

A Critical Survey of Legal Education in the Philippines

By GONZALO W. GONZALEZ *

CHAPTER I

ROLE OF LEGAL EDUCATION IN OUR NATIONAL LIFE

Introduction—

TO SAY that our present civilization is a lawyer-dominated one would be merely repeating a well-known truism. The events of the last few years have served to reassert and prove the validity and practicability of the principle "a government of laws." The principle having undergone and successfully emerged from what has perhaps been its greatest test, reasserts itself with new strength and added maturity. The position of those, therefore, who interpret, nay, who live and work with the law carries and will bear with it an increased advantage and predominance during the coming years—and we hope, far into the future. Since the present presages an era even more lawyer-dominated than the past, it would not be amiss to look into the training of a class of men that exercises whether for good or otherwise, a greater influence over its government and society than that exercised by those of the same profession elsewhere in an already legalistic world—the Filipino lawyer.

The life of a lawyer is a continuous process of learning and study. It is the intention of this treatise to survey the first

of those years—when lawyers are formed and when they begin that life companionship with thought and books. The formative years of the Filipino lawyer do not only foretell his future. They give a glimpse of future legislation, future justice, future policies, future leaders—and perhaps, with rare and unprecedented good luck—future statesmen.

What has just been stated on the pervasiveness of the legal profession might call, at this juncture, for false protestations of modesty. No claims, have been made, however, to the effect that lawyers are a blessing or that they have so far existed for good. Their predominance however, in all the activities of our national existence is an actuality that is to be accepted. The situation may be looked upon by the members of the profession as a happy one—by others it may be regarded as a cause for anxiety. In all events, nevertheless, it is to the interests of the Filipino lawyer that he take stock of his responsibilities, which are, as they have to be in some cases, much greater than his prerogatives. For the duties of lawyers have increased a hundred-fold. The world, and no less the Philippines is faced with more numer-

* LL.B., University of the Philippines.

ous and increasingly perplexing problems.

The increase of populations everywhere has brought in its train the necessity for a more equitable and far-sighted distribution of the wealth and resources of the earth—the necessity for social legislation—the crying need for new concepts of social justice. Governments are called upon to intervene in the day by day affairs of all their citizens—there is hardly any field of human activity today in which the influence of government—and especially of laws—is not felt. The peoples of the earth are being drawn into closer relations with one another and all things are viewed in global concepts—from points of view that may differ, but nevertheless, are indissolubly inter-related. There are therefore the problems of economics, sociology, geopolitics, international justice and a myriad other difficulties that are but phases of a universal effort at adjustment and a universal striving towards progress and improvement. Faced with all these problems it is obvious that those whose profession is government and law must keep in step and move forward with the times—must prepare themselves to cope with difficulties their predecessors never even dreamed of. It is a sad reflection and a cause for regret to be faced with the realization that legal education has hardly changed in the last quarter of a century—much less progressed.

The young lawyer, fresh out of school has these responsibilities piled on him to such an extent that they overwhelm him. He is expected to find for him-

self with nothing but the talents nature has given him. Happily, for him in many cases, he has been so poorly trained, the process of uneducating him has been so thorough, that he does not even realize his responsibilities and is not even aware of his mission. What one does not know does not hurt him—but that is not the way of progress. If legal education is to be its own reason for existence, if it is to justify the time and resources spent on it — it has to be worthwhile. There are grave doubts as to whether legal education in the Philippines may claim, in the absolute, as opposed to the comparative sense, to be worth very much.

Education for the legal profession has too often been regarded as a formality to be complied with—a formality in which the would-be lawyer is trained to memorize a number of rules, the exception thereto, a number of forms and an appreciable number of disconnected legal principles—all in preparation for another formality—the bar examinations.

By 'formality' is not meant that the student would be sure to make the grade—he would not—nor does it mean that the student would want his lazy way through school—oftentimes he would labor like a slave. But what he would learn more often than not would have to be re-learned—and in some cases, unlearned. He would come away from school with no sound foundation on the fundamental concepts and the rationale of the law. He would have a few formulae — much like a pharmacist and his stock of prescriptions — but faced with a

different set of premises or with one not exactly resembling the hypotheses he had learned by rote, would find himself rather unprepared and not exactly knowing where to begin. The training of one's memory, the time spent in looking up case after case, the practice in reading a little faster than the professor can fire questions—all these in their superficiality might be called formality. It is fortunate that some teachers of law have realized the shortcomings and the anachronistic implications of such a system. In their efforts to improve the system of legal education are the first steps towards amelioration and advancement.

Legal Education a Science in itself

Progress in legal education in the Philippines has so far been principally based upon the personal opinions of a few persons enjoying position of leadership. Little attempt has been made to undertake a thorough examination of legal education—to study it from the different points of view of the entities concerned. The opinions of the public—the students—the profession—oftentimes even those of the faculty members have not had the opportunity of being expressed. But this should not be too surprising—the public and the legal profession have come to look upon the training and education of lawyers principally at a form of limitation—a measure to insure against too many lawyers being turned loose on the defenseless public. A good lawyer was therefore something of an accident—he shared the characteristic of natural phenomena.

If he turned out to be a success, it was because nature happened to endow him with the necessary qualities. His training in law school had very little to do with his rise.

Another reason for this attitude of indifference and unstudied insouciance is the fact that the majority of those engaged in operating law schools have not been too eager to subject legal education to scientific inquiry. That legal education can be improved, that it bears a relation to interests and entities other than those who teach and those who administer schools, that legal education affects the future—all these have been matters of surmise—never of practical importance. A new concept that undermines tradition, seeks to alter established practice and discards pet ideas is not likely to be well received at first. But those engaged in the operation of law schools will have to examine and take stock of the structure that is their particular responsibility, if they are to maintain the present standing of the legal profession. Higher education per se is not a business as a good number of people, with reason, suppose it to be; it does not mean mere efficiency in passing on information—it has attained the stature of a science.

What is meant, therefore, by "science" as applied to the subject at hand? It means the detailed, systematic and methodical study of every component and of every problem in the fields of legal education. It means an inquiry into the views and opinions of all those who

bear any relation, immediate or remote, with legal education. It heeds and is attentive to criticism, it resorts to experimentation, it seeks to discover whether and to what extent objectives are realized. It seeks to keep instruction abreast of the times, thus meeting the changing demands of society. The science of legal education, however, is so broad in its implications, so extensive in its ramifications, that appreciable progress has been made in this field in only a few of the more advanced countries of the world. The first steps towards the development of such a science here have been made by the formation of committees for the improvement of curricula. There are indications which tend to show that with the interest of the entities concerned—the teachers of law, the members of the legal profession and the judiciary, the science of education as applied to law can make decided progress.

