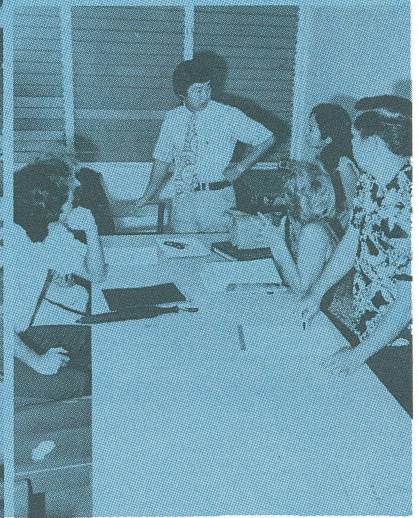
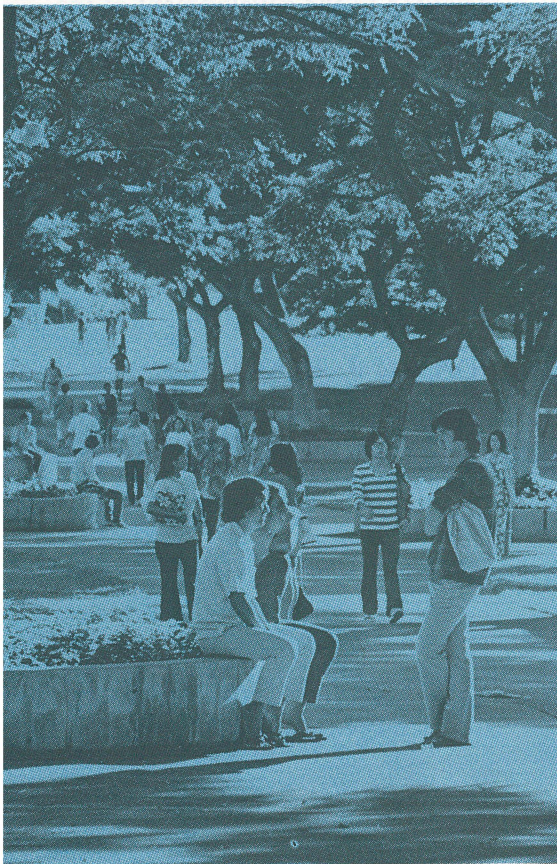


# University of Hawaii at Manoa

1973/1974 School of Law





1973/1974  
School of Law  
University of Hawaii  
at Manoa

*From the Dean of the Law School . . .*

The University of Hawaii School of Law admitted its first class on September 4, 1973. The opening of the Law School marks the end of a lengthy, intensive process of planning and the beginning of an important new phase of graduate education at the University of Hawaii.

Many, many people have contributed to the development of the Law School in a multitude of ways. The support of the community, the bar, the judiciary, the legislature, the Governor and the University administration were all essential to the initiation of the important educational venture described in the following pages. But even the staunchest Law School advocate would agree that William S. Richardson, Chief Justice of the Supreme Court of Hawaii, should be singled out for his special vision and his unflagging dedication to the School.

DAVID R. HOOD  
Dean

**UNIVERSITY OF HAWAII AT MANOA  
1973-74 CALENDAR**

**1973 Fall Semester (84 days)**

August 20-24, Monday-Friday .....	Academic advising
August 27-31, Monday-Friday .....	Registration, academic advising, orientation
September 3, Monday .....	Holiday: Labor Day
September 4, Tuesday .....	First day of instruction
September 17, Monday .....	Last day to register for credit
*September 21, Friday .....	Last day to withdraw from courses
October 8, Monday .....	Holiday: Columbus Day
October 22, Monday .....	Holiday: Veterans' Day
November 1, Thursday .....	Deadline for undergraduates and unclassified graduates to apply for the spring semester (new and returning students)
November 21, Wednesday .....	Last day for instructors to remove incompletes
November 22, Thursday .....	Holiday: Thanksgiving Day
December 13, Thursday .....	Last day of instruction
December 14-15, Friday-Saturday .....	Study period
December 17-22, Monday-Saturday .....	Final examinations
December 23, Sunday .....	Commencement
December 23, Sunday .....	Fall semester ends
December 25, Tuesday .....	Holiday: Christmas
January 1, Tuesday .....	Holiday: New Year's

**1974 Spring Semester (84 days)**

January 7-11, Monday-Friday .....	Academic advising
January 14-18, Monday-Friday .....	Registration, academic advising, orientation
January 21, Monday .....	First day of instruction
February 1, Friday .....	Last day to register for credit
*February 8, Friday .....	Last day to withdraw from courses
February 18, Monday .....	Holiday: Presidents' Day
March 26, Tuesday .....	Holiday: Kuhio Day
April 5, Friday .....	Last day for instructors to remove incompletes
April 8-13, Monday-Saturday .....	Spring recess
April 12, Friday .....	Holiday: Good Friday
May 1, Wednesday .....	Deadline for undergraduates and unclassified graduates to apply for the fall semester (new and returning students)
May 7, Tuesday .....	Last day of instruction
May 8-9, Wednesday-Thursday .....	Study period
May 10-16, Friday-Thursday .....	Final examinations
May 17-18, Friday-Saturday .....	Student-faculty consultation
May 19, Sunday .....	Commencement
May 19, Sunday .....	Spring semester ends

**1974 Summer Session**

June 3—July 12 .....	First Term
June 11, Tuesday .....	Holiday: Kamehameha Day
June 24—August 2 .....	Second Term
July 4, Thursday .....	Holiday: Independence Day
July 15—August 23 .....	Third Term
August 4, Sunday .....	Commencement

\*Withdrawal after these dates would be allowed only with the written permission of the instructor of each course.

