

Author of the only

ADDRESS

of

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before the

ASSOCIATED HARVARD CLUBS

Indianapolis, Ind.

May 18, 1937.

DEAN JAMES M. LADDIS, '24: Mr. Toastmaster,
Mr. President, Members of the Associated Harvard Clubs:
The embarrassment that overtakes any Princetonian in
trying to address a body like this reminds me of the
story of a man who was traveling in a railroad coach.
He had a piece of paper in his hand and was busily
jotting down things, looking out of the window for a
moment, jotting things down again, until he was dis-
turbed by a companion who sat behind him. He said,
"What are you doing?"

"Why," he said, "I am counting the sheep in
the farms as we go by."

"Oh," he said, "you can't do that, traveling
by these farms at a mile a minute. It is impossible
to count those sheep."

"Oh," he said, "yes I can. I do it very
easily."

"Well," his companion said, "I will wager you
can't. My farm is up the road five miles from here.
We will pass it in a few minutes. I know exactly how
many sheep are there."

Well, they passed it and as they passed it the
man looked out of the window, jotted something down, and
said, "100."

"Why, you are perfectly right. How do you do it?"

"Why," he said, "that's easy. I count the feet

and divide by four." (Laughter)

See what you can learn at Harvard if you will only try!

Another embarrassment that overtakes me is that, like Dean Williams, I haven't been near the school in a professorial sense for some time. His school is yet to be in esse, but ours is there, and for four years I haven't seen a great deal of it-- four years that have been taken up in a rather busy life of administration of some of our fiscal legislation.

But I look at the school today and I find that in the past two years there has been an intensity of work, great energetic effort being expended upon the school both by the faculty and by the President of the University, that really reminds me of those early days of this government in 1888. Where in those days politics was concerned with augmenting our national income, I find the concern there has been one of augmenting the educational income of the student body.

The work there in these past two years has concerned itself with two main problems. The first problem has been an effort to try and evaluate the intellectual standard of the student body by applying experimentally at first, a principle of selective

admission to the students who came there. Those of you who know the Law School know the number of men who fail to meet the requirements of the first year. Approximately it runs and has run about 50 per cent.

You may remember or have had told to you the story ascribed to one of the professors there, who one day, after being annoyed a little bit by the quality of the recitations in his class, leaned backward and said, "Gentlemen, may I call your attention to the man to the right of you?"

The class made a right face.

He paused and said, "Gentlemen, may I call your attention to the man to the left of you?"

Again the class made a left face.

He leaned back from his desk for a moment and he said, "Gentlemen, look at those men hard and long. One of them will not be here next year."

(Laughter)

But that problem has a two-fold aspect. One is the real human tragedy that is involved in those failures; the other is that the grade and speed of work can't be carried on as effectively as one might like to do it with the drag of that group.

The faculty has been working on that problem for several years trying to find some kind of litmus test which would permit them to say to men who had no chance of being promoted after a year there, "The best

thing for you to do is never to come." The test that is being applied or that will be applied in short springs from a study that has been made in the past two years and which shows that there is a correlation between academic grades and grades at the Law School. The principle of exclusion can thus be worked out on the basis of performance at college, taking into account also, of course, the general standard of that college. The advantage of such a principle, if it works, will be not only to improve the general intellectual level of the student body, but also to lay a great deal of emphasis upon college training and encourage proficiency in performance there.

The second problem that has engaged the faculty's time is a more difficult one. It has been a concern with the curriculum at the school. Anyone who takes even a superficial glance at the law today recognizes that the emphasis of law today is different from that of yesterday. The law of master and servant, for example, gives way to workmen's compensation. Common law pleading resigns in favor of code procedure. Legislation permeates the law forcing into it new substantive ideas and new techniques. Public law, especially constitutional law, that used to be simply the province of a small coterie of lawyers, now as government becomes more pervasive, more permeating in its influence upon ordinary every-day aspects of life, requires a type of emphasis that it hasn't possessed before.

