

the faith-healers. But under a constitutional scheme which allows the state no religious favoritism, even these extremist groups must be as free to follow their conscience as the rest of us are. In the words of Justice Jackson, it is time to "have done with this business of judicially examining other people's faiths."<sup>9</sup>

CHARLES ALAN WRIGHT

Associate Professor of Law  
University of Minnesota

LEGAL EDUCATION IN THE UNITED STATES. By Albert J. Harno. San Francisco: Bancroft-Whitney Co., 1953. Pp. v, 211. \$3.50.

This is an excellent brief survey of American legal education—succinct, comprehensive, and readable. It is admirable for its immediate purpose, as "A Report Prepared for the Survey of the Legal Profession." In fact it is one of the best of the reviews yet to come out of that far-flung project. If some limitations to the discussion, particularly as respects some controversies over present-day training of lawyers, are to be discovered, its objective must be kept in mind. A fuller attack upon these issues would inevitably have taken the study beyond a survey and into realms where debate has waxed violent and disagreement appears inevitable.

The earlier chapters seem especially felicitous. True, these tell of the early days where history has spoken and debate as to trends and accomplishments has largely ceased. Even so, the story moves forward with ease and grace from the English heritage of the Inns of Court and Blackstone through the early American period of office study, the growth of the American law school, the development and triumph of the case system of law study, and the impact and support of professional organizations in raising standards of study and of bar admission requirements. Much of it is a familiar tale: how a little school in the beautiful village of Litchfield, Connecticut, produced an unusual quota of great men; how Joseph Story, greatest of American judges, took time off to bring the Harvard Law School to life; how Christopher Columbus Langdell devised a method of study which revolutionized the entire approach to law; how the Association of American Law Schools and the American Bar Association fought and substantially won the battle for higher standards. And it is a story of accomplishment in which the profession can take substantial pride.

The last two chapters bring us into the modern era, with its

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9. *United States v. Ballard*, 322 U. S. 78, 95 (1944).

spate of criticism of the law schools and the author's own appraisal of their worth and problems. Here he was faced with a paradox which undoubtedly gave him some pause in making selection of the approach he was to follow. For notwithstanding the outstanding success of the schools, so much so that in a comparatively short time law school education has supplanted other types of training for the bar, and even though the modern successful and prominent lawyer is almost sure to be a loyal and devoted graduate of some law school, yet there has now appeared a tendency to headline the supposed failure of the schools. Indeed, to read the constant drumfire of criticism which has featured the columns of our most pervasive professional journal, that of the American Bar Association, one might get the the impression that doubt was universal and failure clear.<sup>1</sup>

The author has solved this problem of approach by making a calm and judicious summary, including quotations, to show the views of these critics, together with a like summary of some contrary expressions, and then adding an expression of his own views—favorable to the schools—in mild and unprovocative form. He has then attempted to put all this in proper perspective by listing all the problems facing modern law school administrators, of which the point of criticism is only one. For the whole stress of these critics curiously enough is on but one facet of the entire issue of proper legal training—lack of sufficient emphasis upon vocational training or, as the author heads it, "Neglect of Training in Practical Skills."<sup>2</sup> This is to overlook entirely a whole series of practical questions, many of them centering about the acute need of finances for the modern school. And it is to emphasize bread-and-butter aspects of legal education which tend to remove it from the realms of scholarship. It is interesting that perhaps by inadvertence the same professional

1. See, e.g., Cantrall, *Law Schools and the Layman: Is Legal Education Doing Its Job?* 38 A. B. A. J. 907 (1952); Cantrall, *Economic Inventory of the Legal Profession: Lawyers Can Take Lesson from Doctors*, 38 A. B. A. J. 196 (1952); Cutler, *Inadequate Law School Training: A Plan to Give Students Actual Practice*, 37 A. B. A. J. 203 (1951); Connor, *Legal Education for What? A Lawyer's View of the Law Schools*, 37 A. B. A. J. 119 (1951); Roberts, *Performance Courses in the Study of Law: A Proposal for Reform of Legal Education*, 36 A. B. A. J. 17 (1950). See also Frank, *Courts on Trial* 231 (1949); Frank, *Both Ends Against the Middle*, 100 U. of Pa. L. Rev. 20 (1951). An effective reply appears in McClain, *Is Legal Education Doing Its Job? A Reply*, 39 A. B. A. J. 120 (1953); and see also Griswold, *The Future of Legal Education*, 5 J. Legal Educ. 438, 444 (1953); Stason, *Legal Education: Postgraduate Internship*, 39 A. B. A. J. 463 (1953). My own point of view is stated in Clark, "Practical" Legal Training An Illusion, 3 J. Legal Educ. 423 (1952), which, to my surprise, comes out as "the apologetic view" in Joiner, *infra* note 6, 5 J. Legal Educ. 459 (1953).

