

Practicing Lawyers as Teachers

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have a fair trial because of prejudice against his race, but there seemed to have been no difficulty in the procuring of a jury, and furthermore, the district attorney and sheriff, who were friendly to the defendant, permitted him to go free on hearing his own version of the killing, and did not arrest him until further facts had been disclosed. It is, however, strongly urged that the conviction in this case was largely the result of racial prejudice against the defendant, which was existent at the time of trial.

The LAW REVIEW upon request opens its columns to a consideration of the facts and circumstances surrounding this case, and urges that the case be examined once more by the "Court of Pardons" to determine the innocence or guilt of Dominic Manna. If Manna is guilty as was found, then the matter is closed once and for all. But, if he did not receive a fair and impartial trial, *if* the court erred in refusing to direct a verdict of not guilty, *if* the court erred in its instructions to the jury, *if* there was no motive, since the testimony is circumstantial and weak, then the matter should be gone into thoroughly and a petition filed with the governor to finally determine whether Manna's incarceration in State's prison is for a crime which he did not commit. It is hoped that clubs or organizations looking for something to do will decide to investigate the facts surrounding this occurrence, which is still claimed to be accidental.

CARL F. ZEIDLER.

Practicing Lawyers as Teachers.

One of the most important problems confronting the newly admitted member of the bar is bridging the gap from theory to practice. Too often the young attorney finds himself unable to make practical application of the vast store of legal principles, the knowledge of which he has so laboriously acquired. The logical remedy for this difficulty would seem to lie in the method of teaching the law; yet we find that during the past twenty years a powerful group of theorists on the faculties of some of the oldest law schools have developed a policy of banishing from the faculties of these schools men actively engaged in the practice of law and substituting in their places those who are trained in legal theory only: men, who have never practiced.

With the view of combating this situation, a resolution was presented at the meeting of the Section of Legal Education of the American Bar Association held last August in Chicago, which read as follows: "Resolved that every approved law school shall have among its teachers a sufficient number of practicing lawyers, or lawyers who have had at least ten years experience at the bar, to insure actual personal acquaintance and influence with the whole student body, in

order to emphasize the practical as well as the theoretical side of the law." Argument was made in support of the resolution by a man with nearly a quarter century of experience as a law school executive. He says, "Men learned only in the theory of the law are obviously not qualified to guide prospective lawyers in the intensely practical problems of an exacting profession. At best they can merely turn out theorists like themselves." He compares the plight of the student taught by the theorist with reference to his ability to take charge of a client's interest with the student of navigation attempting to take command of a ship without having had any experience at sea. Yet, at least one school has expressed itself as preferring to develop its own professors rather than to draw in men of experience from bench and bar.

The resolution was not adopted but its underlying principle, to bring the student into personal contact with members of the legal profession of high standing, was acknowledged as being worthy of further consideration. This was deferred until next year for discussion.

Much of the opposition was based on the fact that adoption would require revolutionary changes in the existing faculties in some of the largest and oldest law schools. *Had it been accepted no change would have been necessary in the faculty of Marquette Law School.* The sentiment expressed in the resolution has long been the practice here. The faculty is composed entirely of members of the bar. About one-half of whom are full-time professors, the remainder being engaged in active practice in the city of Milwaukee; not a few have been practitioners for many years. A quotation from the School Catalog expresses substantially the very policy which adoption of the resolution would have made compulsory in all approved law schools. "In addition to the resident full-time professors, the faculty is composed of some of the ablest and most successful members of the bench and bar of Milwaukee. This composition of the teaching staff gives the Law School an atmosphere both practical and academic. . . . It has been the endeavor of the School to secure as its instructors men, who not only take high rank at the bar, but who have been trained in the best universities and law schools of the country. Such men possess not only wide empirical knowledge of the practical lawyer in a large city, but also the broad comprehensive bases of theory and method which is indispensable to the successful teacher. Neither the purely scientific nor the practical element of legal education is neglected, and such a faculty cannot fail to produce efficiency and highest ideals."

It would seem that the superiority of the faculty which retains both the teacher trained in theory together with a "sufficient number of practicing lawyers" as suggested in the resolution, over that faculty

composed entirely of one type, whichever it be, is apparent. Surely the legal profession realizes the advantage of the complete view, rather than the distorted one. It is to be hoped that a more favorable action will be taken when the subject is again presented.

Not even the most radical supporter of the practical school would be likely to suggest a return to the condition of sixty years ago when the majority of lawyers were trained exclusively in offices and when there was actual prejudice against men trained in law schools, but it is hard to comprehend the advisability of an exactly opposite policy of prejudice against all practical training. The path of the theorist unmistakably leads to that end and the middle course combining the advantages of both seems too clearly for argument to be the best suited to train young men for the bar so that they will not be confronted with the difficulty of adjusting their school learning to practice.

E. H. C.