The University of Cincinnati College of Law: An Overview 1833-1983

ONE HUNDRED & FIFTIETH ANNIVERSARY

The College of Law: An Overview 1833-1983

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In The Beginning

Few students at the University of Cincinnati College of Law come through the orientation period at the start of their first year without hearing about the antiquity and eminence of their law school.

When Timothy Walker founded the school in 1833, it was the first west of the Allegheny Mountains. Among American law schools still in existence, it is the fourth oldest, junior only to Harvard (1817), Yale (1824), and Virginia (1826).[1]

During this early period, extending into the nineteenth century, most lawyers obtained their professional training by apprenticeship in law offices. Professorial chairs in law had been established at a number of colleges, of which George Wythe's at the College of William and Mary was perhaps the most notable example. These multiplied in the early part of the nineteenth century, but were avowedly nonprofessional and continued in the tradition of Blackstone at Oxford, treating law as one of the liberal arts.[2]

More or less contemporaneously, proprietary practitioner-sponsored schools began to appear, of which Judge Tapping Reeves' Litchfield School in Connecticut was the outstanding prototype, drawing students from many parts of the country. These offered lectures aimed at a more systematic inculcation of legal doctrine, by way of supplement to the training of apprenticed law clerks.

It was in this setting that Timothy Walker's founding of our law school in 1833 was an innovative step. During this transition period the difference between the more systematic proprietary supplements, often profitable adjuncts to the lawyers' business, and the emerging law school was sometimes hazy. But Walker, the son of a Massachusetts farmer, had gone to Harvard College, taught school in Northampton, and studied at Harvard Law School under Justice Story before coming to practice in Cincinnati, and surely had the Harvard model in mind, despite the original location in quarters above his law office.[3]

This was confirmed by its affiliation with the Cincinnati College in 1834, which also served the purpose of authorizing the new law school to confer degrees. Founded in 1819, the Cincinnati College led a checkered history. Its general liberal arts program had been discontinued in 1825, was revived briefly from 1836 to 1839, with a medical school operating under its aegis from 1835 to 1839. The result was that for the greater part of its history the law school was its only operating unit, finally establishing a connection with a university at the end of the century. The cornerstone of the Cincinnati College, bearing the 1819 year of its founding, was preserved and embedded at the north side of Alphonso Taft Hall until the construction of our latest building. It has since been relocated near the northeast entrance of the new building. It is for this reason that accounts of our College of Law sometimes date its founding back to 1819.

The law school opened with three faculty members and 17 students. One of the students was Charles D. Drake, who later became U.S. Senator from Missouri and Chief Judge of the U.S. Court of Claims. His father was Dr. Daniel Drake, who founded the first medical school in Ohio at Cincinnati in 1819. Charles Drake proved a loyal alumnus. In 1878 he became the first president of the Cincinnati Law Alumni Association.

By 1839 the law faculty had dwindled to one: Walker. He developed a series of lectures covering what was then substantially the entire range of the law during the one six-month term which the school required of its students. These lectures were first published in 1837 as a book titled *Introduction to American Law*. It ran through eleven editions over the next 68 years, gaining a reputation as "the American Blackstone." It was also one of the first major publications by a law teacher.[4] Many others had developed series of lectures, but few had been published, perhaps for fear that prospective students would read the book rather than pay tuition to hear the lectures. Along with Joseph Story and James Kent, Walker ranks among the earliest great law teacher-writers.

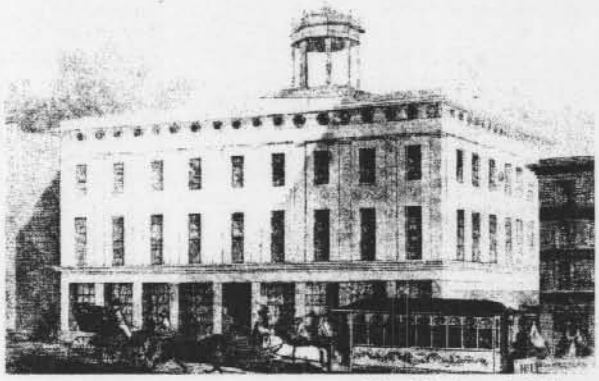
Mr. Justice Holmes told Chief Justice Taft that it was Walker's book that "first gave him an adequate concept of what law was and what was the profession upon which he was entering."[5]

From 1839 until 1844, Walker was the sole faculty member. In 1842, he was elected to the Common Pleas bench. Two years later he resigned from the College.

His daughter, Susan, married Nicholas Longworth, who

served on both the Common Pleas and Ohio Supreme Court benches. Their son, Nicholas Longworth III, graduated from the law school his grandfather had founded and went on to become Speaker of the U.S. House of Representatives.

Timothy Walker



The Cincinnati College, Walnut near Fifth, 1845

Evolution

Following its affiliation with the Cincinnati College in 1834, the law school pursued its independent way for almost 40 years, constituting the only operating unit of the Cincinnati College from 1839. Along the way it took on the name "Cincinnati Law School," but continued to operate without a connection with another educational institution.

By 1870, many of the 31 law schools in the country had acquired some kind of relationship with a university. Besides Harvard, Yale, and Virginia, examples included Tulane, Pennsylvania, Albany, Columbia, and, in the midwest, Michigan and Notre Dame. Often the relationship with the university was very loose, much more so than is common today. For example, at Columbia beginning in 1864, Timothy Dwight collected the tuition, paid expenses including his own salary and then split the surplus evenly with the University. Even so the trend toward the university law school was beginning to gather force.[6]

In Cincinnati the University of Cincinnati was on its way to becoming an operating university. In 1858 Charles McMicken, a highly successful real estate investor, left his entire estate to the city to establish a university. This university got off to a slow start. A decision of the Louisiana Supreme Court held McMicken's will invalid as to substantial real estate which he had owned in Louisiana.[7] Then came interruptions by the Civil War. It was not until the late 1860's that the university began holding classes on a modest scale, first as McMicken University and, after 1870, as the University of Cincinnati.

In 1869 the board of McMicken University presented to the board of the Cincinnati Law School a proposal for merger in order to build "a great institution of learning in the City." Being in shaky financial condition, the University may also have been interested in the annual income of $10,000 which the Law School received from its property.[8]

The Law School trustees appointed a committee to consider the merger proposal, but no action ensued for three years. When the board took up the matter in 1872, it was tabled. At the time City Council appointed the directors of the University, and the Law School board apparently was concerned about political influence. Some even feared that professorial appointments would become political patronage.[9]

The next—and ultimately successful—move toward merger came during the late 1880's when Jacob D. Cox was both Dean of the Cincinnati Law School and President of the University of Cincinnati.

Along with Walker, Cox ranks with those who had an outstanding influence on the development of the school. In 1855 at age 27 he helped to found the Republican Party in Ohio. Upon the outbreak of the Civil War he was appointed a brigadier general and served through most of the Western campaigns. After the war he wrote several books and articles on the history of the war.

In 1866 Cox was elected Governor of Ohio. After one term he joined the faculty of the Cincinnati Law School briefly before President Grant appointed him Secretary of the Interior. Thereafter he served one term in Congress but returned to the Law School as Dean in 1880.

Cox's national reputation did much to advance the prestige of the school. During his administration the course of study was enlarged from two years to three. New faculty members were added and the student body grew from 120 to 174.[10] Among the students during Cox's deanship were many who later attained national distinction. Most notable were Willis Van Devanter, later a Justice of the United States Supreme Court, Charles G. Dawes, who became Vice President of the United States, and Nicholas Longworth III, who was Speaker of the House of Representatives from 1925 to 1931.[11] From 1885 to 1889, when Cox was both Dean of the Cincinnati Law School and President of the University of Cincinnati, he took the first step leading to a union of the two institutions a decade later.

