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## LAW SCHOOLS AND HUMAN RELATIONS

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The Tyrrell Williams Memorial Lectureship was established in the School of Law of Washington University by alumni of the school in 1949, to honor the memory of a well-loved alumnus and faculty member whose connection with and service to the school extended over the period 1898-1947. This seventh annual lecture was delivered on April 19, 1955.

Whatever else may be said, this has been an interesting period in which to live. No matter how things turn out, I would be inclined to think that my generation, at least, has already had its money's worth. It is now nearly ten years since the last great war was brought to a close. Contrary to our expectations and hopes, these have not been years of quiet and calm. Looking to our internal situation alone (while recognizing that this is in considerable measure a reflection of external problems and tensions), these ten years have perhaps involved more intense consideration of fundamental questions than any other period in our history.

We have had extended public discussion of problems of separation of powers, of the relative strength of the executive and the legislative branches of the government, of the treaty power and its possible internal dangers, and, over much of the period, of the function and the conduct of legislative investigations, and of the government's loyalty and security program. The consideration of these questions has, I think, been useful and helpful to the public as well as to those especially interested in the problems. It is good for citizens of today to think back to fundamental conceptions of government, and to recall the history which has given rise to our institutions. We have been having a sort of continuing constitutional convention, with citizens discussing basic questions to an extent unequalled since 1787. It is good to have to rethink these problems, good for those who believe in the institutions we have inherited to have to defend them.

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But there is, I think, some danger from overemphasis of these questions. For some time many persons who take to the public platform have been preoccupied with questions of liberty, due process, governmental power. Discussion of such questions is likely to involve a certain amount of emotion, and if we are not careful, we sometimes end up with each side calling the other hysterical—perhaps justifiably. At the very least we may develop a certain amount of national neurosis out of continued introspective examination of our national governmental anatomy. So I hope you will not mind if I devote my time to something more prosaic. I plan to speak about some problems of legal education.

Although these questions may not be as currently pressing or dramatic, it is part of my thesis today that they are important, and publicly important. Figures recently compiled show that in the 83rd Congress 308 out of 528 members of the House and Senate, or 58 per cent, were lawyers. The proportion was the same in the legislature of New York, though considerably lower in Illinois, Minnesota, and Missouri. There is every reason to think that the proportion is considerable in other states. In addition, lawyers fill many administrative posts in government, as well as all of the judicial offices. They are high in the councils of business and in community affairs. They play a leading part in the discussion of public questions, such as the problem of the Bricker Amendment, or the proper scope of Congressional investigations.

The participation of lawyers in these matters is important, not only quantitatively but also qualitatively. The fact is that the law schools now attract a very large proportion of the intellectual capacity of our young men, and they are in fact training a great many of the people who will be in positions of leadership a generation hence. Surely, it is possible to overestimate the influence which law schools may exert on the outlook and thinking of their students who ultimately fill such positions. It is just as easy, I am inclined to think, to underestimate that influence. The influence of legal education on policy decisions may not be immediate, but in the long run it may be very great, with substantial consequences to our social, economic, and governmental structure. Before he really knew how true his statement was, H. G. Wells wrote in his *Outline of History* that "human history becomes more and more a race between education and catastrophe."<sup>1</sup>

If we agree that law schools exert considerable influence on the thinking of future leaders, we are under considerable obligation to evaluate present day legal education to see if law schools are adequately preparing their students for intelligent, responsible leadership. For that reason it has seemed to me appropriate to attempt to

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1. 4 WELLS, THE OUTLINE OF HISTORY 1305 (4th ed. 1925).

gather together here a number of somewhat loosely connected thoughts about current legal education.

The nineteenth century was the century of analytical jurisprudence. The legal thinking of that period was dominated by the writings of Austin, and the Austinian approach remains dominant today, not only in English legal thought but also in the legal thinking of American lawyers. It was under the influence of Austin's purely logical approach that Dean Langdell developed the case method of instruction eighty-five years ago. To him "the law" was to be found in books. The library of the law school was its laboratory. And the books in which "the law" could be found by the resourceful student were the decisions of courts which spoke with authority. For convenience, and to save wear and tear on the library books, these cases were gathered together into case books. But it was cases that the student studied. And the method of study was analytical, virtually mechanical, with each step being deduced by a purely logical process from the materials in the authoritative cases.

