

Commemoration
OF THE
ONE HUNDRED AND TWENTY-FIFTH
ANNIVERSARY
OF
THE COLLEGE OF LAW
AND THE
WILLIAM HOWARD TAFT CENTENNIAL



CHIEF JUSTICE EARL WARREN
LL.D., University of Cincinnati, 1958



WILLIAM HOWARD TAFT
LL.B., University of Cincinnati, 1880

UNIVERSITY OF CINCINNATI

MAY 9th and 10th, 1958

FOREWORD

This week we commemorate the one hundred and twenty-fifth anniversary of the College of Law of the University of Cincinnati and celebrate the centennial of the birth of its outstanding alumnus and former dean, William Howard Taft. In so doing, we give recognition also to the importance of the Profession of the Law in the perpetuation of a free society and to the leadership which those trained in the law, like Mr. Taft, may contribute.

The significance of law and order to a free society was highlighted through the official designation of May 1, 1958, by the President as "Law Day—U. S. A." The stresses and strains of the past several decades have suggested the acknowledgment in this formal way of the fundamental place of law in the life of the nation. As our way of life changes, the law changes, and our people look to the profession of the Law to fashion statutes sensitive to the needs of the time and yet retaining the eternal verities. Similarly, the curricula of law schools and teaching methods must be adapted to prepare those entering the Profession to meet their enduring responsibilities.

For the past century and a quarter, the College of Law has served the Profession of the Law and, through it, society. In its halls have taught and studied many who, like William Howard Taft, became great leaders of our country. Out of this long and honorable service of the College, and out of the work of its illustrious Alumni, has grown a grand tradition. It is our purpose, God willing, to maintain the standard of legal education provided by the College on a level to assure that our future service may fall into place as a worthy part of this grand tradition.

WALTER C. LANGSAM, *President*
University of Cincinnati

COMMITTEES

COMMITTEE FOR THE COMMEMORATION

Herman A. Bayless	William H. Nieman
Augustus Beall, Jr.	John W. Peck
C. Robert Beirne	August A. Rendigs
Donald D. Clancy	Carl W. Rich
Chase M. Davies	Hugh McD. Ritchey
Joseph C. Dinsmore	Charles Sawyer
Robert F. Dreidame	Milton H. Schmidt
George E. Fee	Murray Seasongood
Harold K. Goldstein	Starbuck Smith, Jr.
John F. Hellebush	James G. Stewart
Timothy S. Hogan	Charles P. Taft
Carl M. Jacobs	Robert Taft, Jr.
Grauman Marks	Robert Tatgenhorst
Robert S. Marx	Edmund P. Wood
John W. Melville	Frank E. Wood, Jr.

COMMITTEE FOR LADIES' ACTIVITIES

Mrs. Lawrence R. Lytle, Chairman	
Mrs. Roscoe L. Barrow	Mrs. George R. Simpson
Mrs. C. Robert Beirne	Mrs. Charles E. Stevenson
Mrs. William H. Nieman	Mrs. Richard L. Strecker
Mrs. Charles H. Perin	Mrs. Robert Tatgenhorst
Mrs. Frank Purdy	Mrs. Sidney Weil

FACULTY—COLLEGE OF LAW

Walter Consuelo Langsam . . .	President of the University
Raymond Walters	President Emeritus
Merton Ferson	Dean Emeritus
Roscoe Lindley Barrow	James L. Magrish
Richard Cosway	John W. Melville
Fred A. Dewey	Alfred A. Morrison
Frank D. Emerson	John W. Peck
Timothy S. Hogan	Irvin C. Rutter
Julius Holzberg	Murray Seasongood
Carson Hoy	Charles E. Stevenson
William B. Jeffrey, Jr.	Richard L. Strecker
Wilbur R. Lester	Sidney Weil, Jr.
Bert H. Long	Robert E. L. Young

THE ROBERT S. MARX SEMINAR

MAY 9TH AND 10TH, 1958

McMICKEN HALL, ROOM 127

MAY 9TH, 9:30 A.M. TO NOON; 2:00 P.M. TO 4:30 P.M.

