



# Opening the Frontiers:

## Light and progress

By Robert Preer  
and Jeffrey L. Cruikshank<sup>1</sup>

On October 28, 1925, the University of Cincinnati community—as well as much of Cincinnati officialdom—turned out to welcome to campus a distinguished visitor and alumnus.



William Howard Taft, the larger-than-life Chief Justice of the United States Supreme Court and former President of the United States, had come to participate in the dedication of Alphonso Taft Hall, the new home for the

University's College of Law. The handsome building, adorned with distinctive Georgian columns, was named after Taft's father and built, in part, with a \$75,000 gift from *Cincinnati Times-Star* publisher Charles P. Taft and his wife Anna Stinton Taft. Charles P. Taft was the half-brother of William Howard Taft, and himself a former congressman.

The Chief Justice—who was receiving an honorary degree that day, and therefore wore a cap and gown—spoke in the University gymnasium, the only space on campus that could accommodate the overflow crowd. Dignitaries present included U.S. Vice President Charles G. Dawes, Speaker of the House of Representatives Nicholas Longworth III, and former House Speaker Joseph G. Cannon—all of whom, like Chief Justice Taft, were graduates of Cincinnati's small but disproportionately successful law school. Also on hand were other prominent alumni: Carrington T. Marshall, Chief Justice of the Ohio Supreme Court, and former

**The College of Law sends graduates off to take on the world, making an impact across continents.**



Chief Justice William Howard Taft dedicates the law school's new home, named Alphonso Taft Hall

Ohio Supreme Court Chief Justice Hugh L. Nichols, as well as Horace Taft and Henry Taft, two other sons of Alphonso Taft.

Taft delivered a remarkable speech—long and richly detailed—tracing the intertwined histories of the university, the law school, the Taft family, and the city of Cincinnati.

"I have said the Cincinnati Law School has had a most honorable place in the history of Cincinnati for more than ninety years, but in its new environment it looks forward to even a wider place," Taft told the gathering. "You are on the way to make that branch in your University a center of light and progress."

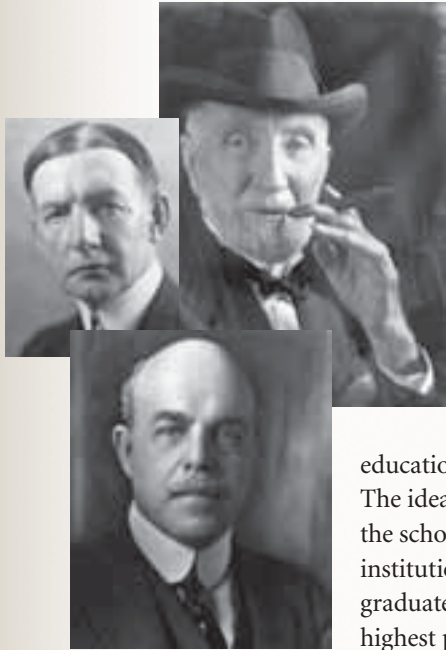
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Throughout its 175-year history, the College of Law has consistently risen to the ideals Taft enumerated in his speech. From its earliest days to the present, the law



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Top to bottom:  
Speaker of the House  
Joseph G. Cannon,  
Vice President and Nobel  
Peace Prize winner  
Charles G. Dawes, Speaker  
of the House Nicholas  
Longworth III

school has provided successive generations of scholars with a thorough grounding in the principles of law, while at the same time introducing them to the nitty-gritty of legal practice through experiential learning and skills training. The College's small size and low student-faculty ratio have fostered the development of a close-knit academic community.

The college has had an outsized impact on legal education—not just regionally, but nationally. The ideas and methods developed at the school have influenced scholars at institutions near and far. The college's graduates have gone on to assume the highest positions in law, government, business, and society.

But the institution has never been a place of privilege. Within the constraints imposed by the larger society, the law school has been open to qualified people from all walks of life. Many alumni readily volunteer that the College of Law was their springboard to a new and better life.

And the college has risen to Taft's implicit challenge: to play a central role in the life of its home city of Cincinnati. Today, College of Law students—

supervised closely by faculty—work in the downtown offices of corporate lawyers, prosecutors, government agencies, legal clinics, defense attorneys, and other private practitioners. They represent the poor, and offer legal assistance to victims of domestic violence. After graduation, many remain in Cincinnati, joining a professional community of alumni that is closely bound to the college, its faculty, and its students.

Chief Justice Taft's role on that long-ago day in 1925 was to dedicate a building that—as it turned out—would serve as the college's home well into the 21st century. Not surprisingly, Taft focused in his speech on bricks and mortar. But a “center of light and progress” had to be far more than a building. It also had to be a place of innovation, where teaching and learning took place on the leading edge of jurisprudential thinking. It had to be open to all, regardless of race or gender. And it had to be a community—a place, where students and faculty could connect with each other and the larger world around them.