It is not my purpose to oppose the case method of instruction. On the contrary, it seems clear to me that Dean Langdell made a fundamental contribution to legal education and to the law when he pioneered with that method. In the first place, it quickly became apparent that education was more effective when it dealt with concrete problems than when it was presented in terms of abstract principles. Secondly, the use of cases provided a remarkable vehicle for sharpening reasoning, for making nice distinctions, for emphasizing the relevance of facts and the importance of slight factual variations. I need not discuss in detail the virtues of the case method. That discussion belongs to a period of fifty years or so ago. Since that time the case method of instruction has established itself as the dominant pedagogical instrument in American law schools. Thousands of budding American lawyers, under the guidance of skillful teachers using this method, have been led to think as they have never thought before. They have developed critical and acute minds while surveying factual problems representing a considerable portion of the controversies in which people become involved.

Of course this method, good as it is, is not beyond criticism. Some twenty-five or thirty years ago, it was pointed out in vigorous terms that the traditional case method has serious limitations. In the cases studied, the facts are nearly always given. They have been found by the lower court or determined by the verdict of a jury. Thus the student whose attention is confined to decisions of appellate courts fails to come into contact with the factual disputes and uncertainties which make up a large part of the usual lawyer's work. This basis of criticism is sometimes referred to as the "upper court myth." A good

many words have been poured out in discussion of this and related problems. I do not plan to review this material. Instead, I want to point to some other, though perhaps related, problems which may be a consequence of the prevailing use of analytical case methods of instruction.

I intend to discuss four problems. The first two problems are outgrowths of the minute analytical approach which the present case system fosters. They might be called "the law teacher's dilemma" and "the development of technicians." The third problem results from the almost exclusive use of case material. It might be called "the forgotten areas of the law." The fourth problem is related to the third in that it has been too long a neglected area in law school training—the problem of professional responsibility. Let me now develop these points in a little greater detail.

1. The law teacher is faced with the real dilemma of covering ground, for want of which he may be called inadequate, or of minutely covering many possible variations of a particular fact situation in the cases, without which he may be regarded as superficial. This dilemma stems largely from the fact that the case method is essentially analytical. It leads to intensive dissection of problems. This is, of course, one of its great merits. But, as the problems are dissected, they proliferate. The fields of the law continually increase. The problems within each field divide and subdivide. Every time it is shown that a slight change of the facts of a case introduces new considerations, another problem is presented which the teacher is likely to feel obligated to cover. This was well enough in the early days of case teaching, for the law then was still in need of organizing and systematization. Now it presents special burdens which merit our attention.

2. This overemphasis on dissection has a great impact on the law student's thinking. It fosters a bar of technicians, who tend to look for detail rather than for larger issues. The case method, arising out of litigated controversies, may be more logical and precise than the law actually is. The case method, without some supplementation or corrective, may lead to too much legalism, to too much of what even the lawyer recognizes as technicality. Even in the logical area, it may be deficient in the premises and factual material with which it deals. There is some tendency, with the case method, for the study of law to be something like the study of chess or the analysis of a bridge hand. When analyzing the law in intricate detail, it may be hard to keep in mind the vital fact that the problems really relate to people, either the people who are parties to the case, or the people who will be affected by the law established once the case is decided.

The premises on which much of our law is based may be much too narrow. In recent years case method instruction has been supple-

mented by references to materials from economics and sociology and other related fields. But it is only in the hands of a very expert teacher that these materials have any reality for the law student. The surface tension surrounding the strictly legal materials is very high, and it is very hard for other ideas and materials to break in. Besides, courts do not ordinarily pay much attention consciously to these materials off the legal chess board, so they do not very often appear in the cases which the student studies. Thus it is easy for the student to conclude that nothing off the chess board is really very important.