Subject

Current Problems in Estate Planning

Guest Lecturer

PROFESSOR A. JAMES CASNER
Harvard Law School

Panelists

MR. DONALD C. ALEXANDER
MR. ROBERT H. FRENCH
MR. ROBERT P. GOLDMAN
MR. ALAN R. VOGELER

MAY 10TH, 9:00 A.M. TO NOON

Subject

Executives' Compensation

Guest Lecturer

PROFESSOR WILLIAM L. CARY
Columbia Law School

Panelists

MR. GEORGE E. FEE
MR. CARL M. JACOBS
MR. JAMES L. MAGRISH

Moderator

MR. RICHARD L. STRECKER
University of Cincinnati College of Law

Seminar Committee for the Cincinnati Bar Association

MR. ROBERT F. DREIDAME
MR. JAMES L. ELDER
MR. JAMES L. MAGRISH

LAW ALUMNI ASSOCIATION BANQUET

6:00 P.M. MAY 9TH, 1958, HALL OF MIRRORS

NETHERLAND-HILTON HOTEL

Presiding

MR. ROBERT TATGENHORST, President
College of Law Alumni Association
University of Cincinnati

Invocation

REVEREND HENRY J. WIRTENBERGER, S.J.
Dean, College of Arts and Sciences
Xavier University

Dinner

Opening remarks

MR. ROBERT TATGENHORST

Introduction of honored guests

Greetings

HONORABLE HAROLD H. BURTON, Associate Justice
United States Supreme Court
HONORABLE WILLIAM CODY KELLY, Vice-Mayor
City of Cincinnati
HONORABLE ROBERT TAFT, JR.
DEAN ROSCOE L. BARROW

Address

HONORABLE CHARLES SAWYER

Reports from the Classes of 1908, 1918, 1928, 1933, 1938, 1948,
and 1953

Annual Meeting of the Law Alumni Association

Benediction

REVEREND HENRY J. WIRTENBERGER, S.J.

COMMEMORATIVE CONVOCATION

WILSON AUDITORIUM, CAMPUS

2:00 P.M., MAY 10TH, 1958

Presiding

DR. WALTER C. LANGSAM, President
University of Cincinnati

Music

MISS SHERRY A. MATTHEWS

Processional

Invocation

THE RIGHT REVEREND HENRY W. HOBSON
Bishop of the Diocese of Southern Ohio

The National Anthem

Led by MISS MARIAN SPELMAN

Opening remarks

PRESIDENT LANGSAM

Greetings

HONORABLE CHALMERS P. WYLIE, Assistant to the Governor
HONORABLE GORDON RICH, Councilman, City of Cincinnati
HONORABLE CHARLES P. TAFT

Conferring of Honorary Degrees

Doctor of Laws

JAMES GARFIELD STEWART
CHARLES BALLARD ZIMMERMAN
HAROLD HITZ BURTON
EARL WARREN

Introduction of the Speaker

DEAN ROSCOE L. BARROW

Address

THE HONORABLE EARL WARREN
Chief Justice of the United States

Benediction

DR. VICTOR E. REICHERT
Rabbi, Rockdale Avenue Temple

The Alma Mater

LADIES' ACTIVITIES

MAY 9TH, 1958

12:15 P.M.: Meet in Lobby (8th floor), Terrace-Hilton Hotel

12:30 P.M.: Luncheon, Terrace-Hilton Hotel, Skyline Room

Speaker:

MR. EDWARD HERSCHEDE, JR.

"Precious Gems"

EVENING: Law Alumni Association Banquet

MAY 10TH, 1958

9:30 A.M.: Bus tour of the Seven Hills

(Buses depart from Netherland-Hilton Hotel,
Fifth Street entrance, promptly at 9:30 A.M.)

NOON: Luncheon

Student Union, Campus

AFTERNOON: The Commemorative Convocation

STUDENT ACTIVITIES

MAY 10TH, 1958

9:00 A.M. TO NOON: Open House, Alphonso Taft Hall

10:30 A.M. TO NOON: Moot Court Competition, Alphonso Taft Hall

HONORABLE HAROLD H. BURTON

Associate Justice

United States Supreme Court, presiding

6:00 P.M.: College of Law "Gridiron" Dinner-Dance

Restaurant Continental, Netherland-Hilton Hotel

Dinner

Address

HONORABLE CHARLES B. ZIMMERMAN

Judge, Supreme Court of Ohio

Gridiron

Dance

HISTORICAL NOTE

The Cincinnati Law School, from which the University of Cincinnati College of Law stems, was founded in May, 1833. The first term of the school began October 8, 1833. In 1835, the Cincinnati Law School was incorporated with the Cincinnati College. The latter had been incorporated on January 22, 1819, at which time there were conferred upon it all powers and funds of the Lancaster Seminary of Cincinnati, which was incorporated on February 4, 1815. As a component of the Cincinnati College, the Cincinnati Law School was conducted under the name of the Law School of the Cincinnati College. The Cincinnati College exists as a corporate entity today, the only surviving department being the Law School. In 1918 it was merged with the University of Cincinnati.