In 1886 Cox proposed an alliance with the University of all institutions related to higher education in Cincinnati.

The alliance was to be fairly loose. There was to be considerable administrative autonomy, and endowments and property were to be kept separate. But the membership of the proposed alliance was broad, to include St. Xavier College and the college-preparatory programs of the high schools.[12] The proposal had some success. Three separate medical colleges and a college of pharmacy joined the University.

However, the Cincinnati Law School, of which Cox was Dean, rejected the proposal.[13] The law faculty committee report raised the familiar objection that an alliance would put the Law School in "the area of municipal politics." The committee was also worried about the school's independence and maintaining its "Christian character." Perhaps most important was that graduates would receive degrees from the University of Cincinnati, not the Law School of the Cincinnati College. The latter, the committee plainly felt, was a more prestigious insitution.

In 1892 the Ohio General Assembly sought to force unity by enacting an amendment to the 1819 act which had incorporated the Cincinnati College. The legislation recited that the Cincinnati College's endowment was "not sufficient to enable it to carry out the purposes of its charter"[14] and that "in the opinion of the general assembly, it would be advantageous to the Cincinnati College and to the University of Cincinnati, and to the public generally, that the government of the two institutions should be joined and consolidated." The statute then provided quite simply that henceforth the directors of the University of Cincinnati were the trustees of the Cincinnati College.[15]

As might be expected the Law School trustees did not yield. The University then sought a quo warranto writ to remove the trustees. The Circuit Court denied the writ and the Ohio Supreme Court affirmed.[16] To rule otherwise, the Supreme Court pointed out, would be to put charitable corporations "beyond the limits of constitutional protection." The Court added:

> "Whenever in the opinion of a majority of the general assembly, the public interest of two or more colleges, or churches, or other private eleemosynary corporations, required them to be united, the property of one or more of them could be seized and transferred to another."[17]

In 1896, a year after the Supreme Court decision, the University of Cincinnati decided to go it alone. The board of directors authorized a law department. The financial arrangements were unusual. The University agreed to pay all expenses except faculty salaries. The faculty was authorized to impose a charge of no more than $100 on each student. In a burst of fraternal collegiality, faculty salaries were to be paid out of these funds in such proportions as the faculty might agree among themselves.[18]

The faculty of the new law department was extraordinarily distinguished. The Dean was William Howard Taft. He had graduated from the Cincinnati Law School in 1880 and later was to become President and Chief Justice. Others included Judson Harmon, Lawrence Maxwell, and Gustavus H. Wald.

William Howard Taft

Harmon had been Attorney General of the United States and later was to serve as Governor of Ohio; Maxwell had been Solicitor General of the United States; Wald succeeded Taft as Dean and was the author of a standard treatise on contracts.

After a year of operating in competition, the Cincinnati Law School and the University reached an agreement to merge for at least 10 years,[19] with the combined institution retaining the name "Cincinnati Law School." Degrees were to be awarded jointly. Financing came from the Cincinnati Law School's endowment, $1,000 contributed annually by the University, and tuition.

The union did not last. The Law School board felt that the University was trying to dominate the Law School,[20] and in 1911 the Law School terminated the agreement. Following the divorce, the Law School did not revert to the great days of the 1890's. Until 1885 Cincinnati was the only law school in Ohio.[21] After the separation, while the University did not continue a law program, other competition was increasing. The law schools of Ohio State and Ohio Northern began in 1885 and, by 1918, when the reconciliation with the University occurred, there were ten law schools in Ohio.[22]

The reconciliation came when Albert B. Benedict became Dean of the Cincinnati Law School. He and Judge Rufus B. Smith, long a faculty member in the University law department, managed to work out an agreement that the boards of both schools accepted. The stockholders in the old Cincinnati College, of which the Law School was the only functioning part, transferred their stock along with the assets of the College to the University. The University agreed to maintain "a high grade law school," contributing $13,000 per year to that end. The reunited Law School used the building of the College on Ninth Street between Vine and Race Streets. It had a faculty of 12, three of whom were full time.[23]

The corporate shell of the Cincinnati College remains. The President of the University is also President of Cincinnati College. The Dean of the College of Law is a trustee of the Cincinnati College. Otherwise the College board is made up of members of the University board.

A similar story but with different outcome involves the University of Cincinnati and night legal education. The Cincinnati YMCA had operated a night law school since 1893. In 1916, the first of three attempts was made to merge its operations into the University of Cincinnati. The events of 1916 are not altogether clear. Apparently the University thought that a merger agreement had been reached, and it set up an Evening Department. Classes began in September, 1916. The Evening Department faculty was substantially the same that had taught at the YMCA school. However, the YMCA school with an entirely new faculty continued in operation. Enrollment in the University's Evening Department proved too small to sustain the program. Only ten registered for the second class, the program was dropped in 1918, and students were allowed to transfer to the day program.[24]

The matter came up again in 1961. The board of what was by then the Salmon P. Chase College of Law, still operating as part of the YMCA, began negotiations for a merger. At first University President Walter C. Langsam and the University board were receptive. Law faculty opposition, however, was strong, and the Association of American Law Schools and the American Bar Association were asked to study the feasibility of such a merger. Their report concluded that a substantial increase in funding would be necessary if the evening programs were to be maintained on a level of quality comparable to the day division. That funding being unavailable, the negotiations ended.[25]

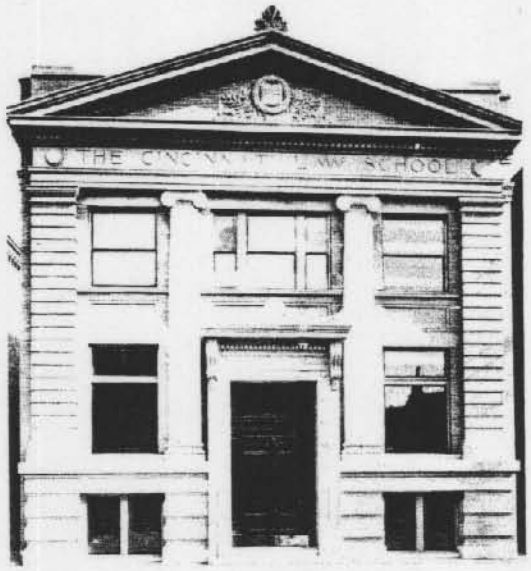
In 1970 the question came up for the third time. By this time Chase had broken away from the YMCA and was looking for an affiliation with a university. This proposal did not get beyond the preliminary stage. In the face of strong faculty opposition, the plan was dropped. A year later Chase merged with Northern Kentucky University.

The three aborted mergers raised some fundamental issues in legal education. The faculty opposition on all occasions was grounded on the proposition that a proper legal education demanded full-time immersion of the student for the duration of the program. While there were the usual countervailing considerations, the law faculty concluded that, on balance, a merger would seriously damage the full-time program.

Another organizational change which affected the College of Law was the shift of the University from municipal to state status. The change came about in two stages. The first occurred in 1968 when the University became "state affiliated." The state paid the University a per capita subsidy for certain types of students; the Governor appointed four of the nine members of the board of directors and the rest were appointed by the Mayor. Previously the Mayor had appointed all nine members. The city continued some financial support.

The second stage was the establishment of full status as a state university in 1977. All of the University's public funding came from the state and all nine members of its board (now called trustees) were appointed by the Governor. State administrative controls increased in number and complexity.

The shift from municipal to state status permitted financial survival. The city's resources were simply no longer enough. The benefit to the College of Law became evident almost immediately. Within a few months after the change to full state status, the Ohio General Assembly appropriated $6,250,000 to enlarge the College's building.



