

Discussion: AN ADVENTIST LAW SCHOOL?

No!

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An article by Richard Hammill has given SPECTRUM readers arguments favoring the establishment of a Seventh-day Adventist law school. Briefly summarized Hammill's arguments were:

1. We need a school of law that will prepare a large number of Adventist lawyers and judges to practice in thousands of communities throughout the United States.
2. We need a school of law to help our church clarify its thinking on the place of law in the fabric of society and in the theology we preach.
3. We need a school of law to serve as an additional means of helping us realize the importance of a continuing search for truth.
4. We need a school of law in which lawyers come to recognize that the function of all laws is to produce justice for human beings.
5. We need a school of law that will help impress not only the lawyers among us, but the whole church, that God values persons who are deeply concerned that they themselves do justice.¹

I wish to give counterarguments and to offer additional insight into assumptions that Professor Hammill makes in his article.²

I

1. The process of becoming a judge is not directly related to law school education, except that judges are usually lawyers. Thus Hammill's argument raises the central issue of whether or not the church needs a school of law to prepare large numbers of Seventh-day Adventist lawyers. For the most part, the statement rests on the observation that Adventist lawyers are

needed “primarily to give status to the church in thousands of cities and towns across the United States.” Is status the issue? If it were, would status come to the church more fully through Adventist attorneys who were educated in schools across the country than through the establishment of an Adventist professional school (probably understaffed and underfinanced) in Michigan, California, or elsewhere?

Experience with professional education has given the church some indication that when a school is established as “the school” (medicine, for example), the graduates have a strong tendency to settle in nearby geographic areas rather than “in thousands of cities and towns across the United States.” This human inertia might very well be reinforced in law practice, since each state has its own test for admission, generally a bar examination. Unlike medicine, law does not offer general reciprocity between states. Passing the difficult New York examination does not mean that a lawyer will be admitted to practice in California; he will have to satisfy residence requirements and take the local examination in that state.

It is interesting that a Seventh-day Adventist educator uses as his major argument the idea that status is one of the primary goals of graduate education. My understanding of Seventh-day Adventist theology is (man’s evaluation of “status” notwithstanding) that God values *every* human being — not for position or education, but for character.

II

2. If the Adventist church needs help in clarifying its thinking on the “place of law in the fabric of society and in the theology we preach,” would not the impact on the church at large be greater if that clarification were made primarily at the secondary and undergraduate level at a felicitous time in the student’s life? What Hammill reveals is an internal problem in Adventist education that could be solved more directly, perhaps, by adding legal scholars to the faculties of existing schools and colleges.

3. As I have already suggested, I believe the church would meet the need of utilizing lawyers as “an additional means of helping us realize the importance of a continuing search for truth” by adding law-educated men and women to the faculties of existing Adventist colleges.

4. Hammill says that “we need a school of law in which lawyers come to recognize that the function of all laws is to produce justice for human beings.” His assumption here seems to be that somehow law schools are not educating their students to this function of law. This may have been the case in some schools a generation or more ago, but it is no longer true in

most well respected law schools of the United States. By this I do not mean that "well respected" should beg the question. Scores of law schools in the nation place primary importance on scrutinizing the law. The majority of schools engage in continual criticism of the law — whether it be statutory law, case law, administrative decision, administrative regulation, or the acts of individuals in official capacities. Many law schools today examine the moral, ethical, economic, social, and even religious significance of the law, and students' summers are often spent in projects of reform such as those sponsored by Ralph Nader.

5. If, as Hammill says, "we need a school of law that will help impress not only the lawyers among us, but the whole church, that God values persons who are deeply concerned that they themselves do justice," this is a most serious indictment of the Seventh-day Adventist educational system (elementary, secondary, and collegiate level). He seems to say that in spite of the system developed thus far, only a law school can rescue the church, for the Adventist colleges are not teaching justice now. In his fervor to develop arguments for establishing a law school, perhaps Hammill overstated a need. In any case, no single intellectual discipline can carry the entire church educational system on its shoulders, and what he may be saying is that all of Seventh-day Adventist graduate and undergraduate education is failing to teach justice.