The academic year 1957-58 is the one hundred and twenty-fifth anniversary of the founding of the College of Law. It is one of the oldest Law Schools in the nation and is the oldest existing Law School west of the Alleghenies.



ALPHONSO TAFT HALL



A D D R E S S

by

Earl Warren, Chief Justice of the United States

at the

125th Anniversary Commemoration of

The College of Law, University of Cincinnati

and

The Centennial Celebration of the Birth of William Howard Taft

May 10, 1958.

It is more than just a happy circumstance of time which makes it possible to celebrate simultaneously the 125th anniversary of one of our pioneer law schools and the 100th birthday anniversary of one of its alumni who is a great man in American history. The coincidence speaks loudly concerning the stability and profundity of the school and of its great influence in the lives of its students. It makes the celebration a significant one for all who are interested in the development of American law and better judicial administration. The University of Cincinnati School of Law and William Howard Taft were both pioneers in these fields. When we speak of one we also think of the other.

When the University of Cincinnati School of Law came into being, the level of professional training in the law was at a low ebb. Most lawyers were the product of the apprentice system, there were few requirements for admission to the existing law schools, and standards of training were vaguely defined. The social, political and economic differences as well as the geographical difficulties of the period impeded development of the organized bar or uniform standards for the profession. There was a notable absence of a real professional spirit, and the profession which came into this country on an unorganized basis continued along the same path.

Although there was this defect in the organization of the bar and a general letting down in the standards of education and admission to practice, there were those who established a high level of professionalism. Few lawyers in our history have surpassed in legal ability, Daniel Webster, Reverdy Johnson, Horace Binney and Rufus Choate. As in terms of creative legal achievement this period was most important in the formation of the

common law of America. During this period, between 1830 and 1860, when direction and leadership were most needed there was a revival of legal education in this country with the founding of eleven additional law schools.

In 1833 when this law school came into being, there were only eight such schools in the United States. Most of them were poorly equipped, had only part-time faculties, and it was not the fashion for lawyers to be trained in the classroom. Yet these schools provided the only formal legal training for a population of almost 15 million people. There were at the time no other law schools west of the Allegheny Mountains and there was an urgent need for legal education and the improvement of standards in this expanding region. While there was a need for improved legal education, the task of establishing a law school, of attracting qualified students, and of obtaining the support of the practicing bar was most difficult. It was the people of Cincinnati who first undertook to face these difficulties and supply that need. In the intervening years, the Cincinnati Law School and the other law schools in this country have contributed greatly to the bench and bar and to the improvement of legal standards generally in our nation. The development of our law schools has done much to bring about the existing professional standards in which the lawyers of today pride themselves. Any educational institution in the country would be proud to claim such men as those who have been trained here. Particularly would it be proud to record that it had trained the only man in American history who filled both the offices of President and Chief Justice. Chief Justice William Howard Taft and Justice Van Devanter of the Supreme Court of the United States both made notable contributions to the work of that Court as did United

States Attorney General Judson Harmon and Solicitor General Lawrence Maxwell. It is most unique that three of the most dynamic and colorful Speakers of the House of Representatives, Champ Clark, Joseph G. Cannon and Nicholas Longworth should have graduated from the same law school. Vice President Dawes and Senators Atlee Pomerene of your State and Richard P. Ernst of Kentucky also add to the galaxy. These and numerous other judges, legislators and lawyers whose names have not been emblazoned in history as have theirs have nevertheless provided leadership and inspiration in the development of our country and have advanced the welfare of our state and nation. In the aggregate it is a vital contribution. The fact that this law school has produced such men is a source of inspiration, and the history of our country would not be complete without considering the impact of their accomplishments on the lives of all of us.

At this time, when political science is becoming more and more important to the people of this country and the world, it is heartening to know that an institution of this kind has, through its long existence, continuously prepared men for leadership and outstanding public service. The size of government operations and the complexity of our foreign relations make it increasingly important to imbue our young people with a vision of and desire for important public service.

It is most interesting to review Chief Justice Taft's contribution to the advancement of legal education. While serving on the Court of Appeals for the Sixth Circuit in 1896, he had the urge and the will to become Dean and Professor of Law at this law school, lecturing on Real Property on Mondays and Saturdays.

In that very year, 1896, he reorganized the school, introduced

the case method of instruction which had been started a few years earlier by Christopher Langdell at Harvard, and raised the standard of admission to require graduation from high school. In the following year he was successful in bringing together the Law Department of the University of Cincinnati and the Law School of the Cincinnati College. These and other advances were made during his brief tenure as Dean from 1896 to 1900, at which time he resigned as Judge and Dean to accept the position as head of the Philippine Commission.