## Teaching Innovation

When the infant but ambitious School of Law opened above Timothy Walker's downtown law office in 1833, Walker and his partners introduced a formal educational approach to a profession that—aside from outposts like Harvard, Yale, and the University of Virginia—had been conveyed largely through apprenticeships. The new school offered formal lectures,

## Fighting for justice Theodore M. Berry '31

Theodore M. Berry was born in 1905 in Maysville, Kentucky, the son of an African-American mother, who was deaf and worked as domestic help, and the white farmer who had hired her. He never knew his father. Yet he grew to become his high school's first African-American valedictorian and a man with a strong sense of justice. In 1924, after white judges had rejected an essay of his for a contest, he submitted another under a pen name. That essay won. Its title: Thomas Playfair.

Berry enjoyed an extraordinary career as an attorney, civil rights leader, politician, and federal official. He is best remembered as Cincinnati's first African-American mayor, serving from 1972 to 1975.

Berry served also as an assistant county prosecutor and a city councilor. As a civil rights lawyer, he defended the Tuskegee Airman: three black army officers who tried to integrate an all-white officers club. In Lyndon B. Johnson's administration, he headed community action programs in the new Office of

Economic Opportunity, which oversaw programs including Head Start, Job Corps, and Legal Services.

UC and the College of Law hold important places in Berry's remarkable journey. To pay his way through school, he worked at Stowe Library and at what was called the Home for Colored Girls, where he washed windows for a dime a window. He took other jobs.

“He hocked coal. He worked in the steel mills in Kentucky and as a red cap at the train station. He worked and lived in the YMCA,” his son says. (Theodore N. Berry is a superior court judge in Hamilton County.)

“He worked hard in the winter months, and he worked hard in the summertime,” his roommate at the Y, Laurence Findley, recalled recently.

In those years, segregation was a tragic fact of life at the university, and Berry was among the African-American students who organized for change. Banned from involvement in the official campus publications, they started their

examinations, and a moot court: all rarities. As the only law school operating west of the Alleghenies at that time, Cincinnati Law School educated the first “homegrown” lawyers in the region, as well as a generation of outstanding political leaders for what were then the western states.

Walker’s initiative placed the law school at the forefront of the emerging field of legal education in America. In the decades that followed, other leaders would follow Walker’s example—embarking in new directions, casting aside old ideas and methods, and embracing promising new approaches.

One of the first leaders of the College to take such bold action was Jacob D. Cox, who in the late 1880s served as both dean of the Cincinnati School of Law and president of the University of Cincinnati. He transformed the school—and the larger world of legal education—by expanding its course of study from two years to three. Cox himself cast a long shadow: founder of the Republican Party in Ohio in 1855 (at age 27), a Civil War veteran, a one-term Governor of Ohio, President Grant’s Secretary of the Interior, and a member of the U.S. House of Representatives.

A decade later, a young dean, William Howard

Taft, again set the College in a new direction. Under Taft—who presided over the merger of the Law School with the University of Cincinnati, and served as dean from 1895 to 1900—the college adopted the “Langdell” method of teaching. Previously, law students had

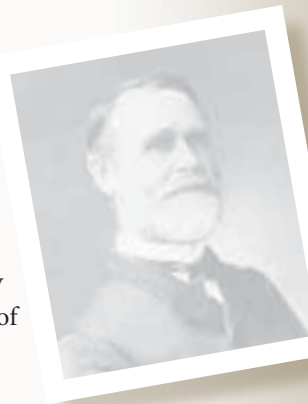
**“You are on the way to make that branch in your University a center of light and progress.”**

**– William Howard Taft**

devoted much of their time to reading legal texts. The method developed by the Harvard Law School’s dean, Christopher Columbus Langdell, had students learn by studying actual cases and court opinions. The College of Law was an early adopter of the case method, which is still a foundation of legal education today.

By the time the school celebrated its 100th anniversary in 1933, it had a clear sense of itself as occupying a unique niche in the American legal landscape. As its long-serving dean, Merton Ferson, observed at the time:

*This law school has adapted itself through stages during the past century from a pioneer setting to its present setting in the midst of a populous*



*Jacob Cox, university president and law school dean*



own magazine, *New Horizons*. Berry wrote an editorial in it on the anniversary of the Emancipation Proclamation. The piece represents not only a passionate call for change, but also an agenda he had created for his own life.

“Physical emancipation is not the only requisite to make a people free,” Berry wrote. “Economic independence, political freedom, decent living conditions, cultivated intelligence, constructive thinking, group spirit and action, respect for capable leadership, and a willingness to follow all are necessary for true emancipation.”

Berry received his law degree in 1931. He returned to receive an honorary doctor of law degree in 1968 and was an adjunct faculty member from 1976 to 1978. He died in 2000 at the age of 94. Three years later, Cincinnati dedicated its new 20-acre waterfront park as Theodore M. Berry International Friendship Park.

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Students practice trial skills

*nation teeming with industry and commerce. Further adjustments of a different sort are going on. We are again pioneering. This time the frontier is not a physical one; we are pioneering in a new social, political, and economic order.<sup>i</sup>*

While studying cases and understanding legal principles clearly are important, another long recognized component of legal education is practice. For over a century, the College of Law has been at the forefront of experiential learning.