The Cincinnati Law School, West Ninth, 1903

Homes of the College

The dramatic new building of the College of Law will continue to harbor in its bricks and mortar the unseen genealogy of a series of births and rebirths since its primitive origins. The new building represents the eighth generation in the continuing quest that started in 1833. A home of its own used exclusively as a law school was not acquired by the Law School until 70 years of wandering, in the course of which its quarters were twice destroyed by fire.

The first location was on the second floor above the office of the law firm of King and Walker on Third Street near Main Street. The principals in the firm, Timothy Walker and Edward King, two of the three members (with Judge John C. Wright) of the original faculty, walked up a flight of stairs to greet the first class of 17 students in 1833.

Its first shift came a year later, when it moved into the Cincinnati College building on Walnut Street near Fifth Street, upon becoming affiliated with the Cincinnati College.[26] Constructed in 1816 for the Cincinnati Lancaster Seminary, which later merged with the Cincinnati College, the square two-storied structure was roughly neo-classic, with columns fronting a set-in balcony on the second floor.

In 1845 this building burned down, and another was constructed on the same site.[27] The new structure rose to three stories and was simpler in design, but retained a cupola like that of its predecessor. It was shared with the Young Men's Mercantile Library Association which obtained a perpetual leasehold to part of the building for $10,000. This was used to help in financing the new structure, with $25,000 coming from bonds authorized by the General Assembly. The Library Association still occupies the top floor of an office building now located on the same site.

The building lasted for 24 years, when it was destroyed again by fire and again rebuilt on the same site.[28] The architecture had progressed to "mid-Victorian commercial." The Law School was joined in this building by the University of Cincinnati law department on the first merger between them. During its year of independent operation the University's law department had occupied quarters above a jewelry store on Fourth Street.[29]

In 1903 the Law School came into its own with its first building designed to be used wholly as a law school. Part of the funds came from the granting of a perpetual lease on its old location for $50,000 and annual rental payments of $10,562.[30] The new building was functionally rectangular, but adorned with an eclectic assortment of gingerbread. This building stood at 21 West Ninth Street and was used by the Cincinnati Club as an addition to its main building nearby until 1982 when it was razed.

The building was dedicated with great ceremony on October 17, 1903. Sir Frederick Pollock, professor of jurisprudence at Oxford, marked the occasion with an address on the essential elements of the common law. "[W]hat this Law School is now doing on the banks of the Ohio is a continuation of that which was begun more than six hundred years ago on the banks of the Thames," he said.[31]

An earilier speaker, E. W. Kittredge, president of the Law School board of trustees, noted that "while [the site] was outside of the business center of the City, it was within convenient access of both the professors in the College, some of whom are active members of the Bar, and of the students, some of whom pursue their studies in the office of legal firms in the city." He also commented on the fact that the new building was then flanked on one side by a Baptist church and on the other by a synagogue. "We have on the one side of us," he said, "the representatives of the Mosaic Law, and on the other a church of the New Dispensation." It was believed that their occupancy would protect the Law School from disagreeable neighbors.[32]

The library reading room on the first floor seated 300 persons, a capacity not reached by later buildings until 1982. The collection consisted of 12,000 volumes. Classrooms and faculty offices were on the second floor. The 1916-17 catalog described the building as "artistic and complete in every detail."[33]

In 1919 the Law School moved again. The building on Ninth Street was sold and the School moved to the old McMicken house on the brow of the Clifton Avenue hill.[34] The new location commanded an imposing view of the city below. Charles McMicken, whose estate had funded the establishment of the University, had occupied the house in the 1850's. From 1875 to 1895 the new University's "academic" department held classes there. Later the College of Medicine occupied it. It was, of course, extensively remodeled in 1919 to adapt it for law school purposes, but it was intended to be only a temporary location. The long-range plan was to construct a building for the Law School on the main Clifton campus.

That plan became financially feasible in 1923 when Mr. and Mrs. Charles P. Taft gave $75,000 to the University for that purpose. The University added $180,000 of other funds. Upon receiving the gift from Mr. and Mrs. Taft, the University board of directors promptly named the new building after Alphonso Taft, Mr. Taft's father and a distinguished lawyer.[35] While Alphonso Taft was one of the principal organizers of the University, his only connection with the Law School was one year on the faculty. In addition, he served as Attorney General of the United States and Minister to Russia. Alphonso Taft's son, William Howard Taft, then Chief Justice of the United States Supreme Court, dedicated Alphonso Taft Hall in October, 1925.

The *Bearcat*, the University of Cincinnati student newspaper, described the new building as "a modern interpretation of the Roman style of architecture combined with the English Georgian." It added:

> "It is an expression of the dignity of the studies offered within, and is a representation of the character of Roman law with English as the later development.
>
> "The hall has accommodations for 200 students. The first floor includes the dean's and registrar's offices, and three class rooms of amphitheater type. A library with stack rooms containing some 14,000 volumes, and the professors' offices occupy the second floor."[36]

College of Law, University of Cincinnati, Clifton Avenue, 1919

During the first year in Taft Hall, the total enrollment was 91; 43 in the first year class, 27 in the second and 21 in the third.[37]

Taft Hall was located on the southwest corner of the campus at the busy intersection of Clifton Avenue and Calhoun Street. Thousands of Cincinnatians passed it every day. Its four impressive Georgian columns remained a landmark until they were torn down in 1981 during the reconstruction of that year.

For the next 39 years Taft Hall, basically unchanged, remained the home of the College. In the early 1960's the Robert S. Marx Testamentary Trust gave the University $425,000 to build a library wing to Taft Hall to be named the Robert S. Marx Law Library.[38] The Trust was created by Judge Marx's will upon his death in 1960. He had been a graduate of the Law School, the last judge of the old Cincinnati Superior Court and a highly successful trial lawyer. For many years he had taught part time at the College.

All of the law library and faculty offices were located in the new wing on the east side of Taft Hall. The main reading room of the old law library was converted into a court room which also served as a 200-seat auditorium and classroom for large classes. Administrative offices and seminar rooms were also on the second floor. The first floor remained unchanged except that the office space was changed to a lounge and a seminar room. The library had space for about 80,000 volumes.

The events leading to the construction of our new building whose completion and dedication coincide with the observance of our 150th Anniversary extended over about a decade of tribulations centering about the ebb and flow of prospects of financing and changes in construction plans to adjust to the rise and fall of realistic expectations on the availability of funds. During this period the major continuity and coordination of negotiations with the state legislature, University administration, Board of Regents, Association of American Law Schools and American Bar Association, aided by a cohort of active alumni, fell upon the shoulders of Professor Samuel S. Wilson, who served as Acting Dean for two interregnums from 1969 to 1973 and as Dean from 1974 to 1978.

While its academic standing was never questioned, by the late 1960's it had become clear that the College had outgrown its physical facilities for books and study space in our library, classrooms and burgeoning student activities. The faculty knew that the College had fallen below accreditation requirements in this regard, and this was confirmed by one of the periodic inspections by the AALS and ABA. While the hazard of not meeting their accreditation standards was discomforting, the resulting oversight by the accrediting authorities contributed to the pressures for a solution. There ensued a tug of war as we shifted from proposals to add patches to Taft Hall, move to another campus building, and finally to retain Taft Hall as a nucleus from which emerged our present dramatic new quarters. With library facilities as one of the major inadequacies, yeoman efforts in design and construction were made by Professor Jorge L. Carro, who became Head Librarian in 1976 and served as Acting Dean from 1978 until Dean Gordon A. Christenson arrived in 1979, in time to witness the first crash of demolition by a massive steel ball. In the midst of the surrounding chaos of construction, Dean Christenson influenced the configuration of the interior space and continued to oversee the development of the academic program of the law school.