In addition to Taft's leadership in developing the Law School of the University of Cincinnati, his years were marked by successive contributions to our country in a long and distinguished lifetime of public service. The nation is indebted to him for his vision and for his active leadership in the field of judicial administration. In 1914, speaking here at this Law School, he pointed to the needs for judicial reform and provided a blueprint for future action. He deplored the absence of business methods in the operation of the federal courts. He emphasized the lack of coordination in the system with 120 district court judges and 30 judges in the appeals courts, with each judge operating within his island of authority in practical isolation from the others. Congested calendars existed but there were no statistics and no effective way of knowing the real condition of court calendars or what might be done to improve their condition. The federal rules governing procedure were chaotic, and there was no cohesive force of any kind to stimulate the better administration of our federal courts. In view of this situation Taft proposed a head for the federal judicial system with authority in the Chief Justice, or in a council of judges, or in

the Supreme Court itself.

This 1914 vision of Taft became a reality in the Act of September 14, 1922, in which Congress, following his leadership as Chief Justice, provided for a comprehensive approach to the problem of court reform. The Act liberalized provisions for assignment of federal judges, and it set up a conference of senior circuit judges to be called annually by the Chief Justice of the United States. This was the foundation for the Act of August 7, 1939, establishing the present Administrative Office of the United States Courts and renaming the conference of senior circuit judges "The Judicial Conference of the United States." Thus he laid the foundation for the programs of this day to improve the administration of Justice.

Further judicial reform was provided by the Judiciary Act of 1925, spearheaded by Taft to bring the work of the Supreme Court up to date. Following World War I, there was a substantial increase in cases filed, and despite the untiring efforts of the Court it was clearly falling behind in the disposition of docketed cases by 1921. In testimony before the Committee on the Judiciary in the House of Representatives, the Chief Justice indicated that the time from docketing a case to argument was from 18 to 24 months. Without further delay, Taft formulated, with the help of his colleagues, the principle of a wider discretionary review. This legislation enacted by Congress permitted the Court to remove its backlog of cases, and ever since the 1929 Term it has been able to close each Term on a current basis with the statement:

"All cases submitted and all business before the Court at this Term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next Term."

If Taft had made no other contribution to the work of the Court while serving as Chief Justice these would have been sufficient to establish him as one of the great jurists in our history, because it is axiomatic that justice too long delayed is justice denied.

The present Supreme Court Building is itself a lasting memorial to his concern for the orderly dispatch of business. Prior to his Chief Justiceship, the Supreme Court was never the possessor of what it could call its home. In 1796 the first proposal was made for a permanent building, but it was not built for 139 years. In the meantime, it met in various private and public buildings, in committee rooms of the Congress, in the basement of the Capitol, and finally in the original Senate chamber. It had no conference room and met to discuss the cases between the stacks in its little library. The members of the Court had no offices in the governmental plant, and maintained their working chambers in their homes. Except on conference days, they communicated with one another through personal visits or by telephone and transmitted to each other by messenger or mail drafts of opinions and memoranda.

Taft, in the face of opposition in Congress and in the Court itself, finally obtained authorization for the great building which is now the home of the Court. Before his retirement, the site on which the building stands was purchased. It was completed a little over five years after he left the Bench.

The manner in which he dispatched the work of the Court, his genial countenance and understanding have made a lasting impression on the spirit and tradition of the Supreme Court, as well as to the effectiveness of its

processes. This is neither the time nor the place to review his decisions, which number 253 and are found in 24 volumes of the Supreme Court Reports. As time passes, those decisions take on a constantly increasing virility because of his great understanding which he brought to the Court, not only as a result of his strong moral character but also as a result of a lifetime devoted to public service.

It was, of course, no accident that Taft possessed these characteristics of greatness and a dedication to public service. Many of his ancestors were lawyers, members of State Legislatures in Vermont and Massachusetts, and one was Lieutenant Governor of Vermont. Few American families for generations have so devoted themselves to public service.

Born in Cincinnati in 1857, William Howard Taft was the son of Alphonso, a distinguished statesman, and Louisa M. Torrey Taft. His father, a native of Vermont, had come to Ohio after graduation from Yale Law School, had pursued a successful legal career, and for many years held the high office of Judge of the Superior Court of Ohio. Taft's father also served as Attorney General and later Secretary of War of the United States. In later life, he became Ambassador to Austria and afterward to Russia.