3. My third, and perhaps the most important observation for the purposes of this lecture, concerns what might be called the forgotten areas of law practice, the problems which do not appear in upper court decisions—human problems, presented and solved in the lawyer's office. The case method provides a very effective way for the student to get a detailed knowledge of the law as it is administered by appellate courts. This is essential background for the student's practice. But in most instances it is little more than background. The law in many fields may be likened to a map. If you go too far this way, you will get into trouble. If you go too far that way, you may resolve your present problem, but you will then be confronted with another. The law establishes boundaries, and marks out doubtful or troubled areas. But it by no means covers the whole field of human relations. There are many situations where the lawyer's advice is not based on essentially legal considerations. Should there be a corporate or an individual trustee? What provision should be made in the will for the wayward son? Should the executor be bonded? How can an unhappy couple be brought together? In such situations the problems are not essentially legal. They are often problems of human relations, and the case method, dealing with upper court decisions, may shed very little light on how to deal with them.

4. The fourth problem, the failure to impart a fully adequate sense of legal responsibility in practicing attorneys, is not necessarily a product of the case method of teaching. However, it is an illustration of the type of education which the case method is ill-adapted to impart. Many law schools have not found adequate ways to make their students fully aware of the history and traditions of the legal profession, or to give them a sense of professional solidarity and responsibility. It is apparently the fact that many young lawyers start in practice without an adequate knowledge of the essentials of legal ethics. The fundamental elements here, of course, are honesty and character, and these things are probably best inculcated through instructors of honesty and character. But it may well be that many law teachers have never had any direct contact with the basic practical problems of legal ethics, and do not know the practices developed by

lawyers to deal with these questions. Many young lawyers, for example, do not seem to know that they should keep clients' funds in a separate account. They think it is enough if they keep a proper record of how much they owe their clients. Nor do they fully understand that they must never use the clients' funds for themselves. They expect to repay, without fully understanding that they are trustees of these funds and that they cannot properly use them for themselves even for a little while. I gather that something like half of the time of grievance committees of bar associations is taken up with matters of this sort. If some effective way could be worked out to make these simple matters clear to students in law school, it might be a great contribution to the public and to the bar, as well as to the law students.

I suspect that there are not a great many points or principles in this field of legal ethics that need to be taught. Yet as law schools are now organized, it is hard to teach even these few essentials. By and large, the rules and practices are not subject to effective teaching by the case method. They do not fit very well into any particular course; and there are already far too many courses in the curriculum. As far as lectures go, students do not like being preached to; most law teachers do not like doing the preaching; and there is little if anything to indicate that such an approach is effective anyway. Is there some other means of sound instruction in this area?

Having stated these problems, it is natural to consider what can be done about them. I have no clear solution. But I would like to venture some observations with the hope that they may stimulate further thought in others. Specifically, I would like to suggest that it might help if we were to recognize more clearly and effectively the fact that law is one of the social sciences.

The law is surely the oldest body of organized knowledge in the field of human relations. It ought to be a leader among the social sciences, a central core of basic knowledge to which others would turn. It is well for the law to be impersonal when it is applied in decisions. But the lawyer in his day to day work might well find it advantageous to think less impersonally than he ordinarily does.

The lawyer is constantly dealing with human beings; he is continuously concerned with the adjustment of human relations. It is by no means clear to me that the traditional case method alone adequately prepares the lawyer to think of his work in terms of the adjustment of human relations. I am not thinking of the talk we have heard about how the decision all depends on what the judge had for breakfast. I think that such talk is very easily overdone. Judges are trained to think analytically and impersonally. We know far too little about the bases of judicial decision, what it is that really persuades a judge to go one way or another. What he has been taught in law

school probably has a good deal to do with it. On the whole, the training that students receive in law school prepares them quite well for presenting materials to judges. Nor am I thinking about persuading jurors. That is a special field in itself, no doubt best learned in the courtroom. Even in law school, though, students might well learn that jurors are human, and that they should be dealt with as people.

Social scientists have developed knowledge in the field of human relations which would be of use to lawyers in dealing with human beings. However, very little of this knowledge has been imparted to the average lawyer as a result of his law school experience. Fortunately, some lawyers acquire some knowledge of these matters as a result of their practice, but it is usually the empirical sort that may be referred to as "savvy." Many lawyers never do seem to understand that they are dealing with people and not solely with the impersonal law. How far is law school education responsible for this lack?