The term 'survey' can perhaps best be defined as the examination or inspection of an entity with reference to condition, situation or value. In the present case, following this basic definition, a survey would be an inspection of legal education with a view to securing exact information. Since the present study concerns legal education as an institution—an institution that has endured for a number of years, a treatment of the history of the subject would seem to be indicated. From examining the past of an institution, one is enabled to better understand the present—and trends

that trail far into the future are more easily discerned.

The survey cannot of course, be too exhaustive. Aside from the extensiveness and magnitude of the subject matter there exist the obvious difficulties of the writer's equally extensive shortcomings. There is a little comfort in the thought, however, that with regard to any study, a start has to be made somewhere, and the earlier, the better. In any field of academic endeavor, it has always been necessary to establish premises and basic considerations—this study has intended to do just that, with the hope that after a start has been made and part of the foundations have been placed, others might be sufficiently interested to look into the matter. For the present, the following concept of a survey will serve the purpose, especially when it gives a valid justification to the writer's limitations:

"The survey of the future will not spend time—certainly not much time—dealing with floor space, the relationship of window space to floor space, the amount of money spent on this or that; the number of students in a given class, or the number of hours a teacher instruct. While I do not mean to minimize the importance of information of this character, still it is far less important, in my opinion, than a program which plans constructively for education, a program which keeps education abreast of the needs of the times. We have passed the day when the efficiency expert will be exalted as surveyor..." Walter Crosby Eells in 'Surveys of American Higher Education' New York, The Carnegie Foundation (1939):

A survey, in order to justify its having been attempted, must be more or less critical—it can hardly be a panegyric litany of justifications for complacent self-satisfaction. And before criticism can be initiated, one must have a certain standard to serve as a basis for comparison. The standard need not represent a Utopian ideal—one learns never to expect or demand the impossible. In criticism however, it has always been more advantageous to err on the side of dissatisfaction. The following has been said of the dispassionate self-appraisal which seems to be the role of those engaged in academic work:

“There are several reasons for the quiet tone of academic expression. The learned society is not out for votes to keep itself in office, hence there is no necessity for puffing its record of accomplishment. It has no program which necessitates the conception of its members as

good fellows together; it need not therefore indulge in mutual admiration and cooperative flattery. Furthermore the academic man is both by nature and training lacking in the self-assurance possessed by his brethren in commerce and industry. His learning which seems so great when contrasted with that of the ignoramus, shrinks into insignificance when measured in the infinity of the unknown. His teaching furnishes a constant warning against undue self esteem... The perusal of the record of a year's work as shown in a batch of examination papers is a striking and painful lesson in humility. With an infinite sea of ignorance on one side and a solid wall of inertia on the other, there seems so little room for progress to which one can point with pride.¹

Having done with the criticism, the treatise shall proceed to propose remedies that might serve to bring about an improvement of conditions.

CHAPTER II

HISTORICAL SKETCH OF LEGAL EDUCATION

University of Santo Tomas—

The college of law of the University of Santo Tomas, officially known as the “Faculty of Civil Law” was established by the university on April 25, 1733, one hundred and twenty two years after the founding of the university. The “Faculty of Canon Law” was founded in the same year. Fr. Tomas Canduela, O.P. was rector of the university at the time. The establishment of these two new schools

was a result of the “new impetus given to educational work throughout Spain and her possessions” by the ascent to the throne of Philip V of the House of Bourbon. It is recorded that “Papal confirmation of their (the faculties of Civil and Canon Law) establishment was obtained from Pope Clement XII, on September 4, 1734. The two courses covered the entire curriculum of Jurisprudence according to the prevailing standards at the time.”^{1 b}

¹ “*Our Black Ink Balance*”—Address of Herbert Goodrich, Dean University of Pennsylvania Law school as reported in the *American Law School Review*, Vol. 7, No. 5.

^{1 b} Supplementary issue, *General Bulletin of the University of Santo Tomas*, p. 3.

Both schools adopted the same curriculum then offered in the known universities of Europe. The number of subjects was subsequently increased, so that during the Spanish regime the curriculum was known to have consisted of twelve semesters, following one year of preparatory work. From 1734 to 1800, according to a memorial presented by the University of Santo Tomas at the Madrid Exposition of 1887, there were the following number of candidates for the degrees mentioned: 29 for the degree of Bachelor of Civil Law; 8 for the degree of Licentiate in Civil Law; and 3 for the degree of Doctor of Civil Law. It is apparent that many students who had enrolled failed to graduate, considering that from 1734 to 1820, 3360 students had enrolled in law.

Following the advent of the United States in the Philippines, the University was obliged to modify the curriculum of the Faculty of Civil Law several times in order to keep up with changing conditions. Government recognition under Act 1459 (School Corporation Law) was accorded the "Facultad de Derecho" of Santo Tomas University on Feb. 7, 1916, by Henderson S. Martin, then Secretary of Public Instruction. The college first admitted women students in June 1936 when the first year of the law course was opened to them. In the succeeding three years a four year law course for women was gradually established.

Universidad Literaria de Filipinas—

In spite of the critical situation of the country at the time, the Filipino revolutionists attended to the problem of education. On October 19, 1898, they established a state university called "Universidad Literaria de Filipinas." The courses offered by the university included law, medicine, surgery, pharmacy, and notary public. The importance of the university to the revolutionary government can be seen from a provision of one of the decrees on public instruction promulgated by the president of the republic, to the effect that all the diplomas from the university, in order to be valid, had to bear the signatures of the president of the revolutionary government and the secretary of 'fomento.'

The first seat of the university was Malolos, with the convent of Barasoain as headquarters. The first academic year extended from Nov. 15, 1898 to April 1899. The first rector of the university, elected by the members of the faculty was Joaquin Gonzalez, and the second was Leon Ma. Guerrero. The Faculty of Civil and Canon laws was composed of Cayetano Arellano, Pedro A. Paterno, Arsenio Cruz Herrera, Pablo Ocampo, Hipolito Magsalin, Tomas G. del Rosario and Felipe Calderon as members. The Faculty of Notary Public numbered Aguedo Velarde, Arcadio del Rosario and Juan Gabriel Manday.