As far back as 1906, for example, members of the Cincinnati Bar Association established a fund to

start a practice court at the College of Law, which got a far more realistic “look and feel” when new space was created in the new Taft Hall. According to an early account, the room was furnished exactly like a court “to provide seniors in the Law School with an opportunity to try cases as is done in the actual courts of law...” and includes “a judge’s bench, jury box, witness stand, clerk’s desk and bailiff’s desk and several chairs outside the rail for spectators.... The purpose of the court is not to put on anything spectacular, but to drill students in the technique of trial procedure.”<sup>ii</sup>

In 1917, the Legal Aid Society of Cincinnati and the School of Law launched a program whereby senior law students, under the supervision of practicing lawyers, would provide free legal services to the poor. A newspaper account subsequently described this immersion into real-world practice:

*The embryonic attorneys hear the problems of pathetically confused people, many of whom have been hoaxed by sharpsters, merchants and others, themselves in the wrong, needing a defense. Small wage claims, evasion of installment collectors, and rehabilitation of victims of the forcible entry and detainer statutes are the more frequent problems.<sup>iii</sup>*

In the 1920s and 1930s, jurisprudential thinking in America was transformed by a small but dedicated band of university-based scholars who became known

## Making transformations happen

### Kathleen M. Brinkman '75

As a woman at the College of Law, Kathleen M. Brinkman felt a responsibility to reach out to young women about careers in law. While a third-year law student, she contacted her alma mater, the all-girl Mother of Mercy High School in Cincinnati, to invite students to campus as “law student for a day.”

No students signed up, but one of the teachers did. Doloris Learmonth met with Brinkman and became deeply interested in law.

“Kathy Brinkman changed my life in a way no other single act really has,” Learmonth says. She left teaching, attended the College of Law, and went on to become managing partner in her firm and president of the Cincinnati Bar Association. Learmonth is now co-chair of the college’s capital campaign.

From her student days on, Kathleen Brinkman has been a leader in helping women enter and succeed in the field of law. Now a private attorney, she served 24 years as a federal prosecutor and 15 years as an adjunct faculty

member. She taught trial practice and made an effort to help women adapt to the courtroom.

“One of the things I brought to teaching was helping women develop their own style,” Brinkman explains. “The men too, but men tended to find their style pretty quickly. For women that was a bit more difficult. Women had to be strong, but they also had to be feminine.”

When Brinkman was a law student, in the early 1970s, the women’s movement was gathering momentum, and institutions were recognizing the need for change. Brinkman herself had undergone a transformation. As a college student in the 1960s, she did not have professional ambitions. Her goal, she says, was to get out of college, marry, and have children.

But after graduation, she volunteered for the League of Women Voters, observed the Ohio legislature in action, and became interested in law. She talked with an old elementary school classmate, Thomas Murphy, by then



as the “realists.” They challenged the formalism of earlier approaches, and argued that laws are made and interpreted by human beings with a range of motives, many of which have little to do with the language of the law and prior cases. The realists asserted that one should examine what judges *do*, not what they *say* they do.

Realism had profound implications for legal education. If reading old laws and old cases was an unpromising way of developing important insights, then students needed to be doing something else. For many realists, the answer was getting into courtrooms, learning by doing, and developing hands-on skills.

In a report to the university president in 1934, College of Law Dean Merton L. Ferson described the emerging educational philosophy, which included a clear emphasis on facts, and the practical aspects of a legal education:

*It should be remembered, when considering whether legal education is adapted to current needs, that the better law schools have for a good many years concerned themselves mainly with a study of broad principles and with the technique of handling the facts of life. They do not teach merely a catalogue of rules. The rules do not*



*endure. Such an education would be of little use. The emphasis in law schools is not so much on information as it is on ability to handle legal data.*

On the leading edge of this movement was College of Law faculty member Robert S. Marx, a former judge and an alumnus. In the 1940s, Marx launched an unorthodox course called, simply, “Facts.” In the class,

**“We were in the vanguard of experiential legal education.”**

**– Professor John Murphy**

Marx taught students how to assemble and marshal the facts they were likely to have to deal with in an actual trial—a concept that today seems self-evident, but which at the time represented a bold departure.

Taking the approach further was Irvin C. Rutter, a former New York City prosecutor who had studied at Columbia University when it was a hotbed of legal realism. Rutter joined the College’s faculty in 1956 and took over the Facts course from Marx. He soon developed a comprehensive, three-course program of instruction based on the notion of applied skills—a

an assistant dean at the college, and he encouraged her. She applied to the college and was accepted with a full scholarship.

While in school, she and other students formed an organization, the Law Women, which supported female students and encouraged other women to enter the field.

Brinkman challenged barriers as an attorney, also. When she applied for employment with a federal agency, she felt she was denied a job because of discrimination. Representing herself, she sued and won.

As prosecutor for more than two decades, Brinkman handled difficult and sometimes dangerous cases. One evening, her sister happened to be visiting Brinkman and answered her phone. A gruff male voice said, in so many words, “Tell that bitch we’re going to kill her.”

“Kathy,” her sister called out from across the room. “It’s for you.”

