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The League of Ohio Law Schools: Past Failure? Future Success?

*Stanley E. Harper, Jr.**

IN A RECENT ARTICLE Dean Stanley Samad stated that the League of Ohio Law Schools "is unique in legal education."¹ In fact the Ohio League is the only formal state-wide association of law schools in the United States. Throughout its twenty-five year history the Ohio League has served on the one hand as a kind of legal education policeman and on the other hand as a liaison agent between the Ohio law schools, the Ohio State Bar Association, the Board of Bar Examiners, and the Supreme Court of Ohio. To draw an analogy, the Ohio League is a "little" American Association of Law Schools just as the Ohio anti-trust law is a "little" Sherman Act. Both the Ohio League and the Ohio anti-trust act have lacked the "teeth" of their respective prototypes.

Once having been established, in 1934, the Ohio League did not change its standards until 1954; in fact, it did not even enforce the standards which it had established. At the time the Ohio League was formed in 1934 eleven schools signed the constitution, even though many of them were not in compliance with its standards. The Ohio League therefore undertook several biennial inspections of the member schools. Although the inspection reports of 1936 and 1938 indicated that a number of the schools were not complying with League standards, not one school was expelled from the League although the Constitution provided for expulsion. Several of the schools were placed on "probation," one school until 1941, before even the minimum standards of the League were complied with. After 1941 one or more schools, at various times until 1955, contrary to the League Constitution, admitted "flunkees" from other schools indiscriminately, maintained totally inadequate libraries, kept inadequate individual student records, and paid part-time administrative personnel inordinately large compensations which varied with student enrollment. During this time not one school was expelled from the League although the several biennial League inspection reports reflected the deficiencies.

In 1954 the Ohio League acted to raise its standards. At the 1954 meeting, however, although seven of the then eleven law schools were American Bar Association approved, the Ohio League failed to raise standards to those required by the American Bar Association. Instead, because a two-thirds vote was re-

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¹ Samad, Standards of Legal Education and The Ohio League of Law Schools, 10 W. Res. L. R. 234, 235 (1959).

quired to change the Constitution, a compromise was voted. The compromise involved the meeting of American Bar Association library standards and the requirement that two full-time teaching personnel (including the dean) be employed. Thus the American Bar Association requirement for at least three full-time personnel was not met. This, in spite of the fact that the Ohio League was under pressure from the Ohio State Bar Association to improve law school standards.

The Legal Education Committee of the Ohio State Bar Association was highly displeased by the League action and therefore wrote a report in 1955 which contained a resolution for petitioning the Supreme Court of Ohio for a rule change which would "require that all applicants for the Ohio Bar Examination be graduates of schools which have complied with the standards fixed by the American Bar Association and which have been approved by its examining body . . ." ²

Galvanized into action by the report, the League voted at its 1955 meeting to amend its standards to comply with those of the American Bar Association by September 1, 1957.

In his article on the Ohio League, Dean Samad states, "The fact that all Ohio schools, will, in time, be approved by the American Bar Association is due, in part, to the efforts of the League and, in part, to the prodding of the Legal Education Committee of the Ohio State Bar Association." ³ In view of the fact that all Ohio schools will, in time, be approved by the legal education from 1934 to 1955, a much more critical position might well be taken. A strong trend toward improvement of legal education in the United States began in 1921 with the American Bar Association's Elihu Root report on reform in legal education. ⁴ The reform movement caught the imagination of one or two deans of the then accredited law schools in Ohio in the 1930's. The national trend also inspired the Ohio State Bar Association to action. These influences, plus the unilateral action of several Ohio law schools to improve their standards, constitute the major factors for improvement of legal education in Ohio. The Ohio League itself played but a minor role.

The Ohio Bar Association-inspired "great upheaval" of 1955 brought about several changes. The William McKinley School of Law, because of low enrollment and weak financing, ceased operation. Cleveland-Marshall Law School gained American Bar Association approval in 1957. Youngstown College Law School, faced with the prospect of low enrollment, announced the closing of the school shortly after the death of its then dean. Akron Law School set about to employ full-time personnel and to seek American Bar Association accreditation. In the Summer of 1959, the Akron Law School was absorbed by The University of Akron. By 1959 all law schools in Ohio, except one, were ac-

² 28 Ohio Bar 486 (1955).

