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## College of Law–Research

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# West Virginia Law Quarterly and THE BAR

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## EDITORIALS

COLLEGE OF LAW—RESEARCH.—A question which confronts every state law school today is whether it should be content to be a mere trade school for the training of practitioners, or whether it does not have an important function in the development of the law as a social and economic science. A trade school is certainly a highly respectable institution. But it contributes little toward the development of the science which it teaches. Nor can it assume any leadership in its field. From the very nature of its function as a trade school it lacks opportunity for real distinction. Certainly the idea of a state university goes beyond that of mere practical training without in any way minimizing the importance of that training. In an industrialized state like West Virginia it can scarcely be questioned that research and publication of results on legal problems is fully as important as research on agricultural problems. Yet schools of agriculture are positively cluttered up with research specialists of various kinds until the problem of even finding offices for them becomes pressing. State law

schools, with few exceptions, are content to play the part of Robinson Crusoe, patiently looking in the sands of the law for the foot prints of others.

We propose for example, a number of subjects for legal research of greater or less importance which might conceivably be carried on by the law school.

1. An investigation of the law of oil and gas, particularly with relation to the present over-production, and the legal machinery available for correcting that condition.

2. An investigation of the public utilities laws of West Virginia.

3. An investigation of interstate commerce rates as applied to West Virginia coal fields, with particular regard to the principles of the Lake Cargo Rate Case, reviewed in this number of the Quarterly.

4. An investigation of whether the present available legal remedies are sufficient in the conduct of cooperative marketing associations among farmers of West Virginia.

5. A complete annotation and discussion of the West Virginia cases which support or are contra to the restatement of law now being compiled by the American Law Institute. It is imperative that this work be done by some one, if the restatement is to have any value for the West Virginia lawyer or court. It should not be commercialized but should be done in a careful and competent manner by the law school. It may be that this restatement of law will mark an epoch in the development of American law. That of course is impossible to prophesy, yet if the work of the American Law Institute is of any value, it can scarcely be made available to any particular state with an annotation and discussion with reference to the particular statutes and decisions of that state.

6. If the new proposed code is passed a work on pleading and practice in West Virginia will become of great importance.

We give these examples at random, in the belief that they are illustrative of the kind of problems on which research valuable to the state can be done. None of them, except possibly the annotation of the restatement of laws, is commercially attractive to a law book publisher. All of them should be done by the law school, having in mind the or-

derly development of the law of the state, and its adaptation to state conditions.

With a faculty burdened by a teaching schedule expressly designed to take up their working time, systematic research is difficult. Chairs of legal research are however becoming a common thing in law schools of standing. While perhaps it is too much to expect that research specialists can be distributed in the law school as thickly as they are in the agricultural departments of the State and Federal Government, nevertheless a modest desire to have one such chair might conceivably meet with favor. One additional man would enable the teaching load of two professors to be cut in two, and they could give half their time to certain definite problems. The summer offers further available time for research. Law teachers, in common with teachers in other departments consider that their summers are their own. This belief is confirmed by the fact that they are generally paid on the basis of nine months, and given the opportunity to earn additional money teaching in their own or other summer schools if the opportunity presents itself. Why is it not possible to offer a law teacher a certain amount of pay during the summer if he will agree to work on a certain definitely outlined problem of state importance, in some great library instead of teaching in some summer school? The particular problems outlined here might meet with disapproval, but the field of research could be approved by the bar association. Even the courts might conceivably appreciate information on many subjects; and might suggest some. Would not such a project create a better liason between the school and the practicing lawyer? Of course, as is true of all research work, not all of it would be of equal value. But it is difficult to imagine that it would not be of some value. We believe that it is along such lines that the Law School of this state has an opportunity to achieve real distinction.

Of course there is inherent in such a scheme, as in all schemes of human betterment, the outlay of a certain amount of cash. With due deference however we venture to suggest that the money would be well spent, and that the results might put the Law School in a position of real leadership.

—T. W. A.