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## University Administration

### BOARD OF REGENTS

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### ADMINISTRATIVE OFFICERS

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 Wytze Gorter, A.A., A.B., Ph.D., *Chancellor for Manoa Campus*



## School of Law Administrative Officers and Faculty

### DAVID R. HOOD

*Dean, Professor of Law, and Director of  
Legal Education for the State of Hawaii*

*B.A., magna cum laude,  
Gonzaga University, 1960  
LL.B., Harvard University, 1963*

Dean Hood practiced law with a Seattle firm for seven years following his graduation from law school, emphasizing trial work and constitutional litigation. He then taught civil procedure and conducted research in law-related population issues at Wayne State University. He also administered and taught in the clinical program. He has been a member of the Washington State Advisory Committee to the United States Commission on Civil Rights, the Board of the Fund for Equal Justice, and has served as chairman of the Clinical Legal Education Committee of the American Bar Association.

### LEIGH-WAI DOO

*Assistant Director of Legal Education  
for the State of Hawaii*

*A.B., Columbia University, 1968  
J.D., Harvard University, 1971*

Leigh-Wai Doo has served as Attorney for the Committee on the Judiciary of the Hawaii House of Representatives, Law Clerk to Hawaii Supreme Court Justice Masaji Marumoto, and Chief Attorney to the Statewide Police Training Program on the Revised Hawaii Penal Code.

### JUDITH M. KIRKENDALL

*Admissions Officer and Registrar*

*B.A., University of Utah, 1953*

Judith Kirkendall has served as an instructor and administrator in numerous educational programs, among them the U.S. Information Agency's Bi-National Center in Jakarta, Indonesia, and the Peace Corps' Division of University Relations and Training. Most recently, she was Director of the International Institute of the Y.W.C.A. of Oahu.

### MARILYN COHEN

*Associate Professor of Law*

*B.A., cum laude, Connecticut College, 1958  
LL.B., Yale Law School, 1961*

Professor Cohen was a member of the Board of Editors of the Yale Law Journal. She has served with the Criminal Division of the U.S. Department of Justice, the Legal Aid Agency for the District of Columbia, and Neighborhood Legal Services Program, Washington, D.C. She taught and served as Assistant Dean at Columbus School of Law, Catholic University of America in 1969-1970. Most recently, she was Chief of the Appellate Section of the Public Defender Service, Washington, D.C. Her special interest is civil and criminal litigation on behalf of the poor.

### A. JEROME DUPONT

*Assistant Professor of Law and Librarian*

*B.A., Capuchin Seminary of St. Mary, 1961  
J.D., University of Michigan, 1967  
A.M.L.S., University of Michigan, 1971*

Professor Dupont has filled numerous posts at the University of Michigan Law Library—most recently, Assistant Director and Acting Director. He is active in both the American and International Association of Law Libraries. He is especially interested in new methods of legal information collection, storage, and retrieval.

## FACULTY

### DONALD GORDON

*Professor of Law*

*A.B., Princeton University, 1946*

*LL.B., Harvard University, 1948*

*LL.M., Harvard University, 1957*

Professor Gordon practiced law in Boston for eight years and then entered teaching at Wayne State University Law School, specializing in taxation. During 1966-1967 he served on the staff of the Chief Counsel of the Internal Revenue Service and also on the Staff of the Treasury Department's Tax Legislative Counsel. He has served as Associate Dean at Wayne State and, beginning in 1972, as Acting Dean. He has lectured to numerous professional groups, including the N.Y.U. Federal Tax Institute, and has published numerous articles.

### BENJAMIN T. HOPKINS

*Professor of Law*

*B.A., cum laude, Yale University, 1954*

*LL.B., Yale University, 1960*

Professor Hopkins was a member of the Board of Editors of the Yale Law Journal. After law school, he practiced law with a Philadelphia firm for several years, then undertook graduate work in economics—first at the University of Pennsylvania and then at Princeton University, where he is now a doctoral candidate. At the University of Iowa College of Law, where he spent five years before coming to Hawaii, he taught and developed new interdisciplinary materials for courses on international monetary law and U.S. monetary law. He also taught and developed multidisciplinary materials for a first-year course exploring the use of scientific method and social science in the law. In addition, he taught contracts, constitutional law, and international law.

### LINDSEY CHAO-YUN KIANG

*Assistant Professor of Law*

*B.A., magna cum laude, Yale University, 1964*

*LL.B., Yale University, 1968*

As an undergraduate, Professor Kiang majored in Asian Studies. At law school, he was a member of the Board of Editors of the Yale Law Journal. Following law school he practiced for three years with a Hartford, Connecticut, firm and then returned to Honolulu where he has since practiced. His special interests are corporate law and litigation, including securities and antitrust law. While in Hartford, he and a group of other young attorneys formed the Hartford County Volunteer Defenders to counsel indigent criminal defendants.

### RICHARD S. MILLER

*Professor of Law*

*B.S.B.A., Boston University, 1951*

*LL.B., magna cum laude, Boston University, 1956*

*LL.M., Yale University, 1959*

Professor Miller was Editor-in-Chief of the Boston University Law Review. He practiced law with a Boston firm for several years before beginning graduate law study at Yale. A law teacher since 1959, he comes to Hawaii from Ohio University College of Law, where he was Director of Clinical and Interdisciplinary Programs. His special interests are interdisciplinary teaching, clinical legal education, tort law, civil procedure, and undergraduate legal education. In addition to publishing numerous articles, he has prepared a film on the teaching of law to pre-college students and has served as co-producer/moderator of a monthly television program on the law.

## General Information

### THE UNIVERSITY OF HAWAII

The University of Hawaii was founded as a land-grant college in 1907 and designated a university in 1920. Its largest campus, which includes the Law School, is located in Manoa Valley in central Honolulu on the island of Oahu. There is a second four-year campus in Hilo on the island of Hawaii. The University also maintains research facilities—particularly for agriculture, upper-space physics and astronomy, geophysics, oceanography and marine biology—on several islands of the State: Oahu, Hawaii, Kauai, Maui and Molokai. A system of two-year community colleges supplements University instruction.

