LEGAL EDUCATION IN A CHANGING SOCIETY *

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INTRODUCTORY

In legal education as in other areas of human endeavor, developments are largely a result of challenge and response. As the legal profession must continue not merely to react to changing society but even more, to help bring about needed changes, the training for the profession must prepare lawyers to perform this function. For the legal profession according to Robert Hutchins "far from being surprised by change, will have anticipated and perhaps contributed to it." [1]

The subject of this lecture is broad enough to encompass legal education in its generic sense, but my discussion will center on legal education in this country with particular reference to this College.

It is fitting that on the 60th anniversary of the founding of this law school, a close look should be taken of its role in society. It is an opportune occasion to rethink its objectives, revaluate what it has done to achieve them, assess its present and map out its future — in short determine how well the school has responded to the challenges of the past, is responding to those of the present and how it proposes to meet those of the future.

The Past is Prologue

The chronicles of this school recount the circumstances of its establishment a decade after the Philippines passed from three centuries of Spanish rule to that of the United States. The change of sovereignty brought with it far-reaching changes in Philippine society. The Americans introduced among other things, their style of life, a new system of law and of education. By 1910, the laws introduced by Spain were steadily giving way to those of American origin but young Filipinos educated in English and preparing to become lawyers found that the existing law schools continued to employ Spanish as the medium of instruction. The need for a school

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[1] HABER & COHEN (ED.), LAW SCHOOL OF TOMORROW; THE PROTECTION OF AN IDEAL 18-19 (1968).

of law conducted in English was evident. It was to fill this need, (in answer to a challenge, if you will) that George A. Malcolm, a young graduate of the University of Michigan Law School, then beginning what was to be a long and distinguished career in government service in this country, proposed the establishment of a law school in this University. This initial effort did not find support. In Malcolm's words: "Hon. Newton W. Gilbert, the Secretary of Public Instruction and Chairman of the Board of Regents of the University of the Philippines, backed by influential Regents brusquely turned down my proposal..."[2] He succeeded instead of persuading the Manila YMCA to offer law courses. This was in 1910. Not long afterwards, on January 12, 1911, to be exact, the Board of Regents relented and approved the establishment of a College of Law. Among the fifty students registered in the new College the following July were those who started law studies in the YMCA class.

Sixty years have since passed, English completely displaced Spanish as the language of the law school and the courts. In 1911, there were only two universities—the venerable University of Santo Tomas and the 3-year old University of the Philippines. By 1970, this number had risen to 33, 28 privately established and 5 created and supported by the State. Where in 1911, a person who wanted to take up law had to go to Manila for the course offered in a handful of schools, by 1970, he could take up the course in his own province, for 69 law schools were operating in many parts of the country.

The sixty-year period marks important events in the history of the Philippines. In 1911, Philippine independence was largely a dream, but it was a strong unifying force. The immediate task was to prepare for self-government. Legal education set for itself as primary goal the training of eligible Filipinos for government service and positions of leadership, a task which today law schools of newly emergent states similarly undertake.[3] The Filipino capacity for governing themselves having been amply demonstrated, the United States after 34 years of Filipino agitation, finally set the date for independence. Despite a total war that left the country prostrate, that date was kept. Today with the benefit of hindsight, the short-comings of that training for leadership can be discerned. For while it emphasized the political aspects of self-government, other areas vital in national development, namely, the economic and social, were not given the attention these deserve nor properly related to that training. The emphasis during the period when the Philippines was preparing for independence was a response to the challenge of the times, namely, to demonstrate Filipino capacity for governing themselves.

[2] AMERICAN COLONIAL CAREERIST 96 (1957).

[3] CONFERENCE ON LEGAL EDUCATION IN AFRICA, ADDIS ABABA, 1968, PROCEEDINGS (HAILE SELLASSIE I UNIVERSITY).

That legal training did not, of course, neglect the *raison d'etre* for legal education which is to prepare students for the law profession. A blending of the civil law system, a legacy of Spain, with the system of law introduced by the United States had developed. The Filipino student trained in both. The civil code and other laws of Spanish origin continued to regulate family relations, property, and succession but the laws pertaining to government, as well as those on business and commercial transactions were displaced by statutes introduced by the United States. The curriculum had to be fashioned to deal with courses in both systems and to reflect legislation in every conceivable field of activity.

