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Report of the Dean - University of Wyoming College of Law

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REPORT OF THE DEAN
UNIVERSITY OF WYOMING, COLLEGE OF LAW

September 9, 1964

TO THE MEMBERS OF THE WYOMING STATE BAR:

I. RECENT PROGRESS

The year 1963-1964 was an important one for the College of Law. The national increases in population and in the total number of law students finally caught up with the school, and this physical increase in size spurred the faculty to active planning for the future.

Before the future is explored the past should be noted. Going back two years, to 1962, takes us to the inspection made by the American Bar Association. The conclusions of the evaluator read as follows:

"The school meets and surpasses all minimum requirements of both A.B.A. and A.A.L.S. It is in a very real sense an excellent small law school serving a very useful purpose. Its ability, however, to continue to provide this kind of service is dependent upon the ability of the administration to meet and solve the problems indicated in the findings and conclusions set forth in this report." In the past I have emphasized the first sentences, now it is time to see whether we have kept up.

The evaluator viewed the major problems confronting the law school as follows:

(a) A need for more law students. In 1961-62 there were 59 regular students, in 1963-64 there were 89, this year the number should approach 100.

(b) A need for more scholarships. In the year of inspection \$1,300 was available annually for scholarship expenditures, in 1964 this sum will be \$4,592.00.

(c) A need for additional funds for part-time student employment. The current budget contains a 75% increase for this purpose.

(d) A need for additional funds for the library. Annual acquisitions have been increased 37%, a special fund of \$16,000 has been spent for permanent improvement, and similar increases and a similar special fund are recommended for the next biennium.

(e) A need for additional library staff. A half-time assistant librarian has been added and funds are now available for a full-time assistant librarian.

(f) Faculty salaries were criticized as inadequate, 'given the excellent teaching and research group presently at Wyoming'. The faculty has since had two salary raises, and while we cannot yet pay them what they are worth, their salaries now cluster around the median income for Wyoming lawyers.

We have therefore made progress in every suggested direction, and I hope we have maintained the excellent rating given to us. It may not be enough. I have the feeling that we are like Alice, who found that in Wonder-

land she had to run as fast as she could just to stand still, and to get anywhere she had to run twice as fast as she could.

II. PLANS FOR THE FUTURE

I am sure that each of you noted that the evaluator's first criticism was that we did not have enough law students. This raises the question of how many is enough. From this standpoint, and from the standpoint of Mr. John Hervey, Adviser to the American Bar Association's Section on Legal Education, a small school of about 60 to 65 students is a marginal operation, too small for efficient utilization of faculty and facilities, too expensive in cost per student, too vulnerable to economy drives. The faculty, and the university administration, have not thought the school's small size to be too much of a detriment. We have felt that the school's existence has been justified when other matters are considered. In addition to training law students for the state bar, we have served the University in many ways, we have served the State Legislature, the Governor, the Judiciary and the Wyoming State Bar. As the legal center of the state, the school has done much to improve the law and the administration of justice in the state.

Instead of being handicapped by our smallness, we have capitalized on the advantages of being small. In addition to giving an unusual amount of class time and office attention to individual students we have increasingly directed our program toward individual research, writing, problem solving and courtroom exercises, all of which take an inordinate amount of faculty time per student. We draw high praise for this. The evaluator stated: "The third year program is designed to emphasize writing and research. It is a distinct improvement over the all too common third year course study programs. . . . The third year program is designed to take advantage of the small third class. Research and writing courses are stressed. This school is doing what many of the larger schools are trying to do in the third year."

Growth of the School. This we have done with a school of 60 to 65 students. But last year the student body jumped to 89. This year it will approach 100. If the trend continues another year we could reach 120—almost doubling our size in three years. We are brought to the point where we must ask several questions. Is this likely to continue? Should the school be allowed to grow this large? Will growth of this amount result in disadvantages to the school or to the Bar of the State?

First, it seems to be clear that the trend to more law students is continuing. I don't have figures prior to 1958, but in the 5 years between then and 1963 law school enrollment over the nation increased by 30%. This increase is not at a steady rate, but is accelerating, and each year the jumps are higher than the last.

Is this trend cause for alarm? Not on the national level. On the contrary, the American Bar Association's Section on Legal Education worries because the number of lawyers in active practice has increased scarcely at all in the past ten years, and has lagged far behind the increase in population,

and still farther behind the growth in national product and the increasing tempo and complexity of modern civilization.