A special feature of the Manoa Campus is the Center for Cultural and Technical Interchange between East and West, a facility administered by the Board of Regents under a grant-in-aid agreement with the Department of State. The goal of the East-West Center is to further mutual understanding among the peoples of Asia, the Pacific area and the United States. Its work is divided among a Communications Institute, a Culture Learning Institute, a Food Institute, a Population Institute, a Technology and Development Institute, and an Open Grants Program.

### HISTORY OF THE LAW SCHOOL

Ambitions for a law school at the University of Hawaii have been held by some for many years. Formal study of the subject began with a report by then University President Thomas H. Hamilton, "The Feasibility of Establishing a Law School at the University of Hawaii", issued in January 1968 and co-authored by Ms. Mildred Kosaki. A second study came a year later under the authorship of William Clements Warren, Dean Emeritus of Columbia University School of Law, and Edward A. Mearns, Jr., Dean of the University of Cincinnati College of Law. Their report, "The School of Law, University of Hawaii: Its Feasibility and Social Importance", was published in March, 1969.

A third report, "Programs in Law at the University of Hawaii", was issued in December 1970 by co-authors Bayless Manning, then Dean of Stanford Law School, and Thomas Ehrlich, then Professor and now Dean of Stanford Law School. The Manning-Ehrlich report was reprinted in the Journal of Legal Education (Vol. 24, No. 1; 1971) and widely discussed amongst law teachers. At about the same time Professor Norman Meller of the University of Hawaii Department of Political Science was preparing a "cost benefit" analysis of the establishment of a law school in Hawaii. Professor Meller's report, "Hawaii Law School Study", was issued by the Legislative Reference Bureau of Hawaii in early 1971.

A fifth and final formal study appeared in January 1972 in the form of a report from University President Harlan Cleveland to the Honorable John A. Burns, Governor of the State of Hawaii. The report, "Programs in Legal Education at the University of Hawaii", reflected the research and consultation of Professor Ira Michael Heyman of the School of Law, University of California, Berkeley.

During this time both the bar and legislature exhibited continuing and lively interest in the proposal for a new law school. Legislative hearings were held, members of bench and bar testified, planning became more formalized, and State funding was increased. Finally, on May 28, 1971, the legislature of the State of Hawaii adopted Act 146 declaring that "There shall be a school of law at the University of Hawaii" and directing the completion of the research and development phase of the school by September, 1973.

The State Executive similarly demonstrated continuing interest in the establishment of a law school. Governor John A. Burns gave both essential support and his signature to a series of research and development proposals and legislation. He spoke often of the need for increasing professional educational opportunity for the people of Hawaii and acted accordingly throughout the planning years.

Special mention is due the Chief Justice of the Hawaii Supreme Court, William S. Richardson. His patient counsel and unwavering commitment to the establishment of the School served as an example to all those who had a role in its history.

#### PHYSICAL FACILITIES OF THE LAW SCHOOL

During academic year 1973-1974, the Law School will occupy a cluster of four one-story wooden structures on the Manoa Campus of the University of Hawaii. These buildings contain offices for administration and faculty, two seminar rooms, one classroom seating 70, and a core library of heavily used materials. (The main Law Library collection is housed in the University's Hamilton Library. See LIBRARIES, below.)

The Law School will move to larger quarters at the end of academic year 1973-1974.

#### LIBRARIES

Main University libraries are the Gregg M. Sinclair Library and the Thomas Hale Hamilton Library. The principal collection of the Law School Library will be located in Hamilton. A duplicate core collection of heavily used materials will be housed in the Law School's classroom/office complex. It is anticipated that, by mid-1974, the Law Library's total collection will include 45,000 volumes of the most frequently used legal materials.

Other collections in Honolulu open to law students are the Supreme Court Library; the Library of Hawaii, a general public library in downtown Honolulu; the reference library at Bishop Museum; the Hawaiian Mission Children's Library, with material on missionary activities in the Pacific; the Public Archives, emphasizing Hawaiian history; the library of the Honolulu Academy of Arts; and the scientific libraries of the Hawaiian Sugar Planters' Association and the Pineapple Research Institute.

#### PROFILE OF THE LAW SCHOOL STUDENT BODY

All 50 students in the Law School's first class were either born in Hawaii or have other strong ties to the state.

The class reflects the ethnic diversity of Hawaii and includes individuals of Chinese, Japanese, Korean, Filipino, Portuguese, Hawaiian and Caucasian backgrounds, as well as one student each from Samoa and Tonga. The Hawaiian islands of Kauai, Oahu, Maui, Lanai, Molokai, and Hawaii are represented. Women constitute approximately one-third of the class. The median age is 25.

Slightly less than half of the entering students' undergraduate degrees were earned at universities outside Hawaii. Undergraduate majors range from engineering and computer science to philosophy. Over a dozen students hold Master's degrees.

#### ACCREDITATION OF THE LAW SCHOOL

The accreditation process of the American Bar Association and the Association of American Law Schools is designed to ensure that approved law schools have adequate facilities and adhere to sound educational policies. Accreditation permits a law school's graduates to present a Juris Doctor degree acceptable to the bar examiners of every state.

The dean and faculty of the Law School have informed themselves fully as to the requirements for accreditation. They and the University administration are determined to devote the necessary resources and in other respects take the necessary steps to present a program of legal education that will qualify for approval by the accrediting agencies.

For important additional information concerning related matters, see **ADMISSION TO PRACTICE LAW**.

#### TUITION AND OTHER FEES

Applications for admission must be accompanied by a payment of \$10, which amount is not refundable and will not be applied toward the payment of any other fee.