The university was subsequently transferred to Tarlac,

¹ Figures taken from "Education in the Philippines" by Antonio Isidro et al. (1939) p. 126.

Tarlac, which became the seat of the revolutionary government. The institution was short lived; it had been the purpose of the revolutionary leaders to make the Universidad Literaria the seat of higher learning in the country. Only the fall of the republic prevented the accomplishment of their aims.¹

Escuela de Derecho de Manila—

The "Escuela de Derecho de Manila," a private law school, was founded by Don Felipe Calderon in 1898. Further data on the early days of the school are not available, as all the records were destroyed during the battle for Manila in 1945. The "Escuela de Derecho" figures in any history of the Philippine legal profession, as many of our practitioners and judges received their training in that school. Subsequently, the school became the Manila Law College, administered since 1924 by the Centro Escolar de Filipinas, now the Centro Escolar University. Since its establishment up to the present, the school has graduated over 2000 students.

Law Schools under the American regime—

The necessity of establishing a modern Philippine School of law was perhaps best brought out by Justice George A. Malcolm, who, as dean of the newly established U.P. College of Law, wrote in 1914:

"There is in the Philippine Islands a unique legal system, in which the two great streams of the law, the civil . . . and the common law have met and blended. The courts

in interpreting and applying the law, have, consequently, in one opinion gone to the jurisprudence of Spain for authority, and have, in the next, applied the rules of English and American common law. The complement of such a system of jurisprudence is obviously a school where students are trained, in the future official language, for the practice of law in the Philippines. Experience shows that students have, at great expense, been sent to American universities and have there acquired an excellent knowledge of the English language, and studied conscientiously the principles of American law, only, on their return to the Philippines to find themselves hopelessly at sea in the Spanish law. Other students have pursued a course of legal study in the universities of Spain or France, or in schools in the Philippines, in which, in the Spanish language, the Spanish codes are studied directly, only to come forth unacquainted with the future official language of the courts where they are to practice, and unfamiliar with American adjective or substantive law—or cases. In both instances the method was wrong—the student was over-developed in one direction and under-developed in another."

The first law school in the Philippines to give instruction in English and to attempt to meet the training requirements demanded of practitioners under the new legal system was the school of law conducted under the auspices of the educational department of the Young Men's Christian Association. The school held classes in first year law in one of the rooms of what

¹ Data on "Universidad Literaria de Filipinas" from "*Reseña Histórica de Filipinas*" by Teodoro Kalaw.

was later the Araullo High School Building in Intramuros. The enrollment in the school's first year of existence, in 1910, consisted of fifty students, Americans and Filipinos. This school, commonly known as the Y.M.C.A. Law School, was the precursor of the U. P. College of Law.

The College of Law of the University of the Philippines was established by the Board of Regents on January 12, 1911. The transfer of the first class of the Y.M.C.A. law school on July 1911 to the U.P. College of Law marked the end of the former institution, and at the same time the beginning of the U.P. College of Law, the sophomore class of which was constituted by the first and only class of the Y.M.C.A. law school.

The formal opening of the U.P. College of Law took place in June 1911, with an enrolment of 154 students. The college was located in a rented building at 68, Calle Isaac Peral. Of the faculty members, only two or three were full time professors, the rest being special lecturers, most of whom were Americans connected with the judiciary. The first dean, although in an acting capacity, was Justice Sherman Moreland of the Philippine Supreme Court, until now considered one of the ablest jurists to serve in that body. Justice Moreland, however, served for only six months, and was succeeded as dean by Mr. George A. Malcolm then the secretary of the college. Dean Malcolm, whose services to the College of Law in

its infancy were invaluable, held the deanship until 1917, when he was appointed to the Supreme Court. Justice Malcolm who initiated the various activities and organizations in the college which were later introduced in other schools of law, also distinguished himself as a teacher. His work in constitutional law, then a comparatively unknown subject in the Philippines, gave many of our present national leaders their first training in the art of government.

The three year law course of the U.P. College of Law was discontinued in 1917, and only the four year course was offered. Originally, the college offered a three year course and a four year course for the bachelor's degree. The curricula of both courses were identical, the four year course being intended for working students.

Dean Malcolm was succeeded by Dr. Jorge Bocobo, who served as dean for seventeen years, until he was elevated to the presidency of the University of the Philippines in 1934. A profound scholar, Dr. Bocobo has long been recognized as the country's leading mentor in Civil Law. Dr. Bocobo was subsequently appointed Secretary of Public Instruction, and later, Justice of the Supreme Court.

The present dean of the College of Law is Professor Jose Espiritu, who succeeded Dr. Bocobo in 1934. An authority in Commercial Law, Dean Espiritu resigned from the Supreme Court in order to return to his first calling, the college, and thus guide its reconstruction.

Following the establishment of the College of Law of the University of the Philippines, other law schools were established, many of them by alumni of the College of Law of the University of the Philippines. These schools have followed a system of training more or less adapted to the requirements brought about by the increased influence of American and Anglo-Saxon law in the Philippines. Among the later law schools, in the order of establishment, are: The Philippine Law School, established in May 1915; the College of Law, University of Manila, established in 1918; the Institute of Law, Far Eastern University, founded in June 1934; the College of Law, Southern College, founded in 1935; and the Arellano Law College, founded in June, 1938.¹

Types of Law Schools—

It would be rather difficult to draw hard and fast lines with regard to the classification of our law schools. The schools differ more or less from one another in certain details so that a strict classification would not be advisable. A broad and general classification might be attempted, however.

We first have the schools that cater primarily to working students. Classes are necessarily held after office or working hours, so as to accommodate a student body that has spent the day in offices or in other occu-

pations. Since the students do not have much time for study, the principal aim of this type of school is to prepare its graduates to pass the bar examinations. The lecture system of instruction is usually followed, and emphasis in instruction is usually placed on the bar review courses. Almost all of the members of the faculty are practitioners or full-time government officials who devote a part of their time to lecturing. Schools of this type exact the minimum of entrance and attendance requirements, and necessarily cannot be too particular as to the nature of the work done by the students. The school is moreover independently incorporated and is, first and foremost, an enterprise, the main interest of which, at least to its founders, is yielding financial returns.