Of course, all law deals with human relations. But my point is that as it exists in its more or less scientific form, and as it is taught, it does not deal very much with people. Yet lawyers constantly deal with people. They deal with people far more than they do with appellate courts. They deal with clients; they deal with witnesses; they deal with persons against whom demands are made; they carry on negotiations; they are constantly endeavoring to come to agreements of one sort or another with people, to persuade people, sometimes people who are very reluctant to be persuaded. Lawyers are constantly dealing with people who are under stress or strain of one sort or another. How do people act in such situations? Do law students ever learn anything about this at all?

A problem for a lawyer is likely to start with the arrival of a client. When the client comes to the lawyer, he may be affected by fear, anxiety, and helplessness. The lawyer cannot successfully handle such a person on a wholly impersonal basis. To do an effective job, the lawyer must be aware of the client's personal situation; he must seek to understand and evaluate the client. He must anticipate story distortion due to these feelings. While understanding the client's feelings, the lawyer must seek to keep his own feelings from being involved. Often a client is accompanied by persons of varied training having a particular point of view, a particular end in view, not necessarily coinciding with that of the client, for example, an accountant, a sales manager, a labor union representative. The lawyer must understand these persons as well, their values, their prejudices, their motives.

Of course, the law student cannot be told the answers to the infinite variety of problems which are presented by human relationships. But much could be done to make him explicitly aware that these

problems exist, and to make him be more on the lookout for factors of this sort. Law students could be given a greater awareness of other persons, of their thoughts, motives, hopes, and feelings. At least a stop and think attitude could be developed; the young lawyer could learn the importance of considering problems from the other person's eyes.

Very little along this line is imparted to law students by the unmodified case method of instruction. Of course, the point is made that any law student should know enough to use his common sense. I have been struck, though, by the number of times experienced practitioners have asked me why it is that newly admitted members of the bar seem to have checked their common sense outside the office door. Can it be that the case method of instruction is partly to blame because it lends itself so well to the impersonal, chess board attitude toward law, obscuring the humble human relationships which law is intended to serve and with which the lawyer must deal?

Through better knowledge of human relations, lawyers might achieve a better understanding of themselves and their relation to the problems with which they have to deal. Persons who have studied problems of human relations have come to the conclusion that specialists, particularly those who have engaged in rigorous intellectual training, are least likely to develop an understanding of human relations. Such persons tend to be confined by the limits of their own training. The lawyer on being presented with a problem is likely to look at once to the elaborate constructions of his art and perhaps to overlook some rather obvious factor of human relations which may make his learning irrelevant or unimportant. Moreover, one of the basic tenets of human relations is that the behavior of the average man is likely to be non-logical. The lawyer with his training in logical processes may find it difficult to understand that logic may not be the most effective tool for him to use in attempting to understand or to persuade a non-lawyer. The emphasis which the lawyer places on correct reasoning and on the superiority of logic may lead to the development of a condescending attitude on his part towards those less intellectually endowed or verbally adept.

Another propensity found to be common among specialists is an aversion to new ideas. I think it may fairly be said that lawyers as a class are not very receptive to new ideas. Could it be that the nature of their training is in part responsible for this trait?

A good deal of work has been done on problems of human relations in other fields, much of which could be of use to lawyers. Business schools and medical schools often have courses in human relations, usually taught by the case method. The military services have used the knowledge developed in this field to great advantage. Business

corporations have found this sort of instruction valuable for training their executives and supervisory employees. Graduate schools of sociology and of social relations have done much work in the fields of social psychology, cultural anthropology, and other fields of human relations. A good deal of work has been done in the field of group dynamics. Prominent among those working in this general area is David Riesman of the University of Chicago, a man whose basic social science training was in the law.

The leading book in the area is entitled *Human Relations: Concepts and Cases in Concrete Social Science*, by Hugh Cabot and Joseph A. Kahl. The Harvard Business School has published a volume of papers on *The Case Method of Teaching Human Relations and Administration*, edited by Kenneth R. Andrews. Reference may also be made to two rather journalistic books by Stuart Chase in this general area. They are called *The Proper Study of Mankind* and *Roads to Agreement*.

How much of this material can be developed for use with law students, I do not know. Probably not very much of it is readily adaptable. The effective scientific work on many of these problems is often rather primitive. But there are two things that law schools could do with the field of human relations. They could (1) begin to work in it themselves, and develop a body of material in the field especially prepared for the use of lawyers and law students. They could (2) do more to make students aware of the human relations factors which permeate all that they do. If students could at least be oriented so that they would as a matter of course think about these problems, it would be a great step forward. If that were done, then in due course lawyers and judges would be more aware of these problems and we would develop materials specifically dealing with lawyers' problems of human relations.