Law schools were to perform yet anotner function, namely, to contribute to the development of legal literature. From the lawyers in academic life are expected scholarly inquiries and discourses on unsettled questions of law, studies in depth of legal problems, and reflections in jurisprudence. While in this country the "publish or perish" situation among the law faculty does not obtain with equal urgency, scholarly output is an important criterion for evaluating competence.

To encourage writing for publication, law reviews are maintained. Primarily a vehicle for teaching legal writing, it also serves as a medium for the exposition of views on legal questions.

The better law schools in the country today publish law journals. Our own Philippine Law Journal was originally a faculty-alumni publication which put out its first issue in 1914. Though it was discontinued in 1919 to 1926 for financial reasons and in 1942 to 1946 because of the Pacific war, it is now in its 45th volume. Today it comes out annually with five issues and maintains exchange arrangements with 143 foreign law publications. A student editorial board assists a faculty editor.

The law school's commitment to legal education does not terminate with the graduation of its students and their admission to the bar. Cognizant of the lawyer's need to keep up with legal developments, a Continuing Legal Education and Research Center was organized in 1963 in this College. This was subsequently expanded in 1964 by Republic Act No. 3870 establishing the present U.P. Law Center as a unit within the College. Provision for independent financing has enabled the Law Center to pursue with vigor its program of continuing legal education, law reform, and publication.

The organization of the Law Center represents a significant milestone in legal education in this country. Its creation was in answer to the need to improve the administration of justice by making available to the bench and the bar "continuing information about new trends and developments in law." It has frequently served as a forum for the discussion of current problems and new issues in law and its allied disciplines.

But as Shakespeare has said the past is prologue.[4] What of legal education today? How is it meeting the challenge of social change?

LEGAL EDUCATION TODAY

The law profession as a springboard for a career in politics or in government service has attracted young men and women to law studies. Thus, a significant percentage of those who eventually complete the course and are admitted to the bar do not go into practice. The figure given as of 1962 is that of those admitted to the bar only 25% practiced law.[5] While the figure needs updating, the observation that many young law graduates prefer government posts to law practice where one has to start at the bottom rung of the professional ladder, is still valid.

The popularity of the law course and the relative ease for establishing it resulted in the proliferation of law schools in many different parts of the country.[6] Lately the Bureau of Private Schools has begun to tighten those requirements and to warn schools about maintaining better standards. Unfortunately, the principal if not the only gauge for measuring standards of a law college in this country is its performance in the bar examinations. Law colleges have yet to devise among themselves a system of accreditation and to fix standards for instruction.

The Law Curriculum

Except for this College which enjoys a measure of autonomy in prescribing curricular offerings, law schools in this country have to comply with the Bureau of Private Schools regulations. But even this College is not completely at liberty to devise its curriculum.

The Supreme Court in the exercise of its constitutional power to prescribe rules for admission to the practice of law not only enumerates the subjects on which the bar examinations will be given and the weight assigned to each but also requires in no uncertain terms that "no applicant shall be admitted to the bar examinations unless he has satisfactorily completed the following courses in a law school or university duly recognized by the government: civil law, commercial law, remedial law, public and private international law, political law, labor and social legislation, medical jurisprudence, taxation, and legal ethics."[7] The rules specify the major fields of study a person should have in preparation for legal studies and reaches out to prescribe a four year high school requirement for admission to the preparatory law course.[8]

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[4] The Tempest, Act II, Scene I, Line 252.
[5] Coquia, *Educating Lawyers for Changing Conditions (An Appraisal of Legal Education in the Philippines)* in REGIONAL CONFERENCES ON LEGAL EDUCATION; A REPORT ON THE PROCEDURES 161 (Singapore, 1970).
[6] *Ibid.*
[7] RULES OF COURT, Rule 138, sec. 5.
[8] *Ibid*, sec. 6.