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Scenes from UC Law's Clinics and Centers. Clockwise from top left: Domestic Violence and Civil Protection Order, Ohio Innocence Project, Urban Morgan Institute, Corporate Law Center

model that subsequently was adopted by law schools across the United States, Canada, and Great Britain.

The activism of the 1960s and 1970s fostered a host of new initiatives in practical, real-world oriented learning. In 1966, Professor John Murphy started a student-staffed program in collaboration with the Cincinnati Bar Association to get poor defendants released on their own recognizance. A few years later, Murphy launched civil and criminal clinics in Cincinnati. "This was part of the first wave,"

Murphy recalled recently. "We were in the vanguard of experiential legal education."<sup>iv</sup>

The next wave came when the college expanded internship and externship programs that placed students in outside agencies and legal offices. The programs include the Domestic Violence and Civil Protection Order, the Criminal Defense Clinic, Sixth Circuit Court of Appeals Clinic, as well as the Rosenthal Institute for Justice/Ohio Innocence Project, the Center for Practice, the Center for Corporate Law, and the Urban Morgan Institute for Human Rights. Joseph Tomain—who joined the faculty in 1983, and served as dean of the law school from 1990 to 2004—oversaw the establishment of many of these programs. Tomain sees the College of Law's specialized research and practice programs as part of a bigger pedagogical portfolio:

*Obviously, "skills" can include a wide range of simulations, exercises, projects, and other experiences. You can put a lot under that umbrella. Once you have students involved in hands-on experiences, that really is a form of skills education. And I think with the addition of our research centers, we gave them yet another kind of skills experience.<sup>v</sup>*

Formal interdisciplinary programs also blossomed during Tomain's tenure. Of note is the Glenn M. Weaver Institute for Law and Psychiatry, founded in 1998, to educate students and practicing attorneys on the

## Facts and legacies

### Robert S. Marx '09

Robert S. Marx was born in 1889 in Cincinnati, the son of a shoe salesman. He attended UC, graduated from the law school, and began private practice. But when World War I began, Marx put his career on hold. He went to France, and on November 10, 1918—the day before the armistice was signed—Marx was seriously wounded. Badly scarred, he ultimately recovered and returned home.

Marx resumed his practice and was elected superior court judge in 1919. That same year, he hosted a party for about 100 veterans who had been disabled, and out of it came the Disabled American Veterans. He was the organization's founder and first national commander.

When the Superior Court of Ohio was dissolved in 1925, Marx returned to private practice and became known as a successful trial lawyer. He stayed politically active, and served as an adviser to Franklin Roosevelt before and during FDR's presidency.

He sailed around the world (in 1951) on the ocean liner *Stella Polaris* and published his observations in *Round the World With Stella: The Story of a Journey over Seven Seas and Four Continents*.

While a practicing attorney, Marx joined the faculty part time and exerted a major influence on the college. He established a fund to bring in experts for seminars in specialized fields. The seminars were endowed by his estate after his death in 1960 and have brought top legal minds to the school, including Archibald Cox and Ruth Bader Ginsburg. Trustees of the estate donated \$425,000 for construction of the Robert S. Marx Law Library, the most important capital improvement to the institution between the opening of Taft Hall and its renovations in 1981.

In a 1953 Cincinnati Law Review article, Marx asked: "Shall Law Schools Establish a Course on Facts?" He contended that schools taught students to understand legal principles and prepare briefs on questions of law, matters



relationships between psychiatry and criminal and civil law, as well as social policy. A joint degree program with the Women's Studies Center was established in 1996 and graduated its first students four years later.

## Opening doors

■ About the time that Chief Justice Taft was giving his speech at the opening of the new law school building, a young black man named Theodore Berry took a job at a steel mill across the Ohio River in Newport, Kentucky, to earn enough money to go to college. Berry, then a high school student, lied about his age to get hired at the mill.

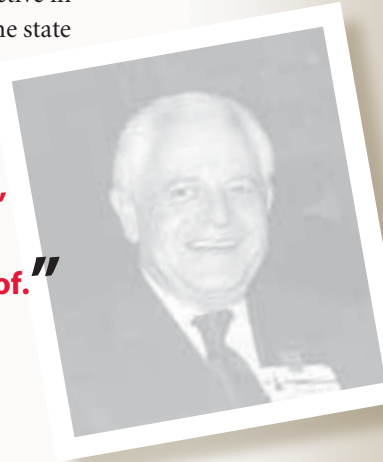
Berry went on to earn his undergraduate degree from the University of Cincinnati and then attend the College of Law, from which he graduated in 1931. He became a leading civil rights attorney, a prominent federal housing official, a Cincinnati city councilor, and the city's first black mayor. In his years at the university, he was in the vanguard of black students who fought for equal treatment in an era when segregation was still deeply entrenched.



The struggle for equality—for non-whites and for women—was both long and difficult. The law school graduated its first black student in 1874. William Parham, an educator originally from Virginia, had been superintendent of Cincinnati's black schools and principal of Gaines High School. After receiving his law degree, he ran a law practice and also became active in the Republican Party, serving for two years in the state legislature.