Tuition and registration fees for law students are the same as for other graduate students and undergraduates. Resident students registered for 12 or more credit hours in any semester pay \$85, non-residents \$340. All students pay a general fee of \$18 per semester to cover the cost of registration, health, and laboratory fees, etc.

All new resident students and all returning students are required to make an advance partial tuition payment of \$27 each semester; new nonresident students pay \$90. These payments are applied at registration time toward tuition for that semester. They are not refundable or transferable, except when a student is denied further registration.

On August 9, 1973, the Board of Regents of the University of Hawaii voted to increase tuition at the University and instructed the President to prepare a detailed plan of implementation. It is expected that such adjustment will be made over a two-

year period and that graduate and professional tuition will be raised more than undergraduate tuition.

Each student's residence status is determined by the University's residence specialist prior to registration. Once classified as a non-resident, a student continues to be so classified until he or she presents satisfactory evidence of a change in residence to the residence specialist. For further information, contact the residence specialist at the Admissions Office.

### FINANCIAL AID

The University of Hawaii participates in several federally-sponsored Loan Programs. Applications and information may be obtained from the Director of Financial Aids. Applications should be submitted by March 1 for the following school year. No action will be taken on applications for financial assistance until the student has been officially admitted to the University.

The University maintains information about jobs in the community and on campus to assist students who seek part-time employment. Students are cautioned, however, about depending only on part-time work to meet their expenses because of Hawaii's high cost of living. Applications for employment must be filed in person.

The Office of Financial Aids assists veterans and/or their dependents under the various veterans bills. Students covered by any of these programs should present appropriate certification to the Veterans Adviser at the time of registration in order to receive benefits. Inquiries regarding all veterans' affairs should be directed to the Veterans Adviser.

### STUDENT HEALTH SERVICE

The Student Health Service seeks to maintain and safeguard the student's health, both mental and physical, by periodic checkups, limited treatment services, and instruction in good habits of personal hygiene.

Before admission to the University, every student must arrange for a physical examination at his or her expense. The University provides a form for reporting the examination to the Service. Tuberculin tests or chest X-ray examinations are required of all students annually or more often in certain cases.

Student Health Service facilities include both an out-patient clinic and an infirmary. A nurse is available during off-duty hours for emergency services.

Medical care beyond the scope of the medical services provided by the University Student Health Service must be paid for by the student. Supplemental insurance coverage to provide for serious illness is essential. The ASUH Students' Accident and Sickness Medical Plan is recommended.

### HOUSING

The University has limited housing facilities for graduate students. Information may be obtained by writing the Director of Student Housing. The Off-Campus Housing Office is available for help in locating accommodations near the campus.

### ADMISSION TO PRACTICE LAW

Successful completion of law study at an accredited law school does *not* assure admission to the bar of the various states. Among other things, most states require applicants to take and pass a written bar examination. Other requirements, as well as the examinations themselves, differ considerably from state to state. In particular, some states—among them California, Connecticut, Florida, Illinois, Maryland, Ohio, Pennsylvania, and Texas—require registration as a candidate for admission to the bar at or before the commencement of law study.

*Information should be requested from the Board of Bar Examiners in each state of interest prior to the beginning of law study.*

## Academic Information

### JURIS DOCTOR PROGRAM

#### Objectives, Methods, and Rationale

The purpose of the Juris Doctor program is to provide degree candidates with the opportunity to equip themselves for active, effective, and creative participation in private and public decision-making of virtually every kind—whether the context is courtroom or legislative hall, attorney's office or multinational corporate board room, community center or international conference table.

Some parts of the program deal with traditional subjects such as contracts, property, criminal, and tax law. Others focus on newer areas of concern such as poverty and environmental decay. Still others aim primarily at the development of analytical, communication, interpersonal, and research skills—including some acquaintance with modern methods of empirical inquiry.

Whatever the subject-matter, students are encouraged to study lawyering and legal institutions as an integral part of larger social, political-economic, and ecological systems. For example, the treatment of contractual disputes by courts and legislatures is studied *in context*, as part of the process of trade or exchange by which natural and human resources are transformed and distributed in a labor-specialized market economy; this requires examining the objectives and practices of those who deal in particular types of economic assets such as consumer goods, housing, labor, securities, and business franchises. Similarly, the procedural rules of courts, legislatures, and administrative agencies are studied as part of the overall pattern of decision-making practices in the contemporary world.

This emphasis on context necessitates the use of theories and findings from other disciplines such as psychology, economics, political science, sociology, public health, medicine, marine sciences, and engineering—to name only a few. Moreover, on the premise that we can learn from the lawmaking efforts of others, historical and comparative legal materials are utilized regularly. Because virtually every "do-

estic" matter has its "international" counterpart and ramification, international perspectives and precedents are also introduced as a matter of course. A major concern throughout will be to *evaluate* as well as describe, explain and predict the *operational* as well as the verbal content of the law.

Special attention is given to the development of competence in traditional legal skills such as the analysis of statutes and judicial opinions, brief-writing, appellate argument, the drafting of formal instruments (wills, deeds, contracts, pleadings, legislation, etc.), interviewing, and the complex overlapping skills needed for trial practice.

Techniques of instruction include the traditional "socratic method" whereby an instructor rigorously questions individual students in a large group setting, informal small-group discussions, individually supervised field and library research and writing projects, programmed texts, films, "clinical" work in local courts, agencies, and legislature, "externships" with local or foreign law firms, and "laboratory learning" experiences.

The School is committed to pedagogic flexibility and variety. It is also committed to the view that learning is an enterprise in which members of the faculty function more as facilitating participants than as the primary source of initiative and knowledge. Accordingly—and also because lawyers should be willing and able to stand up and be counted in the heat of controversy—students will be encouraged to take an active role in shaping their learning experiences and expected to clarify and assert their own objectives, methods, and values. This emphasis on student initiative is, in part, an acknowledgement that today's law students will confront problems in the twenty-first century. Preparation for that task, and successful performance, will depend heavily on the inclination and ability to learn continuously. Therefore, beyond all else, the School seeks to provide assistance in "learning how to learn."

