

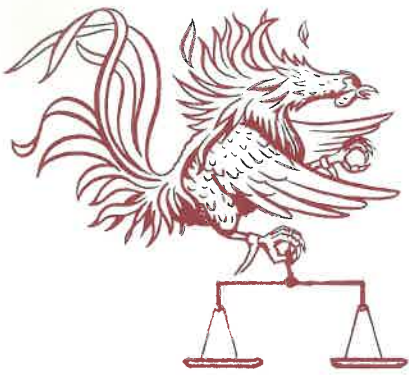
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Gavel Raps, v. 2, n. 2 (Special)

University of South Carolina Student Bar Association

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VOL. 2, NO. 2 SPECIAL

GAVEL RAPPS

NEWSPAPER OF THE UNIVERSITY OF SOUTH CAROLINA STUDENT BAR ASSOCIATION

LAW SCHOOL FACES CRISIS

The University of South Carolina announcement of December 8, 1969, unleashed a furor which has yet to diminish. On that day, University officials outlined the following priorities in their capital improvements request:

1. Stadium Expansion—\$8.5 million (would expand seating capacity to approximately 55,000 seats by the addition of one deck)
- Graduate Library—\$9.2 million
2. School of Nursing—\$.8 million
3. School of Law—\$5.4 million
4. School of Business Administration—\$3.7 million

This list differed from past publicly-announced lists and from the one presented to the State Budget and Control Board in 1968, both of which placed the Law School as other Number One priority. The latter caused Governor McNair to express incredulity at the turn of events and the proposed funding of the stadium expansion. The following were also precipitated by the priority shuffle:

- 1) virtually all of the major newspapers and broadcast media in the state wrote and broadcast editorials opposing the placing of the stadium ahead of academic facilities,
- 2) a resolution by the U.S.C. Student Senate passed 38-2 calling for reinstatement of the Law School and School of Nursing to their previous top priority,
- 3) a resolution passed unanimously by the entire University faculty calling for the construction of all the academic facilities on the list prior to the construction of the stadium,
- 4) public announcements of support for the construction of a new Law School School from influential members of the state legislature,
- 5) a commitment from Mr. Gus Grayden, Bar Association Law School Committee Chairman, that his committee would intensively seek support for the Law School within the Bar and the Legislature.

The Law School, its faculty and students, were visibly upset over the priority shuffle. An angry letter, signed by well over 150 students, was quickly drafted and printed in "The Gamecock".

The Student Bar Association of the Law School embarked on a concerted campaign to stress the need for a new law school. The following program was unanimously adopted and put into effect:

1. An initial statement was issued to the press at the close of the monthly meeting of the Legislative Council.
2. A task force was created to spearhead an organized campaign.
3. A meeting between Doctor Jones and the task force was held to determine the reasons for switching priorities and what criteria were used to make that decision.
4. A letter was drafted immediately and addressed to the Governor supporting the position he had taken and further asking

him to conduct a thorough investigation into the matter.

5. A delegation was appointed to go to the Bar Association conference to formally present the Law School's position and solicit support and cooperation.

6. All students agreed to write newspapers through-out the state and their political representatives and encourage friends and relatives to do the same.

7. A press conference was held in the law school auditorium with SBA President Carl B. Epps making a declaration of intentions and a statement of deficiencies of the Law School.

8. A special edition of "Gavel Raps" was authorized to present the facts and figures, explain the turn of events, depict the deplorable condition of the Law School, and state the desire of the Law School to better serve the state.

The goal of the S.B.A. was to reinstate the Law School to the number one priority. To this end, the S.B.A. has not attacked the need or desirability of expanding the stadium or constructing any of the other academic facilities, but has affirmately presented the case for a new Law School. The goal is to inform the Bar, the legislature, and the people of South Carolina that the Law School stands ready and willing, but not able, to better serve the needs of the state.

The faculty of the Law School, in a letter to the Governor, Dr. Jones, and the University Board of Trustees, expressed its grave

(Continued on page 2)



Student body votes approval of the proposals to support a new law school.

concern over the priority shuffle. The faculty asserted that the University had a high fiduciary duty, as trustee of the state's interest in legal education, to seek assistance from the state in maintaining a progressive and viable legal institution.