Let us look at some areas of the law and see how a greater awareness of problems of human relations might contribute to the work we do.

1. Of course, the whole area of criminal law deals with intense problems of human relations. I suspect, though, that all the law the lawyer really needs to have at his finger tips in this field could be taught in a relatively short period. The hard problems are human problems. Problems of crime prevention and of the treatment of criminals, which are the really important problems in the criminal law field, are problems of human relations, and scarcely at all of law. In the juvenile delinquency area, my colleagues, Sheldon and Eleanor Glueck, have done exciting work in developing factors for predicting the tendency

to delinquency.<sup>2</sup> With the potential delinquents thus recognized at an early age, and before they have become actual delinquents, it is possible to undertake treatment designed to prevent or minimize the delinquency which might otherwise develop. Such treatment is actually being carried out now in a number of locations.

Students and lawyers should be more aware than they are of these approaches to the difficult problem of crime. The whole area of parole and probation is one in which the problems turn to a very large extent on matters of human relations. All the indications are that it is much cheaper to prevent and minimize crime than it is to incarcerate people after they have committed crimes. Yet how far are our law students, and thus our lawyers, made aware of the possibilities in this field? Indeed, how far are they left with any interest in criminal law? Can it be that the pure case method of instruction, focused as it is on decisions of appellate courts which necessarily can deal with the situation only after there has been a conviction for a crime, unnecessarily limits the horizons of our law students and thus of our lawyers in this area?

2. Now let us look at the whole field of torts. This is one in which, it seems to me, the legal profession in all its branches has most significantly failed to do a good job. I am thinking of course of the usual automobile case. In a great many large cities, it now takes four or five years, after issue is reached, before such a case can be tried. In the meantime, the widow and children may be starving, to put it at its worst. At the very best there may be considerable hardship from the long delay. Loss of evidence may cause injustice one way or the other, apart from the difficulty resulting from the delay.

Yet, though this problem is clear and has long been pressing, what have we lawyers done about it? There has been quite a bit of talk, but the results are surely disappointing. The lawyer in practice representing a client with such a claim seeks to effect a settlement; and of course he often does settle, though sometimes at a considerable sacrifice because of the threat of delay if he does not come to terms. If he cannot settle, then there is nothing to do but sue and wait. In a few states arbitration procedures have developed. One province in Canada has put into effect a system along the general lines of our workmen's compensation laws. But in general we have nothing to offer but settle, or wait a long time. Would the lawyers be more successful in finding a solution to this problem if it were natural for them to think of the human factors involved instead of directing their thinking to law suits and cases?

3. An obvious area for this approach is the field of domestic rela-

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2. See, *e.g.*, ELEANOR AND SHELDON GLUECK, UNRAVELING JUVENILE DELINQUENCY (1950).

tions. There is some law here, of course, but the problems are essentially ones of human relations in their most intense and complex forms. Recent instruction in law schools has recognized this to some extent, but it seems likely that more could be done.

In this connection, a word of caution is in order. As David Riesman has pointed out,<sup>3</sup> there is surely value in a lawyer's maintaining his detachment from his clients' problems. But this does not lessen the lawyer's need to develop real understanding of those problems. Similarly, it is surely true that it is not desirable for lawyers to undertake to embrace all knowledge and to take over responsibility for all functions in our society. But lawyers should have wisdom. Wisdom may well be a function of outlook and approach as well as of technical knowledge.

4. Another field in which a lawyer's understanding of human relations could be of great importance is that of labor relations. Indeed, I think it may fairly be said that lawyers as a class got off to a very bad start in this area because of their failure to appreciate that the basic problems were ones of human relations and not of law. One does not have to think back very far to recall the period when the usual activity of a lawyer in labor matters was to rush in to some court and get an injunction. This may have broken some strikes but it did not ordinarily contribute to good labor relations. After the legislature restricted the use of injunctions in labor disputes, it was necessary to do more negotiating. For a long time most lawyers were not very effective at this. They did not understand human relations very well. They had a tendency to lay down the law, to be inflexible, to be superior, to be domineering. Of course in many situations, they were carrying out the instructions of their clients, who felt that the only way to deal with the unions was to be tough with them and show them that you would not take any of their talk. By and large that method of approach did not work out very well, particularly after the Wagner Act.<sup>4</sup>