Implicit if not explicit in the foregoing, as well as in the program descriptions which follow, are certain premises about legal education:

1. Legal education should be pervasively "clinical" whether this means representation of a flesh and blood client in court or hypothetical problem-solving in the classroom—or something in between, such as simulation or role-playing with videotape playback. In short, programs of legal education should consist of numerous and varied exercises in social problem-solving, enriched by extensive reference to appropriate bodies of theory and data, and supervised in varying degrees.

2. Good social problem-solving—i.e., lawyering—and hence good legal education must be pervasively *multi-disciplinary*.

3. Efficient and creative social problem-solvers learn from the experiences of other people. Thus law students should be habituated and enabled to utilize historical and comparative materials.

4. A great many contemporary disputes and problems have international components or ramifications. Their integrated treatment should be the rule and not the exception.

5. Not less but more effort is needed to familiarize students with contemporary law, especially in the *operational* as distinguished from the verbal sense, and to equip

them with traditional legal skills such as statutory and case analysis, research and writing, oral communication, interviewing, and preparation for trial.

6. Lawyers work primarily with people, and mostly at close range. Thus a good lawyer has a wide range of interpersonal skills, including a thorough knowledge of him or herself. This suggests the utility in legal education of drawing upon modern applied behavioral science and related theories and techniques.

7. The backgrounds, interests, and strengths of today's law students vary enormously. These differences should be reflected in a wide range of program choice for law students, especially in the second and third years.

8. There is now and probably always has been a need for more inclination and ability among lawyers to undertake well-reasoned professional decision-making in the moral sphere—i.e., to perceive and deal effectively with ethical considerations.

9. Last but not least, intellectual, ethical, and personal development and creativity are intimately related. They are also very much affected by physical and social health and vitality. This means that a law school's program should provide time and encouragement for a wide variety of cultural and recreational activities. It also means that motivation should be sought largely through positive inducement and reinforcement, only partly of the School's manufacture.

#### First-Year Curriculum

The purposes of the first-year program are:

- 1) to provide closely supervised exposure to the everyday work of lawyers—its various contexts, objectives, methods, and difficulties;
- 2) to develop minimal competence in traditional and modern methods of legal problem analysis, in certain forms of oral and written communication, and in dealing with people;
- 3) to instill the habit of approaching legal problems with full reference to the context in which they arise;
- 4) to develop an ability to utilize and evaluate the output of other sciences and disciplines;
- 5) to develop a working knowledge of the verbal content and operational significance of several important areas of law; and,
- 6) by virtue of all the above, to prepare students for their second and third years at law school.

The first-year curriculum is entirely prescribed and is the same for all J.D. candidates. In each semester, it consists of two somewhat different but nonetheless closely-related parts: an introductory block of approximately four weeks and the post-introductory portion.

During an introductory block, students and faculty concentrate exclusively on the analysis of a current local dispute *as if they were attorneys advising one of the disputants*. Field trips, interviews, lectures, discussions, library research, writing projects, and oral presentations are tackled in plenary sessions, in seminar groups of about twelve, and by smaller teams and individuals. To provide realism and a variety of viewpoints, each seminar group undertakes (hypothetically) to advise a different disputant.



The work of an introductory block is divided into a number of deliberately sequenced segments. The *first segment* involves an exposure to some of the facts about the dispute, more or less as they would come to an attorney via his first interview with a new client. The *second segment* is devoted to articulating and organizing all the questions which a good lawyer would try to answer in the course of advising one of the disputants. *Remaining segments* involve a modest effort to answer a small, selected subset of such questions. In a *final segment*, specific action recommendations are formulated for the "clients."

The purpose of each introductory block is to *illustrate* an important class of problems which come to lawyers, to *demonstrate* some of the methods employed by lawyers in dealing with such problems, and to *motivate* students to learn a great deal more about both thereafter. In this connection, it should be noted that the remainder of the semester is devoted to general areas of enquiry which, although obviously of sufficient general importance to stand by themselves, serve to elaborate upon matters encountered during the introductory block. Moreover, the seminar groups formed during the introductory block survive as Clinical Project/Legal Method seminars and continue to work on projects related to the dispute first encountered in the introductory block.

The post-introductory portion of each semester consists of a more conventional format of courses and seminars, as follows:

**Fall Semester of the First Year**

	Credit-Hours
Regulation of Economic Activity: Real Property Law .....	4
Modern Methodology .....	3
Social Decision-Making: Judicial .....	3
Clinical Project/Legal Method Seminar .....	3
Student Workshop .....	1
Legal Education and the Profession .....	1
<b>TOTAL</b>	<b>15</b>

**Spring Semester of the First Year**

Criminal Justice Process .....	4
Regulation of Economic Activity: Contracts .....	3
Social Decision-Making: Non-Judicial .....	3
Clinical Project/Legal Method Seminar .....	3
Student Workshop .....	1
Legal Education and the Profession .....	1
<b>TOTAL</b>	<b>15</b>

Individual course descriptions follow.

**Regulation of Economic Activity: Real Property Law (4)I**

**Gordon**

An introduction to the law of real property. The course will focus on three fundamental topics: first, the nature and formation of interests in land; second, the landlord and tenant relationship; third, the regulation of land resource use by private and public ordering. An historical perspective will be developed through the use of material relating to the history of English and Hawaii land law. Students will be expected to take away from the course the basic information, perceptions, and analytic abilities necessary to deal with current problems in the allocation and use of land and in the development of an approach to the regulation of resources associated with land—such as water and air—including pollution control.