ACCREDITATION IS IN JEOPARDY

The following statistics point out far better than volumes of rhetoric, the critical situation of the Law School:

1. The present structure was completed in 1950 with a maximum capacity of 250. Present enrollment is approximately 500. The Law School's projected enrollment will approach 700 by 1975.
2. Present structure contains only five classrooms. There are no small classrooms or seminar rooms (with the exception of the practice court room which is, obviously, not designed for normal classes). The faculty library and lounge have been converted into faculty offices.

3. The Law School has the highest (and, therefore, poorest) student-faculty ratio in the Southeast. The following table offers a comparison with neighboring state-supported law schools:

Mississippi	13 to 1
Georgia	14 to 1
Alabama	17 to 1
North Carolina	20 to 1
South Carolina	33 to 1

Even if the University made funds available to hire a substantial number of new professors, there would be no place to put them. The Law School is bursting at its seams.

THE LAW LIBRARY IS DEFICIENT

The Law School Library, the largest and most complete legal library in the state, is sorely deficient in comparison with other Southeastern law libraries. It is far below certain Association of American Law Schools accreditation standards. The following statistics were compiled from a survey of state-supported Southeastern law libraries conducted in October 1969:

	S. E. Mean	U.S.C.	U.S.C.'s Rank
1. Total Volumes in present collection minus those in storage	107,630	61,634	Last
2. Volumes per student	274	122	Last
3. Percentage of student body library can seat	61percent	24percent	Last
4. Expenditures for books, continuations, and periodicals	\$63,200	\$22,157	Last
5. Total number of volumes purchased in 1968-69	3918	1621	Last
6. Total additions to collection (by purchase, gift, loan, etc.) in 1968-69	8347	1864	Last
7. Total Salaries for full time staff 1968-69	\$61,887	\$19,623	Last
8. Total library budget for 1968-69	\$148,167	\$55,000	Last
9. Number of full time professional librarians of staff	4.19	2	Last
10. Number of full time non-professional staff	5.14	1	Last

In addition, some of the law schools surveyed indicated that plans for the construction of new buildings had been finalized. The libraries of these planned buildings would accommodate an average of 320,000 volumes.

The statistics vividly illustrate the inferior status of the law library. In addition to these quantitative deficiencies, the library suffers qualitatively. It possesses less than 50 per cent of the state codes of law. Some of these are incomplete or out dated. Some require extensive and time-consuming cross referencing from an outdated code through statutes at large in order to insure that a particular act has not been repealed or amended. Thus an attorney who must refer to the law of another state, has to go outside South Carolina to research his problem or, at best, spend unnecessary time and money in procuring his information elsewhere. Scholarly research is crippled by this deficiency.

In addition, the library does not possess complete sets of official reporters from other states. While duplicate sets of some West's Regional Reporters are owned by the Law School, they are in storage due to the lack of space. In fact, our law school suffers with the lowest volumes per student ratio in the Southeast, and this problem is compounded by the fact that 25 per cent of the collection is in storage.

The library does not possess all the major law reviews. Although reciprocal arrangements with these schools are easily negotiated, there is no space for them.

The acute lack of space is not merely an inconvenience. It places the school in a precarious accreditation position. The accreditation standards of the Association of American Law Schools require that member libraries seat 65 per cent of the student body. The law library can seat less than 24 per cent. However, in order to accommodate the constantly increasing volumes of regional reporters

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and other continuing sets, more seating space has to be appropriated. In other words, more books mean fewer seats in further derogation of the accreditation standards. It is a vicious and insoluble cycle without new facilities.

The deficiencies of the library, the acute lack of space throughout the building, the dismal student-faculty ratio are all factors which could lead to loss of accreditation. Such an occurrence would be a disgrace to the state and would disparage every law degree granted by this law school. In the recent past, these statistics were overlooked by the accrediting bodies because relief was supposedly in sight. The University had pledged to build a law school as soon as the money was available in order to eradicate, or at least alleviate, these grave conditions. Therefore, the Law School was accorded number one priority.

In addition to the accreditation issue, the Bar and the people of the state do not desire their only law school to rank last in every major comparative category. Such a position reflects upon the stature of the Bar, and its attitude concerning its responsibilities to the state. Consequently, a new building is necessary not just to maintain accreditation, but also to render the people their due--the best law school, graduating the most qualified lawyers, and providing optimum legal services to the state.