The second type of law school serves full time students. Classes are therefore held in the mornings, or as is usually the case, in the early afternoons. The school, since it has a student body composed mainly of professional students, can exact more work and demand a higher standard of performance. Instruction is usually rendered in a manner that can best be described as being a half-lecture and half-recitation system. The schools of this type are usually units of larger institutions.— Being mainly dependent on tui-

¹ *Note:* Other law schools were operating prior to the outbreak of the war, but up to present writing have not reopened. These include: College of Law, National University; College of Law, Ateneo de Manila; College of Law, Colegio de San Carlos, Cebu City; College of Law, Visayan Institute, Cebu City; Francisco Law College.

Established a few months prior to the war were: College of Law, Adamson University; College of Law, Central University.

tion, standards cannot be set too high above the requirements of the bar examinations. Schools, of this class, however, are conscious of their responsibility and higher calling, and therefore, seek self-improvement. New methods in the teaching of law and means by which more thorough instruction can be given are always readily adopted by these progressive institutions.

The third type of law school has as its distinguishing feature and main source of strength the fact that it relies on assured financial support. The school of this type is an integral part of an important university—said university either being amply supplied with resources and reserves to satisfy its needs, or being a government institution, if publicly endowed. Such a school is practically independent of tuition, and can therefore exact entrance, attendance and performance requirements of a higher type. Classes are held at practically all hours of the day, and students are forced to spend most of their off hours in well-stocked law libraries. A greater proportion of the faculty is composed of full-time members who devote all their time and energies to instructional and research work. The school is enabled to exact higher standards of scholarship and qualification for degrees, and being a part of a larger institution, is recognized by reason of its own standards and its affiliations, by all educational institutions abroad. This type of school, given proper support and encouragement, may, under a ca-

pable administration, continue to progress and improve.

a superior type of school—goal to be attained—

It may not be out of place to mention here a fourth type of law school, as yet inexistent in this country. Such an institution, which has been attained by a few of the more progressive nations does honor to the men fortunate and meritorious enough to be members of its faculty — men who could grace and be a credit to the highest legislative, executive or judicial positions in the land. Such a school possesses the mellowness and venerability which only long years of service can bestow. It would furthermore bear the following characteristics — the absolute discarding of the apprentice method of instruction—as the students would be trained in the highest stages of the law—in the study of jurisprudence and the philosophy behind legal thought. Bar examination preparations would be left entirely to the student—said examinations being regarded as a matter of individual concern, looked upon by the institution as unimportant and a source of distraction to legal scholarship. All members of the faculty would be serving on a full-time basis. Their advice and views on codification, legislation and legal interpretation being generally accepted as authoritative. A great part of the time of the faculty members would necessarily be devoted to legal research activity, with a view to bringing about transcendental progress

in legal concepts and legal thought.

The last mentioned type of law school may seem unduly idealistic in conception with regard to the Philippines and impossible of achievement under what is known as "Philippine conditions." Other countries having such institutions as an accomplished actuality, it would seem to be a goal worthy of ambition and endeavor.

More recently established law schools—

Brief historical sketches of the Faculty of Civil Law, University of Santo Tomas, the Manila Law College and the University of the Philippines having been given above, the following pertinent data on the more recently established law schools follows:

The Philippine Law School was founded by Simeon C. Lacson (deceased) and Ricardo C. Lacson on May 1915. The school had an original enrolment of 40 students, and when first established offered only the first year of the four-year law course. The Philippine Law School became a part of the National University on June 1915 and continued as such until 1935. Government recognition was accorded the school on February 7, 1916. The school has graduated 3215 students from the date of its establishment up to the present.

The College of Law, University of Manila, was founded in 1918 by Atty Manuel Goyena, Mr. Cipriano del Carmen and Judge Guillermo Guevara. The school was first known as the National Law College, becoming

a part of the University of Manila in 1921, the latter institution having acquired the controlling interest of the National Law College. The school had an original enrolment of 100 students, and it offered the full four year course from the date of its establishment. The National Law College has graduated approximately 1500 students since its establishment up to the present.

The Far Eastern University Institute of Law was established on June 1934 by Dean Pedro Concepcion. The school offered the full four year law course from the date of its opening, having an original enrolment of 160 students. In spite of the fact that the school has been recently founded, it has made remarkable progress, in no little measure due to the fact that it is a part of the Far Eastern University.

The College of Law, Southern College, is noteworthy in the sense of its being one of the two law schools at present operating outside of Manila. The school was founded in 1935 by Agustin Jereza with an original enrolment of 16 students. The first three years of the four year course were first offered (1935-1936) and for the second term (1936-1937) the full four year course was established. The school has graduated 71 students up to present writing.

The Arellano Law College was founded by Dean Francisco Capistrano, formerly professor of Civil Law, University of the Philippines, on June 1938. The original enrolment of the school was forty students, the first two

years of the law course being offered at the opening of the school. The third year of the law course was opened in 1938, and the fourth year in 1940. To date, the school has had 22 graduates. Some of the main purposes for which the Arellano

Law College has been founded have been stated as follows:

"To contribute to the development of the legal literature and jurisprudence of the Philippines. To prove that a private law school can keep up the standard of the U.P. College of Law."

CHAPTER III

LEGAL EDUCATION AS CONDUCTED AT PRESENT

Entrance Requirements—

Entrance requirements to the schools of law are in compliance with the conditions stipulated in Section 6, Rule 127 of the Rules of Court, on Attorneys and Admission to the bar:

"Section 6. Pre-law—Every applicant for admission shall file with the clerk of the Supreme Court a certificate showing that he has satisfied the Secretary of Public Instruction, that before he began the study of law, he had pursued and satisfactorily completed in a recognized university or college of liberal arts requiring for admission thereto the completion of a four year high school course, the first two years of the course of study prescribed therein for a degree in arts or sciences. This provision shall not apply, however, to any person heretofore admitted to the bar examination."

As prescribed by the Department of Public Instruction, "the first two years of the course of study for a degree in arts or sciences" denotes at least 60 units of college work. None of the local law schools have attempted to demand more than this minimum requirement, unlike certain schools in the United States, that require a bache-

lor of arts degree. A number of the private schools, however, have offered combined courses over a six year period, leading to both a bachelor of laws and a bachelor of commercial science degree.¹

The prescribed sixty units over two years of college work being comparatively easy to comply with, the law schools find no difficulty at all in adhering strictly to this requirement. Cases are known of, however, where students with back subjects, and therefore with less than sixty units of credit, have been allowed to begin their work in law. The requirement as embodied in section 6, Rule 127 is a requirement imposed by the rules for admission to the bar of practically all the states of the U.S., with a few exceptions. It also is a requirement that must be enforced by all law schools seeking recognition from the Association of American Law Schools and from the American Bar Association.