III

The benefits suggested may be illusory; but even if Hammill is correct in his assumptions about the benefits that would flow to the church through the establishment of a law school, his analysis fails to assess the burdens. Likewise, it fails to establish alternative means of educating more Seventh-day Adventist lawyers.

Law is a good profession for Seventh-day Adventists to enter. Nothing in legal education is detrimental to the beliefs and objectives of the church. Adventist attorneys can help the church in more than the usual area of concern — religious liberty — i.e., such areas as estate planning, contracts, family law, business organization, real estate, trial practice, philosophy, and religion. The growth of law as a profession in the church would create a larger body of educated, knowledgeable, community-oriented church members who would be able to support the church through their leadership and through their financial contributions.

If one assumes, for the sake of discussion, that the church would be better served by encouraging more of its youth to enter the legal profession,

then the issue might be framed as whether the need for Seventh-day Adventist lawyers can best be met by a church-owned law school or whether existing law schools can be utilized without defeating the objective of creating a church-oriented group of attorneys. I suggest that we must consider the following questions at the threshold:

1. *Are substantial numbers of qualified Seventh-day Adventist college students interested in entering the legal profession?*

The only published figures, those prepared by the Association of Seventh-day Adventist Lawyers in 1967, show fifty Seventh-day Adventist college students "interested" in entering the field of law. My instinct tells me that this is a low figure as an indication of interest and that the existence of a Seventh-day Adventist law school would no doubt increase interest in the legal profession.

A more vital but unanswered question is: how many *qualified* students can be interested in law as a career? The pool of students who are academic standouts is limited in the Seventh-day Adventist church, and a first-rate law school would undoubtedly dilute that pool for other graduate and professional disciplines.

2. *Could a Seventh-day Adventist law school compete in quality with existing schools? If not, would such an inability be significant?*

Law schools are accredited by three primary accrediting bodies: (1) the state in which they are located; (2) the American Bar Association; and (3) the Association of American Law Schools. The most stringent requirements are those of the Association of American Law Schools, which grants accreditation to approximately 115 law schools in this country. The American Bar Association grants accreditation to nearly 150 schools.

Some factors related to costs in accredited law schools are as follows:

Library. The largest law library in the country, Harvard's, has approximately 1,200,000 titles. The average number of titles in the law libraries of fully accredited law schools is approximately 85,000. (Note that these are *titles*, not volumes.) The smallest law libraries in even partially accredited law schools (American Bar Association accreditation only) have approximately 25,000 titles. Under the standards of the Association of American Law Schools, \$40,000 must be spent each year on book purchases.

Faculty. Are there enough teaching-oriented Seventh-day Adventist lawyers (with preeminent academic records) to staff a law school?

The teaching load of professors in fully accredited law schools is four to

six hours per week; the level of class preparation by law professors is significantly higher than is customary among undergraduate liberal arts professors. A student generally takes 88 to 90 semester hours in a three-year period. Thus, a minimum faculty, offering virtually no electives, would be eight full-time professors.

The average salary of the law professors in American Bar Association accredited schools in 1968-69 (including all ranks from lecturer to professor) was \$17,000 per year for a nine-month year, with thirty weeks of teaching. The average starting salary was approximately \$11,000 per year, and the salaries for full professors ranged to \$40,000 per year. The law school that ranked twenty-fifth in the nation in median faculty compensation had an average salary in excess of \$20,000 per year. Those figures have risen significantly during the past year.

Physical Plant. Obviously the question of physical plant opens a tremendous area of discussion of what is necessary. One private law school, which has made a deliberate choice to remain small (400 total enrollment), has built a modest facility costing \$3,400,000. This houses twenty-five faculty members, the dean, two associate deans, supporting staff, classrooms, and library space for 200,000 volumes.