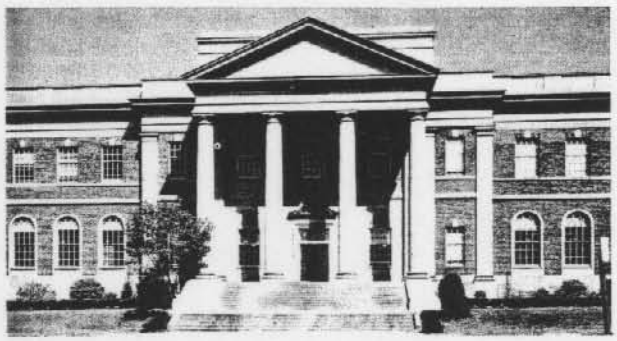
Before construction began, the architect, E.A. Glendening, faced two major problems; first, what to do about the landmark columns, and second, how to expand and extensively remodel a building while permitting an intense academic program to be carried on in that building at the same time.

His solution to the first problem was simple, regrettable but inevitable. The columns were torn down. They could not be saved without interfering with key traffic patterns in the expanded building.

His solution to the second was to wrap the expansion around three sides of the old building, providing one section at a time while the academic program continued in other parts of the building. The exterior walls of Taft Hall are interior walls of the new building. The interior of Taft Hall was gutted so the effect is that of a new building.

The architecture was only part of the solution to the second problem. Parts of the College were scattered all over the area. During the three years of construction, faculty offices were located in the YMCA and in rented space on the second floor of Deaconess Hospital. Classes were held in various other parts of the campus. Student activities were located in a nearby house. Dust and noise were as pervasive as torts and contracts.

The entire law school operation moved into the reconstructed building just before classes started in August, 1982. The amount of space is three times that of Taft Hall and Marx; the book capacity of the law library was also tripled. Seating capacity in the library was substantially expanded so that study carrels are available to almost all of the students. Court rooms were designed for use without conflicting intrusion by regular classes. These rooms are thus more readily available for students practicing court room skills and for full-scale actual trials.



Alphonso Taft Hall, Clifton and Calhoun, 1925

Our new facilities include two computer terminals connected with central sources of storage and retrieval, a matured operational adjunct to scholarly and practical research. Somewhere in the offing is the development of the delicious subtleties of computer-aided instruction, presumably not carried to the point of elimination of faculty.[39]

Alphonso Taft Hall, 1979

The Student Body

For about the first 90 years of the Cincinnati Law School's existence, its academic demands on its students were not very taxing in comparison with those demands in 1983. The number of class hours were fewer and scheduled so as not to interfere with outside jobs. Indeed such jobs were not just the result of financial need; they seem to have been expected. For example, William Howard Taft, whose father, Alphonso, was a highly successful lawyer, held down a job during law school as a courthouse reporter for the Cincinnati Commercial.[40]

Because of his later distinction, Taft's experiences at the Law School are fairly fully documented. They also span a period of more than 20 years from the late 1870's to 1900. He was a student in the late 1870's, graduating in 1880. From 1896 to 1900 he taught property and served as the first dean of the newly merged Cincinnati Law School and the University of Cincinnati law department.

As a student, Taft averaged only two hours a day of classes. These consisted of lectures on broad principles of the law, generally with little attention to the precise factual detail that marks the case method. Even with his job on the Commercial, his father felt there was "too much time for leisure and the pursuit of wicked pleasure."[41]

Taft's preparation for the bar examination was also relaxed. In 1880 the examination consisted of oral questioning by a committee of judges. Taft and some of his classmates took the examination in Columbus a month before graduation from law school. In preparation, they spent the night before the examination singing Yale songs in the Neil House. All passed.[42]

Despite all the free time, some students still had financial problems.[43] Joseph Cannon, who later became Speaker of the United States House of Representatives, was fond of recalling that he had to borrow some money from the Dean to get through. Upon graduation the Dean insisted that Cannon repay the loan. Cannon's only funds were those he had set aside for his rail fare back to Indiana. He repaid the loan and walked home.[44]

Merton Ferson arrived as Dean in 1926, the year after the College had moved to the University's Clifton campus. The school then began to resemble more closely what it is in 1983. More emphasis was put on full-time, rather than part-time, faculty; the curriculum was gradually broadened, and being a law student began to be a more demanding occupation. In 1927, the *Law Review* was established, the first published by an Ohio law school.[45] A year earlier the U.C. Chapter of the Order of the Coif, the national legal honorary fraternity, was established.

Ferson, who was dean for 20 years, made contributions far beyond the administrative. He was a fine teacher of agency and contracts, and wrote treatises on those subjects that were used nationally. He also experimented with forerunners of the present Law School Admission Test.[46] In 1946 he was elected President of the Association of American Law Schools.[47]

During World War II at the end of Ferson's term, there were so few students and during the late 1940's just after the war there were so many that there were few developments in student organizations. After matters settled down in the 1950's, the Student Bar Association was developed as an organ of student government. Its ancestry went back to class officers who had been elected for many years previously. The moot court program expanded into inter-law school competition. Here again, the basic activity dated almost to the times of Timothy Walker. In the late 1950's the student newspaper, *The Restatement*, was founded, originally to criticize faculty members who were late turning in their grades.

Since its founding in 1927, the *Law Review* has made steady progress. Except for the first three issues, a faculty member edited the *Review* until 1949.[48] Student contributors, however, wrote the case notes and the editorials. In 1949 students took over the editorial duties. The faculty's present role is entirely advisory.

Since 1966 many of the *Review's* most important lead articles have come from the Marx Lecture Series. This annual series has also been a highlight for students. Robert S. Marx established the series in the 1950's, initially designed for practitioners. After Marx's testamentary trustees decided to continue the series, the emphasis changed to topics of interest to students. Each

Marx Lecturer was asked not only to prepare a series of lectures but also an article based on those lectures suitable for publication in the *Review*.

In the late 1960's when students became more interested in participating in determination of the policies of the College, the Student Legal Education Committee was established. The document creating the Committee was drafted in 1968 by two students and two faculty members. It was in effect before student unrest reached its height in 1970. Its form remains substantially unchanged. The students elect the Committee. It has representatives with a vote on each of the faculty committees. Through this representation the role of the Committee is to communicate to the faculty the views of the students on academic matters. However, student representatives do not attend meetings of the full faculty.

Another recent student development has been the growth of the moot court program under Professor Jorge Carro. College of Law teams have entered many more competitions and emerged with an impressive number of victories.

In 1979 Dean Gordon A. Christenson brought to fruition the establishment at the College of Law of the Urban Morgan Institute for Human Rights, the first endowed institute at an American law school devoted to the study and development of international human rights law. The first and current Director of the Institute is Professor Bert B. Lockwood, Jr., formerly Associate Dean of American University and Assistant Director of the Center for International Studies at New York University. The Institute selects qualified students as Fellows, who devote themselves to a program of studies and related activities specializing in international human rights law. These include editing of the *Human Rights Quarterly* (Johns Hopkins University Press) with Professor Lockwood as its Editor-in-Chief. The Institute was made possible by a generous grant by William T. Butler, Trustee of the Urban Morgan Educational Fund and a distinguished member of the New York Bar.

The most striking change in the composition of the student body in the past 20 years has been diversification, especially in race and sex. Before 1968 only occasionally did Black students attend and graduate from the College. After 1968 the College along with most other law schools undertook a systematic effort to recruit Blacks. Their enrollment is not yet as high as it should be, but over the past decade has approached 10 percent of the student body.