STATE RANKS LAST

STATE	POPULATION PER LAWYER
N.Y.	350:1
Va.	777:1
Ga.	816:1
N.C.	1168:1
S.C.	1235:1
Nat'l Avg.	621:1

As this state's only facility, the law school must carry the burden of replenishing and increasing the ranks of the state's bar and bench. As the economy shifts from agrarian to urban and industrial, the need for lawyers increases proportionately. The fact that South Carolina ranks last in the number of lawyers per capita shows that this need is not being met.

THE PRIMARY GOAL

Replenishing the number of lawyers in the state is not the only function of the Law School, this is in fact ancillary to the primary goal--graduation of the best qualified lawyers through maximum use of its resources and energies.

Given its limited resources, the school is graduating the best qualified lawyers possible. Until more and better resources are provided, the quality of graduates will remain constant, improving or regressing only in relation to the caliber of students who attend.

The Law School needs more and better resources. It needs a new structure. It needs more faculty. It needs a more complete library. It needs a larger budget. But more than anything else, it needs the full and enthusiastic help and support of the Bar. Without the support of the Bar, all else is futile.

CHANGES IN ATTITUDE

In the past, perhaps it appeared that the Law School's only function was to weed out those unfit to participate in the administration of justice. While the difficulty of law study has certainly not diminished, this function is subordinate to the function of teaching and graduating the most qualified lawyers. Equally as important, however, is the duty of the faculty to provide a curriculum capable of preparing these law students for the transition from theory to practice. But the Law School's duties do not cease upon graduation of a class; it must also aid the Bar in the discharge of its duties to the people of S.C. If given adequate resources to effectuate this goal, the Law School will:

1. initiate or actively support continuing legal education programs;
2. provide some type of post graduate study or degree for the state's lawyers;

3. engage in, or actively support publications oriented to the practice of law in S. C.

4. take an active role in the drafting of legislation.

NEW MODEL CURRICULUM

The S.C. Bar expressed concern over the difficulty recent graduates of our law school encountered in setting up a law practice following their graduation. The Bar also indicated a desire that the Law School take steps toward alleviating this problem. (The following statistics and all subsequent ones were gleaned from the S.C. Bar Attitude Study conducted by the U.S.C. School of Law in 1969.)

The Law School, with the aid of a grant from the Ford Foundation, engaged in a study of its present curriculum, with a view towards creating an innovative model curriculum which would best serve the needs of the state. In order to ascertain the needs of the state, the Attitude Survey was devised and mailed out. Partly from the results of this survey, and partly from extensive research, the four members of the study group developed a model curriculum which was praised as outstanding. The point is, the faculty sought the advice of the Bar, the Bar responded, and the model curriculum, to a great extent, embodies their suggestions.

Eighty-six per cent of the respondents indicated that practicing attorneys should contribute to the planning of a law curriculum. Eighty-seven percent indicated they felt the Bar should play a more significant role in legal education.

The Bar, therefore, indicated a desire to participate in the formulation of a curriculum. But what, specifically, did they want incorporated in, or left out, of this curriculum? The respondents agreed with the proposition that their curriculum provided them with the ability to analyze legal problems not specifically covered in law school. Since the curriculum in the past has been almost entirely oriented to the case analysis method, the implication is that this method should be retained, at least to a degree. The model curriculum retains this method and the traditional freshman courses in its first year program.

The respondents indicated a strong desire that the present curriculum be oriented more to practical problems encountered in practice. The model curriculum responds to this need. One of the most significant innovations in the model curriculum is the increased emphasis on the problematic method of instruction. Students would be given realistic factual problems to solve in many of their courses. This method will be employed even in the first year. A two-hour per week, laboratory type class will be used to give the first year student an exposure to practical problems along with the usual saturation of theory. For example, after having been taught the theory of contract law, the first year student will be given a factual problem with a fictitious client who desires to enter into a contract with a party represented by another first year student. The students will be required to independently draft a contract to meet his client's needs. The student will receive a critique of his efforts and will be graded on his final product. This laboratory (or "trough", as it is called in the curriculum) will be employed for the first three semesters of study.

In conjunction with more emphasis on practical problems, the faculty has voted this year to require every senior to participate in a clinical program beginning with the class of 1971. The respondents overwhelmingly (92 per cent) indicated that they felt participation in these clinics would aid the transition from law school to practice. What are these clinics? They are supervised legal aid clinics within the law school whereby students are given the opportunity to actually interview clients, investigate facts, talk to witnesses, prepare legal documents, sit in on pre-trial proceedings and negotiations for settlement, and participate in trial of cases. Two clinics are being conducted by the Law School in the 1969-70 academic year with great success.