³ Samad, *supra*, note 1, at p. 254.

⁴ Harno, *Legal Education in the United States* 102-108 (1953).

credited by the American Bar Association. Now that the final school is university affiliated, its national accreditation should follow shortly. There are then today nine law schools which remain in the Ohio League. Four law schools are university-affiliated day schools. Three of these schools are members of the Association of American Law Schools, and the fourth plans application for membership in the near future. Of the five evening law schools, two are university-affiliated, and one of these is also a member of the Association of American Law Schools. The three remaining evening law schools are independent. There are no multiple-division law schools in Ohio.

The "great upheaval" of 1955 also inspired the Ohio League to raise its standards beyond those standards required by the American Bar Association. Perhaps the most recent changes in League standards (1959) have been aimed solely at improving legal education in Ohio, but the changes brought about in 1956 were not only for the purpose of improving legal education but also for the purpose of removing the impression that the legal Education Committee of the Ohio State Bar Association was the only agency that could improve legal education in Ohio.⁵ Thus it was that for the first time in its history, the Ohio League seized the initiative, and then indirectly that initiative was Bar Association inspired.

The 1956 amendments to the League Constitution brought the League's quantitative standards to the threshold of the requirements of the Association of American Law Schools. The amendments included the employment by 1960 of "a qualified law librarian . . . who has obtained his first degree in law . . ." ⁶ and a third full-time faculty member (excluding the dean and librarian).⁷ In addition, by 1960, each school was to have accumulated a library of "not less than 15,000 well-selected, usable volumes . . ." ⁸ These standards would bring League standards within one full-time teacher and 5000 volumes of the Association of American Law Schools' minima, and the requirement that the librarian have "his first degree in law" would surpass American Association Standards.⁹ The amendments passed with little opposition, perhaps because the several schools were determined to gain the initiative in legal education or perhaps because the

⁵ "However, President Barrow felt that an impression had been created that the League had been forced to put American Bar Association standards in effect. He concluded that the most effective way to remove this impression was to raise the standards of legal education in Ohio beyond those which were sought by the Legal Education Committee of the Ohio State Bar Association." Samad, *Standards of Legal Education and The League of Ohio Law Schools*, 10 W. Res. L. R. 234, 253 (1959).

⁶ League of Ohio Law Schools Const. art. VIII, Sec. 14 (1956).

⁷ Id. art. VIII, Sec. 11 (1956).

⁸ Id. art. VIII, Sec. 13 (1956).

⁹ Standards of the Association of American Law Schools, Standard III-2 a: "As such he shall have either a sound knowledge of the practical problems of a law school library, or a legal education, and preferably both."

schools which had recently received accreditation from the American Bar Association had in the process surpassed these standards and were little affected by the amendments.

The 1959 amendments to the League Constitution were something else again, for at least one multi-sectioned amendment was introduced and approved with little opposition. The new Section 11, "Standards as to Faculty," provides for "qualitative" improvements in Ohio legal education such as a vesting of "primary responsibility for the determination of matters of educational policy in a properly constituted and organized faculty," the establishing of "academic freedom and tenure," and the exercise by the faculty of a "substantial degree of control over faculty appointments and tenure designations." The provisions of this amendment are simply a verbatim adoption of resolutions presented to the Association of American Law Schools at the 1957 and 1958 annual meetings.¹⁰ Although the amendment does not reflect original thinking, at least it indicates that the Ohio League is keeping pace with the American Association. The second important amendment adopted by the League in 1959 is simply a rubber stamping of an Ohio Bar Association-inspired amendment of Supreme Court of Ohio Rule XIV. The amendment, Article VIII, Section 4, requires as a condition to the admission to an Ohio Law school a "bachelor's degree from an approved college or university."¹¹ Hence, it is apparent that Bar Association influence is still felt in the League.

The adoption of Section 11, involving faculty standards, at the May, 1959 League meeting, motivated some of the faculty members of the smaller schools to discuss hypothetically among themselves: How far will the League go in adopting new standards? Perhaps the answer is that within the foreseeable future the League will adopt fully the standards of the Association of American Law Schools. Such standards are not impossible in light of the recent progress of the smaller Ohio law schools. Of course, the adoption of such standards might have national repercussions, and consequently repercussions in the Ohio League. However, very little has been said about *enforcement* of standards.