**Modern Methodology (3)I**

**Hopkins**

An introduction to some fundamental concepts, principles, and techniques of scientific method. Topics to be explored include hypothesis formulation or model building, mathematical reasoning, empirical test design, data collection, sampling, statistical inference, measures of association, and computer science. Considerable attention will be given to the practical difficulties and epistemological quandries of empirical enquiry. The course will also explore the significance of semantics and symbolic logic for lawyers. Topics here will include the nature of legal "rules", legal "fictions", and "normative ambiguity". The ultimate concern throughout will be the possibility of *applying* scientific method in the business of lawyering—for example, in the prediction of court decisions and the presentation of evidence to a jury or legislative committee. In this connection, some effort will be made to deal with methodological problems that arise in the Clinical Project/Legal Method seminars.

**Criminal Justice Process (4)II**

**Cohen**

An exploration, using actual or simulated problems, of the creation, rationales, enforcement, and effects of the criminal law. A major theme will be the tension between the need for protection against harmful deviant behavior, on the one hand, and the need to protect the rights of the accused, on the other. On the procedural side, considerable attention will be given to the first ten amendments to the Federal Constitution. Substantive topics will include crimes of interpersonal violence, crimes against property, victimless crimes and—at least by way of comparison—international war crimes. Students will be expected to develop a working knowledge of Hawaii's criminal justice system.

**Regulation of Economic Activity: Contracts (3)II**

**Kiang**

A critical examination of government intervention in "contractual" disputes—those in which someone seeks to transfer the economic costs of unrealized expectations to another party whose "promissory" behavior helped to create such expectations. This will involve a study of how "legally binding" contracts are created and enforced, and also an examination of the political-economic contexts or "market places" wherein contracts are made. An important goal of the course will be to provide a solid grounding in the basic general principles of American contract law. In addition, some attention will be given to the law governing particular types of contracts such as agreements for the sale of goods, construction contracts, and business franchise agreements. In order to develop a comparative perspective, some reference will be made to foreign and international contract law.

**Social Decision-Making (3-3)Yr.**

**Miller, Hood, Hopkins**

This two-semester course will deal with the perennial constitutive issues of human social life: who should decide what questions, according to what procedures, utilizing what resources, provided by whom, with what effects, on whom? The objective will be to develop an ability to understand, influence, and improve the workings of the many decision-making institutions—"private" as well as "public"—which lawyers encounter in their daily work. A wide range of such institutions will be surveyed at long range, and some will be selected for intensive study. Each instance of intensive study will involve, among other things, identifying the persons and modes associated with the performance of various decision-making functions: informing, recommending, prescribing, invoking, applying, appraising, and terminating. Considerable effort will be made to enrich the analysis with relevant material

from fields such as decision theory, communications theory, social psychology, and systems analysis.

The first semester portion of the course, entitled *Judicial Decision-Making*, will focus on the organization, staffing, jurisdiction, and procedures of courts and "quasi-judicial" bodies such as administrative agencies and arbitration panels. Subtypes within each category will be differentiated—for example, trial and appellate, civil and criminal, state and federal, national and international courts. Students will be expected to develop a working, practical knowledge of the Hawaii and Federal Rules of Civil (court) Procedure.

The second semester portion of the course, entitled *Non-Judicial Decision-Making*, will treat constitutional and legislative decision-making institutions (local, national, and international). It will also examine decision-making in private organizations such as political parties, universities, business corporations, labor unions, and community associations. Among other things, students will be expected to become familiar with federal constitutional law regarding judicial review and the separation of powers.

#### **Clinical Project/Legal Method Seminar (3-3)Yr. Cohen, Gordon, Hopkins, Kiang, Miller**

This seminar will provide closely supervised exposure to the everyday work of lawyers. It will also serve as the primary vehicle for synthesis and application of knowledge acquired in other courses, for skills development, and for psychological support. With respect to skills, each seminar instructor (working with the Law School's Librarian) will seek—among other things—to ensure that every student in his group quickly learns how to research and analyze statutes and judicial opinions. Each seminar group will consist of about 12 students, one faculty member, and a local attorney. Each group will undertake, hypothetically if not actually, to advise a different disputant in one or more current disputes. These might include, for example, a dispute involving land use and development, a criminal prosecution, or a contractual dispute concerning money owed on the purchase of an automobile. Each group will try to arrange meetings with its (hypothetical or actual) clients, technical experts, government officials, and others. It will plan and conduct library and field research. It will draft pleadings, motions, briefs, agreements, legislation, etc., as appropriate.

#### **Methods of Effective Legal Research**

**Dupont**

This area of instruction will be integrated into the work of the Clinical Project/Legal Method seminars. The objective will be to investigate methods of exploiting the full range of legal and related literature. Emphasis will be placed on legal research as an aid in the solution of particular legal questions and also as a means of long-run self-education. Bibliographic facts and techniques will be introduced in a sequence calculated both to illustrate the immediate subject matter and to develop an overview of the materials available. The initial effort will be to familiarize students with the sources and bibliographic tools which provide access to legislative, administrative, and judicial primary decisional output. Subsequent problems and exercises will involve the more esoteric auxiliary aids as well as commercially available tools developed by legal publishers in various fields to facilitate and expedite research.

#### **Student Workshop (1-1)Yr.**

**Students**

An opportunity for students to program part of their learning process and, in so doing, to experience and learn about problems of group decision-making. Students may choose to expose and examine law-related issues by a variety of devices including discussion and debate, audio-visual materials, or field experience—to mention but a few possibilities. They may or may not choose to utilize the services of law school faculty or other persons inside or outside the University. Minimal requirements for the award of academic credit will be determined by students, subject to faculty review.

#### **Legal Education and the Profession (1-1)Yr.**

**Hood**

This course is intended to stimulate systematic reading, reflection, and debate concerning the following questions:

1. What will and what should lawyers be doing five to twenty years from now, in what contexts, subject to what constraints, for what compensation, provided by whom?