**“It’s an amazing school, and it provides an amazing opportunity. I’m living proof.”**

**– Stanley M. Chesley '60**



UC Law graduate  
Stanley Chesley '60

Blacks were still a rarity at the University of Cincinnati when Ted Berry arrived in the late 1920s, but a core group of black students organized themselves and began pressing for rights. “At that time, blacks were not allowed to live on campus,” recalls Marian Spencer, who attended the university in the 1930s and was a close friend of Berry. Marian Spencer later served on the Cincinnati City Council, and in 2006, she and her husband Donald received honorary degrees from the university.

typically handled in appellate courts. But, he argued, students were ill prepared for their first jobs, which were most often in trial court.

“Here the law is usually reasonably clear and well settled,” Marx wrote. “On the other hand, the facts in the trial court are not agreed or assumed but are always in controversy. Hence, the success or failure of the young lawyer depends upon the care and diligence with which he has gathered and assembled the facts and the evidence and his skill in presenting these at the trial.”

In fact, Marx had already answered his own question. He had launched a “Facts” course years earlier. In 1955, as his career was winding down, Marx urged Dean Roscoe Barrow to woo Irvin C. Rutter away from Columbia University. As interested in facts as Marx was, Rutter later took over the course.



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Segregation remained a fact of life at the law school and the university until the 1950s, when the national civil rights movement and local activism began to sweep away formal barriers. By the 1960s, though, blacks still had not achieved a significant presence on the university campus or at the College of Law. "Prior to 1969," an



*Nettie Birk, long-serving employee who made an indelible mark on the law school*

official report noted, "the enrollment of minority students was quite small and, in fact, in many years there were none."<sup>vi</sup>

In 1969, the college launched a concerted effort to increase minority enrollment. The American Bar Association and the Association of American Law Schools had endorsed major policy changes to encourage more minorities to enter law schools. At the College of Law, Professor John Murphy started a program in conjunction with several other law

schools in Ohio and Kentucky to recruit students from traditional black colleges. Potential applicants were placed in an intensive summer program to prepare them to enter law school in the fall.

Funded with a Ford Foundation Council on Legal Education Opportunity (CLEO) grant, the program started by Murphy was copied by other law schools around the country. "I personally went down to Fisk and Tennessee A&I, [now Tennessee State University] the large, African-American based universities, interviewed students, and raised the flag, and got them

to apply," said Murphy. "We were one of the first four law schools in the nation to do a CLEO program."<sup>vii</sup>

In the years that followed, minority student enrollment grew steadily. The College made available scholarships and continued recruitment efforts to encourage more minorities to apply. In recent decades, moreover, the school also has helped place minority graduates in prominent positions in the legal community. A 1990 faculty self-assessment detailed the College's placement and employment assistance programs, which included bringing more than 50 area employers on campus to meet with minority students. The faculty study concluded with this assessment: "At the time of the last self-study, there was not a single African-American working for a white law firm in Cincinnati. Now, as a result of the efforts outlined above, each of the major Cincinnati law firms has an African-American College of Law graduate on its staff."<sup>viii</sup>

Women at the College of Law followed a similar path: from the margins to full participation. The first woman to graduate, Florence A. O'Leary, received her degree in 1891, but the number of female students remained small for decades. In 1927, there were seven women in the first-year class, for a total of 12 in the school. That year, Phi Delta Delta—an international legal women's fraternity—established a chapter on campus.

## Realism made real Irvin C. Rutter

Irvin C. Rutter arrived at the College of Law in 1956 after a successful career as a U.S. government attorney in World War II and as a federal prosecutor. He had attended Columbia University Law School and taught there as well, and was influenced by Karl Llewellyn and other realist legal scholars who were challenging the way law had been understood and taught. He brought those ideas to Cincinnati.

Rutter took over the innovative Facts course started by Robert S. Marx a decade earlier and developed other courses. The result was a comprehensive Applied Skills program designed to prepare students for the real world of the courtroom. Under Rutter, Applied Skills bridged the gap between academic learning and professional practice.

"He is truly the father of the theory of applied skills in legal education," former Dean Gordon Christenson says. "He took 'thinking like a lawyer' and developed operational skills, and he did it really well."

Former students recall Rutter as a dynamic teacher. According to William M. Barker, a 1967 graduate and chief justice of the Tennessee Supreme Court, Rutter made classes "exciting and fresh." The Facts course "taught me more than most of my other classes put together," he says.

Stanley Chesley, one of the country's top litigators, says Rutter's teachings strongly influenced his approach. In Rutter's classroom, he says, "All of a sudden, my mind bristled with the idea that the facts are every bit as important as the law."

Samuel Wilson, a 1961 graduate and dean of the Law School for most of the 1970s, was also a student of Rutter's and considers him the best teacher he ever had. He remembers Rutter's extraordinary lessons in visualization, where students were instructed to draw up contracts and try to visualize problems that might arise between the parties.

H. Elsie Austin became the first black female to graduate from the College of Law in 1930. Later, she became the first African-American woman to be named an assistant attorney general in Ohio, and also served in numerous positions in the federal government.