Sixty-two per cent of the respondents acknowledged that their transition from law school to law practice was not easy. This curriculum, if properly employed, will help alleviate this problem. It is the hope of the Curriculum Committee that the law graduates will be equipped to effectively practice law immediately after graduation and not after two or three frustrating years of trial and error.

Hopefully, the confidence placed by the faculty in the opinions of the practicing lawyers, which was evidenced by the distinct

orientation toward practical problems in the curriculum, is the first step in greater cooperation and interaction between the Bar and the Law School.

CURRICULUM IMPLEMENTATION

Implementation of this curriculum would require enough faculty additions to lower student-faculty ratio to a maximum of 22:1. Reducing the student population would not suffice in itself because of other necessities which preclude implementation in the present building. (Also, such a reduction would further increase an already poor lawyers to population ratio.) Of the necessities alluded to, the most crucial is the size of classes. While the student-faculty ratio is itself a factor in the excessive use of large classes, it is not the only factor. For example, the availability of only four classrooms (all of them large) hinders the extensive use of seminars planned in the curriculum. While elsewhere there has been a significant trend in law schools to concentrate on small sections and seminars, this law school has been forced to primarily rely upon large classes. The present facility, for example, will only permit the law student to take one small section or seminar during his entire legal education. This means that students at this law school spend their time in classes of 100 or more throughout their three years of legal education. Since problem-solving, intensive research and writing, and clinical experience can only be gained in classes of twenty or less, the model curriculum requires a substantial increase in faculty and classroom facilities.

These curriculum innovations are in the forefront of legal education and U.S.C. has emerged as a pioneer. Many schools have written and have shown an interest in adopting some of these curriculum improvements. But the school finds itself in the ironic position of a recognized innovator unable to adopt its own innovations because of inadequate building facilities.

PANEL DISCUSSION PLANNED

The Law School is planning to conduct a joint student-faculty-Bar panel discussion on the proposed curriculum sometime in the next several weeks. The date has not been set but will be announced at the Hilton Head Bar Meeting along with other pertinent information. All members of the Bar are invited to attend.

LEGAL RESEARCH PROGRAM INSTITUTED

In order to afford the individual student an opportunity to gain practical experience in researching and writing legal memoranda,

the S.B.A. has instituted a Legal Research Program. A subsequent issue of "Gavel Raps" will describe the program. This service is available to the Bar, and the initial reaction to it has been favorable.

CONTINUING EDUCATION OF THE BAR

Eighty-five per cent of the attitude study respondents agreed that one of the functions of the Law School should be the continuing education of the Bar. With that mandate in mind, the Law School is studying ways in which it can provide this service.

Student assistants are presently researching other C.L.E. programs which extensively call on the services of the Law School. Forty-seven per cent indicated a preference for summer short courses.

Whatever the choice of means, the end remains constant--the Law School also desires to participate in a C.L.E. program.

Presently a proposal to conduct a mobile two-way seminar is being studied by the Law School on a subject of interest and importance to the practicing Bar. Under such an arrangement, the seminar group would travel to certain regional areas (to Greenville, Charleston, Florence, and Columbia, for example) to conduct the program. Hopefully, the additional expense would be counter balanced by the convenience to the lawyers which would result in increased attendance.

GRADUATE PROGRAM

Approximately twenty per cent of the respondents indicated a desire that some form of graduate program be instituted at the Law School. Responding to this, the faculty is studying the feasibility of such a program. The limited resources of the Law School--small faculty, no space, poor library facilities--precludes any L.L.M. oriented program for the foreseeable future. However, the L.L.M. program is not the only one being considered. Many states are experimenting with other types of graduate programs at this time and S.C. can benefit from their experience.

HANDBOOKS ON S.C. LAW

Twenty-three per cent of the respondents indicated a desire that the Law School engage in the publishing of up-to-date handbooks on South Carolina law. The Student Bar Association is presently investigating the possibility of sponsoring the publication of a set of practice oriented handbooks similar to the book on Evidence written by Prof. James Dreher. Outstanding S.C. attorneys, or members of the law faculty, would be asked to author such works.

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