

Washington Law Review

Volume 28

Issue 3 *Washington Legislation—1953*

8-1-1953

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Recommended Citation

Paul P. Ashley, Book Review, *Legal Education in the United States*, by Albert J. Harno (1953), 28 Wash. L. Rev. & St. B.J. 244 (1953).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol28/iss3/22>

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BOOK REVIEWS

LEGAL EDUCATION IN THE UNITED STATES, by Albert J. Harno, Bancroft-Whitney Co., San Francisco, 1953. Pp. 197 and index.

This book is a history and evaluation of legal education in the United States, published for the survey of the legal profession. The writer invited a number of persons—lawyers and lay—to “advise him on the undertaking.” But it is evident that the laborer was Albert J. Harno and thus valuable contribution to the literature of our profession is his.

Today, in the United States, a law school is the usual route into the profession. Hence as of today the report (the book is in a sense a report and sometimes calls itself that) is largely concerned with law schools—particularly university law schools which dominate the field.

Implicit in both the beginning and end of the report is a dilemma for which no real solution is offered. The dilemma is the *impossibility of the law schools doing all that is expected of them*. One “cogent criticism of the schools,” says Mr. Harno on page 2 “is that the training they offer is wanting in perspective and breadth of learning, but the most vocal stricture is that it is not practical enough.” And the report ends with an inspiring quotation from Chief Justice Arthur T. Vanderbilt in which he envisions the law school of the future offering an “enlarged and enriched curriculum ” which, from the standpoint of those who believe the schools are now not practical enough, would but further dilute the tools-of-the-trade aspect of law school education. Yet elsewhere the report amply demonstrates the difficulty if not impossibility of bringing new material into the curriculum without sacrificing essential subjects already there.

Inevitably, Mr. Harno's history starts with the background of our English heritage—the Inns of Court, Coke on Littleton, Blackstone, and the rest. With swift strokes he passes through the Colonial period. He tells of the establishment of the chairs of law at William and Mary College, at Harvard College, at Columbia and elsewhere, and of Kent, Storey and others. The Litchfield School was the first American law school. Mr. Harno paints a vivid picture of it.

After a word about the early development of requirements for admission to the bar, the report concerns itself with the establishment and growth of law schools. Then it passes naturally into a discussion of the case method of instruction. Mr. Harno's comments in chapter V and elsewhere will be solace to all who studied law when ardent, undiluted disciples of Christopher Columbus Langdell were in their ascendancy. Mr. Harno presses the point that—while the benefits of the case method must be conserved—the profligate waste in student time inherent in the briefing of long and sometimes mostly unrelated cases must be avoided. Otherwise the new courses now bulging the curriculum will burst it.

About 50 pages are devoted to a survey of the impact of professional organizations upon legal education. Then come the two final chapters to which all the rest is, in a sense, but preliminary. Mr. Harno appraises and criticizes modern legal education. On the point which, to this reviewer, seems more vital than all the rest, Mr. Harno says: “The law-school curriculum is overcrowded with course offerings. That has long been a factor of concern to the law schools. The orthodox period of law study

is, and has been for some time, three years. The lawyer who studied law near the beginning of the present century will recall that the curriculum even then seemed crowded. Nearly all the courses then taught still have a place, in one form or another, in the present curriculum, but since then there have been injected into the program several new and major courses touching the developing fields of the law, for example, taxation, administrative law, trade regulation, and labor law. The law schools have fretted over this question but they have not come to grips with it." (p. 168)

Again posing the problem, he continues: "The problems of the curriculum are complicated yet further, and substantially so, through injections into it (in addition to instruction in fields representative of the emergent law mentioned above) of two highly divergent types of courses. One of these is responsive to the pressure, of respected lineage, that legal education must have breadth and wide perspective. This pressure has resulted in the introduction into the curriculum of such courses as law and the economic order, the criminal law and the public order, international law, law and society, welfare legislation, comparative law, and the history of the legal profession and its role in society. The other is responsive to the demands that the teaching of law must be made more practical. This pressure has stimulated the setting up of so-called "skill courses," for example, legal writing, legal drafting, legislation and the legislative process, legal accounting, fact finding, and the establishment of legal aid clinics." (p. 169)

As Mr. Harno's book evolves it naturally becomes more and more a story of the law schools. So it is not a criticism of his effort to say that he did not offer a solution to the dilemma just posed. There is, I submit, no solution *within* the law schools.

I think Mr. Harno might agree when I say that if our legal education is to be brought to a par with the training offered preparatory to other professions, there must be developed (1) a system of interning after law school plus (2) a greater control of curriculum before law school.

We pass the latter phase with one brief example: In many schools of architecture the course is five years from college freshman to graduate. However, as a freshman the prospective architect registers as an architectural student. His course is subject to the requirements of the school of architecture for all five years. When he graduates he has had five years' training in architecture and subjects directly preparatory thereto. He did not browse for two or three years.

As to the internship, the example set by the doctors has been often mentioned. The excellent article by E. Blythe Stason, Dean of the University of Michigan Law School, in the current issue of the American Bar Association Journal suggests a possible approach to postgraduate internships. Other and perhaps more feasible approaches are, I suggest, also available.

Certainly the time has come when serious study and experiment must be given this problem in the hope that over the years—and not too distant years—a sound system of legal internship will be evolved. A lawyer finally admitted to the bar as a general practitioner with the right to appear in all courts of the state and handle all matters without a proctor at his elbow to guide him should have a status comparable to that of a young doctor who hangs up his shingle after his medical school training, his internship, and, perhaps, a period of residency at an excellent hospital.

Otherwise our profession will lose status in relation to other professions.

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