Effect on the State Bar. Is the prospect for a larger law school cause for alarm in the State of Wyoming? Will we over-crowd the Bar? Will we cheapen legal services with too much competition? Will unethical practices creep in as competition for business grows keener? I do not believe that any of these things will happen. In the first place, I do not believe that the size of the school is the controlling factor in the size of the Bar of the state. 54,435 law students were enrolled in approved schools in 1963, 89 of them in Wyoming. If the economic opportunities exist in this state, I believe they will be filled from this reservoir, regardless of the size of the school, as they are in Alaska, Hawaii, Nevada, Vermont and other states without law schools.

Secondly, we serve the nation as well as the state, as do other units of the University. The University of Wyoming College of Law is actually a small national, certainly a regional, law school. Forty per cent of our students last year were from other states. Some Wyoming boys leave, some non-residents return to their origins. Three of this year's 18 graduates did not take the Wyoming bar examination. At least four others do not intend to practice here. Eleven out of last year's 20 graduates are not practicing within the state. They are in practice or business in other states, and in government service. These figures of the past two years do not include four other Wyoming graduates currently in military service.

Thirdly, the current state of the legal profession permits considerable growth. We are not filling the need for attorneys and legally trained personnel. This year four opportunities to practice in the state are going begging. Two oil companies, three insurance companies, five federal agencies (including regional offices in the area) have offered our graduates jobs or sought applications, and have obtained no one.

Effect on the School. I believe that we can maintain the advantages of smallness, and even improve, if we move along with this current trend to a school of about 120. A school of this size will give Wyoming almost exactly its share of the nation's law students, in proportion to population. It will still be a very small law school—only 13 out of 162 were smaller in 1963-64, five of these being new southern "separate but equal" schools. It will be little larger than it has been in the past. In 1949-50, total enrollment was 99—one short of 100. It was not until after the flood of World War II veterans had slacked off that the school stabilized at about 60 to 65 students and remained at that level for about a dozen years.

No substantial adverse effects have appeared in the past year from doubling the size of the first year lecture-discussion courses. Classes and discussion have proceeded as in the past. While in theory individual opportunities for class participation should be cut in half, in practice the same questions seem to be raised by the more aggressive students, while more silent types prefer to listen, as before. Some advantage may have been achieved

in the larger number of vocal students, and of good students. Student conferences with professors have not risen to the point where the "open door" office policy must be modified. The same considerations will apply to the second year class when it gets larger this year. Most of the courses are still basic in nature, and almost all of them are of the lecture-discussion classes. In the senior year, two changes would be necessary. Up to this point we have not had any program of electives. We have selected for our students a group of courses specially designed for the state and the region, and tailored to the special skills of certain members of the faculty and to the needs of the average graduate. If we have a larger student body, with more people directed toward eventual practice in other states with a more industrial economy, or for government service, we must offer them a sound legal education, adequate for the type of practice they are likely to enter. We will need several courses designed for the business, big city or government lawyer. The addition of one new faculty member will enable us to do this, and also to solve our other problem, that of spreading the burden of over-seeing our exercises in legal skills, practice problems and courtroom work.

One thing we must guard against is a student body of too low overall quality. The University of Wyoming has always had an open door policy, and the prerequisite for entrance to the law school is only three satisfactory years of college, the minimum American Bar Association requirement. Many other schools are going to a selective admissions policy. The University of Wyoming's non-resident tuition of \$621.00 is a fraction of the tuition charged by many private institutions. Alumni in several states have been active in sending us their friends and friends' children. It is obvious that we will be able to get as many bodies as we need to fill our chairs.

Of course, what we want is minds and not bodies. To the extent that non-residents intend to practice in Wyoming and the West, or that they are qualified students who bring into the law school classes varied backgrounds and broadening influences, they are welcome and the school should provide for them. To the extent that they are rejects from other schools with restricted admission policies, they weaken our school and we should perhaps provide measures to protect ourselves. It has not been a serious problem up to now. In last year's quite large class of 53, only two were rejects from other schools. This year we have applications from 5 rejects, but we do not know how many of them will appear. I think we can and should get authority from the Board of Trustees permitting us to be selective so that we do not find ourselves with too large a proportion of mediocre students. We need such authority for another reason, to protect ourselves from growing too large. Currently, our thinking at the law school is that about 110 to 120 students is not only an optimum but also a maximum size, but if the current upward trend is not checked, we could grow beyond that point.

I might add, parenthetically, that low admission requirements should not be equated with low standards. Some of you seemed alarmed when last

year I announced an entering class of 53 students. As near as we can now tell, 29 or 30 of those will return this year, and the rest have dropped or been dropped for scholastic, economic and personal reasons.