Although the number of women attending the school remained small, those who earned law degrees during this period often did well, earning distinction for themselves and their school. In 1933, for example, graduate Edith Elizabeth Johnson led the list of those passing the Ohio State bar exam, according to a newspaper report at the time.<sup>ix</sup> Martha Perin—a 1948 graduate who later became Executive Director of the Cincinnati Bar Association—recalls her time at the college in the post-World War II years:



H. Elsie Austin, the law school's first African-American female graduate

*I loved it, and I finished in two years. There were six girls that started in the class in '46, and I was the only one that graduated in two years... And there were 10 altogether in 1946... And people said, "Well, did you feel funny being in a class with so many men?" I felt very comfortable because I'd been in the Navy, and most of the people were so very nice.\**

Sandra Beckwith, now a federal judge, was one of the Class of 1968's four female students, all of whom were daughters of lawyers. She recalls being regarded as a curiosity by the male students. "The men in our class seemed to be completely convinced that we were husband-

hunting," she recalls dryly, "but the fact that two of us were already married seemed to put the lie to the theory."<sup>xi</sup>

By the 1970s, as the influence of the women's movement began to be felt, the numbers of female applicants and admitted students increased dramatically. In 1972, 21 women enrolled in an entering class of 116. Within a decade, women made up more than half of some classes.

Kathleen M. Brinkman '75 recalls the early years of that transition:



As Wilson says, "You can't avoid all disputes, but by thinking that way you can avoid some."

In 1961, the American Association of Law Schools held a plenary session on Rutter's innovations. That same year, he published a treatise in the *Journal of Legal Education* describing his courses and underscoring the point that a fundamental goal of legal education is to teach aspiring lawyers how to manage facts:

"In the chaos of experience confronting the lawyer at the operating level, facts do not appear with the subject-headings and elaborate subdivisions of a key-number system. The lawyer's skill in ordering and molding involves a process of total immersion in the grubby minutiae of an undifferentiated factual chaos and a circumferential sensitivity to facts radiating out in all directions, to be seen and heard buzzing around the ears, as well as those in front of the nose."

Rutter retired from the faculty in 1980, and died thirteen years later.



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*I don't remember sexist remarks, or sexist treatment, on an overt level. To me, it seemed that women were fully accepted by the school, if not by some of the other students—and of course, that's still a battle. But I didn't get it from the faculty or the administration. In fact, they were very eager to increase the number of women. That was the impression I got.<sup>xii</sup>*

Barb Watts, graduate and long-serving associate dean

Barbara Watts, a 1978 graduate who served as the College of Law's associate dean from 1981 to 2008, saw the change in the composition of the school first-hand. "By the time I arrived, in 1975," she recalls, "I'd have to say maybe a quarter to a third of the class were women. And it wasn't long after I got here as a staff member in '81 that we began to see pretty much fifty-fifty classes."<sup>xiii</sup>

Building a significant cadre of women on the faculty took longer. When Watts was a student, there was only one female faculty member, Nora Lauerman, who later became the first tenured female member of the faculty. Watts remembers her as a dynamic teacher

whose courses included family law, employment discrimination, and juvenile law:

*She was one of the younger people here. And I think students who come into the law school identify with people who are closer to their age range... So here's this young woman, and she's teaching in areas that are rapidly developing and gaining in importance in the world.*

The second tenured woman faculty member was Ronna Schneider, hired in 1980. "I think the older members of the faculty didn't quite know what to make of it," Schneider recalls with a slight smile. "I mean, there was no one who was *mean* to me, or even not nice to me. But I think they didn't quite know what to *do* with me."<sup>xiv</sup>

Barbara Watts was the first woman to serve the school in a senior executive position. From that vantage point, she worked with the University's Women's Studies Center to establish the first joint law and women's studies degree program in the United States. The program brought national attention to the college, and helped the institution recruit top female faculty.

"Having that program in place definitely enabled us to attract some very key members of our faculty," Watts says with obvious pride. "It helped make this a good place for women faculty to land."

## High standards, strong foundations

### Joseph P. Tomain

In January 1983, the College of Law offered a one-year appointment to Joseph P. Tomain, an assistant professor of law at Drake University and former general litigator for a firm in Middletown, New Jersey. He received tenure the following year and soon became known as a dedicated and inspiring teacher. He won the college's Goldman Award for teaching excellence in 1989. He also assumed a leadership role on the faculty.

The year he was hired, Tomain served on a committee chaired by Professor John Murphy to rewrite tenure, promotion, and retention standards. Adopted in 1985 and still in place, the standards emphasize scholarly work and publication. Gordon Christenson, dean of the school during the early to mid 1980s, credits the school's high intellectual standing in large part to this committee's work.

Dean Tom Gerety resigned in 1989 to assume the presidency of Trinity College, and Tomain became acting dean and then received the permanent appointment.

One of the first things he did was author a report, "To Achieve a National Presence," calling for a continuing effort to upgrade the faculty, curriculum, and student body. He was also determined to keep the college rooted in the community, to produce graduates who could step into positions needed by Cincinnati law firms, public agencies, and businesses.