Should all law schools in Ohio meet the standards of the American Association of Law Schools within the foreseeable future, then a block of four Ohio evening law schools without day divisions would apply for membership in the Association. At present there is but one solely evening law school which holds

¹⁰ Report of the Special Committee on Definition of Sound Educational Program, 1957 Proceedings of the American Association of Law Schools 174-175; Proposed Amendments to the Articles and Standards, 1958 Association of American Law Schools, Program and Reports of Committees 30-31.

¹¹ "If filed on or after January 1, 1960, it shall show that the applicant has received an undergraduate bachelor's degree from an approved college, to be evidenced by the signature of the proper official thereof." Ohio Supreme Court Rule XIV, Section 4, Paragraph D, as amended April 26, 1957.

membership in the Association, and that one school is university affiliated.¹² If the bid for membership were blocked in the Executive Committee of the Association or in debate on the floor of the meeting, then certainly the old wounds of the evening legal education debate which were healed over at the 1957 Association meeting would be reopened.¹³ Certainly the reaction within the Ohio League itself would be severe if schools were forced to meet Association standards but were denied admission to the Association.

Perhaps such speculation as to events which may arise from the Ohio League's increasing of standards is like the saddling of an unborn colt. But now that the colt is saddled it might be well to ride farther to determine whether frictions within the League might create saddle sores.

If the League goes beyond the standards of the American Association, the League may well be destroyed. Assume, for example, that a resolution is introduced which provides that "all Ohio law schools must be affiliated with a university which is accredited by the North Central Association of Colleges and Universities." Conceivably the six university-affiliated law schools, forming a two-thirds majority, could effectually vote three law schools out of the League.¹⁴ Furthermore, the two evening law schools which would then remain in the League might be outvoted by the four remaining day law schools by a resolution which would propose that "only law schools which conduct day divisions" may be members of the League.¹⁵

Such maneuvering within the League probably will not come to pass as a practical matter, nor would it be effective should it be pursued. The potential initiative of the Ohio League carries with it an inherent weakness. Supreme Court of Ohio Rule XIV, which governs an applicant's eligibility for sitting for the Bar Examination, states that the application to take the Bar Examination must "be accompanied by either (a) a certificate from a law school 'approved' by the American Bar Association . . . or (b) a certificate from an Ohio law school that meets the requirements for membership in the League of Ohio Law Schools . . ." ¹⁶ The intent of the rule was to make the American Bar Association standards the requirement for eligibility to sit for the examination, with the exception that a graduate of

¹² University of Toledo College of Law, admitted 1941.

¹³ See the statements on the controversy, 1957 Proceedings of the American Association of Law Schools 58-62, 72-81.

¹⁴ See for example an article suggesting the advantage of a law school's affiliation with a university. Griswold, *The Future of Legal Education*, 5 J. Legal Ed. 438, 448 (1953).

¹⁵ For but one statement on the desirability of daytime legal education see, Harno, *Legal Education in the United States* 176-180 (1953).

¹⁶ Ohio Supreme Court Rule XIV, Section 10, Paragraph G, as amended June 14, 1935.

an Ohio law school having a lesser standard might take the bar examination if the graduate's school is a member of the Ohio League. In addition the Constitution of the Ohio League permits a member school to "terminate its membership by tendering its resignation."¹⁷ Inasmuch as member schools are now accredited by the American Bar Association, a member school might withdraw from the League and yet maintain its standing with the Supreme Court of Ohio. The League therefore cannot progress arbitrarily; it must progress through cooperation among the members.

Of course, hypothetical destruction of the League through speculation adds little to solving its problems. It might be well to dispose of the saddled and sore unborn colt *en ventre sa mere* before it throws "me down like a thunderbolt."¹⁸ A discussion of League tensions more likely to be actually present in the foreseeable future would be more in order.