Operating Costs. In no private educational institution, whether church-related or broad-based, can tuition alone satisfy the need for operating income. In fact, somewhere between 40 percent and 75 percent of the operating costs of private professional schools comes from other sources. Traditionally, the church has been the private source that underwrites the costs not absorbed by tuition. My understanding of the economic position of the church leads me to believe that the Adventist church has reached the breaking point in support of education.

3. *How important is it to keep law students in a protective religious environment through their law school experience?*

A Seventh-day Adventist lawyer is essentially a Christian who uses the available institutions of society to protect individual rights and redress wrongs. It seems questionable whether the best way to arrive at an imaginative, aggressive, competent lawyer is to place him in an isolated culture. This additional cloistering, it would seem, might well weaken rather than strengthen him.

4. *Are other schools available where qualified students can pursue a course of study in law without compromise of church and personal principles?*

Seventh-day Adventists may attend in good conscience the following fully accredited law schools:

Harvard University, Cambridge, Massachusetts
Loyola University, Los Angeles, California
University of Nebraska, Lincoln, Nebraska
University of Southern California, Los Angeles, California
American University, Washington, D. C.
Willamette University, Salem, Oregon
Yale University, New Haven, Connecticut
University of Santa Clara, Santa Clara, California
University of California, Berkeley, California
University of California, Hastings School of Law, San Francisco, California
University of California, Los Angeles, California
Stanford University, Palo Alto, California
University of Texas, Austin, Texas

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The church should consider whether the need for additional Seventh-day Adventist lawyers can be met by legal education in existing law schools supplemented by church programs such as the following: (a) encouraging attendance at those law schools willing to respect Adventist principles; (b) establishing scholarship and loan assistance programs for qualified students financially unable to attend law school; (c) adding courses in Adventist liberal arts colleges to explore the place of law in society and religion; (d) holding church-sponsored seminars in specialized courses for Adventist attorneys.

5. Is the church ready to accept a discipline dedicated to questioning and probing the reasons behind every rule, be that rule legislative, executive, administrative, philosophical, or religious?

I ask this question without answering. It is a question that all Adventists may well ponder personally.

IV

1. Seventh-day Adventist attorneys educated in the law schools of this country could bring a diversity of experience and a breadth of outlook to the church greater than that of a group of attorneys educated in a Seventh-day Adventist law school.

2. Formation and operation of a law school, which would be a tremendous undertaking for the Seventh-day Adventist church, in terms of both personnel and financing, should not be undertaken if Adventist lawyers can be educated in other ways.

3. A Seventh-day Adventist attorney educated in a secular law school ought to be church-oriented because of his earlier undergraduate education

and church and family background. Specialized courses and seminars sponsored by the church can be utilized for continuation purposes.

On balance it seems that the burdens of a Seventh-day Adventist law school would far outweigh its benefits, especially since most of the benefits that would be derived by a church-sponsored law school can be derived in other ways.

As Justice Oliver Wendell Holmes said in an address at Boston University: "When you get the dragon out of his cave onto the plain and into the daylight, you can count his teeth and claws, and see just what is his strength. But to get him out is only the first step. The next is either to kill him, or to tame him and make him a useful animal."³

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Justice Holmes' dragon was the law, that creature that has been ominous and foreboding to the layman. The lawyer has been his keeper, and he has hardly fared better. I sincerely hope that we can get the dragon out of his cave and onto the plain and into the daylight. We should see that a law school's strengths cannot outweigh its weaknesses. Then we can tame legal education for the benefit of the church.

REFERENCES AND NOTES

- 1 Richard Hammill, *The Church Does Need a Law School*, *Spectrum* 1, 5-11 (summer 1969).
- 2 Portions of this article were sent in 1968 to selected Seventh-day Adventist educators and administrators in a memorandum signed jointly by attorneys Warren L. Johns and Robert M. Peterson and by me. I acknowledge reliance on certain portions of that memorandum, but accept full responsibility for substantial changes here.
- 3 Oliver W. Holmes, *The Mind and Faith of Justice Holmes* (selected, compiled, and edited by Max Lerner. Boston: Little, Brown, and Company 1943).