Curricula:

The curricula in the various schools have practically identical subjects—although they vary in different schools with regard to the number of units

¹ cf. Gen. Bulletin, Supplementary Issue, University of Santo Tomas, p. 46.

assigned to particular subjects following curriculum is of a type more or less followed by all law schools:

OUTLINE OF COURSES

First Year

First Semester	<i>Units</i>	Second Semester	<i>Units</i>
Elementary Law	2	Criminal Law	5
Institutes of Civil Law	3	Mining & Law of Waters ...	1
Legal Bibliography	1	Obligations & contracts	5
Persons & Family Relations .	3	Statutory Construction	1
Philippine Government	3		
	<hr/>		
Total	12	Total	12

Second Year

First Semester	<i>Units</i>	Second Semester	<i>Units</i>
Bailments & Carriers	1	Administrative Law	2
Criminal Procedure	2	Agency	2
Partnership	2	Election Law	1
Property	3	Mercantile Law	4
Public Service Law	1	Sales	2
Torts, Damages & Labor Laws	3	Taxation	1
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Total	12	Total	12

Third Year

First Semester	<i>Units</i>	Second Semester	<i>Units</i>
Admiralty & Customs Practice	1	Constitutional Law	3
Bankruptcy & Insolvency ...	1	Evidence	4
Civil Procedure	4	Insurance	1
Private Corporations	3	Legal Ethics	1
Special Remedies & Proceedings	1	Legal Medicine	1
Wills, Descent & Administrations	3	Pleadings & Brief Making ..	1
	<hr/>	Public Corporations	2
Total	13	Total	13

Fourth Year

First Semester	<i>Units</i>	Second Semester	<i>Units</i>
Commercial Law Review ...	4	Civil Law Review	4
Criminal Law Review	2	Criminal Procedure Review .	1
Conveyancing	1	Land Registration & Mortgages	4
Moot Court	1	Moot Court	1
Political Law Review	4	Private Internat. Law	2
Public International Law ...	2	Remedial Law Review	3
	<hr/>		
Total	14	Total	15

Sectarian institutions offer certain subjects embracing more or less religious doctrines, such as seminars which involve discussion of papal encyclicals, Natural Law, Catholic Professional Ethics, and Public Ecclesiastical Law.¹ Other schools have included in their curricula subjects bearing on the general cultural background of lawyers and jurisprudence. The main content of the curricula of all the schools, however, is constituted by courses of study embracing the subjects enumerated in section 9, Rule 127 of the Rules of Court.

Section 9. Examination; subjects. Applicants, not otherwise provided for in sections 8 and 4 of this rule, shall be subjected to examinations in the following subjects: Civil law; land registration and mortgages; mercantile law; criminal law; political law (constitutional law, public corporations and public officers); international law (private and public); remedial law (civil procedure, criminal procedure, and evidence); legal ethics and practical exercises (in pleading and conveyancing).

Composition of Faculty—

The system of selection of members of the faculties of the law schools leaves little to be desired. It can unhesitatingly be said that they are the best men available. Faculty members have invariably been selected on the basis of exceptional

scholarship, as proven during their study of the law course — many members, moreover the holders of degrees from well known American schools of law. Practising attorneys, members of the judiciary and other officials, recognized as authorities on their subjects grace the faculties of local law schools.

In a number of cases a certain professor has been a faculty member in as many as four law schools at the same time. This is especially the case when the professor concerned is an authority on his subject, and is thus in great demand by all law schools. There is also another type of law school faculty member, who in himself constitutes encouraging evidence of the bright future of legal education. This is the young law teacher, but recently graduated, who has been offered a teaching position by reason of his proven abilities as a student, and because he brings to the faculty the refreshing atmosphere of youth. The idealism of the true teacher is found in a number of them, who, for the sake of the profession should be given all the incentive and preparation possible.

The following table shows the number of full time and part time faculty members in the different schools:

SCHOOL	Full time	Part time or Professorial lecturer
U.S.T. Law	1	14
Manila Law College	3	10
U.P. Law	4	7

¹ Supplement, General Bulletin, University of Santo Tomas, p. 45.

Philippine Law School	3	15
U.M. Law	4 (?)	9
F.E.U. Law	1	14
Southern College, Law	0	7
Arellano Law College	1	14
Total:	17	90

None of the law schools at present would be able to comply with the requirements of the Association of American Law Schools which prescribes at least five full time faculty members for acceptance in the association. Prior to the war, however, the U.P. College of Law had the required number. There is a distinction between the terms "professorial lecturers" and "part time" faculty members, in that the former are compensated according to lecture hours, while the latter work on a salary basis. Emphasizing the distinction here would not be practicable, as most non-full-time faculty members are professorial lecturers. The classification of faculty members into Professor (3 grades), Associate Professor (3 grades), Assistant Professor (3 grades) and Instructor as in American Universities is not in use among our law schools, except in the University of the Philippines and in the University of Santo Tomas. Other schools merely have "Professors."

The proportion between part time faculty members (including professorial lecturers) and

full time faculty members is 18.8%. It would not be out of place here to define the term "full time" regarding the meaning of which at least one of the law schools has a misconception. The term denotes a regular occupation which takes up all the working hours of the person concerned, so as to preclude any other full time employment. Impliedly therefore, this would seem to bar the full time teacher from actual practice, or from the management or active intervention in business. By analogy, the following opinion, as applied to full time public officers, may serve to clarify the point:

"His first and paramount duty is to perform all of the requirements of his office: but he is not barred, because he holds public office, from investing his funds in a legitimate business enterprise, nor prohibited from receiving profits from an independent business in which he may have an interest." /¹

The classification of part time faculty members and professorial lecturers of all the schools with regard to their principal occupations is as follows:

Justices of the Supreme Court	1
Judges, Court of 1st Instance	4
Solicitors	8

¹ According to Justice Bocobo, former Dean, U.P. Coll. of Law, (A.A.L.S. Constitution not available despite diligent search.)