2. What personal characteristics, intellectual equipment, and ethical norms should they have?
3. What are and what should be the objectives and methods of law students and faculties today?

The premise of the course is that law students, law teachers and lawyers should regularly examine and evaluate what they do.

#### **Second and Third Year Curriculum**

Programs for the second and third years will be detailed by the faculty during academic year 1973-1974 in consultation with students and others. They will feature a variety of pedagogical techniques, traditional areas of law, and newer areas of concern.

Pedagogical possibilities include clinical seminars, interdisciplinary policy research seminars, reading seminars, survey courses, "mini-courses", programmed instruction, internships, externships, and various integrated combinations or "packages" thereof. Traditional topics will include torts, constitutional law, wills and estates, commercial law, corporation law, antitrust, labor, evidence, tax, family and international law—among others. Newer areas will almost certainly include environmental protection law, consumer protection law, women and the law, poverty, ocean, and population law. In addition, students will be encouraged to enroll in appropriate courses offered by other departments of the University, by arrangement with the law faculty and the other department involved.

As they proceed through their second and third years of law study, students will exercise more and more choice concerning their individual programs of study. They will also be required to work more and more independently of faculty supervision. Thus second-year students may be presented with a limited choice among two or three pre-planned, integrated seminar/course packages and several separate courses, while third-year students may be free to elect a large amount of independent clinical work, a large amount of independent research, or some of each—plus work in separate courses.

In helping students to plan their second and third year programs, the faculty will encourage intensive applications of knowledge and experience previously acquired, the refinement of skills and methodology, the acquisition of highly specialized knowledge and experience, and the addition of new knowledge for breadth.

#### **OTHER PROGRAMS**

As soon as practical, the faculty will begin exploring with other departments of the University the possibility of arranging joint degree programs whereby, for example, a law student could integrate his or her law school work with graduate work in political science, sociology, economics, public health, or a marine science and, at the end of approximately four years, receive both the Juris Doctor and the Master of Arts or Science degrees.

Because of Hawaii's location, population, culture, and economic relationships,

the Law School faculty is determined to develop promptly a strong program in Asian legal studies. Such a program will have the two-fold purpose of conducting significant new research and enriching the Juris Doctor curriculum. In the latter connection, the intention is not only to offer special courses in Asian law and legal problems but also to include an Asian comparative law dimension in most other courses. Certain countries or areas may be chosen for special emphasis—for example Japan, China or Southeast Asia. In addition, certain problems common to many countries in the region may be singled out for special attention; possibilities here include foreign trade and investment, monetary arrangements, population planning, local government, and legal services to the poor. As the program evolves, every effort will be made to collaborate with other branches of the University, such as the East-West Center, and appropriate groups outside the University.

For similar reasons, and especially because of the University's unusually extensive programs in different types of marine research, the faculty is equally determined to develop a program of research and teaching in ocean law and policy.

In his capacity as Director of Legal Education for the State of Hawaii, the Dean of the Law School will promote and support programs for the training of legal "para-professionals". It is also his responsibility, shared by the Assistant Director of Legal Education and the law faculty, to develop programs of legal education for police and other civil authorities concerning the laws they are administering and enforcing, to initiate continuing legal education for the bar and judiciary, to formulate courses of instruction in law and legal institutions for primary, secondary and undergraduate students, and to inform the public at large regarding the working of a legal system in a democratic society.

### DEGREE REQUIREMENTS

Subject to rules and regulations of the University of Hawaii, the Juris Doctor degree will be awarded upon satisfactory completion of six semesters of full-time study at the Law School—including the attainment of passing grades for 84 credit-hours of study, maintenance at all times of a cumulative weighted grade-point average of 2.0 or better, and attainment of a passing grade in all first-year and other required courses—within a period not exceeding five years from the date of first registration. Full-time study shall mean registration for at least 14 credit-hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the Law School community.

Subject to limitations imposed by accrediting institutions or the University of Hawaii, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency, and the like. Moreover, the faculty is prepared to devote special attention to students who experience difficulty in meeting the requirements.

The faculty reserves the right to dismiss any student whose continued enrollment is determined to be inconsistent with the purposes and welfare of the Law School or who fails to satisfy any of the above requirements.

### GRADES

Numerical grades will be officially recorded only for work which, in the collective opinion of the faculty, provides a sufficient basis for such ranking of student performance. Work which is not graded numerically will be graded "Credit/No-Credit".

Officially recorded numerical grades will be limited to the following:

4.0	A	
3.0	B	
2.0	C	
1.0	D	
0	F	
	I	Incomplete

Special honors may be awarded from time to time at the discretion of the faculty.

### GOVERNANCE OF THE LAW SCHOOL

Standards, sanctions, and procedures regarding grades, participation, deadlines, retention, campus conduct, academic and professional integrity, etc., are and will continue to be under discussion by administration, faculty, students, and others, in appropriate committees and elsewhere. Rules of governance will be formulated and published as they emerge from this process of deliberation and decision. Policies which need to be clear at the outset, in the opinion of the faculty, have been set by that body. They are and will remain, however, subject to review by the faculty in consultation with interested and affected persons.

### ADMISSION REQUIREMENTS AND PROCEDURES

Admission is based on the applicant's academic achievement, aptitude for the study of law, and professional promise. All applications for admission must be submitted on forms supplied by the Law School Office of Admissions, University of Hawaii, Honolulu, Hawaii 96822.

Persons seeking admission to the School must satisfy the following requirements:

- A. Each applicant must have earned a baccalaureate degree from an accredited United States institution of higher learning or, in the case of a foreign applicant, a baccalaureate or like degree which is fully equivalent.
- B. Each applicant must submit transcripts of his or her college record to the Law School Data Assembly Service for processing. (Register for the LSDAS when applying for the Law School Admission Test.)
- C. Each applicant must submit at least two letters of recommendation from college instructors setting forth in detail the applicant's scholastic and personal qualifications. Additional recommendations may be submitted; such supplementation is of particular importance if there has been an intervening experience since completion of academic work.