The increase in the number of women students has been more dramatic. The first woman graduate was one Florence A. O'Leary in 1891.[49] From that time until the 1920's women students were rare. In the 1920's there was an increase. There were, for example, seven women students in the 1925 graduating class of 85. In 1927 the women students established a chapter of Phi Delta Phi, a legal sorority, with five student members and three alumnae members.[50] In 1932, there were six women students in a graduating class of 47.[51] Over the next 30 years, however, there was some decline in the enrollment of women. In the 1960-61 academic year there were two among the school's 136 students. By 1970-71 there were 26 women among 362 students. Thereafter their numbers accelerated steadily, and in the past several years they have constituted from 30 to 40 percent of the student body. Women students are now fully involved in every aspect of the Law School.

Joseph Cannon

Courses of Study

If the ghost of Timothy Walker were to return to the College of Law, that spirit would likely be confounded by the size and complexity of much of the institution he had founded 150 years ago, as it would by the industrial and technological transformation around it. But one thing would be familiar: the names in the course catalog; the content of those courses would be something else again.

Emerging areas of law have characteristically appeared as interstitial growths in existing courses, often without recognition of their future potential. It is only after the accumulation of concrete controversies that the structuring of a new body of legal doctrine and relationships becomes feasible. As we note later, the process sometimes reverses itself, and the area, no longer new, is absorbed into relevant older courses. Both movements are responsive to extra-legal social and economic changes.

Walker's lectures covered most of the general principles of the private law subjects that are found in the College's curriculum in 1983. Examples include the old standbys, property, contracts, and torts, along with corporations, agency and partnership, trusts and future interests, conflict of laws, family law, wills and decedents' estates, and real estate transactions. Walker also covered civil and criminal procedure and, in public law, constitutional and criminal law.[52]

There were some differences in the way legal areas were classified and described. For example, he refers to conflict of laws as "Private International Law," a term that continues to be used in England and the Continent. Interestingly, corporations was the first lecture of a series on "The Law of Persons" which also covered agency,

partnership, probate fiduciaries and family law. This is an example of the alternative conceptualizing ways of classifying areas of the law. Naturally, Walker had a separate treatment for equity procedure, recognizing the separation which then existed between equity and law courts, stemming from their historical roots.

What would surprise Walker is the expansion in public law—that part of the law concerned with the state in its sovereign capacity. In Walker's time this was largely limited to criminal law. Later it extended to administrative law and such areas as constitutional and antitrust law. Walker covered criminal and constitutional law, but courses in taxation, labor law, land use planning securities regulation, and administrative law would be new to him.

Actually they would have been new to the College much later than the Timothy Walker era. When the College of Law approached its seventy-fifth anniversary in 1908, the only new public law course was one on municipal corporations.[53] The school did not add a course in taxation until the late 1920's.

With the coming of the Depression and the New Deal, the importance of public law increased enormously, as a result of the proliferation of administrative agencies and the start of the torrent of administrative regulations. There was the usual lag in reflection in the curriculum. It was not until 1941 that courses in administrative law and labor law were added. Administrative law was a one-semester two-hour required course. Labor law was the same except that it was an elective.

Dean Merton Ferson's announcement of the courses was somewhat understated. He characterized the change in public law as a "drift" to administrative agencies. He added: "The new legal order takes greater account of labor relations than in the past."[54]

Actually, there is considerable merit as well as necessity in waiting to add a new area to the curriculum. Law is not quite like history, but some maturing needs to take place before a new subject can profitably be added. The initial bare bones of the statute and administrative regulations must await fleshing out by the concrete controversies which provide the central problems of the new area. Until the pattern of these controversies develops, the area cannot be subjected to truly rigorous legal analysis.

After World War II, the development of public law courses continued. By the end of the decade the curriculum included courses in trade regulation, state taxation, and patent and copyright law.

By the early 1960's, the College had added courses in securities regulation and land use (primarily zoning), as well as seminars in the regulation of the communications and nuclear energy industries. Meanwhile, the federal tax courses had multiplied. In addition to the basic course, there were courses in corporate taxation and estate and gift taxation.

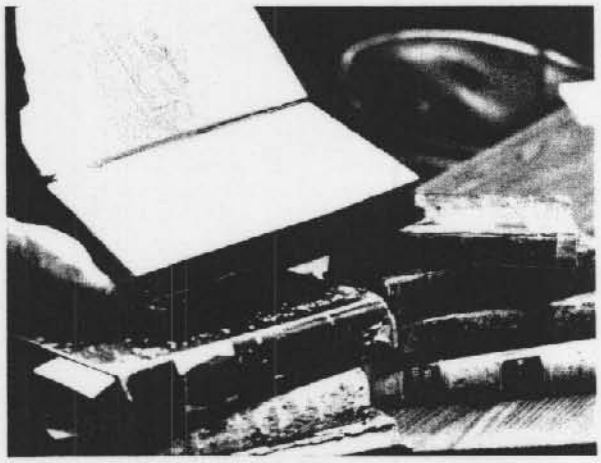
Near the end of the 1960's a more accelerated curricular development illustrated the way in which law school curricula change. During the 1960's the emerging spread of "consumerism" arose from the concentration of societal concern for the protection of poor persons, reflected in both statutes and judicial decisions. They spanned several legal subject areas.

The law faculty first reacted by collecting them in one course.[55] In the spring of 1968, Professor John J. Murphy taught a seminar entitled "Problems of the Urban Poor." The course dealt with several areas: the standard-form contract, false advertising, collection procedures, evictions, and remedies of the slum tenant.

Gradually these doctrines found their way into the traditional courses. They became part of the courses in contracts, property, torts, debtor-creditor relations and others. By the early 1970's "Problems of the Urban Poor" was dropped from the curriculum.

This kind of evolution illustrates why course titles have changed so little since Timothy Walker's day. The name may be the same but the content is far different. In two lectures, for example, Walker covered not only contracts, but also negotiable instruments, suretyship, insurance, sales, and secured transactions. Such topics as the objective theory of offer and acceptance, products liability, the Uniform Commercial Code and many other components of modern courses in these subjects were still far in the future.

Another curricular development has been the increasing trend toward elective courses. A function of this trend has been the scheduling of classes throughout the day. Up until World War II almost all classes were scheduled in the morning and there were few elective courses. Plainly the expectation was that most students would work in the afternoons. Philosophically, this curriculum comported with the theory of the bar examinations: that law school should be devoted to a basic body of legal knowledge that every lawyer ought to have. Besides, such a curriculum could be taught by a small and inexpensive faculty.



As the areas of practice, especially in public law, continued to increase in number, the curriculum broadened. In the second and third years about half of a student's class hours could be filled with electives. Classes were scheduled regularly in the afternoon as well as in the morning. In part, the greater number of courses made this necessary; in part, the change reflected a faculty policy to encourage full-time law study.

The late 1960's brought the period of what is euphemistically called "student unrest." Unlike the violence on some campuses, its manifestations at the College were relatively mild; but one target was the number of required courses. In that do-your-own-thing era, students wanted more "freedom." That they had come to law school to learn how to exercise freedom judiciously and on an informed basis did not much restrain the widespread revolt against authority. In 1970 the faculty, along with the faculties of most law schools, yielded some ground. The first year was to remain required; after that, only two courses were required. Such basics as evidence, wills, corporations, and taxation are now elective. Many reacted in horror to the general trend. In Indiana, the Supreme Court set up a list of courses, including the number of required hours, that must be completed before one could take the bar examination. Legal educators counterattacked against this "interference" as an asserted violation of academic freedom.