State v. Hinshaw, 198 N.W. 634; (Philippine Political Law by Sison, p. 60)

Prosecutors, Peoples Court 5
 Other positions in the government, including government corporations 3
 Members of Congress 2
 Practising attorneys 64

Judging from their standing in other fields of legal endeavor, it is evident that the part time professors of law and professorial lecturers are as successful a group of men as may be met with anywhere. Whether they make good teachers is a matter dependent on the time they have available for preparation and actual instruction. Absences on the part of teach-

ers, especially in private law schools, are not too rare. The reasons for their entry into this branch of legal activity, namely, teaching, ranges from financial reasons to a desire to keep abreast with developments in particular branches of the law, interest in the teaching professions, and enhanced professional prestige—sometimes a combination of all these factors.

Student body—

The following table shows the enrolment of the law schools during the second semester of

the term 1945-1946, divided into classes:

SCHOOL	1st Year	2nd Year	3rd Year	4th Year	TOTAL
U.S.T. Law	102	26	65	67	260
Manila Law College	129	57	50	100	336
U.P. Law (1st sem.)	40	32	33	31	136
Philippine Law Sch.	73	46	42	42	203
U.M. Law	93	53	54	85	285
F.E.U. Law	87	78	54	13	232
Southern Coll., Law	22	31	24	25	102
Arellano Law	67	62	59	54	242
				Grand Total	1796

A glance at the enrolment figures shows that the number of law students enrolled during the present school year is 1796, as compared with the number of law students enrolled in 1940 (the last year for which complete figures are available) which was 3777. Enrolments in all educational institutions have been greatly diminished, partly due to the higher cost of living, especially in the city, and the fact that many of the students going to school before the war have discontinued their studies. The law schools, however, seem

to have suffered more than the other professional schools, due to the fact that they were not allowed to operate during the occupation period. A glance at the chart shows the greatest enrolment to be in the first year of law—most of the students being those who were able to attend liberal arts courses during the Japanese occupation. Enrolment in the fourth year is also high, due to the fact that the students, having gone so far in the course, have been hesitant to discontinue. The number of first year students approaches

the number attending first year classes prior to the war, which gives good indications that in three or four years enrolment in the law schools will resemble pre-war figures.

The following table shows en-

SCHOOL	1937	1938	1939	1940	1941
U.S.T. Law	448	381	444	459	481
Manila Law College	70	120	200	300	450
U.P. Law	712	713	669	629	562
Philippine Law Sch.	648	668	793	759	—
U.M. Law	600	650	700	700	850
F.E.U. Law	454	425	449	426	—
Southern Coll. Law	71	106	138	154	188
Arellano Law Coll.		40	100	350	500
TOTALS:	3003	3103	3493	3777	

A steady increase of enrolment in law schools is evident during the five years immediately preceding the war. The

enrolment figures of the different law schools during the last five years immediately preceding the war. Figures for 1941 are incomplete, due to force majeure.

rates of increase follow: 1937 to 1938, 3.3%; 1938 to 1939, 12.5%; 1939 to 1940, 8.1%.

Female Students—

The following table shows the number of female students enrolled in the law schools during the different years from 1937 to 1941, and also for the current

U.S.T. Law	31	33	52	58	63	16
Manila Law	2	4	7	10	9	24
U.P. Law			103			29
Phil. Law	45	45	42	38	49	0
U.M. Law	20	32	27	44	45	33
F.E.U. Law	31	33	40	41	—	25
So. Coll.	5	10	10	14	13	4
Arellano	0	3	8	25	30	23

Increase in female enrolment has been as follows: From 1937 to 1938, 19.4%; from 1938 to 1939, excluding the U.P. College of Law figure, 16.2%; from 1939 to 1940, excluding the U.P. figure, 23.6%. The increase of female students from 1937 to 1940 is 71.6%. The increase of

school term. Figures for the U.P. College of Law are incomplete due to the destruction of the records.

all students, male and female during the same period (i.e. comparing total enrolment figures of 1937 and 1940) is 25.77%. In 1937, the total number of female law students represented 5.8% of the total enrolment; in 1940 the percentage has increased to 9.6%. It is

evident that as in most of the other professional institutions, women are steadily gaining ground.

Working students—

The following table shows the number of working students in the different law schools, and the percentage they represent of the particular student enrolments: (Figures for 1946)

School	working students	total enrolment	Percentage
U.S.T. Law	75	260	28.84
Manila Law	325	336	97.00
U.P. Law	20	136	14.7
Phil. Law	190	203	93.5
U.M. Law	200 (approx.)	285	70.17
F.E.U. Law	150	232	64.65
So. Coll. Law	98	102	96.07
Arellano Law	125	242	51.65

The number of working students is approximately 70% of the total enrolment figure. The study of law is one of the courses that is particularly attractive to working students, due to the fact that class hours are usually in the evening, besides the advantage that class work lasts only three hours daily.

Size of classes—

We here refer to the number of students attending a class at a particular time under a particular professor. The following figures show the size of classes in each law school:

School	1st Year	2nd Year	3rd Year	4th Year	Average
U.S.T. Law	63	27	58	67	54
Manila Law	65	57	57	100	70
U.P. Law	20	32	33	31	29
Phil. Law	52	36	39	30	39
U.M. Law	60	53	54	85	63
F.E.U. Law	53	41	36	25	39
So. Coll. Law	22	31	24	25	26
Arellano Law	58	62	55	48	56

These are the figures for the school term 1945-1946. Attention is called to the fact that in most of the above cases, classes are small due to the fact that enrolments are small. Classes were much larger prior to the war. It would be safe to say that then, the average size of classes was usually 70 students.

Average age of graduating classes—

Figures here presented are for the three years immediately prior to the war and for the present school term.

School	1939	1940	1941	1946
U.S.T. Law	23	23	23	27
Manila Law College	25	23	23	28

U.P. Law	24	24	24	27
Philippine Law Sch.	25	26	26	27
U.M. Law	30	30	30	32
F.E.U. Law	—	—	—	—
Southern College Law	28	29	30	34
Arellano Law College	—	—	—	—

The average age prior to the war of members of the graduating classes of schools whose enrolment consisted, primarily of full-time students was 24 years; of schools catering primarily to working students, 30 years. The disruption of studies has raised the average age of members of

the graduating class to 27 years, among full time students, and 33 years among working students. With the shortening of the educational system, the age of law graduates in the future will be even lower than that of the pre-war graduates.

Tuition Fees per semester—

The following table shows the tuition fees charged per semester by the different law schools.