ACADEMIC INFORMATION

D. Each applicant must take the Law School Admission Test. It is administered by the Educational Testing Service in centers located throughout the United States. Applications for the test and an explanatory booklet may be picked up in person at the University of Hawaii Counseling & Testing Center, 1615 East-West Road, Honolulu, Hawaii 96822 or may be requested by mail from:

Law School Admission Test  
Educational Testing Service  
Box 944  
Princeton, New Jersey 08540

Applications for the test must be made directly to Educational Testing Service and must be received in Princeton, New Jersey well before the scheduled test dates. It is not necessary that an application for admission be on file with the Law School before taking the test. Students are cautioned that, although the test is given in April and July, such test scores will come too late to merit consideration for admission.

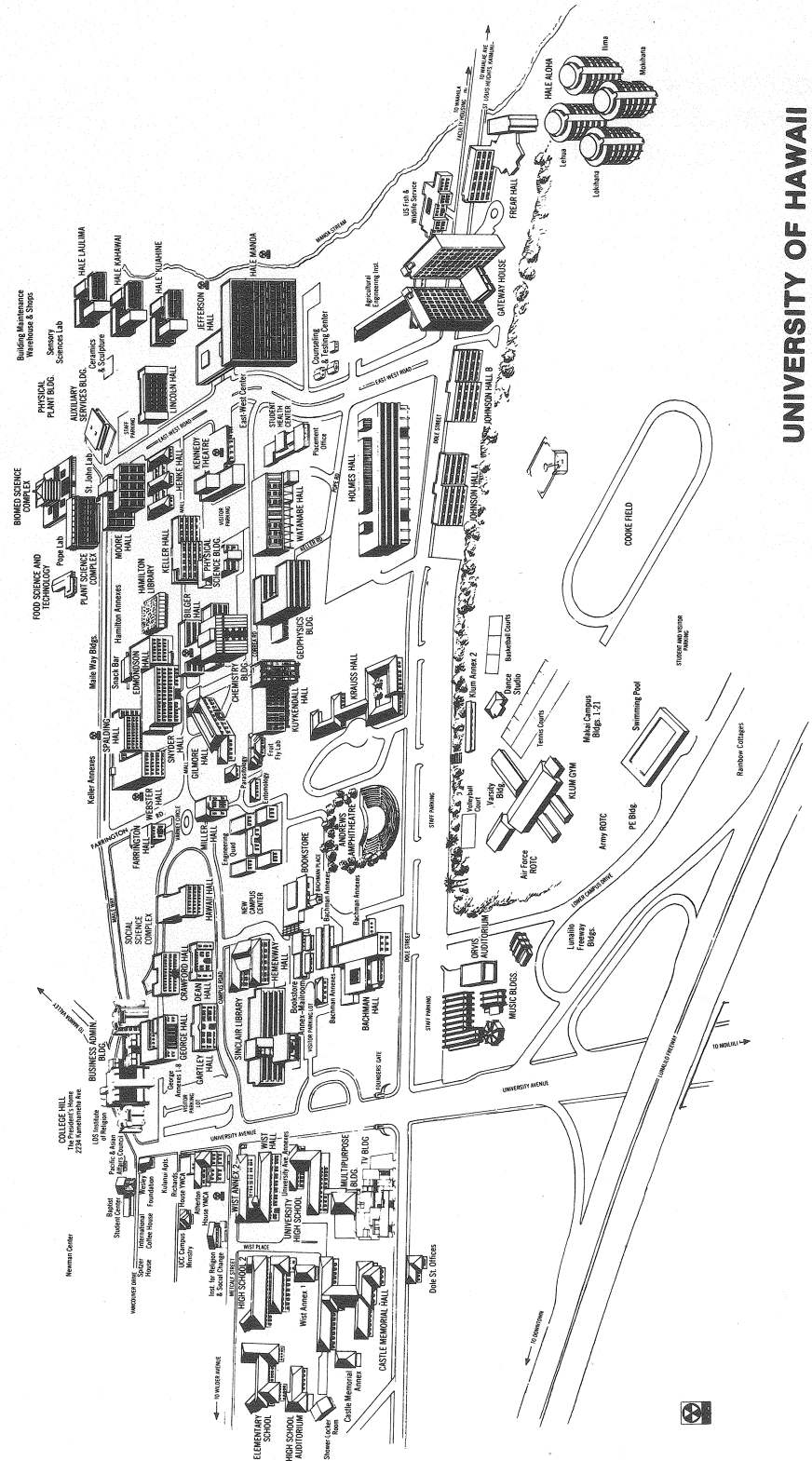
All applications for admission in the Fall of 1974, together with all necessary papers, should be filed with the Law School Office of Admissions as soon as possible, but in no event later than March 1, 1974. Each application must be accompanied by a check or money order for \$10.00 payable to the University of Hawaii. This application fee is not refundable and will not be credited against tuition or other fees in the event of admission. The fee may be waived upon a showing that its payment would be a hardship to the applicant.

Admission decision will be made and applicants notified on or before May 1, 1974.

PRE-LAW EDUCATION

The Law School has no fixed requirements with respect to the content of pre-law education. Programs of study in any of the established disciplines (for example, the physical and social sciences, mathematics, and philosophy) provide good preparation for law study. Reading, reasoning, and communication skills are, of course, critically important; beyond this, both specialized and general knowledge are useful. Openness, liveliness, and independence of mind are essential.

Applicants should note that several states require graduation from an accredited undergraduate institution as well as a law school degree for admission to practice.



UNIVERSITY OF HAWAII  
AT MANOA



School of Law  
University of Hawaii at Manoa  
Honolulu, Hawaii 96822