There is no denying that the prerogative of passing upon the fitness of applicants for admission to the bar belongs to the judiciary. Lawyers are officers of the court and the practice of law is a privilege given only to those who qualify both intellectually and morally. But legal training in this country today is maintained by institutions of higher education. Many law schools like this College are University based. Traditionally if not by actual constitutional grant universities are entitled to academic freedom which includes the right to determine on academic grounds what shall be taught. Insofar as our law schools are concerned, this College included, that freedom is severely circumscribed by the Supreme Court's requirements, regarding the subjects that an applicant m[illegible] take in order to qualify for the bar examinations. Perspective courses get crowded out of the curriculum because of the required courses. It is possible for a law school to ignore the Supreme Court's requirements but the consequence would be that the students if graduated would be unable to take the bar examinations. What school would risk that?

That this situation has come about and remained unchallenged is an idication not merely of unquestioning acceptance of the Supreme Court's power to determine who shall be admitted to the practice of law but a concession that expertise in the field of legal education also lies with that court. To my mind the latter amounts to a clear abdication of the responsibility that law schools owe to the students whom they have undertaken to train for the profession and a disservice to legal education. For there is no excuse for the existence of any law school unless it is prepared to assume the primary obligation of training students for the profession. That training would fall short of what it should be if it went no further than the requirements of bar examinations. But the number of subjects required by the Rules of Court prevents meaningful innovations in the courses and wrests initiative from law faculties.

In fairness to the Supreme Court it must be said, that the rule increasing the preparatory law requirement, indicating the majors or fields of concentration and specifying courses that the law schools should offer were adopted because of the distressingly poor performance of candidates in the bar examinations. Thus, in three successive examinations given immediately before the new preparatory law requirement went into effect the national overall percentages of successful bar candidates were: 19.85% in 1957; 22.24% in 1958; and 21.31% in 1959.[9] But the requirement has been implemented for more than 10 years, yet there is no discernible improvement in the percentage of passing. The lowest since 1946, was 19.39% in

[9] Figures given by the Supreme Court Bar Division in an interview on January 21, 1970.

the 1962 bar examinations. The figures during the last three years are: 21.11% in 1968; 28% in 1969 and in 1960.[10]

The possible explanation may be either that the Supreme Court has been giving harder examinations or that the big majority of bar candidates are inadequately prepared.

This situation poses a big problem to most law schools which depend solely on the student's fees to survive. Performance in the bar examinations has acquired such a big aura of achievement in the public regard, that it threatens to obscure the essence of the function of the law school which is to prepare its students for the law profession. The fact that a student cannot become a member of that profession without first passing the examinations creates in students pursuing the law course a fixation over what will help or will be of no help to him in negotiating the bar examination hurdle.

However, to allow the bar examinations to dominate legal education, is to take a short sighted view of what the law school stands for.

Objectives of Legal Education

First among the announced principal objectives of this College is "to prepare students for the practice of law." [11] What is involved in law practice? To the uninitiated this may conjure the picture of an advocate using skill and oratory to plead a client's case. But the law practitioner today does not find very many occasions for oratory. Much of his work may be done outside the court room giving counsel to clients on personal, family or business interests, drawing up articles of incorporation, by-laws, planning mergers or dissolution of corporations, negotiating on the side of labor or management, mediating, etc. Of course, I may be picturing what the big practitioners do, but it is a rare practicing lawyer or student who does not set his sights or will not welcome the opportunity of being instrumental in making decisions of major import.

How does a law school prepare its students for this? It would be simplistic to say: by teaching him law. For what is the law that the school should teach? The black letter law of the codes and court decisions as distilled in textbooks and commentaries? These will prepare them for the bar examinations no doubt, but will the preparation be sufficient for "the demands to which graduates must respond when most of them reach their greatest responsibility, thirty years after they leave the school." [12] Nothing in the codes, statutes, or casebooks used by our graduates of 1940, for example, remotely referred to problems concerning computers, tort claims

[10] *Ibid.*

[11] U.P. COLLEGE OF LAW CATALOGUE, 1968-1969, p. 11.

[12] SUTHERLAND, THE LAW AT HARVARD: A HISTORY OF IDEAS AND MEN, 1817-1967, 364 (1967).

from radiation, the hijacking of planes, or rights over the continental shelf. These are problems that they deal with today. Tomorrow lawyers may be negotiating the development of the moon surface.