Actually, the ostensible freedom of election was more limited than might appear. As the excitement of "the movement" began to abate, most students realized that the realities of practice and the need to pass a bar examination made many of the old required courses still de facto required. Enrollment in these courses has not declined.

College of Law Deans

Timothy Walker	1833 - 1843
William S. Groesbeck & Charles L. Telford	1844 - 1849
Maskell S. Curwen	1850 - 1868
Rotated among faculty	1869 - 1875
Rufus King	1875 - 1880
Jacob D. Cox	1880 - 1897
William H. Taft	1897 - 1900
Gustavus H. Wald	1900 - 1902
William P. Rogers	1902 - 1916
Albert B. Benedict	1916 - 1926
Merton L. Ferson	1926 - 1946
Frank S. Rowley	1946 - 1952
Roscoe L. Barrow	1952 - 1965
Claude R. Sowle	1965 - 1969
Samuel S. Wilson	1969 - 1970, 1973 (Acting)
Edward A. Mearns, Jr.	1970 - 1973
Victor E. Schwartz	1973 - 1974 (Acting)
Samuel S. Wilson	1974 - 1978
Jorge L. Carro	1978 - 1979 (Acting)
Gordon A. Christenson	1979 - Present

Jorge L. Carro, Acting Dean 1978-79
Special Assistant to the Dean for Construction

Skills Training

At the midpoint of the history of the College of Law, in an address delivered at the commemoration of our seventy-fifth anniversary in 1908, Dean George Kirchwey of Columbia Law School referred to "the social revolution which is upon us." Beyond the ceremonial rhetoric evoked on such occasions, now exactly seventy-five years later, Dean Kirchwey's reference suggests an instructive observation: the history of our law school, not unlike history generally, has been a continuing series of "revolutions," some quiet and imperceptible, others more strident, with no necessary correlation in lasting effects.

As this brief history of the subject-matters of study indicates, the nominal core areas since the very beginning have changed very little from the classic quadrivium of contracts, torts, property and procedure in the first year, with other courses coming and going. But a closer look shows how "revolutionary" have been the changes in the content of all courses, despite the continuity of course titles, in response to emerging social, economic and intellectual problems ineluctably presented for resolution by the time-honored mechanism of the "case or controversy" which is the life of the judicial process.

Equally belying any supposed isolation of the law from the life with which it deals have been many pervasive movements beyond the confines of particular substantive areas, some passing fads, others leaving more subtle vestiges in all courses. "Interdisciplinary" study, "humanistic" study of law[56] and "professional responsibility" are among current examples.

Despite its long history in the literature, interdisciplinary study has a close affinity with skills training when viewed as what lawyers do with what they know. Of all the areas of learning, the law is perhaps the most inherently interdisciplinary, dealing as it does with the reconciliation of interests and conflict in the entire range of individual and collective human behavior. While it has its own uniqueness in its evolved institutional structures, doctrines and procedures of legislation and adjudication, in a real sense it has no subject matter of its own. In the "doing-skills" sense, the business of the law is other people's business.

Perhaps the oldest and most intractable problem, reappearing periodically since the shift to law schools as the exclusive method of education of prospective lawyers, has been the criticism that such education is over-theoretical, lacking in training for the practical functions that lawyers are called upon to discharge. Attempts to introduce some practical training in craft skills have not been without opposition to the asserted anti-intellectualism of turning law schools into mere trade schools.

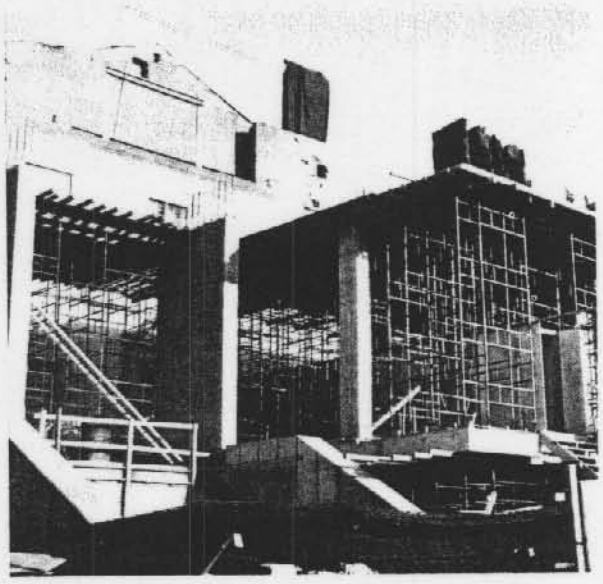
The College of Law has participated in the many early attempts to correct the deficiency that were made at most law schools, usually by extra-curricular voluntary programs leaving the established courses undisturbed. As early as 1917, at a time when Langdell's case method had just about overcome the slowly diminishing opposition of half a century, we initiated a joint program with the Legal Aid Society, in which students, under supervision, provided services to indigent persons. For twenty years (1948-1968) Judge John W. Peck of the United States Court of Appeals for the Sixth Circuit, conducted a practice court, focusing at the trial court level, in which student counsel tried cases before juries selected from high school students throughout the city. From time to time judges of the Sixth Circuit have heard actual appeals at the law school, with student observers. Most recently we have instituted a Judge-in-Residence Program, sponsored by the Smith Tyler Trust and planned as an annual activity, at which a real trial is conducted at the law school, followed by seminar sessions analyzing aspects of the trial. The first Judge in Residence was the Honorable Carl B. Rubin, Chief Judge of the United States District Court for the Southern District of Ohio, who presided at the first trial in January, 1983, and conducted the accompanying seminars for students.

Starting about 15 years ago, with the aid of grants from the Ford Foundation, law schools throughout the country began the establishment of legal clinics. In 1970 such a clinic was started at the College of Law, with Professor Thomas E. Murphy as the first clinical instructor, aided by Acting Dean Samuel S. Wilson and Professor John J. Murphy in establishing necessary procedures and policy. This clinic is still in operation. Students represent indigent clients in the Hamilton County Municipal Court under the supervision of the clinical instructor.

The first regular "course" directed toward training in practical skills was called "Facts," taught in the late 1940's by Judge Robert S. Marx, an outstanding lawyer and benefactor of the College, where students studied records of trials in which Judge Marx had acted as counsel.

At the urging of Judge Marx, in 1956 Dean Roscoe Barrow brought to the College as a full time member of the faculty, Professor Irvin C. Rutter, who had been a practitioner in New York City for many years, as an Assistant United States Attorney, Special Assistant to the Attorney General of the United States and other governmental offices, followed by private practice and experience as a part-time instructor at Columbia Law School and the Practicing Law Institute. His assigned mission was to study the continuing problem and to establish a full program, which he later called the "Applied Skills Program."

Details of this program are fully developed elsewhere, and are omitted here.[57] In its modern form the problem stems from the shift from apprenticeship training to law schools and the concentration of the schools on the study of doctrine, increasingly divorced from the operations with which lawyers are concerned. However, doctrine is not coextensive with theory, nor are the lawyer's professional operations lacking in theoretical aspects and values as an intellectual discipline. At the same time, our approach recognized the separate functions and character of institutionalized education as contrasted with the process of learning by experience. The materials of traditional doctrine are recorded and have been subjected to a process of systematization for centuries. In contrast, lawyers' operations consist for the most part of unrecorded behavior, and operational learning dies with each generation, except to the extent that it is handed down by oral tradition. Moreover, the golden glow often acquired by the past has obscured the flawed character of apprenticeship training alone as a method of legal education,[58] and even the hallowed English Inns of Court ultimately deteriorated into ceremonial stereotypes.[59]



The entrance to the College of Law, under construction, 1980

Despite our recognition of the limits of experiential learning in the limited period of law school study, our response to the problem has accorded with the dictum of Karl Llewellyn that "techniques without ideals may be a menace, but ideals without techniques are a mess." As contrasted with the debates that have usually been limited to the less taxing statement of objectives, our programs have proceeded by carefully organizing and systematizing lawyers' operations with a view to identification of skills underlying all of these operations and embodying them in concrete, teachable course materials.

