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Law Students and the War

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EDITORS CALLED TO WAR SERVICE.—Since the publication of the November number of the Law Quarterly, two of the Associate Student Editors, Edgar C. Glass and Julien L. Hagen, have volunteered for military service, and one of the Board of Editors, Professor J. R. Trotter, has been called to assist Col. Earl W. Oglebay, State Food Administrator, in work throughout the state. The law faculty, though performing the common advisory duties assumed by all members of the bar at this time and the additional responsibilities arising from the previous resignation of Professor Howard, have very gladly assumed the further duties arising from the considerable rearrangements imposed by Professor Trotter’s absence, thus making it possible for him, in a sense a representative of the whole faculty, to do this patriotic service. It is under these pressing circumstances that the January number of the Law Quarterly is issued.

LAW STUDENTS AND THE WAR.—The December number of The American Law School Review publishes a list of 92 American law
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schools, showing the effect of the war upon their attendance this year as compared with last year. One school reports an increase of 15%; another, a law school for women alone, an increase of 5%; two report their attendance as "normal"; and 88 show decreases ranging from 5% to 70%. The average decrease in October (and now still larger) of over 40% in law school attendance shown by the list, as compared with a decrease not exceeding 20% in the total college and university attendance of the country, including the law schools, tells the story of the patriotism of America's future lawyers. The percentages of decrease in some law schools in which West Virginian lawyers may be peculiarly interested, are as follows:

Columbia University Law School................................50% reduction
George Washington University Law School......20% "
Harvard University Law School..........................66% "
University of Michigan Law School.............52% "
Ohio State University Law School...................44% "
University of Virginia Law School................60% "
Washington and Lee University Law School....54% "
West Virginia University College of Law........50% "
Yale University Law School............................48% "

The suggestion sometimes heard that these men who have gone from law schools into the army or have postponed entering upon law study will generally not return to the law schools after the war is not supported by experience in such matters, and particularly by the experience of the University of Virginia Law School which continued its sessions throughout the Civil War. The recent report of the president of The Carnegie Foundation for 1917 gives the law school attendance at the University of Virginia from 1860 to 1867, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860-61</td>
<td>135</td>
</tr>
<tr>
<td>1861-62</td>
<td>9</td>
</tr>
<tr>
<td>1862-63</td>
<td>5</td>
</tr>
<tr>
<td>1863-64</td>
<td>7</td>
</tr>
<tr>
<td>1864-65</td>
<td>10</td>
</tr>
<tr>
<td>1865-66</td>
<td>67</td>
</tr>
<tr>
<td>1866-67</td>
<td>121</td>
</tr>
</tbody>
</table>

This report also shows that the experience of law schools in the North after the Civil War bears similar testimony, though not so clearly, because their attendance was not nearly so seriously impaired,—in fact much less than by the present war. Within a year after the close of the Civil War, the attendance at Northern
law schools far exceeded what it had been in 1860-61. A letter recently received from the dean of a well-known state university law school is pertinent:

"The wisdom of the University of Virginia Law School in keeping under way, although for part of the time it had only nine [five] students was abundantly established by the position which the University of Virginia Law School was able to take immediately after the Civil War. With the spring of 1865, that law school was ready to meet the demands for legal education of (as John B. Minor used to call them) 'the bronzed young veterans' of Lee's army. And Minor every now and then would refer to this class of law students as the finest law students who had ever attended the University of Virginia.

"It seems to me that however long the war lasts our law schools, and especially our state law schools, should be prepared for the demands that will be made upon them immediately after the war and should keep going with a view to these demands even if we are cut down to only nine students."

Practically all law schools have, either voluntarily or through necessity, materially reduced their operating expenses and staff of law teachers. Many of the latter are now in military service. Should it appear that maintaining the law schools in session lessens America's ability to win the war, then they should be closed. No one believes more strongly than do law students and lawyers engaged in legal education that the prime consideration above all else should be winning the war decisively. But until such necessity arises, there are two considerations which should have weight. First, all law schools have some students who would, under no circumstances, be accepted for military service. Second, it is important that an organization be maintained which can be quickly expanded immediately after the war to meet the large and increased attendance that is practically certain to come with the return to their interrupted or postponed law studies of the thousands of 'bronzed young veterans' who will have risked their lives for law and democracy. Successfully opening a closed law school after the war will require more than merely unlocking the door.

—H. C. J.