During the earlier years of the League only the few accredited law schools were staffed by full-time legal educators. The many part-time schools, on the other hand, were manned by busy lawyers and judges. The professional educators thought that legal education was better left to them. The representatives of the part-time schools thought that legal education needed the leadership of some "practical" men. The points of view ripened into a clear dichotomy—day law school personnel versus night law school personnel. And the dichotomy was clearly the weakness of the league in its early years, until the pressure of the Ohio State Bar Association brought about the employment of full-time professional administrators and faculty in the part-time schools. Today, then, all of the Ohio law schools are staffed by professional legal educators; yet the memory of the dichotomy lingers on, even though there is no argument by any school that part-time personnel should control a school's policy. Perhaps as time passes and as more of the full-time personnel of the evening schools take an active part in League affairs, all member schools of the League will realize that legal education in Ohio is now in the hands of professional educators who are striving for the same objectives. The old "practical" part-timers of evening legal education have lost the battle and inevitably are being replaced by a new breed of men—men to whom legal education is a full-time profession.

¹⁷ League of Ohio Law Schools Const. art. II, Section 6.

¹⁸ "I saddled a red, unbroken colt
And rode him into the day there.
He threw me down like a thunderbolt
And rolled on me as I lay there."

From Stephen Vincent Benet's
"The Ballad of William Sycamore"

Mr. Sycamore, by the way, died from his injuries. The "city men" buried him in the "fat black earth" somewhere west of Ohio.

A serious tension within the League is that tension which arises from the very fact that four of the law schools in Ohio are day schools and five are evening schools. The local tension is simply a smaller-scale replica of a similar national tension.

On the national scene, the age-old day-evening controversy last erupted within the Association of American Law Schools at the 1957 meeting. A resolution proposed that day schools not be permitted to open new evening divisions and that evening law schools not then members of the Association not be permitted to petition for membership.¹⁹ President Mechem stepped down from the chair to speak for the resolution and to attack evening legal education. Dean Kingsley then stated the position for the evening school with equal vehemence. The resolution was voted off the floor before the discussion became more heated. In 1959 the controversy appeared in the *Journal of Legal Education*, disguised as book reviews of Father Tinnelly's book *Part-time Legal Education*. Dean Tunks, a J. S. D. graduate of Yale, stated that evening students "denigrate the effort supposedly demanded of the regular law student."²⁰ But Dean Kingsley, an S. J. D. graduate of Harvard, stated that in his school "the high student for the past two years has come from the evening division."²¹ Certainly Deans Tunks and Kingsley, both respected legal educators, symbolize the conflict at the national level.

In Ohio the day-evening controversy has not appeared in open League meeting. Members of some Ohio day school faculties have, however, attacked evening legal education, not at League Meetings, but in other places, such as classrooms. One evening law school professor, in answer to the criticism, defended evening legal education in his school's law review.²² The professor, incidentally, was a Harvard Law School graduate with prior teaching experience at a university day law school and at a dual-division law school, both members of the A. A. L. S. To say the least, the controversy hangs over the ranks of the member schools like a sullen cloud. One is tempted to suggest that the controversy be brought openly to the floor of a League meeting in order to determine where each school stands on the matter, so that knowing the respective positions of the several schools the League, free of nagging suspicion, may work out areas of co-operation in matters which affect the League. One hesitates to make such a suggestion for fear that the League might be washed out in a cloudburst of passion.

¹⁹ "After January 1, 1958, no member school shall remain eligible for membership if it changes to wholly part-time operation or if, without the express approval of the Executive Committee, it establishes a part-time division." 1957 Proceedings of the American Association of Law Schools 72.

²⁰ Tunks, Book Review, 11 J. Legal Ed. 454 (1959).

²¹ Kingsley, Book Review, 11 J. Legal Ed. 453 (1959).

²² Samore, Are Evening Law Schools Better Than Day Schools? 7 Clev.-Mar. L. R. 317 (1958).