During this period lawyers as a class were rather unpopular in labor negotiations. The reason, I think, was the general inadequacy of their preparation and their lack of appreciation of the human factors involved in this sort of work. Now I think it is a fact that lawyers have much to contribute in labor relations. But they must do it with a full awareness of the complications of human relations, and with very little reference to the framework of law which forms the background of their work. Here is a field in which the other fellow's ego must be recognized. Often a successful strike results in a net loss to the employees. They must work for years at the increased wages won by the

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3. Riesman, *Some Observations on Law and Psychology*, 19 U. CHI. L. REV. 30, 34-35 (1951).

4. 49 STAT. 452-457 (1935), 29 U.S.C.A. §§ 155-166 (1947).

strike in order to make up the amount they lost through idleness while the strike was on. But these matters are not solved on a logical or even an economic basis. The problems are often human rather than monetary. If the union gets a raise, it has won the strike. It has status. It has made its members feel important. That is worth much on the bargaining table. It is more important for a labor lawyer to know and recognize and work with these attitudes than it is for him to know the latest decision of the court of appeals.

Many of these points have recently been developed in the Holmes Lecture given by Dean Harry Shulman at the Harvard Law School only a month before his recent untimely death. This Lecture has just been published in the April issue of the *Harvard Law Review* under the title "Reason, Contract, and Law in Labor Relations." It is a great illustration of the important role a lawyer can play in labor relations when he properly understands his function. This is highlighted by Dean Shulman's concluding sentence, where he said, with respect to labor arbitration: "I suggest that the law stay out but, mind you, not the lawyers."<sup>5</sup>

Recently I saw a public relations periodical put out by an iron and steel institute. It showed a picture of the president of a steel company and the president of the union jointly touring one of the company's plants. The president of the union was dressed the same way the president of the company was, with well-tailored suit, neat collar and tie, and what appeared to be a brand new light gray hat. Whether the president of the union arrived in a Cadillac or not did not appear. Such a picture it seems to me is good human relations. Too long people representing employers have failed to see that what the workers wanted most of all was to *be* someone, to be accepted as important, as belonging, as being as essential to the plant as the boss. When we think of people as people, and not as cases, we realize these things.

I suspect that a good deal of human relations is now introduced into our law school courses in labor law. That may be one reason why lawyers are, I think, now playing a more important and influential part in labor relations than they did some years ago.

5. Finally, I would like to make brief reference to one other area. We have recently had a good deal of discussion about congressional and legislative investigations, and about people claiming the benefit of the privilege against self-incrimination. There has been much conflict of opinion and misunderstanding in this area, and a spate of controversy about the problem. I do not for a moment think that all of the people who claim the benefit of the Fifth Amendment are admirable characters. I find myself wondering, though, whether there is not a

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5. Shulman, *Reason, Contract, and Law in Labor Relations*, 68 HARV. L. REV. 999 (1955).

large human relations aspect to this matter. Out of every hundred people who are picked at random, there are likely to be some who are meek and tractable, and some others who are reasonable, who will adjust themselves to an unpleasant situation and try to make the best of it. But there will also be a certain number who just do not like to be pushed around. That of course is a characteristic of all of us, which we control to a greater or lesser degree. In history it has often been conscientious people like the Quakers who have been troublesome and have not been very good at conforming to prevailing mores. Quakers would not take an oath, and we finally had sense enough to let them "affirm." Just the other day, though, the Supreme Court decided a case that should never have had to go there. A federal court would not let witnesses take the stand unless they would "solemnly" affirm, and the court of appeals approved that ruling.<sup>6</sup> This was of course largely a matter of human relations. The judge apparently wanted to impose his will on the witnesses, and the witnesses did not want to be imposed upon. After much delay, the case came to the Supreme Court, where the decision was reversed per curiam, the Court merely observing that there was no basis for requiring that an affirmation be done "solemnly."<sup>7</sup> I find myself wondering whether a little greater flexibility and understanding introduced into law school instruction might not have obviated the bootless decision by the two lower courts in this case.