The knowledge explosion has taken place in legal education as in other areas of human activity. Sixty years ago the decisions of the Supreme Court were found in 21 volumes. Today they fill 109 volumes of the Philippine Reports which is 11 years late and does not include decisions published in 37 volumes by private enterprise and those in the advanced G.Rs. In 1911, the Philippine Commission had tacked up 2,092 statutes, by 1970 the number of statutes totalled 10,078 representing all acts passed by the national legislature from the Philippine Commission to the Congress of the Philippines. The picture would not be complete: no mention is made of the countless ordinances promulgated by local governments and the rules and regulations of numerous administrative agencies — all of which have the effect of law.

Small wonder that students preparing for the bar examinations face this overwhelming repository of law with apprehension. Even if a law school wanted to, it could not in the span of 4 years teach its students all these laws enacted or evolved. While the school must of necessity teach the more significant of substantive and procedural law, it does so with the knowledge that these rules will change and what may be emphasized during a student's freshman year may be repealed or overruled even before he graduates.

The teaching of a multitude of specific rules and all their fine details without dealing with legal theories and their development may well miss the forest for the trees. An understanding of the niceties of particular rules has its uses but of more lasting value would be a grasp of fundamental concepts which will enable a law trained person to anticipate future developments and deal competently with the problems they bring.

The present curriculum of the law school represents a four-year plan for legal training. It has not overlooked the importance of giving breadth and perspective to this training — courses in legal philosophy and legal history are included for this purpose. A systematic plan of study of the corpus of the legal system — of private and public law in the more important fields is laid out in courses on family relations, property, successions, obligations and contracts, various types of transactions; constitutional, administrative and international law; labor relations and welfare, procedure, etc. The skill courses have not been left out: the student starts with legal bibliography so that he may know to use legal materials and the law library; he progresses to a course in legal research and writting aimed at developing his skill in preparing opinions, memoranda and other papers; he then takes up a course in legal draftsmanship which involves the

preparation of pleadings and other legal documents which a lawyer in actual practice will be called upon to draw up and finally when he has taken all the offerings on procedural law, he takes a course in trial technique and practice court to acquaint him with the theories and practical aspects of advocacy. A review of subjects in commercial, civil, and remedial law is also made during the last semester. A course in legal and judicial ethics is in the curriculum to acquaint the students with the duties a lawyer owes to his clients, the courts, the bar, and to society as a whole.

All but two of the 44 courses embraced in this four year plan of studies are required; two are electives.

What should be taught in the law school is a subject of constant reexamination. Curriculum study and revision is a continuing process. Considering the body of law that has accumulated and the fact that "while the law must be stable, and yet it cannot stand still," [13] the determination of curriculum content is most important.

It will be seen that under a curriculum like the one described, a graduate of law unlike graduates of other disciplines, gets no opportunity to major in any field of his choice. He has to take up the courses prescribed and should he develop a special interest in any particular field he will have neither the time nor the opportunity during his four years of law school to take up even on his own time additional courses in his line of interest. There is no opportunity given the student to elect his own courses of study, much less specialize. Specialization has to be started after graduation either through a lawyer's studies on his own or by doing graduate work.

American law schools in comparison give the students a wider choice of courses. Except for a core of required subjects, the majority of the courses are electives. Whether such a system would be workable in this jurisdiction has not been given much consideration. In the first place, the rules promulgated by the Supreme Court prescribe subjects that have to be taken. In the second place, the training in law schools which attempts to cover the whole field of law included in the bar examinations, militates against innovations. In this College for example, a curriculum enriched by the introduction of jurisprudence courses and electives and discarding review courses was revised within a few years.

There is some debate on whether the law school should concentrate on the theory of law leaving the training in skills or the how-to-do-it matters to the bar or do both. The frequent complaint against new law graduates is that they do not know enough of the practical skills to be entrusted with cases to handle; that their knowledge of theory derived from statutes and appellate court decisions have not prepared them to deal with raw facts. In answer to this criticism it is pointed out that one does not expect an

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[13] R. POUND, INTERPRETATIONS OF LEGAL HISTORY 1 (1923).

accomplished practitioner to emerge fresh out of law school; that the school should give the students their foundation on theories of law and leave practical training to those who are in the best position to give it, meaning the law practitioners and the courts; and that a graduate with a firm foundation in legal theory will easily pick up the skills later. On the other hand, it is pointed out that taking in a fresh graduate represents an investment but not infrequently after the new lawyer has acquired the training he needs he leaves for some more attractive opening.