School	Cash	Instalments
U.S.T. Law	₱165.00	
Manila Law	80.00	₱ 90.00
U.P. Law	95.00	
Phil. Law	100.00	120.00
U.M. Law	101.00	
F.E.U. Law	105.00	125.00
So. College	80.00	100.00
Arellano Law	100.00	120.00

The College of Law, University of Manila, has the following instalment plan: ₱40.00 upon enrolment and the balance at ₱15.00 a month. The College of Law, University of the Philippines allows the payment of fees

by instalments provided they can present, to be jointly and severally liable with them, well established surety companies. The U.P. also maintains a Student Loan Fund created out of the accrued interest of the students' deposits.¹ The average semestral tuition fee prior to the war was ₱60.00. The present inflation has increased it by as much as 150%. Considering present prices and the cost of other commodities, present tuition fees are comparatively low. This is due to the fact that law faculty members have gotten, if any, only a small increase in compensation.

Library and Research facilities—

School	Number of volumes
U.S.T. Law	3628
Manila Law College	no data, (pre-war, 3000)
U.P. Law	251 (pre-war, 20,000)
Phil. Law School	2500 (pre-war, 4500)
U.M. Law	3000
F.E.U. Law	(no data)
Southern College, Law	2004
Arellano Law College	2008

¹ Chap. VIII, Art. 1, Section 21 Code of the University of the Philippines.

² Chap. VIII, Art. 1, Secs. 18-20, idem.

The greatest loss suffered by law schools during the war was the destruction of their libraries. The library of the U.P. College of Law, totally destroyed, numbered close to 20,000 volumes and was considered among the most complete, if not the most complete library on American and Filipino law in the Far East. The Association of American Law Schools prescribes the following as a requirement for membership:

"Commencing September 1, 1932, it shall own a law library of not

less than 10,000 volumes, which shall be so housed and administered as to be readily available for use by students and faculty. . .

Commencing September 1, 1932, for additions to the library in the way of continuations and otherwise, there shall be spent over any period of five years at least \$10,000, of which at least \$1,000 shall be expended each year.*

Prior to the war, only the college of law of the University of the Philippines could meet these requirements.

System of Instruction—

The following table shows the systems of instruction adopted

by the different law schools:

<i>School</i>	
U.S.T. Law	Both recitation and lecture
Manila Law College	Recitation
U.P. Law	Recitation—stress on library work
Phil. Law School	Both recitation and lecture
U.M. Law	Recitation
F.E.U. Law	Recitation
Southern College, Law	Recitation
Arellano Law College	Both lecture and recitation

The recitation system is more conducive to industry on the part of the students, but in large

classes, such as exist in a number of schools, students may not be made to recite often enough.

Frequency of tests or examinations—

The following list shows the system of tests or examinations used in the different law schools:

U.S.T. Law: Two examinations, preliminary and final.	final.
Manila Law College: Mid-semester and final.	U.M. Law: Mid-semester and final. Periodical tests by professors.
U.P. Law: Final examinations, quizzes are left to the discretion of the particular professor.	F.E.U. Law: Mid-semester and final examinations. Short quizzes depending on professors.
Philippine Law: Mid-semester and	Southern College Law: Monthly.
	Arellano Law College: 3 periodical ratings are needed per semester. School publishes dates of these examinations.
	The practice in the majority

* Art. 6, Sec. 6, Constitution, Assoc of Amer. Law Schools (8 A.L.S.R 1105)

of law schools is to hold two examinations — a mid-semestral and a final examination. The apparent reason for not holding examinations or tests more often is the difficulty of correcting papers. Professors of law in practically all schools get ad-

ditional compensation upon conducting final examinations. Two comprehensive examinations per semester would seem to be adequate—it being the system followed in most American law schools.

ROLE OF GOVERNMENT IN LEGAL EDUCATION

"All educational institutions shall be under the supervision of and subject to regulation by the state..." By this provision embodied in Article XIV, section 5 of the Constitution, control of education, both public and private, is vested in the government, operating through the Department of Public Instruction. Direct control of education by the government marked a departure from the former policy with regard to educational

institutions, as previous to the adoption of the constitution, private education was considered as merely an adjunct to the public school system. There was some form of control under Act 1459 known as the Corporation Law and Act 2706 (Private School Act) but only after the adoption of the Constitution did private education become an integral part of the national educational system.

Office of Private Education—

In order to give effect to the above-stated provision of the Constitution insofar as private institutions were concerned, the National Assembly in November 1936 passed Commonwealth Act 180, which defines a private school or college as follows:

"Any private institution for teaching, managed by private individuals or corporations, which is not subject to the authority and regulations of the Bureau of Education or the University of the Philippines, or of the Bureau of Public Welfare, and which offers courses of kindergarten, primary, intermediate or secondary instructional, technical, professional or special schools by which diplomas or certificates are to be granted or titles and degrees conferred."

The importance of Commonwealth Act 180 with regard to legal education cannot be overstressed, when we consider that of the eight law schools in the country, only the College of Law of the University of the Philippines is a public institution—the remaining seven being private.

The act provided for an Office of Private Education to be administered by a Director of Private Education. The Director was to be responsible to the Secretary of Public Instruction. The main difference between Commonwealth Act 180 and its predecessor, Act 2706 (Private School Law) is that the former requires that before private schools and colleges may

¹ Section 2, Commonwealth Act 180.

open courses "by which diplomas or certificates are to be granted, or titles and degrees conferred" permission must first be secured from the Secretary of Public Instruction. No person may establish any private school without securing this permit. Within one year after the permit to open has been issued, the Secretary of Public Instruction gives the school a certificate of government recognition if its management and instruction have been satisfactory. Under Act 2706 permission was not necessary, the government merely regulating and inspecting private schools. Commonwealth Act 180 moreover, provides for government *supervision*, over and above mere regulation and inspection.

That private schools are supervised, regulated and inspected by the government is seen from this enumeration of the principal functions of the Office of Private Education as provided for in Commonwealth Act 180: (1.) The inspection of all private schools applying for permits to open and add new courses. (2) The proposal of standard courses of study for various courses, without prejudice to the right of private schools ^{1a} Section 2, Commonwealth Act 180. to substitute acceptable ones; (3) recommendation to the Secretary of Public Instruction on the cancellation of recognition granted to private school courses for failure to maintain standards; (4) publication from time to time of lists of approved schools and colleges and their

recognized courses; (5) the filing of students records and (6) the promulgation of rules and regulations affecting (a) school quarters, grounds and material equipment; (b) administrative, supervisory and teaching forces; (c) students' entrance and transfer credentials, subject loads, graduation and permanent records; (d) school calendars, programs and courses of study. ^{1b}

Minimum standards for various professions, such as law, medicine, engineering and dentistry are set by the Department of Public Instruction, and it is the mission of the Office of Private Education to inspect the private colleges to see that the provisions of the law and the spirit of the constitution are carried out. Failure on the part of any private school to satisfy the Office of Private Education in this respect means the withdrawal of government recognition, or practically speaking, the death of the institution concerned.