Perhaps the controversy might be probed indirectly in League meetings. For example, presently a great deal of emphasis is placed upon continuing legal education for lawyers in Ohio. Most evening law schools and at least two day law schools have offered continuing legal education programs in the evening, one day school even offering evening courses for lawyers for graduate credit, and one evening school offering day courses. What is the possibility of coordinating or combining these courses offered by two schools in the same city? In Cincinnati, such co-ordination has been worked out through the offices of the Cincinnati Bar Association. Could the same co-ordination be worked out in a League meeting for the benefit of lawyers in the several metropolitan centers? Again, the Executive Committee of the League reported at the May, 1959, meeting that, "Basically, faculties in Ohio law schools are underpaid; inadequate secretarial help is being provided; library facilities are not conducive to research. The answer, of course, is more money—or fewer schools."²³ If the answer is "more money—or fewer schools," what does that mean? Could the League discuss the possibilities of merger of schools in the metropolitan areas in order to enjoy the obvious economies involved? Law centers in certain metropolitan areas, which offer day-time education, evening education, graduate education, continuing legal education, lecture programs, and opportunities for research, have been eminently successful. Of course, such a discussion would probe dangerously close to the heart of the unspoken controversy. It might be just as well to limit discussions to the periphery of the day-evening controversy and to concentrate in League meetings on possible areas of future co-operation.

Since its inception the Ohio League has acted as a liaison agent between the Ohio law schools on the one hand and the Supreme Court of Ohio, Board of Bar Examiners, and the Joint Conference (composed of law school representatives, bar examiners, and Legal Education Committee members) on the other hand. If the League has had any real success, it is in its capacity as liaison agent, to make the views of the law schools known to the profession. Even in this area, however, the League has not always been a powerful factor.

When in 1935 the League first argued before the Supreme Court of Ohio for the abolishment of "reading" in law offices,²⁴ the burden of the argument was carried by individual law school deans, some of whom were themselves judges, and by famous members of the Ohio Bar. Although the argument was not solely a League effort, the League was at least present in name. In 1937 Professor Harold Shepard suggested that a Joint

²³ Minutes of the Annual Meeting of the League of Ohio Law Schools, Cincinnati, Ohio, May 23, 1959, page 4.

²⁴ League of Ohio Law School's Hearing before the Supreme Court, 7 Ohio Bar 646 (1935).

Conference of Bar Examiners, Legal Education Committee Members, and Ohio League members be established in order to confer about bar examination and admission matters.²⁵ Until quite recently the Joint Conference has not served as an effective sounding board for the League. For twenty years members of the League argued for moving the dates of the bar examinations further away from the end of the fall and spring terms. The request was not granted until 1957, and then only through the recommendation of a Special Committee of which not one League school was an official member. Furthermore, when pre-legal education standards were raised from two years to three years, and from three years to four years, the impetus for the changes came from the Legal Education Committee in 1954 and from the Special Committee in 1957. In all fairness, however, one might say that the seeds for some of these ideas were planted by League effort. Moreover the fact that League members were even present at Joint Conference meetings was a step in the right direction.

But the fact that the League members were merely present at the Joint Conference meetings was the League's weakness. League members were not aware of the Conference agenda in advance. The League itself did not plan its maneuvers in advance. As a result, over the years the initiative stemmed from the Board of Bar Examiners and the Legal Education Committee. Before the 1958 autumn Joint Conference, however, Dean Samad, President of the Ohio League, through the cooperation of the Executive Committee of the League, worked out an agenda, in advance, with the chairmen of the Board of Bar Examiners and the Legal Education Committee. Each group worked its plans into the agenda. Dean Samad then sent the agenda to all League members. At the time of the League meeting immediately prior to the Joint Conference, the members had expressed satisfaction with the agenda. On one point, the minutes of the League meeting are interesting:

Mr. Oleck pointed out that he was going to make a proposal at the Joint Conference and wanted us to know of it. This proposal was to be that each faculty man is to submit objective questions to the Bar Examiners on subject matters of his specialty. Professor Stephenson thought it was inappropriate to introduce it at this time. Dean Samad suggested that our agenda was too full to take up this problem but indicated that it might be a proper topic for a later meeting. Mr. Oleck agreed to withdraw his suggestion.²⁶

²⁵ Samad, *Standards of Legal Education and the League of Ohio Law Schools*, 10 W. Res. L. R. 234, 246 (1959).

²⁶ *Minutes of the Meeting of the League of Ohio Law Schools*, Columbus, Ohio, October 17, 1958, page 7.

Thus for the first time the League went to a Joint Conference with a united purpose and a set agenda. Dean Samad carried the League position very well at the Conference. As a result, representatives of the Conference were appointed to reopen the question before the Supreme Court on release of Bar Examination questions after the examination in order that the League might check the nature and quality of the questions. Further, the League desire for statistical ranking of individual students of member schools on the bar examination was broached. The Clerk of the Supreme Court promised that these statistics would be forthcoming. The matters favorable to the League which were settled may have been minor, but the fact that the League played a unified role at the conference was important.