In countries like Japan, Thailand, and Germany a system of apprenticeship operates. The law student goes to the law school for academic training, then through a period of practical training before he is finally admitted to the practice of law. In this country, legal apprenticeship is not required but the idea is not unknown. For example in 1918 there used to be a Supreme Court rule providing that a student had a choice of spending the fourth year of his law studies in law school or as an apprentice in a law office.[14] Our law schools realize the need of bridging the gap between the school and legal practice and some have adopted measures aimed at giving the students practical training. For instance, this school established a Legal Clinic in 1918-1919 under the supervision of a professor who taught procedural courses and another who had control of the clinic. Members of the senior class assisted in the conduct of cases, preparing them for trial by drawing up pleadings and looking up the law. This clinic must have operated for years since it was still on the U.P. Catalogue in 1929-1930. In the 1960's this school made arrangements with the Office of the Solicitor General for the apprenticeship of its students. It did not come off very well. The students did not find it attractive despite the academic credit given for the apprenticeship. Currently, with the cooperation of the Department of Justice, a pilot program of law student clerkships is being tried. For the period of 6 weeks some 25 juniors and sophomores are assigned as law clerks to trial judges. The program is non-credit and purely voluntary. The students get the opportunity to observe trial proceedings for at least fifteen hours in district courts, circuit criminal courts and domestic relations courts. They undertake research assignments the judges give them. At the end of the period a survey will be made on how the program worked. It is hoped that under this clerkship program the student will see how the theories he learned in the classroom operate in actual practice. The judge

[14] "That on and after the 1st day of August, 1918, no applicant other than those mentioned in Rules 3 and 4, will be admitted to take the examinations who has not attentively and regularly studied law for a period of four years of which at least the first three years' study must have been pursued, either in a recognized and approved law school or university, or in the office of a practicing attorney or in a court of record." U.P. CATALOGUE AND ANNOUNCEMENTS, 1916-1917, p. 341.

who accepts a student gets a volunteer researcher and a chance to help train a future member of the bar.[15]

The possibility of establishing a legal clinic under the Law Center has been considered. But the financial obstacle has first to be overcome.

From what has been said it becomes apparent that the school is taking upon itself the task of teaching its students legal theory and specific rules of law as well as the skills he will need.

Can this be done effectively? If so, how? These are questions that 14 committees, composed of members of the law faculty and student representatives, reviewing the curriculum have to consider seriously. The curriculum as a 4-year educational plan will have to determine how best to train the students in the discipline of legal studies. The committees will also have to determine if the teaching methods employed develop analytical skills, accuracy, and precision of language so essential to the lawyer. They will have to consider what is preferable: to attempt to cover every possible subject in law, or to teach relatively fewer courses intensively but in so doing teach the student the technique of studying by himself. A lawyer will have to be on his own when novel problems confront him. To form a theory of a case he has to find what law applies to the relevant facts he has shifted from what his clients may convey to him. But what should be borne in mind is

> "That law schools provide only one phase of a lawyer's education — the most important phase that will be ever be compressed into as small a space of time as three years * but still only a phase. A lawyer's education begins in grade school or earlier and ends when he dies or retires. We take him from an earlier phase — college — and deliver him to to the next phase — apprenticeship. Our question is: What ingredients of the totality of his equipment can we best supply him in the three years he spends with us?" [16]

The most important ingredient in a lawyer's education may well be the ability to learn by himself. No training can place all the law at his finger tips. Not infrequently, on his own, he will have to explore unfamiliar grounds to find the applicable rule and all its ramifications.

Faculty

It cannot be gainsaid that a competent faculty is the "most important element in the legal education structure." [17]

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[15] By the time this article goes to press a feed-back from participants in the law clerkship program has been obtained. Judges who responded to the questionnaires unanimously endorse it. The students suggest its expansion. The only complaint registered is that they have not been given enough assignments by the judges with whom they worked.