The apporach notes the misleading implication of the very term "clinical," borrowed from a central facility of medical education. Unlike medical treatment, what a lawyer does in a legal transaction is most often episodic, extending over long periods, sometimes months and more. We do not have the equivalent of patients concentrated in hospitals, waiting for physicians' rounds. Moreover, much of what a lawyer does consists of time-consuming leg-work, with no uniquely legal aspect of sufficiently educational significance to justify the time it consumes. We cannot, at law school, duplicate years of experience and their cluster of motivations, while at the same time displacing our evolved doctrinal curriculum. Indeed, doctrinal study is itself a foundational legal skill, albeit greatly sterilized when divorced from its operational context.

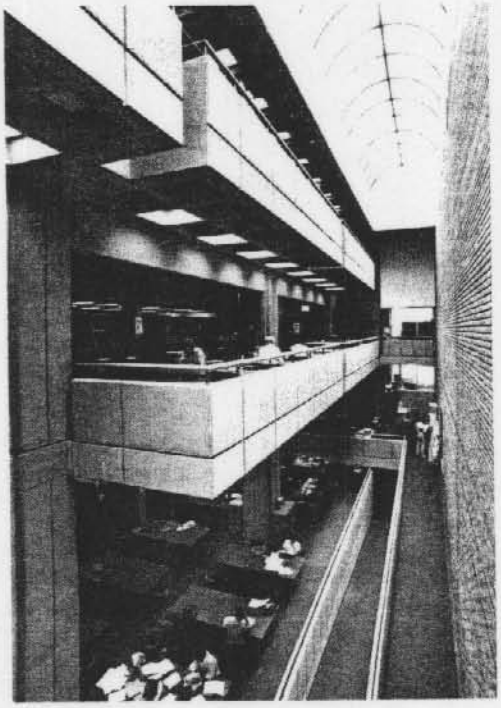
More important, our study showed that there are relatively few underlying skills in all of what a lawyer does, and for this reason we have distinguished these "skills" from the endlessly varied "operations" of a lawyer. Isolating these skills, we have been able to use relatively few concrete and realistic operations as a vehicle for intense training in such underlying skills, deriving from them a species of "transfer of learning" carried far beyond the particular operations selected as vehicles for such learning.

The primary operating skill has been broadly designated as "fact management." The relationship between language and analytical thinking is a major component, and this is developed as bearing upon the traditional ideal of "thinking like a lawyer," with all of the theoretical complexities involved in varieties of thinking. This goes beyond the function of language as a means of communication, vital though it is, extending to its role in setting the patterns of perception and thinking, and seeking to diminish the detachment from reality promoted by the indigenous vagueness of language, when lined up against direct nonverbal observation and perception.

Components of our approach have since been adopted by many law schools in the United States, Canada and Great Britian. With publication of its details, our College of Law has been widely acknowledged as a pioneer in the systematic analysis and training in extra-doctrinal skills. Our materials have been used in the American Bar Association's continuing education programs for lawyers, and AALS programs for the training of law teachers, and continue to be cited and discussed in books and articles on legal education without interruption to the present day.

In his biography of Llewellyn, William Twining, Professor of Jurisprudence at Belfast, has written:

> "At the University of Cincinnati, Professor Rutter in conjunction with a series of particular courses has developed the best theoretical analysis of lawyers' operations that has yet appeared in print."[60]



College of Law, University of Cincinnati, Dedicated April 30, 1983

A New Beginning

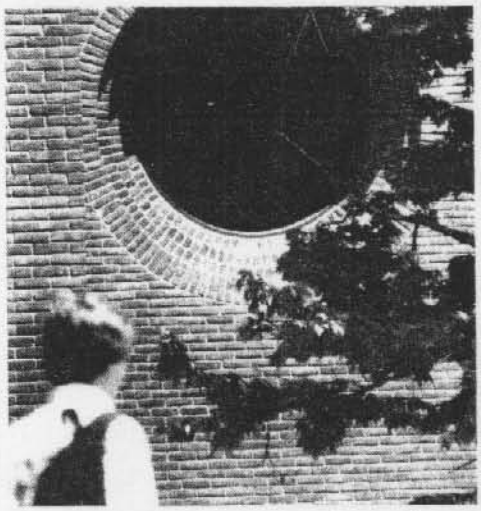
While every day is a new beginning, it can never be divorced from the triumphs and failures of the past. But the confluence of the Law School's 150th Anniversary and the dedication of its new building provides an opportunity for reflective stocktaking. As Dean Gordon A. Christenson has noted, excellence in the law comes from people, not physical facilities. The faculty shares with him the vision of William Howard Taft to assemble at the Law School the finest legal minds available. They recognize with Thomas Edison, that even "genius is one percent inspiration and ninety-nine percent perspiration." Without necessarily aspiring quite to genius, we have survived the perspiration of construction. With the concrete details of adaptation of our programs of study to the changing needs of the times a continuing process of daily labor, the job ahead can be stated simply: to use the lessons of our past 150 years and the collective talents of our Dean and faculty to do it better. We have our better building. It is now our mission to use it in attaining the even more difficult and crucial objective of achieving the rare quality of excellence in the training of members of an ancient and noble profession.