Such League co-operation is only a harbinger of possible greater co-operation among members of the League. One of these areas of co-operation was opened at the October 17, 1958 League meeting.

Theretofore League meetings were concerned only with "business" (i. e., administrative matters) as distinguished from problems of legal education. For the October, 1958, meeting, however, Dean Samad had invited a representative of the Princeton Testing Institute to address the League on law aptitude testing. The post-dinner address, which delineated the pros and cons of aptitude testing, preceded the regular League meeting. The address was complemented by a round table discussion among the professors of the various schools present.

At the May, 1959 League Meeting, Dean Samad invited Professor Howard Oleck, of Cleveland-Marshall Law School, and Professor Vaughan Ball, of The Ohio State University School of Law, to present a special afternoon program on the use of objective questions in law school examinations. The program was intended for the benefit of law professors and bar examiners, and not for the establishment of standards within the League. Perhaps Dean Samad has introduced a tradition which will change the function of the League at least in part. With very little more planning the League might expand the discussion portion of its semi-annual meetings. At the fall meeting a Friday afternoon discussion session followed by an evening meal and the evening business meeting would make a worthwhile program. At the evening session, final plans for the Joint Conference on the following day might be laid. Since annual fall meetings are at Columbus in the middle of the state, very little expense would be involved for the member schools to bring substantially all of their faculties to the meeting. At the spring meeting of the League, which is always held in conjunction with the Ohio State Bar Association meeting, the League might devote all of one day to seminar discussions on legal education questions, reserving the following morning for the business meeting. Again many members of the faculties of the

member schools could attend. The conclave of Ohio law professors could be an important adjunct to the state bar meeting.

A development of the discussion segment of the League meetings could well serve as an excellent vehicle for the exchange of legal education ideas among the several faculties. The discussion periods are all the more feasible inasmuch as all of the Ohio law schools are now (at least theoretically) under the control of full-time professional legal educators. Furthermore, few of the faculty members of Ohio law schools have the opportunity to attend the Association of American Law Schools meetings during the Christmas Season. Expense to the schools is the main reason for non-attendance. Certainly expense problems could not bar the attendance of faculty members at Ohio League meetings. Of course, if faculty members began attending League meetings en masse, the complexion of the League would change from a mere administrative meeting of deans to a forum for the exchange of ideas among professional educators. Perhaps the League, even before the Association of American Law Schools, could set a pattern emphasizing the primacy of professors in legal education, and their exchange of ideas, as distinguished from a meeting of deans and their problems of finances, accreditation, and the number of chairs that are required in a library. In 1958 the Thoron report suggested that the Association of American Law Schools place its emphasis on promoting "scholarship" and "exchange of views."²⁷ The report also suggested that accreditation should be abandoned to the American Bar Association. The Ohio League might do well to experiment further with the idea, even though the Association of American Law Schools may prove to be slow in doing so.

Now that the accreditation battle is fairly well won in Ohio, and the several schools are well motivated toward self-improvement, the introduction of discussion of legal education problems may well prove to be a truly cohesive force for the League in Ohio. Certainly there is not a dearth of legal education problems to discuss.

As mentioned before, continuing legal education for lawyers is being emphasized in Ohio and elsewhere. President Van Aken, of the Ohio State Bar Association, on his return from the Arden House Conference, was quite enthusiastic about the decision reached there on continuing legal education.²⁸ But continuing legal education is not co-ordinated in Ohio. The Ohio law schools might step in and play a large part in co-ordinating and sponsoring continuing legal education. An all-day discussion by the faculties of the League schools might formulate a program to present to the state. There is apparent an opportunity to fill an

²⁷ Report of the Special Committee on the Status, Function and Future of the Association, 1958 Association of American Law Schools Program and Reports of Committees 182.

²⁸ See, Arden House Conference on Continuing Legal Education, 45 A. B. A. J. 134 (1959).

educational void, and the League should play a large part in filling the void, for who else should know more about legal education, continuing or otherwise. Of course, the League does not have to change its standards or accredit anything in order to discuss the problem.