* In the Philippines, four years.

[16] Leach, *Property Law Taught in Two Packages*, 1 J. LEGAL ED. 28, 32 (1948).

[17] 1970 *Problems in Legal Education (A Survey)*, 19 CLEV. ST. L. REV. 427 435 (1970).

The best conceived curriculum if not properly implemented would be good only on paper. The cream of student applicants selected after rigid screening need training and guidance, and the law school has to have dedicated men and women to perform this function. They will have to show the student by teaching and example how to study law. To earn their respect a law teacher needs not only competence but the ability to impart knowledge and draw from students their best effort. "Teaching is an art as well as a science, and a good teacher is one who can so win the respect of his students that they will want to do their best to win his respect." [18]

The teaching arm of the law profession must not only transmit knowledge but also contribute to the development of legal thought. The practising lawyer no matter how well-inclined towards legal scholarship is usually too preoccupied with the multifarious concerns of clients to find time for scholarly pursuits. His activities have to be regulated by a calendar. Unlike the full-time law teacher he has to maintain an office, be concerned with meeting an overhead and maintain a staff. The members of the bench in this country especially face an ever growing calendar of cases. The knowledge that unsettled questions of law may subsequently come up before their court inhibit them from expounding on current issues and their legal implications. If the novel issues arising from economic, political or social change and the legal problems they create are to be analyzed, dissected and discussed the task would have to be undertaken chiefly by the academicians of the legal profession. The law teacher's responsibility to his profession requires him not only to keep up with legal developments and to anticipate them but also to communicate the results of his study and reflection to audiences beyond the classroom. He owes society this service too.

But in this country lawyers who devote themselves to law teaching comprise a small minority of the total faculty membership in the 69 or so law schools. Only in this school is there a substantial number of full time teachers. Even here practicing lawyers and members of the judiciary constitute a majority of the faculty. Slots for regular law teachers have not been easy to fill because members of the bar of law faculty caliber and willing to teach full time are hard to find. To compound the problem, some of those who join the full-time ranks do not stay long enough. Full time law teaching is seldom included in the plans of the top caliber law graduates. This is attributable largely to the fact that compared with opportunities in private practice or in other agencies of the government, the material rewards are insignificant.

The practicing lawyers and judges on the faculty perform an important function. Their day to day encounter with the law in action eminently qualify them to give the students the down to earth view of legal concepts and

[18] Weihofen, *Education for Law Teachers*, 43 COLUM. L. REV. 423, 429 (1943).

theories. But we should have more who will make law teaching a career if the legal profession is to perform its role in society adequately. A deliberate effort to develop a qualified corps of full time law teachers has to be made for as Francis Allen has pointed out: "If one of the obvious requirements of future legal education is a group of scholars, who, in the aggregate, are able to identify the social implications of the new knowledge and to contribute wisdom and understanding in solving the myriad problems that follow in its wake, then the training of young people for careers of teaching and research in the law schools become a consideration of first importance." [19]

Method of Instruction

The prevailing method of instruction in this school by question and answer can degenerate to a recitation by rote of what may be found in the assignment. If the students' interest in a course is to be kept alive the sessions will have to be more challenging. To elevate the class sessions into intelligent discussions, teachers and students must be equally prepared: the teacher by planning the direction of the discussion, clearly indicating the points to be taken up and guiding the students by well devised questions. On their part the students will have to come fully prepared to use the materials assigned as a take-off for discussion. Creative and imaginative methods of instruction have to be employed if the students' power of analysis, logical thinking and ability to communicate effectively are to be developed.

The Students

When this school first opened in 1911, anyone who had completed the high school or secondary course could be admitted to the three year law course. The pre-law requirement was subsequently raised to one year of college work and then to two years. The inadequacy of this was realized as early as 1936 when a recommendation for a three year preparatory course was recommended. This was revived in 1954. But it took a Supreme Court rule to raise the requirement to the completion of the course prescribed for a bachelor of arts or science course.[20]

The immediate effect of its implementation in 1960 was a drastic cut down on enrollment. In this school for example, the size of the entering freshmen class dwindled from 196 in 1959 to 28 in 1960.