"It is a question of trying to do both," Tomain says. "We do serve the local community; I think the firms like our students considerably. We place them very, very well. But we also have to send them nationally."

Tomain recruited top faculty and had a particular ability to identify talented teachers and scholars. He continued to research and publish in his field of energy law. And at the same time, he demonstrated an extraordinary knack for fundraising. This proved critical to the institution when public funding was volatile, and the college endured sharp budget cuts.

## A place to be known

■ The particular dimensions of the building that William Howard Taft helped dedicate in October 1925 ensured a distinct character for the College of Law. Yes, Taft Hall was an impressive building. But in truth, it was a thrifty and modest home for the college: just three classrooms, a practice courtroom, eight offices, and a library. Budget certainly played a role in defining this intimate scale, but the school's leaders also kept its physical facilities small so that it would retain its distinctive, intimate character.

In his speech, the Chief Justice endorsed this approach. "This school has now less than one hundred students," he proclaimed. "There is not the slightest occasion for worry over that fact. The high purpose of the Trustees and Faculty of the University should be not so much to enlarge the numbers in the school as to elevate its standards."

A decade later, Dean Merton L. Ferson elaborated upon the former President's sentiments: "The building is adapted in size to a student body of about 200, and therein reveals a policy of the College," Ferson wrote. "It does not aim to graduate large numbers, but rather

**"It does not aim to graduate large numbers, but rather to graduate a small number who have been carefully selected and thoroughly trained."**

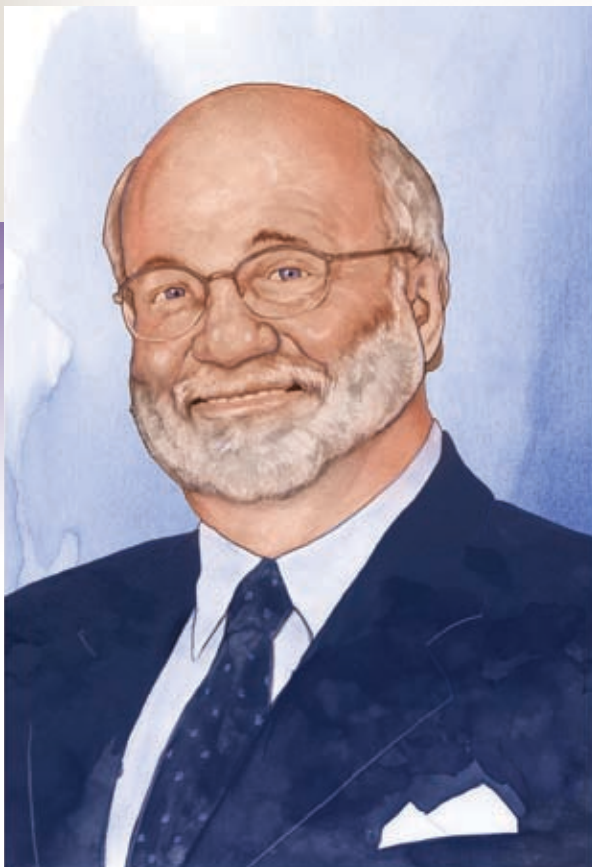
**– Dean Merton L. Ferson**

to graduate a small number who have been carefully selected and thoroughly trained."

The small size of the college, and the sense of community this fosters, remain among the most distinctive qualities of the institution. Observes Ronna Schneider, a current faculty member:

*Oh, this place is tiny. There are very few law schools that are smaller than this. As a result, it's a very intimate academic environment. And I think that is such a fabulous plus for the faculty, and a fabulous plus for the students.<sup>xv</sup>*

Some students, especially those who have attended large undergraduate schools, are surprised by this degree of intimacy. They are surprised, for example, to discover faculty and staff members who know them by name, and make an extra effort to help them succeed in their legal education.



"If you looked at the years he was dean, he probably raised more money per year than almost any dean ever—partly because he had a gift for it, and partly because it was essential," Barbara Watts says. She served as associate dean under Tomain.

As head of the college for 15 years, Tomain was one of the longest-serving deans in the school's history. During his time, the college's endowment tripled, scholarships tripled, and the number of professorships increased from two to ten. His greatest legacy may be the institutes and research centers established under his leadership: the Center For Corporate Law, the Center For Practice, the Glenn M. Weaver Institute of Law and Psychiatry, and the Lois and Richard Rosenthal Institute for Justice/Ohio Innocence Project.

"The centers allow us to bring in people and expand our visibility," Tomain explains. "If we are able to situate them well financially, they become a magnet for students and faculty."