Continuing education is only one problem for discussion. The Executive Committee of the Ohio League reported at the May, 1959, meeting, "By and large we are getting a poor grade of students. Whether the superior students are being siphoned off to other professions or merely leaving Ohio for their legal education we do not know."²⁹ But the Ohio League might discuss the problem after a special committee reported possible paths to follow. The Ohio League has never published a brochure for Ohio college seniors on "Legal Education in Ohio," nor have its representatives approached the pre-law students in the several Ohio colleges. The Executive Committee dismisses the problem with the suggestion that "all schools consider the use of the Law School Admission Test."³⁰ The solution is obviously unsound inasmuch as admission tests merely separate the men from the boys but do not go out to find the men to take the test.

Finally, the League, through exchange of ideas among the faculties at League discussions, might attack common problems of the curriculum. What about that tired old course, Legal Ethics, that hides neglected in the limbo of the curriculum? New ideas for teaching professional responsibility to students, such as the program at the University of Southern California,³¹ might form the heart of the discussion on legal ethics. Again, what are the trends in curriculum development and methods of teaching? Should local law schools imitate the trends extant among the national law schools? These questions demand discussion. Perhaps if the League encouraged the attendance of law school faculties in order to participate in discussions, then the attendance might even be large enough for the teachers of torts, or conflict of laws, or any number of subjects, to hold special sessions for exchange of ideas. In total concept then, a one-day League meeting might involve morning sessions devoted to several discussions on specific subject matter, an afternoon discussion of a matter which affects legal education in Ohio generally, and an evening League business meeting. A day's cross-fertilization twice a year could be nothing but beneficial.

By encouraging the exchange of ideas among the members of the faculties of the member schools, the League can perform a very necessary service for legal education in Ohio in the future. Admittedly the League would be shifting its emphasis from ac-

²⁹ Minutes of the Annual Meeting of the League of Ohio Law Schools, Cincinnati, Ohio, May 23, 1959, page 3.

³⁰ *Ibid.*

³¹ McCoy, *The Law Student and Professional Standards: The Problem of Teaching Legal Ethics*, 40 A. B. A. J. 305 (1954).

creditation, but then the League's accrediting function has never been, and is not now, strong. The biennial inspections are sometimes quite superficial. Flagrant violations of League standards are either undiscovered or ignored. Merely designating a faculty member as full-time does not make him in fact a full-time professor, for example. A professor is not full-time if half his efforts are devoted to the private practice of law or to employment in some business company. The flunkee-transfer rule is violated by transferor schools as well as transferee schools. Does the flunking school Dean comply with the rule if he approves the transfer, well knowing that he would not, if he could, readmit the flunkee? Probation practices in some schools are woefully lenient. Some professors have not the fortitude to flunk inadequate students, but temper justice with misguided mercy. And finally, the faculty really is not vested with primary responsibility for educational policy if grades are raised without consulting the grading professor, or if faculty resolutions are considered by the administration as mere recommendations. Because the League has failed to enforce standards, the 1959 amendments, designed to give faculties more control over educational policy, do not instill much confidence.

At the conclusion of his article on the Ohio League, Dean Samad states, "The League has served the profession well in the past. Its greatest contribution has been the elevation of legal education in Ohio, in the short span of a generation, from a position close to disrepute to a position of prominence."³² Dean Samad is too kind. He is more accurate when he adds in the next sentence, "This contribution is not the League's alone. . . ."³³ In fact the real credit belongs to the Legal Education Committee of the Ohio State Bar Association and to those schools which unilaterally pursued a program of self-improvement to meet American Bar Association standards.

In light of the experience of the League of Ohio Law Schools, one might ask whether other states such as California, Georgia, and Tennessee, which have a number of unaccredited law schools, should found a Law School League to improve legal education. If the main purpose of such league were to be merely the invoking of standards for accreditation, then such matters might better be left to the state bar association. On the other hand, each state with a multiplicity of law schools, such as New York, Illinois and Virginia, to name but a few, might found a state league of law schools for the purpose of exchanging legal education ideas among the faculties and for the purpose of presenting an agreed-upon position to the state supreme court and the state bar association on matters affecting legal education.

³² Samad, *Standards of Legal Education and The League of Ohio Law Schools*, 10 W. Res. L. R. 234, 262 (1959).

³³ *Id.*