Another effect was to raise the age level of students beginning their law studies. But while their preparation now takes longer, an improvement in the quality of students has not resulted. This school has thus found it necessary to impose additional entrance requirements. Since 1964 applicants have been required not only to qualify in a law aptitude test but also in an

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[19] *One Aspect of the Problems of Relevance in Legal Education*, 54 VA. L. REV. 595, 598 (1968).

[20] RULES OF COURT, Rule 138, sec 6.

interview conducted by a screening committee. Despite these, the attrition among law students remains high.

A significant number of students seeking admission to the College is turned down each year, but invariably, after the first few meetings a number of those admitted withdraw and by the end of first semester the college itself will have dropped others for poor scholarship. Something has to be done to remedy this waste of human resource. The ideal situation would be that no student should fail in the school once he has passed its rigid requirements for admission.

The success of a law student rests primarily with him but the faculty has a duty to help him achieve it. The standards of performance are exacting and the body of law a student has to learn keeps growing. Law students do not devote their energies exclusively to studies nor are they expected to do so, but they have need to husband their time and energies if their career in the legal profession is not to be nipped in the bud.

It would be unusual if the current ferment among students had left the College of Law untouched. Leaders of the student movement are enrolled in the school. If the law students as a body do not march to join every call for a mass rally or boycott of classes it can be explained by their realization that they cannot afford to neglect their work and expect to meet the present requirements of the school or for admission to the bar later.

Their assertion of student rights have so far been made in a comparatively more sober way. They have obtained the management of their own student organizations and the law students news organ (the offer to take over the publication of the Philippine Law Journal has not been withdrawn;) they also obtained a relaxation of academic rules on summer classes and succeeded in persuading the authorities to continue offering the pre-bar refresher course in the Law Center. Students sit with curriculum committees and their representative sits in some meetings of the faculty. The question of the extent of student participation in policy making and other matters in higher education continues to be the subject of debate. The emergence of student power is a development felt in all phases of present society. Our students not only think for themselves, they speak out their thoughts. They do not unquestioningly accept, they challenge. Since unquestioning acceptance forms no part in the make up of a lawyer this is to be encouraged, not deplored.

AN EVALUATION

The Emperor has no clothes?

The record of this law school for the last sixty years is there for anyone to judge. It has heretofore been accepted as a record of achievement, but

of late voices among the studentry have been raised, challenging that assessment and branding the school and its products as failures.[21] It is asserted that the taint of colonialism is upon them—that the law taught in the school is a vestige of the colonial era, and is primarily concerned with conserving the prevailing interests, that the products of the school are colonial leaders, that social conscience among them is yet to be found, and finally that the reform they bring about is slow in coming.

There is no denying the historical reality of the country's colonial past nor that a substantial portion of its laws are of Spanish or American origin. But the mere fact that a law is not indigenuous should not detract from its intrinsic worth. Spain itself was the beneficiary of the Roman civil law which has influenced the legal systems of most countries in Europe. The United States threw off English rule by revolution but retained many institutions of English origin; Japan has borrowed from both the civil law system and the common law, and Thailand which has never been under foreign rule, turned to the civil law system for its general law reform. Today with advances in transportation and communication erasing national boundaries, the trend is not for isolation and rejection of things foreign but their adaptation to suit a people's needs.

Legal institutions and principles from foreign sources may, if found suitable, take root and become part of a people's way of life. The most rabid detractors of American influence, for example, take full advantage of the constitutional guarantees the Americans introduced. The rights of free speech, free press and peaceful assembly first brought in by the Instructions of President McKinley to the Second Philippine Commission can today be asserted against the highest official and most powerful groups in this country. Any attempt at their curtailment raises a public outcry that no person no matter how highly placed can afford to ignore.

This is not to say that anything of foreign origin once adopted should be preserved. Many laws and legal institutions need to be reexamined. If found unsuited to present day needs or if the reason for their continued operation no longer exists, they should be repealed. The constitution is on the crucible right now. And the reexamination of statutory law and precedent is a continuing process.