III. THE PAST YEAR'S ACTIVITIES

STUDENTS AND STUDENT ACTIVITIES

At the beginning of the year, the College had 89 full-time students. Eighteen seniors were candidates for graduation in June and one graduated at mid-year. Eight students were candidates for the B.S.L. degree, and one was granted this degree at mid-year. All of the students in the class of 1963 who took the Wyoming Bar Examination were successful and have been admitted to the practice of law in Wyoming. Fifteen graduates in the class of 1964 took the Bar, and eleven were admitted.

The scholarship position of the law school was vastly improved during the year. A distinguished alumnus, Mr. John S. Bugas, Vice-President of the Ford Motor Company, offered \$5,000 to the Wyoming Law Scholarship Fund if the College could raise an equivalent amount from the alumni and friends of the College. An intensive drive was undertaken and \$6,786.13 was raised. In addition, the school received an unexpected gift of \$5,000 from the Ford Motor Company pursuant to its policy of matching contributions made by its employees to educational purposes. With the funds thus raised, the school will continue to make grants to second and third year law students on the basis of character, need and scholarship, and will offer two scholarships of \$500.00 each to entering first year students who appear to have exceptional ability, and is investigating ways and means of establishing a student loan fund more specifically designed to the needs of law students than the USAF loan program.

Student activities included the publication of Volume 17 of the Wyoming Law Journal, the three issues of which were distributed to all of the lawyers in the state, to 100 law schools, and to 300 law libraries and individual subscribers in other states and countries. These issues contained an article on the Uniform Commercial Code by Professor Dellas Lee, who taught at the school last year, a symposium on products liability by eminent members of the bar, and 19 student articles written under faculty supervision, covering a wide range of topics of interest to the legal profession.

Senior students received intensive training in the actual practice of law, handling office problems in corporate organization, corporate merger, and estate planning in the course in Legal Skills and Problems, prosecuting and defending mock lawsuits derived from actual cases in Judge Vernon Bentley's Moot Court, and participating in arguments before appellate moot courts on which sat eminent members of the federal and state benches.

The annual meeting of the Tenth Circuit Conference of the American Law Student Association was held at Laramie, presided over by senior stu-

dent Samuel Ishmael, National Vice-President. Over fifty students attended the meeting, including 26 from seven other law schools in the conference. The program included presentations by distinguished judges and members of the Bar.

In addition to their regular courses, the students received the benefits of special lectures by Chief Justice Glenn Parker and attorneys Edward Murane of Casper, Jerry Hand of Casper, and Gordon Davis of Laramie.

FACULTY ACTIVITIES

The personnel of the College stabilized with the return of Dean Trelease from his year of teaching at the University of Chicago, and with the addition to the staff of Professor Glen W. Shellhaas, who came from a very successful practice in Ohio.

In addition to the services to the state and the profession detailed below, the faculty continued its interest and activity in the field of legal research and writing and in university educational affairs. Professor Geraud and Dean Trelease attended the Annual Meeting of the Association of American Law Schools in Los Angeles, and Professor Bloomenthal attended the meeting of the Conference of Western Law Schools in San Francisco. Dean Trelease, as Chairman of the Torts Round Table, presided at a session of the Los Angeles meeting, Professor Bloomenthal served on the Association's Committee on Administrative Law, and Professor Rames on the Committee on Pre-Legal Education. Professor Mealey attended the annual meeting of the American Association of Law Libraries at Mackinac Island, Michigan. At the request of the officers of the Association of American Law Schools, Dean Trelease visited the University of Missouri School of Law at Columbia, Missouri, and was there consulted on the problems of the school and its plans for growth and development.

The faculty continued the high level of creative work for which it was praised when the school was inspected by the American Bar Association two years ago. The leading law book publisher of the country selected Dean Trelease and Professors Bloomenthal and Geraud to prepare a casebook on Natural Resources. Manuscript was substantially completed at the close of the year. Professor Bloomenthal published an article on state administrative procedure in the *Duke Law Journal*, co-authored a chapter on taxation of acquisition and disposition of mineral properties in the *American Law of Mining*, and wrote a supplement to the entire title on mineral income taxation. Dean Trelease reviewed the case of *Arizona v. California* and the impact the decision will have on the West in the *University of Chicago's Supreme Court Review*. He furnished a chapter on water law to the *Handbook of Applied Hydrology* published by McGraw-Hill. He spoke on development of western water law at the Eighteenth Annual Meeting of the Soil Conservation Society of America, and his address was published in the *Wyoming Law Journal*. He also spoke on the legal setting of water quality control at the 36th Annual Water Pollution Control Federation in Seattle. Professor Rudolph published

an article on financing construction contracts in *Boston College's Industrial and Commercial Law Review*, and on tax avoidance in the *Michigan Law Review*. Professor Geraud published an article on Wyoming property law in the *Wyoming Law Journal* and continued his work for the *Oil and Gas Reporter*, discussing and annotating important petroleum cases from the Rocky Mountain region.