The Office of Private Education is at present composed as follows:

- 1 Director
- 4 Superintendents
- 1 Supervisor-examiner
- 14 Supervisors ^{1c}

These officers have supervision over all private schools in the Philippines. The Division of Colleges and Universities which supervises all private law schools is composed of only one superintendent and two supervisors. It is obvious that in the

^{1a} Section 2, Commonwealth Act 180.

^{1b} From "Government Control of Private Education" by Jose Motomal in "Education in the Philippines" (Antonio Isidro et al) p. 79.

^{1c} Commonwealth Act 723, 1--(4) (National Budget, 1945-1946, p. 344).

light of the magnitude and importance of their task, their number is rather inadequate.

The Supreme Court—

Article VIII, Section 13 of the Constitution provides: "The Supreme Court shall have the power to promulgate rules concerning pleading, practice and procedure in all courts, and the admission to the practice of law." The rules concerning the admission to the practice of law are embodied in Rule 127 of the Rules of Court. The following portions of Rule 127 have reference to educational prerequisites to be complied with by candidates for admission to the bar: Section 5 on requirements for applicants for membership of the bar other than applicants admitted during the Spanish sovereignty and applicants from other jurisdictions; Section 6 on Preparatory Law requirements; Section 7 concerning subjects on which examinations will be held; Section 10 on the type of examination to be given, which shall be written and shall follow the question and answer form; Section 14 which stipulates the passing average, i.e., a general average of 75% in all subjects, without falling below 50% in any subject, and assigning the relative weights to the particular subjects. Section 15 provides for the report of the bar examination committee on the results of the examination to be rendered not later than Dec. 15 after the examination, and the filing, after the Supreme Court has approved the report of the committee, the examination papers and notes of the committee with

the clerk of court, where they may be examined by any interested party.

The holding of the annual bar examinations is provided for as follows:

"Examinations for admission to the bar of the Philippines shall take place annually in the City of Manila, commencing on the first Saturday of the month of August and continuing on days to be announced until finished."¹

Bar examinations were suspended during the years 1942 and 1943 due to the opinion of the Japanese government, perhaps justified from their viewpoint, that the country already had too many lawyers. Bar examinations were held in 1944, however, as a result of persistent recommendations by the Supreme Court. It is to be noted that although there was a move among certain law schools to petition postponement of the 1946 bar examinations to November, which petition was under consideration by the Supreme Court, due to the fact that candidates would not have had sufficient time for review, the bar examinations for 1946 will be held at the time provided by Section 11 above. The time designated for the holding of the examinations may be changed, upon resolution voted upon by a majority of the members of the Supreme Court.

A committee of examiners is provided for in this wise:

"Examinations shall be conducted by a committee of bar examiners to be appointed by the Supreme Court. This committee shall be composed of a Justice of the Su-

¹ Section 11, Rule 127.

preme Court, who shall act as chairman, and who shall be designated by the Chief Justice to serve for one year, and eight members of the bar of the Philippines, who shall hold office for a period of one year. The names of the members of this committee shall be published in each volume of the official reports."¹

The examination of candidates for admission to the bar has been held to be a judicial function.² From an examination of the rosters of the bar examination committee in the different volumes of the Philippine Reports, it can be said that the members of the committee were by and large acknowledged leaders in the fields of law corresponding to the particular subjects in which they were to conduct examinations. In the designation of the Supreme Court member to act as chairman of the committee, no system of rotation is followed, the Justice chosen often being a member who has had experience in teaching law.

The Supreme Court is therefore directly concerned with legal education only to the extent of conducting the annual bar examinations. There is no form of supervision nor inspection of law schools directed by or carried on by the Supreme Court. The showing of the examinees do cast reflections on the institutions in which they were trained, but that is all. At least one Supreme Court Justice, however, has expressed the view that more direct and immediate action, other than the influence

furnished by public opinion, should be taken against law schools that consistently present inadequately trained or incapable examinees to the committee.

Candidates, before being allowed to take the examination are required to show, to the satisfaction of the court that they have regularly studied law for four years and successfully completed all prescribed courses in a law school or university, officially approved and recognized by the Secretary of Public Instruction. This is accomplished by an affidavit of the candidate accompanied by a certificate from the university or school of law.³ This is the extent of the official relations or liaison between the Supreme Court and the Department of Public Instruction with regard to legal education. The role of the Supreme Court with regard to education is necessarily circumscribed. The supervision of educational institutions is mainly an executive and administrative function and undue interference by the court would constitute a transgression of the doctrine of the separation of powers. It may not be out of place to here relate an instance in which a Justice of the Supreme Court, then chairman of the bar examination committee felt that official action should be taken, and yet could do no more than make an unofficial suggestion, since by the nature of affairs, little could be done by him officially. Justice Ozaeta, chairman of the Bar Examination Com-

¹ Section 5, Rule 127.

² *People vs. Romualdez and Mabuhay* 57, p. 149.

³ Section 12, Rule 127.

mittee for 1941 wrote the following letter dated November 26, 1941 to the president of the University of the Philippines:

"I wish to congratulate you and Dean Espiritu for the splendid showing of the College of Law, University of the Philippines, in the last bar examinations, wherein that institution obtained the highest percentage of successful candidates (90.62%) and the highest individual ratings. This is as it should be and as it has always been. The state university, not being organized and operated for profit, should lead all other ins-

titutions of learning in the country in establishing a high standard of scholarship.

To discourage the commercialization of the teaching of law and raise the standard of legal education, I think the Government should withdraw recognition from law schools which do not attain a percentage of at least 50% of successful candidates in the bar examinations. I do not think it is fair for any law school to make as much money as it can and dump unprepared and incompetent graduates on the Supreme Court and the country at large."

(To be continued in the next issue)

The "Tribune" Nov. 28, 1941.



The Artist in Law

THE quality that distinguishes the artist in law from the legal technician is the presence of emotion, or as Cardozo puts it, a mood of exaltation, a yearning for what is fine or high."—JOHN C. H. WU, *The Art of Law*.