Returning now to our Fifth Amendment cases, we should recall that some witnesses have felt that they were put to much provocation. In such a situation, a claim of the Fifth Amendment may be little more than a successful way of maintaining the integrity of one's personality. This may not be a legitimate use of the Amendment, but it may nevertheless be a natural reaction for some people. If we are really trying to understand what happens in these cases, we should not overlook this very real possibility.

Before closing, I want to refer to one other problem of legal education, which may seem inconsistent with what I have been trying to say, though I think that it is not essentially inconsistent.

One thing, it seems to me, is clear about legal education. It is trying to do too much already. How then can it possibly take on this task of acquainting law students with the problems of human relations? We have already discussed several problems resulting from the undue emphasis on the analytical approach stimulated by a too rigid adherence to the traditional case method of teaching. In discussing the law teacher's dilemma, no solution was offered. Clearly, though, the fact that law schools are trying to do too much and the fact that law teachers are almost forced to become enmeshed in detail are related.

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6. *United States v. Moore*, 217 F.2d 428 (7th Cir. 1954).

7. *Moore v. United States*, 75 Sup. Ct. 531 (1955).

It may well be that the next great developments in legal education will be in the direction of consolidating and simplifying. As one of my friends has said, we have for too long been teaching less and less about more and more. We should now reverse this tendency, and consciously seek to teach more and more about less and less. Or, as one of my colleagues has said, we should sink some shafts, but not try to make tracks over the entire field. If more of this were done, it might be possible to make more use of new materials and new approaches.

It is no longer possible for a student to know all the law. Nor is it either necessary or desirable. The colleges have faced a similar problem, and have evolved a workable solution in terms of general education. Perhaps we need some of the general education approach in the law school. What would happen if half as much time were spent on the problems of consideration in contracts as is now the case? What would happen if half as much time were spent on negligence—or undisclosed principal? Students should of course know that these things exist. They should have their minds sharpened on some aspects of these problems. But we may be, I fear, trying to pump too much minutiae into our students for their own good. We might be able to give them what they really need with broader strokes, and with less detail.

A lawyer's education is never done. If we prepare our students so that they are able to tackle any problem that comes along, working it out in detail when they need to do so, we may accomplish more for them and for society than if we try to give them all the details in school. And if by some such reorganization of present legal education, we make time available for better consideration of problems of human relations, we might make a fundamental contribution not only to our students but also to the society which they serve. If their outlook is too narrow, if their horizons are too limited, to allow them to be the effective advisers they should be, the schools have a considerable obligation to find the cause of the defect and to cure it.

In this connection, I cannot refrain from mentioning the matter of expense. Law schools in this country have long been operated on a shoestring. They and their students and the public have suffered from that approach. The Adviser to the Section of Legal Education of the American Bar Association recently compiled some significant figures. In 1953-54, a total of \$14,700,000 was spent on legal education in 95 law schools. In the same year, 80 medical schools spent over \$90,000,000, and if their research expenditures are added in, the total expenditure was over \$132,000,000, or more than nine times the expenditures of the law schools. As the Adviser, Mr. Hervey, said: "In short, the amount spent on legal education in the United States is negligible in comparison with the amount spent on medical education."

Only one law school in this country spent as much as one million dollars. Yet 38 out of 80 medical schools have budgets in excess of \$1,000,000. In fact, only one medical school has a budget of less than \$400,000, while 50 of the 95 reporting law schools had budgets of less than \$100,000. As Mr. Hervey said: "Law schools have dealt in thousands of dollars while medical schools have dealt in hundreds of thousands of dollars." It is not for me to assess the relative importance of legal and medical education, but I am prepared to assert that the importance is not as disproportionate as the financial support which these two groups of schools receive would seem to indicate. If the training of lawyers has been inadequate over the past many years, if they have not served the public as well as they should, these figures may well furnish some explanation.

Lawyers are not very good at their own public relations, and perhaps that is as it should be. But lawyers could do an even better job than they are now doing if they had a broader education in law school. And the law schools could do a better job if they could get farther away from mass production methods, which they could do if they had better financial support. I have tried to point out in this lecture one of the lines which development in legal education might take. Law schools would perform a service to their students and to the public if they developed means to make the students more effectively aware of problems of human relations.