2. Pp. 146-155.

Journal in its Diamond Jubilee Issue carried unheralded in the depths of an historical article a more judicious criticism of both the law schools and the profession: "History, philosophy and even belles-lettres are part of the training of all European jurists. Our law schools have trained for a craft with little heed to history or general ideas. The Bar Association has like its average members almost no literary activities or distractions."<sup>3</sup>

The course followed by the author, as above outlined, is perhaps the only practicable one for a survey such as this. It does have some anomalous results. For one thing it makes the critics and their criticisms appear more portentous than they really are. Nevertheless their number, and certainly their vigor, appears to be considerable, even though, as it has seemed to this reviewer and others, the writings betray such an ignorance of the modern law school as to make it doubtful if the authors have had real acquaintance with the institution they assume to criticize.<sup>4</sup> Again it makes the desire of the profession for vocationalism seem overwhelming, notwithstanding the obvious futility—or worse—of the program called for. No one in his right mind would think of employing, for anything requiring any finesse beyond that of a plumber's assistant, a lawyer with a smattering of so many tidbits of information as was called for in the prospectus for the recent ABA symposium at Boston.<sup>5</sup> And it does serve to obscure both the urge of the educators themselves for something on a higher level of intellectual achievement as an ideal for a university graduate school and the loyalty and confidence in their schools of so many graduates now the mainstay of the profession.<sup>6</sup> I could wish that the author had chosen to be a little bolder in attempting a wider diffusion of his own cool perspective.

His restraint has seemingly led to a use of his monograph for purposes obviously unintended and quite meretricious. The publicity

3. Rogers, *History of the American Bar Association*, 39 A. B. A. J. 659, 663 (1953).

4. See, notably, Cantrall, *Law Schools and the Layman: Is Legal Education Doing Its Job?* 38 A. B. A. J. 907 (1952).

5. Some ten different "basic skills of practice" are listed, ranging from the "ability to examine a title" to "to defend a criminal." American Bar Association 1878-1953 Diamond Jubilee Meeting, Advance Program, xli, xlii. The result is a conglomeration, curious alike for its omissions as for its inclusions. Thus no reference whatsoever is made to bankruptcy or to any administrative or governmental agency matter or procedure, and of course not to federal procedure.

6. These points were effectively made at the Boston symposium by Deans Joseph A. McClain, Jr., and Erwin N. Griswold in replying to Mr. Arch M. Cantrall, who is cited note 1 *supra*. The fourth speaker, Professor Charles W. Joiner, supported his own specialty; see Joiner, *Teaching Civil Procedure: The Michigan Plan*, 5 J. Legal Educ. 459 (1953); and *cf.* Joiner, *Specialization in the Law? The Medical Profession Shows the Way*, 39 A. B. A. J. 539 (1953).

put out under seemingly official auspices to herald the publication and picked up by newspapers throughout the country was a complete distortion of its contents. The headlines glared forth, "Lawyers Not Adequately Trained, Says Report," also "Law Schools' Shortcomings Set Forth in Survey Report," a report, by the way, whose "findings" were said to be based "upon four years of nation-wide research by more than fifty trained men."<sup>7</sup> To this reviewer the entire publicity device was unworthy and unrepresentative of an organization which has had as perhaps its proudest history the raising of standards of legal education. And these widely publicized statements have had their effect; for at the Boston symposium this book was cited as authority for statements of law school failure—there challenged<sup>8</sup>—for which no authority can be found in the book itself.

In summary it may be said, therefore, that this book presents the broad picture over the centuries very well indeed. It challenges modern reactions and sets the basis for forthright discussions, even though it eschews for itself the storms of more violent conflict.

CHARLES E. CLARK

United States Circuit Judge,  
Second Circuit  
Former Dean, Yale Law School

THE LAW OF WORKMEN'S COMPENSATION. By Arthur Larson. New York City: Matthew Bender & Co., 1952. Pp. v.1, xiii, 823; v.2, xx, 679. \$40.00.

Workmen's compensation is the oldest and, from a variety of aspects the most complex branch of social insurance in the United States. Its human and economic importance is tremendous since according to the available estimates the number of disabling work injuries sustained by persons with employee-status in 1952 exceeded the 1.5 million mark, including approximately 11,000 fatalities and 66,000 permanent disabilities.<sup>1</sup> The field is now covered by forty-eight state and six federal and territorial compensation acts, not counting one municipal ordinance operating in the Virgin Islands.<sup>2</sup> While at first this branch of the law grew only slowly and both legislatures and courts were somewhat reluctant to embrace

7. The release is set forth in full in 27 Conn. B. J. 257 (1953).

8. By Dean Griswold; see note 6 *supra*.

1. Cf. Preliminary Estimates of Work Injuries in 1952, 76 Monthly Labor Review 282 (1953).

2. See Riesenfeld, *Forty Years of American Workmen's Compensation*, 35 Minn. L. Rev. 525, 526 (1951).