Legal remedies that used to seek the courts for protection today not infrequently seek their protection through administrative tribunals. Naturally legal training, if it seeks to deal with material that will be valuable in the practice of tomorrow, can not neglect these phases of the law.

The problem from the standpoint of the curriculum is, as Ezra Thayer once put it, the tragedy that each day has only twenty-four hours. Our problem there is one that we have only three years in which to do this job of legal training, so that you are faced with a need for compression of all these new materials that are clamoring for recognition. At the same time you have to maintain that intensity of study that will prevent your graduates from being mere dilettantes in the sense of knowing less and less about more and more.

Again some two years was put into that effort. At the end of last March the faculty voted a curriculum which it hopes, subject to such changes as may be necessary, to put into effect in the academic year of 1938.

With the details of that curriculum I don't want to bother you. I simply want to pick out certain of its characteristics. The first that I see that underlies it is

an introduction of greater flexibility in the curriculum. It seems desirable when one recognizes that law these days offers more avenues of pursuit than ever before, that there ought to be a chance for the young law student to adjust his course of study in some degree to the bent of his desires.

A second characteristic of that curriculum is its emphasis upon what might be broadly called corporation law. I need not tell you that legally speaking the civilization of today might appropriately be called a corporate civilization, because the normal business unit conducting a business, whether it is big or small, is likely to be the corporation. And corporate law, which once again was limited in practice to the metropolitan centers and to a select bar, now is part of the run of general practice in rural communities as well as elsewhere. Emphasis upon that subject is, of course, essential. Study of it will begin, not in the third year as it used to, but it will almost begin at the close of the first year.

A third characteristic of that proposed curriculum is the emphasis upon public law. Whatever the form of our internal politics for the next two decades will take, it seems certain that government as such will remain important in affecting the rights of individual against individual - and the rights of individual against the state. Adequate

instruction and adequate emphasis on those public aspects of law therefore becomes essential if we are thinking in terms of a bar that deserves the name of leadership. The proposed curriculum brings in these public aspects of the law in a way that seems to me far better than the way in which they now filtrate into the existing course of study.

A fourth characteristic of that proposed curriculum is the introduction of new materials as such into the various courses. Some of the old names are still there, but as I pick up the titles descriptive of the courses, I read, for example, that "Property I" no longer has the old emphasis upon the statute of *Quia Emptores*, but says that it will concern itself with modern conveyancing. I pick up a course described as "The administration of criminal justice" and I see the note appended to it says "Emphasis is to be placed upon materials drawn from criminology and penology."

A final characteristic of that curriculum is the emphasis that it places upon advanced studies or graduate studies, which to my mind is a thing of great significance.

Today we are all proud of the fact that the Law School is the center of legal research in this country.

As such it ought to attract increasingly not only men wanting to become lawyers, but men who have already taken their legal degree and perhaps gone out into practice--attract them back for the purposes of real research and real study.

Men of that type, as I run into them, very frequently would like to have the time and the opportunity to pursue a subject that the active practice of the law just doesn't give them time to pursue, and if we build up better courses of advanced study, our chances for attracting men back from practice, perhaps inducing them to go from there into law teaching or sending them back again into practice, will be far greater.

The program as a whole that I have outlined there--and I can't claim any credit for it--seems to me to fit into the general ideal of the Law School as a national law school, an ideal held from the time of Mr. Justice Story, who thought in terms of teaching a law that would fit the needs of a nation. That emphasis of the Law School is one that it is important to maintain. By that I mean not simply that men must come from the South, the Southwest, the Pacific Coast, every portion

of this country and go back to serve those areas, but I mean also that the national characteristic of the Law School, in order to be maintained, has to induce men to come in not only from geographical areas but from all walks and conditions of life and return to those conditions in order that they can serve those variegated interests that make us into a nation.

To me that is significant. If, out of that flow into the school and the flow out of the school, one can see and appreciate the various demands, claims and pressures from all sources made upon the law and which it is the task of the law to harmonize and to balance, and if you can recognize and weigh them so as to deal with them intelligently, then it seems to me we can fulfill our function of being truly a national law school, true to the great traditions of a very great past.