminal law conducted by a member of the law faculty specializing in criminal law and an international psycho-analyst.

Investigative or research work that is not in its objective as immediately pedagogical as that just referred to is also going on. There are several varieties of this kind of work. There may be mentioned: a study in the problems, legal and economic, of the taxation of intangible personal property; a statistical investigation for the Wickersham commission of data on the procedure of the Federal Courts in criminal cases; a reorganization of the curriculum and methods of instruction in the police school of the city of Chicago. Other plans are on foot, but these will sufficiently illustrate the catholicity of the present efforts. What has been accomplished so far is of course but a beginning and is necessarily tentative. It seems at present to be successful. In the line of research, we wish to give all the encouragement and recognition that we can to individual initiative and to undertakings that seem promising, whether undertaken as part of the program of instruction, or as non-pedagogical investigation, or as both, for the two are far from being, in the last analysis, incomparable.

There are numerous other aspects of the organization of the Law School that will equally repay investigation: the constitution of the curriculum and methods of instruction are those that for the next year or two will particularly engage our attention.