The law school and social change

The primary function of the law school is to teach law. It would fall short of this objective if it did not acquaint the students with the general principles of law operative in the country. It would be remiss in its duty to the students if it failed to impart to them an understanding of the legal

[21] Editorial, 16 PHIL. LAW REGISTER 10 (1971).

order, and appreciation of its roots in the past and a realization of the inevitability of change if the law is to be responsive to the economic, political and other needs of the people it seeks to serve.

However, the law school can not itself directly effect change. In our system the amendment or modification of statutory laws pertain to the legislature while the modification or overruling of judicial decrees can only be done by the courts or in certain cases by legislation. But the law school, particularly through its faculty can "exert leadership in the development of the law . . . through speaking and writing, through effective work in committees and meetings, through books and articles through bar associations and other professional groups and in many other ways . . ." [22] By undertaking these activities they may thus reach not only those of the legal profession but the public as well.

The contribution of lawyers in the attainment of the national aspiration of self-government is a historical fact. Independence has been achieved. True it has brought with it multifarious problems of national development, corruption in government, a run-away population growth, widespread poverty, increase in criminality and many others. It will take leaders with selfless devotion to public service, integrity, courage and vision to grapple with these problems. The challenge they pose is a big one for the law school and the legal profession.

Students enter the law school today with an awareness of the social problems that afflict the country. They are impatient for reform. Among their number are those who are convinced that nothing short of violence will effect that reform.

In an opinion poll of the students of this university, an overwhelming 88.1% of law students indicated that change in the present situation is necessary. As to areas where they are needed, 73.8% indicated the government system, 77.5% picked the economic and social system, and 59.6% pointed to the value system. Regarding the most effective way of bringing about change, 60.3% of law students stated that constitutional reform can bring it about, 64.6% said by community action, 28.1% said by armed revolution.[23]

It is worth noting that a substantial majority of law students place their reliance on reforms within the framework of the existing legal system. Were the results otherwise it would have been a contradiction of the reason for a student's being in the law school. Presumably he is here to receive training for the law profession because he believes in the law and its processes. But the views of the 28.1%, the militant and highly articulate group, who indi-

[22] HARVARD LAW SCHOOL, DEAN'S REPORT 1959-60.

[23] U.P. STATISTICAL CENTER, AN OPINION POLL OF U.P. STUDENTS ON VARIOUS ASPECTS OF ACADEMIC LIFE; Preliminary Report (March, 1971), p. 40 & 44.

cated that violence may be the most effective way to bring about reform cannot be easily dismissed. Of 386 students in the College, 302 participated in the survey. In this particular question the students were asked to check their choices as to the most effective ways to bring about change. The percentage of students in the College who checked the third is more than double the average percentage in all the other units of the University.[24] This would not necessarily mean that law students are much more radical than their counterparts, but that these students while giving their preference for peaceful means of change have also expressed the view that when all other means fail, the people can exercise the right of direct state action which after all has a legal basis, as proclaimed in forceful and unequivocable language in the American Declaration of Independence.

There are those in the law school who being committed to certain causes decry the lack of commitment to those causes by students and faculty. The matter of involvement to causes ideological or otherwise is one each person has to determine for himself. If the law school as an institution of higher education can be said to be committed to a cause it is that of free inquiry and the prerogative of every individual to make decisions freely. The assertion of these freedoms does not mean, however, that the law school should be insulated from the current social ferment that has brought significant changes in outlook among members of the faculty and students.[25] This is bound to affect not only the law schools but the profession as well. A return to and greater emphasis on the service aspect of the law profession instead of the narrow motivation of personal advancement would be a welcome change. It has well been said that a lawyer must not only be a "conscientious officer of the court. He must be an officer of civilization."[26]

Our law schools must continue in its unrelenting pursuit of the objective to train students to become not mere technicians but men of broad interests and sympathies and with a sensitive awareness of social need. Lawyers will have to learn to measure success not in material terms but in quality of public service.

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[24] *Ibid.*, p. 43.
[25] *The Future of Continuing Legal Education*, 55 A.B.A.J. 132 (1969).
[26] Johnson, *A Lay View of Legal Education*, 43 COLUM. L. REV. 462-463 (1943).