The faculty maintained its high level of services to the University. Professor Rudolph continued as university attorney. Each of the faculty served on an average of two university committees. Professor Rames taught the course in Public School Law in the College of Education, gave a series of lectures on school law at the student teacher seminars of the College of Education, and addressed the Wyoming Law Enforcement Academy on criminal law. He continued as Editor of the *Law School News*. Professor Geraud served another year on the Rocky Mountain Mineral Law Foundation Scholarship Committee, his fourth year as secretary to Omicron Delta Kappa, and was active in the affairs of Phi Kappa Phi and the Wyoming Association of Pre-Legal Students.

The law library, under the direction of Professor Mealey, made great strides through book purchases made possible by a special grant for the improvement of the collection. Many books were added in many fields, and a good start was made on making the law library truly adequate for research purposes in Anglo-American law. Continuance of this program will depend upon legislative approval of the second half of the improvement grant.

SERVICES TO THE STATE AND THE LEGAL PROFESSION

The Seventh Annual Institute of the College of Law's Continuing Legal Education series was held on the subject of Administrative Law. Speakers were distinguished practitioners from Wyoming and Colorado, officers of state and federal administrative agencies, Dean Trelease, and Professor Bloomenthal, who arranged the program and directed the Institute.

All members of the faculty attended the meeting of the Wyoming State Bar held in Laramie. Professor Shellhaas was admitted to the Bar and was appointed to the Committee on Commercial Law and the Committee on Jury Instructions. Professor Bloomenthal served as Chairman of the Committee on Administrative Law. Professor Rames served on the Committee on Defense of Indigent Accused, Dean Trelease on the Scholarship Committee and the Committee on Legal Education. The proceedings of the annual meeting were published in the *Wyoming Law Journal*.

The Supreme Court continued Dean Trelease as Chairman of the Permanent Rules Advisory Committee, and appointed Professor Shellhaas as Chairman of the sub-committee to study rules of criminal procedure. Professor Rames is a member of the Wyoming Statute Revision Commission, and Chairman of its sub-committee on School Law. Governor Hansen appointed Dean Trelease to his Interdepartmental Water Committee.

Six members of the faculty are members of the American Bar Association and active in one or more of its sections. Professors Bloomenthal, Geraud and Trelease are members of the Section on Natural Resources. Professor Bloomenthal is Chairman of the Atomic Energy Committee of that Section, and wrote the Committee's report. Professor Rames edited the Report of the Committee on Indian Lands and served as reporter for Wyoming on the American Bar Foundation's Survey of Defense of Indigent Persons in State Courts.

The National Association for Mental Health honored Professor Geraud by presenting him with the Bell Award for outstanding state service in the fight against mental illness, as a result of his article in the *Wyoming Law Journal* pointing out the need for improvement in the State's legal approach to "insane persons," and of his drafts of statutes which were enacted into Wyoming's modern mental health laws.

IV. CONCLUSION

It is respectfully submitted that with the excellent cooperation and support of the University Administration, the State and the Bar, and with the continued high level performance by its students and faculty, the University of Wyoming College of Law has maintained its standing and remains an excellent law school. Though faced with an increase in size, plans are ready to contain that size within reasonable bounds and to maintain the virtues of smallness which the school has enjoyed in the past. It will still be a very small law school, little larger than it has been in the past. The increase in size should, however, enable us to operate more efficiently, to enlarge and enrich our curriculum, to turn out even better lawyers, and to serve the Wyoming State Bar even better than we have in the past.

Respectfully submitted,
FRANK J. TRELEASE
Dean

1964 ANNUAL REPORT FOR THE COMMITTEE ON MINOR COURTS

By ROBERT STANLEY LOWE, *Chairman*¹

MR. PRESIDENT AND MEMBERS OF THE WYOMING STATE BAR:

Your Committee on Minor Courts herewith submit its report for this past year.

As reported to you last year at Laramie,² your Committee's proposed

1. Chairman Lowe, a practicing attorney at Rawlins, Wyoming, is the author of the article "A Call to Change Wyoming's Minor Judicial System" published in the Fall, 1960 issue of 15 *Wyoming Law Journal* 48. A comprehensive report of Wyoming's Minor Courts by the Board of Editors of the *Wyoming Law Journal* in the same issue at pages 22 to 47.
2. "1963 Annual Report of the Committee on Minor Courts", 18 *Wyoming Law Journal* 168. Previous Committee Reports on Minor Courts in Wyoming are as follows: (1961) 16 *Wyoming Law Journal* 134, and (1962) 17 *Wyoming Law Journal* 156.