



Department of Justice

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ADDRESS BY

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ATTORNEY GENERAL OF THE UNITED STATES

AT THE DEDICATION OF
THE LAW BUILDING AT
INDIANAPOLIS LAW SCHOOL,
INDIANA UNIVERSITY

OCTOBER 16, 1970

Thank you Dean Foust. . . Honored and distinguished guests:

I am pleased to be invited to participate in the dedication of your new urban law school building.

I am pleased, first, because at a time when there is a decline in the proportion of law graduates to population, it is exhilarating to see a university expand its law school facilities.

Second, I am pleased because the nation needs not only more law graduates, it especially needs more who are equipped by training in and exposure to the law relevant to a metropolitan environment.

In saying this I am speaking not only of corporate law or of government practice, as such. I am also speaking of the growing body of law and of legal practice associated with urban change--neighborhood dislocations, pollution control, and the needs of the disadvantaged.

The urban law school, of which yours is an outstanding example, has a special and significant role in society today. I would like to discuss four aspects of that role, and suggest that the urban law school fulfilling these functions is living up to the best traditions of both American education and American jurisprudence.

First, the urban law school offers the student an opportunity for real-life exposure to the actual practice of law.

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The history of legal education shows an oscillation between on-the-job apprenticeship on the one hand and formal academic training on the other. When the American colonies were settled the then current English system of legal apprenticeship was transplanted here. Thomas Jefferson, John Adams and other founding fathers learned the law in this manner.

But inherent in this system were distinct shortcomings. The system was challenged in 1753 by William Blackstone, who condemned "the custom. . . of dropping all liberal education, as of no use to students in the law, and placing them, in its stead, at the desk of some skillful attorney, in order to initiate them early in all the depths of practice, and render them more dexterous in the mechanical part of the business." As Blackstone commented, "What the consequence may be, to have the interpretation and enforcement of the laws (which include the entire disposal of our properties, liberties and lives) fall wholly into the hands of obscure or illiterate men, is a matter of very public concern."

Blackstone's warning was heeded in America earlier than in England. It was Jefferson who sponsored the first chair of law in 1779 at William and Mary College. Such individual professorships were repeated in other American universities, and were supplemented by the establishment of law schools, beginning with the Harvard Law School in 1817.

Much later, the rise of bar associations dedicated to upgrading professional standards helped to make a formal education one of the requirements for the practice of law.

However, up to World War II on-the-job training did remain important as a supplement to a legal education. But after the war the pendulum swung in the other direction. The emphasis was on the most demanding, formal study. Law schools making use of on-the-job training were considered somewhat less than professional, with overtones of the trade school.

This sanitary, academic approach had obviously gone too far. As Judge Jerome Frank wrote, "Is it not plain that. . . our law schools should once more bring themselves into close contact with what clients need and what courts and lawyers actually do?"

Today the pendulum is swinging back. We are recognizing that law is more than a science; it is in part an art.

Because it is located in a city, with its abundance of legal actions, the urban law school is the ideal vehicle for this aspect of legal education. In providing actual experience, the urban school is not limited to moot courts and other clinical methods of simulating real life situations. It can put its students in part-time assignments with law firms, legal aid societies, juvenile courts, and such environments where there are real clients and real cases.

Yet the present push for more on-the-job training comes not so much on behalf of the student as of the community. There is a new recognition that average city dwellers--not only the poor but the lower middle class--have had little benefit of legal counsel. Even if they can afford it, they don't think they can. Yet such everyday issues as consumer credit and the landlord-tenant relationship call for legal help. Such institutions as the legal aid society and the neighborhood law firm are providing an answer. And the urban law school can offer some of the needed manpower for research, investigation, and preliminary interviewing.

The advantage of such student help is that it is inexpensive--in fact, free. The disadvantage is that it is incompletely trained, inexperienced, and often immature in judgment. Using law students in such activities can help to fill a social need, but their duties must be strictly delineated and supervised by practicing attorneys.

In my opinion, the success of this relatively new contribution of the urban law school hinges on proper control. The practice of law is certainly one of those areas where quantity is no substitute for quality. It is frequently better to be unguided than misguided.

If this pitfall can be avoided through close supervision, on-the-job practice can benefit both the student and the community. The pendulum can come to a halt, and the best legal education can be considered a prudent mixture of formal study and practical exposure.

The second contribution to be made by the urban law school is to provide a legal education to those who, for one reason or another, cannot get one on the isolated campus. Many persons, such as servicemen returning to their families and their regular jobs, cannot ignore these commitments and become full-time students. For these people the urban law school, particularly if it has an evening school as this one does, offers the solution. I am proud to say that I received my law degree from an urban law school--Fordham University in New York--and I would like to testify that for me it was not only convenient but indispensable.

Because this vital function of the urban law school is recognized, the evening law school has equal academic standing with the daytime campus school, and the few observers who still cling to old attitudes in this matter simply aren't up with the times.

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Moreover, a further advantage in offering legal education to city dwellers is that we bring into the law more people committed to urban life as a career. They are familiar with urban problems and many of them want to apply their profession in such fields. Again, we benefit both the student and the community.

The third contribution of the urban law school is to provide continuing legal education to practicing lawyers who are necessarily located in the city. Just as the physician must keep up with the onrush of medical science, so the lawyer must continually refresh his knowledge of the law.

Moreover, at the urban law school a practicing attorney taking post graduate courses can do what he was unable to do as a law student--that is, specialize. The student is seldom predisposed to a branch of law, much less a specialty within that branch. Besides, his career will be determined largely by the job he gets. But after he becomes a lawyer he is in a position to specialize, and the urban law school enables him to further his education in this specialty while continuing his practice.

In fact, the urban school's relation to the practicing attorney is a two-way street. Lawyers eminent in certain fields may be prevailed upon to teach a course, deliver a guest lecture, or participate in a seminar, thus upgrading the quality and the immediacy of the courses offered.

Finally, as a fourth function, the urban law school is in a position to do something beyond the education of lawyers. It can make a contribution to the law itself through special surveys on the adequacy or workability of different pieces of legislation. Because the school is located in a densely populated area, students can interview a large number of people within a manageable time frame. Conducted under faculty supervision, such surveys can be the basis of recommendations to legislators. In this manner the urban law school can provide another dual benefit--both to the student and to the profession of law.

Ladies and gentlemen, in outlining the unique role of the urban law school I do not mean in any way to reflect on the traditional campus environment. My point is simply that the urban law school has a unique responsibility and position in three worlds--education, law, and the community. Even Blackstone might agree that it offers a useful balance between academic study and what he called "the mechanical part of the business."

Such a role is exercised in fullest measure by the law school we are honoring today. And its contribution in these areas will be greatly enhanced by employing the facilities of this magnificent structure.