

**DOCUMENTS RELATING
TO THE
PROGRAM OF STUDIES
IN THE SCHOOL OF LAW**

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Documents Relating to the Program of Studies in the School of Law by Various

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VARIOUS

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CONFIDENTIAL



The Trustees of Columbia College
in the City of New York

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IN THE

Columbia University,
SCHOOL OF LAW

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Documents Relating to the Program of Studies in the School of Law

I

Letter of President Butler Addressed to the Professors of Public and Private Law

October 3, 1905

MY DEAR SIR

The Committee on Education of the Trustees have had before them for consideration the recommendations of the University Council in regard to the establishment of the degree of Doctor of Law, and various other reports and suggestions that have been prepared by the Dean of the Faculty of Law and by other officers of the University with reference to the revision of the program of studies in law.

The Committee, having all these documents before them and having given to them careful and prolonged consideration, have drawn up a memorandum, of which I enclose a copy, to serve as the basis for further consideration of the subject by them.

Before the Committee proceed further with the matter, they would like to have the written comments or criticisms of each of the professors of public and private law upon this memorandum. I take pleasure in submitting a copy of the memorandum to you for this purpose, and beg that you will let me have your written comment or criticism thereon not later than October 11th.

Very truly yours

NICHOLAS MURRAY BUTLER
President

Suggested Plan for the Revision of the Program of Studies in the School of Law

- 1 Organize the curriculum for the degree of Bachelor of Laws upon the point (or qualitative) basis after the fashion of the new program of studies in Columbia College.
- 2 Construct the curriculum for the degree of Bachelor of Laws so that it may normally be completed in two academic years, and include the essential principles of Contracts, Real Property, Torts, Evidence and Equity, together with the general introductory course, just established, Pleading and Practice, and such other subjects as may be agreed upon.
- 3 Establish, under the joint control of the Faculties of Law and Political Science, a curriculum for an advanced degree in public and private law, to be completed normally in three years; provided that no advanced degree in law shall be conferred except upon the holder of the degree of Bachelor of Laws.
- 4 Offer to holders of the degree of LL.B. advanced and special courses in the field of Private Law, leading (perhaps) to the degree of Master of Laws.

October 2, 1905

II

Reply of the Professors of Public Law

October 9, 1905

To the President of Columbia University

The professors of public law and jurisprudence, after careful individual examination and joint discussion of the "Plan for the revision of the program of studies in the School of Law," submitted to them individually for criticism in your circular letter of October 3, find themselves so entirely in accord that they deem it desirable to express their views in a joint reply.

The third section of the plan outlines a reform which they have much at heart. Assuming that the "advanced degree" therein mentioned is to be a Doctor's degree, they would suggest that the "advanced" character of such a degree will not necessarily depend upon a longer period of residence than is required for the Bachelor's degree. In their opinion it should depend upon the demonstration by each candidate that he has attained a broad and accurate legal training and above all that he is capable of producing legal literature of real value. The really essential points of the plan for the establishment of a doctorate of law which the representatives of the Faculties of Law and of Political Science submitted last spring to the University Council, and which that body approved, are the general oral examination upon the chief branches of public and private law before the two Faculties in joint session and the publication of an acceptable dissertation. At the same time it should be noted that under the said plan, if it be adopted, the requirements for the advanced degree in public and private law will not be satisfied, except in rare instances, within a period of three years. The three years of residence required in that plan will, in most instances, suffice only for obtaining the necessary information regarding public and private law and for cultivating the habit of legal thinking. For the production of a satisfactory dissertation one or more years of additional work will normally be found necessary. In this matter the undersigned are not expressing a belief derived from *a priori* reasoning, but a conclusion based on more than twenty years' experience of the practical administration of analogous requirements for the degree of Doctor of Philosophy.

The shortening of the curriculum for the degree of Bachelor of Laws, proposed in the second section of the plan now under consideration, would in the judgment of the undersigned be a very unfortunate change. They believe that three years are needed, at least in the case of the ordinary student, for a satisfactory professional education in law. That this is the general opinion of American university authorities is shown by the fact that all of the principal universities have adopted the three-year curriculum. Even if the prevailing practice in this matter be a mistaken one, it is clear that any university which should at this

time return to the two-year curriculum would suffer a disastrous loss of prestige.

That a college and law-school curriculum of seven years is too long, all the undersigned believe. But they also believe that the shortening of this total period of study should be accomplished in accordance with the plan adopted by Columbia fifteen years ago. They think that it was a mistake from the point of view of the interests of the Law School and an injustice from the intercollegiate point of view to require from a student coming to the Columbia Law School from other colleges a longer course of study than is required of the students who pass through Columbia College. In advocating the retention of a three-year curriculum for the degree of Bachelor of Laws the undersigned do not intend to commit themselves to the support of a curriculum in which fourteen hours of class-room attendance per week are required for the entire period. At the Harvard Law School the requirement is but ten hours a week; at the Chicago School it is twelve hours. They are inclined to believe that the existing requirements at Columbia are excessive in this respect and that too little time is left for individual work by the students outside of the class-room. They think that the number of hours assigned to special subjects is in some instances excessive, and that some courses might profitably be condensed.

That law students of exceptional ability or industry who can do the work of a normal three-year curriculum in a shorter time should be permitted to obtain their degree at an earlier period is certainly desirable; and if, in the judgment of the President and Trustees, this end can be satisfactorily attained by the adoption of a point (or qualitative) basis, the undersigned would favor such a change. They would not recommend, however, that students be admitted to examination for the degree of Doctor of Laws on less than three years of university residence.

A further objection to a two-year curriculum for the degree of Bachelor of Laws is found in the strong probability that all public law subjects and all courses in historical and theoretical jurisprudence would be ousted from such a shortened course. The undersigned are convinced that some acquaintance with the fundamental principles and the chief departments of public law

and some knowledge of legal history and juristic theory are essential parts of a sound professional education. They believe, moreover, that the study of public law, of private law and of jurisprudence should be carried on side by side in every year of the curriculum. A two-year curriculum for the degree of Bachelor of Laws, with the requirement that this degree be taken before any advanced degree can be obtained, would relegate public law and jurisprudence to the position of an addendum to the private-law curriculum. It would confirm the unfortunate public impression that the only solid part of a legal education is to be found in positive private law; and that acquaintance with constitutional, administrative and international law and with historical and theoretical jurisprudence is mere ornament. It would, moreover, be impracticable to give any student a satisfactory training in the principal departments of public law and of historical jurisprudence in a single academic year. In these departments as well as in private law there are preliminary and advanced courses, and these courses could not be taken simultaneously without risk of mental indigestion.

It is indeed the hope of the undersigned that, if the advanced degree in public and private law be established, many students who have obtained the degree of Bachelor of Laws on a combination of private and public law subjects will attempt the additional work of research and production required for the higher degree. But they also hope that some students who do not intend to practice law will endeavor to obtain the higher degree. They hope to see some students specializing in public law and jurisprudence to such an extent that they will not be able to meet the private law requirements for the degree of Bachelor of Laws.

For all these reasons the undersigned trust that the proposal to make the degree of Bachelor of Laws a preliminary requirement for the attainment of the advanced degree will not prevail.

The undersigned see no special reason for offering a third degree in law. They are of the opinion that the degree of Master of Laws would be a more suitable recognition of a satisfactory professional training based on a previous college education than is afforded by the traditional degree of Bachelor of Laws. But