Taft's childhood was a healthy and happy one, in which he had the good fortune of being raised in a typical American home, by two exceptionally good parents who educated him in the way of living and acting. Taft was a real American boy, good natured and well behaved. The same good nature and pleasant smile that endeared him to his associates in later life characterized the boy.

After graduating from Woodward High School, Taft entered the

Phillips Academy at Andover, where he prepared for entrance to Yale, the family university, of which his father was alumnus and trustee. A sociable, friendly, and popular student, he applied himself diligently to his studies, graduated second in his class, and because of his oratorical ability was named class orator.

Returning to his father's office, he planned to enter the Cincinnati Law School. Here, too, he demonstrated his ability to work effectively, for while working as a reporter on the Times-Star and later as court reporter for the Commercial Gazette, he successfully completed his legal education, sharing first place honors with another promising legal light of his class.

With admission to the bar, he proceeded to establish himself as one of the ablest lawyers at the Cincinnati bar. His abilities received early public recognition, and he successively undertook to discharge the responsibilities of important public offices. He began his career of public service as a prosecuting attorney and continued as assistant county solicitor and collector of internal revenue. While serving as judge of the Superior Court of Cincinnati, he was selected to represent the United States in the Supreme Court as the Solicitor General. Later he was appointed judge of the Court of Appeals, during which time he was Dean of the Cincinnati Law School. Upon being called by the President of the United States, he undertook to discharge the responsibilities as President of the Philippine Commission and later as Civil Governor of the Philippines. Three times he declined appointment as an Associate Justice of the Supreme Court of the United States because he was engaged at the time in public service that called for his attention. At the further request of the President, he served as

Secretary of War. Elected President of the United States, he was later to become the first man to serve in that capacity and also as Chief Justice of the United States. No man who has ever sat on the Supreme Court of the United States has brought such a wealth of experience, all of which was important to the decisions and the great problems which incessantly come to that Court.

The love and admiration of his Associates on the Court was expressed in a letter to Taft on the occasion of his resignation due to failing health:

"We call you Chief Justice still, for we cannot quickly give up the title by which we have known you for all these later years, and which you have made so dear to us. We cannot let you leave us without trying to tell you how dear you have made it.

"You came to us from achievements in other fields, and with the prestige of the illustrious place that you lately had held, and you showed us in a new form your voluminous capacity for work, and for getting work done; your humor that smoothed the rough places, your golden heart that has brought you love from every side; and most of all, from your brethren whose tasks you have made happy and light."

Because this is the 100th anniversary of his birth, at this School where he acquired his legal education and strengthened his ideals, I would like to say something that is near to my heart in the field in which he was so proficient. It has to do with judicial administration. Important as this is in the life of our nation I find that there is an amazing and almost frightening lack of concern about it both in the legal profession and among the laity, although both are vitally affected by the problem every day of their lives. Comparatively little attention has been given to this problem and to the flaws which are developing from day-to-day. They can develop into

major problems unless attended to. In many parts of our country, in both federal and state systems, congestion of calendars and its attendant delay is slowing down the judicial process until it becomes a matter of years rather than months after lawsuits are filed until they can be adjudicated. This is not due to indolence of judges who I believe are as conscientious and dedicated to hard work and high standards of public service as any group of people in our country. It does mean, however, that we have not yet evolved satisfactory methods of dispatching judicial business nor of welding together the bench and the bar in a crusade to make our court system adequate to the everyday needs of our people.

Among the things needed in our judicial system, of course, are more judges to serve the needs of a rapidly increasing population. But merely creating more judgeships will not solve our problem or serve the purpose. We must find and adapt ourselves to methods of budgeting our time which is so important to every judge. This can be accomplished by simplifying procedures, by steadying the flow of work, by pinpointing the issues in controversy and by thereby shortening the length of trials. It is with these things in mind that the Judicial Conference of the United States is laboring to carry out the vision of your distinguished alumnus, but it is a difficult matter to accomplish. It is not an easy thing to do because the bench and bar by nature are conservative institutions, and sometimes there is a lack of enthusiasm in facing new conditions that call for the use of modern methods of dispatch. While the trial and adjudication of lawsuits is a profession as distinguished from a business, still that or any other profession must accustom itself to the times through which it is passing and must adjust its

methods in order to accommodate a fast-moving and changing society.

Because we are faced with these stark realities and because I believe our profession is capable of facing realities and overcoming obstacles, I look forward to a resurgence of interest in the improvement of standards of judicial administration. I commend you at the University of Cincinnati for the important contribution you have already made in this field, and I urge you to redouble your energies in this important task.

I congratulate you heartily on your 125th Anniversary.