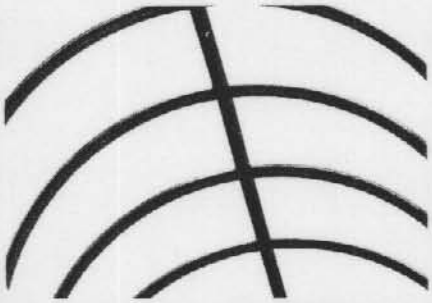
Footnotes

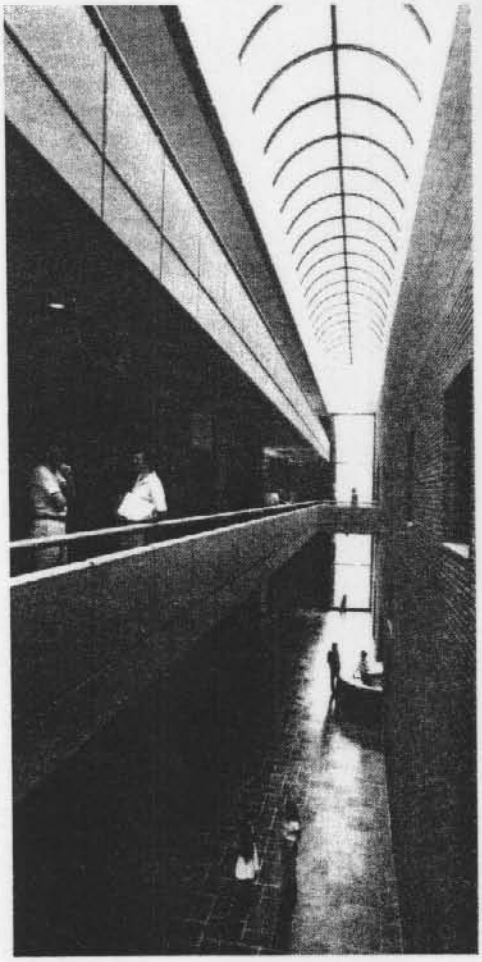
1. McGrane, *The University of Cincinnati* 26 (1963) [hereinafter cited as McGrane].
2. See A. J. Harno, *Legal Education in the United States* 147 (1953).
3. Address by Judge John Weld Peck, Cincinnati Law School Alumni Association dinner (June 11, 1931).
4. See Schwartz, *Law in America* 111 (1974).
5. Address of Chief Justice William Howard Taft, dedication of Alphonso Taft Hall (October 28, 1925). Taft added that Walker's book "came to be known everywhere as one of the most useful, accurate and comprehensive books on the law ever published."
6. Friedman. *A History of American Law* 527-28 (1973).
7. Perin v. McMicken Heirs, 15 La. Ann. 154 (1860). (The provision for the City failed because of civil-law limitations on common-law trusts.) The City won a parallel suit begun in the federal courts involving McMicken property located in Ohio. Perin v. Carey, 65 U.S. 465 (1861) (Held: Ohio law recognized charitable trusts and a municipal corporation, such as the City, had capacity to act as trustee.) Judah P. Benjamin, later Confederate Secretary of State, represented the University in the Louisiana case; Alphonso Taft was its counsel before the U.S. Supreme Court.
8. McGrane at 63.
9. McGrane at 123.
10. See Barrow, *Historical Note on the University of Cincinnati College of Law (Cincinnati Law School), The Law in Southwestern Ohio* 293 (1972) [hereinafter cited as Barrow]; McGrane at 127.
11. Earilier graduates who became Speakers of the U.S. House of Representatives were Champ Clark and Jospeh Cannon.
12. McGrane at 113-14.
13. McGrane at 124.
14. Actually the Law School was prospering. Apparently the legislature was referring to the original purpose of the College to provide a general academic program. This, of course, had not been done.
15. 89 Ohio Laws 647 (1892).
16. Ohio ex rel. v. Neff, 52 Ohio St. 375 (1895). Doctrinally the case was an extension of Dartmouth College v. Woodward, 17 U.S. 518 (1819). In the charter of the Cincinnati College, 17 Ohio Laws Ch. 20 p. 46 (1819), the General Assembly provided that the charter "shall be subject to such alterations as the general assembly may, from time to time, see fit to make." In *Dartmouth*, Justice Story had emphasized that Dartmouth's charter had not reserved any powers of control. 17 U.S. at 675. The Ohio Supreme Court held that such a reservation could not constitutionally include such major changes as were invloved in the 1892 legislation.
17. 52 Ohio St. at 403.
18. McGrane at 129.
19. McGrane at 130.
20. Barrow at 296.
21. See Dieffenbach, *The Origin and Development of the Salmon P. Chase College of Law, The Law in Southwestern Ohio* 317-22 (1972) [hereinafter cited as Dieffenbach].
22. See 3A *History of the Courts and Lawyers of Ohio* 667-80 (ed. C. Marshall 1934). Besides those mentioned these included Western Reserve (1894), Cleveland Law School (1897), Columbus College of Law (1905), University of Toledo (1906), the Youngstown YMCA Law School (1910) and the Cleveland John Marshall Law School (1916). The date of founding is indicated in parentheses.
23. McGrane at 241-42.
24. See Barrow at 298-99; Dieffenbach at 323. Apparently, Robert M. Ochitree, the founding dean of the evening school, believed that he had completed a merger but the board of trustees of the YMCA thought otherwise.
25. See Barrow at 308-09.
26. Barrow at 289-90.
27. Address by E.W. Kittridge, Chairman of Cincinnati Law School Board of Trustees, at dedication of new building, October 17, 1903.
28. Barrow at 291.
29. McGrane at 130.
30. Announcement of the Cincinnati Law School, 1912.
31. Address by Sir Frederick Pollock, at dedication of new building, October 17, 1903.
32. Kittridge, supra note 27.
33. *University of Cincinnati Record*, 1916-17 Announcement of the College of Law 23.
34. McGrane at 257.
35. *Cincinnati Times-Star*, April 27, 1923.
36. *Cincinnati Bearcat*, November 17, 1925.
37. Id.
38. Barrow at 309.

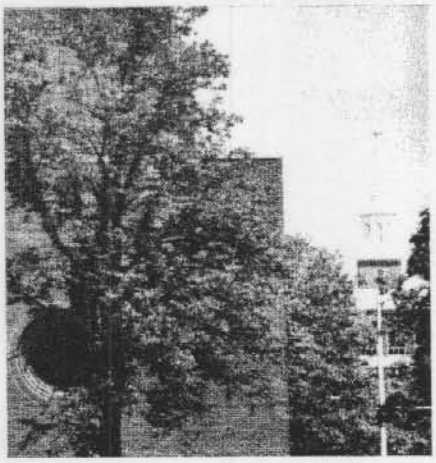
39. See Conference sponsored by National Endowment for the Humanities, Chronicle of Higher Education, February 23, 1983, p.10.
40. Pringle, 1 *Life and Times of William Howard Taft* 50 (1939) [hereinafter cited as Pringle].
41. Pringle at 49-50.
42. Pringle at 52-53.
43. *Cincinnati Bearcat*, November 17, 1926.
44. *Cincinnati Bearcat*, April 4, 1926.
45. Alfred A. Morrison was the student editor-in-chief when the *Review* was founded. He joined the faculty upon graduation and served as faculty editor until 1949.
46. For about a decade after his appointment as dean, Ferson administered various versions of his test to the first year class after admission. A prize was given for the best score. Ferson explained that he was trying to test, not for general intelligence, but for those intellectual qualities which made good law students and good lawyers. See *Cincinnati Times-Star*, October 26, 1926.
47. While never a full-time member of the faculty, even a brief history of our law school should acknowledge, as one of the great figures serving under dean Ferson and some of his successors, Murray Seasongood who, in addition to founding Cincinnati's Charter form of government and countless other public services and benefactions, was a member of our part-time faculty from 1925 to 1959. He died on February 21, 1983 at the age of 104.
48. In 1949 the first issue entirely edited by students was Volume 18, No. 2 published in March, 1949. Joseph B. Kelly was the editor-in-chief.
49. Cincinnati Law School, List of graduates 66 (1904).
50. *Cincinnati Post*, February 26, 1927.
51. *Cincinnati Enquirer*, May 30, 1932.
52. Walker, *Introduction to American Law* (1837).
53. *University of Cincinnati Record* 7-14 (1905).
54. Cincinnati Court Index (September 9, 1941).
55. Law Faculty minutes (March 10, 1967).
56. See Symposium on Humanistic Perspectives, 32 Journ. of Leg. Ed. 1 (1982). And see comments by Walter Gellhorn (at 108-09): "Law School is not, however, an accredited dispenser of psychotherapy...Thinking clearly is not antithetical to feeling deeply, nor is being constantly passionate in itself a desirable state of mind or affairs."
57. See Rutter, *A Jurisprudence of Lawyers' Operations*, 13 Journ. of Leg. Ed. 301 (1961); Rutter, *Designing and Teaching the First Degree Law Curriculum*, 37 U. Cin. R. Rev. 770 (1968).
58. See 5 Thomas Jefferson, *Writings* 180 (Ford ed. 1895).
59. See 12 Williams S. Holdsworth, *History of English Law* 78-80 (1938).
60. William Twining, *Karl Llewellyn and The Realist Movement* 355-56 (1973). Judge Charles D. Breitel, when he was Chief Judge of the New York Court of Appeals, stated, "It is magnificent, and I think it is as important as was Llewellyn's 'The Bramble Bush'." The Vice Chancellor of the University of Kent at Canterbury, has written, "Professor Rutter's formulations have exercised a considerable influence on the development of innovative educational practices at the University of Kent at Canterbury. They manifest an ideal of the legal vocation which we seek to realize."

A DISTINGUISHED TRADITION...









OLLEGE OF LAW