# Opening the Frontiers:

## Light and Progress



**“This is an urban law school, and that’s key. It gives the faculty an opportunity to test their ideas on how to better society in the marketplace.”**

**– Professor John Murphy**

One such staff member—and an enduring presence at the College of Law for over three decades—was Nettie Birk, secretary to the faculty and an assistant to a succession of law school deans. She was hired shortly before the 1918 Cincinnati College-University of Cincinnati merger, which brought the College of Law into the embrace of the university. She was present when William Howard Taft dedicated Alphonso Taft Hall. She was the sole staffer kept on the payroll when enrollment dipped to only 30 during World War II. After the war, she handled the logistical challenges that arose when large numbers of returning veterans arrived at the school to resume their interrupted educations. Before Dean Frank S. Rowley died in 1952, she agreed to stay on two years past her scheduled retirement to provide stability for the institution.

“She knew every student by name. She knew all about them, personally,” said William J. Keating, former Ohio congressman and a 1948 graduate. “She was sort

of the Mother Confessor...I mean it in the best light... Nettie Birk was a fixture here.”<sup>xvi</sup>

In addition to creating strong bonds between students and the college, Nettie Birk was an important link to alumni, many of whom she stayed in touch with for years after their graduation. In the first of several stories about her retirement, the *Cincinnati Times-Star* reported that she knew practically every lawyer and judge in Cincinnati. “She is in truth the exception which proves the adage that no person is indispensable,” said Roscoe L. Barrow, the last dean for whom she worked.<sup>xvii</sup>

Not surprisingly, such an intimate community generates strong and warm memories. As part of the recent 175th anniversary commemoration, in conjunction with what is called the “Memory Project,” current students contacted graduates of the College of Law about their recollections of their time at the school. Many of those interviewed identified the closeness of the college community as one of their most vivid memories.

“It was a very collegial environment,” remembered Gail King Gibson ’90. “I think there were about 130 students in my entering class.... We were all terrified and bonded well as a class.”

Walter Rektsis ’72 sounded similar themes: “The great thing about the UC law school is it is small and intimate.... You knew all of the professors, you knew everybody in your class, you knew most of the people in the other classes. It was a great atmosphere in which to grow.”

## A city and a college

■ In his speech at the dedication of Taft Hall, William Howard Taft pointed out that the law school and the city of Cincinnati had grown up together. This mutual progression had, in fact, been part of the vision of the school’s founder, Timothy Walker. Arriving in Cincinnati from Massachusetts, Walker saw a city on the move, filled with vitality and promise. When he opened the school above his downtown law office in 1833, he understood that the city would need to be able to call upon an ever-growing cadre of skilled practitioners. That has been a central responsibility of the College of Law ever since.

And of course, the region reciprocates. The city and state bar associations have been consistently supportive of the school. Judges teach at the school, and welcome law students into their courthouses. The city’s law



## Notes

<sup>i</sup>Robert Preer is a Boston-based journalist. Jeffrey L. Cruikshank, president of the Cruikshank Company, is the author of numerous institutional histories and management-oriented books.

<sup>ii</sup>From a Ferson article written for the centennial celebration

<sup>iii</sup>*Cincinnati Times-Star*, 09.23.26

<sup>iv</sup>*News Record*, 03.06.37, “Legal Aid Society Gives Students Practice”

<sup>v</sup>John Murphy interview, 05.28.08

<sup>vi</sup>Joseph Tomain interview, 05.27.08

<sup>vii</sup>From a 1972 report by the College to the Council on Legal Education for Professional Responsibility (CLEPR)

<sup>viii</sup>John Murphy interview, 05.28.08

<sup>ix</sup>From the 1972 report to CLEPR

<sup>x</sup>*Cincinnati Post*, 02.06.33

<sup>xi</sup>Martha Perin interview, 01.09.07

<sup>xii</sup>Sandra Beckwith interview, 01.10.07

<sup>xiii</sup>Kathleen Brinkman interview, 01.10.07

<sup>xiv</sup>Barbara Watts interview, 05.27.08

<sup>xv</sup>Ronna Schneider interview, 07.02.07

<sup>xvi</sup>Ronna Schneider interview, 07.02.07

<sup>xvii</sup>William Keating interview, 01.09.07

<sup>xviii</sup>*Cincinnati Times-Star*, 09.06.54

<sup>xix</sup>Louis Bilonis interview, 07.02.07

firms and corporations provide a host of internship and externship opportunities, and hire College of Law graduates. Local institutions, ranging from the judicial system to non-profits to corporations, help faculty members conduct their research.

In short, the benefits to the college of its urban setting have been enormous. Says Dean Louis Bilonis:

*We're a small college, and that's a real asset. We can provide an experience for students that not many schools can provide. This is truly the place where everybody knows your name.*

*Now, you'd think that the danger would be that in a school our size, there would be a shortage of opportunities for learning, exploring and gaining experience. That's where the college's relationship to the city—with its highly developed political, social, and civic institutions—really clicks in. We can deliver, through all the relationships we have, a range of experiences and opportunities for students and faculty that are every bit as powerful as you might find at a law school three times our size.*<sup>xviii</sup>

The College of Law enjoyed “a most honorable place in the history of Cincinnati,” William Howard Taft said on that fall day in 1925. But he gently nudged the school

to think bigger, to do more, and earn “even a wider place.” He urged the school’s leaders, faculty members, students, alumni, and other friends to think bigger—to create a “center of light and progress.”

How does that happen? It happens through the hard work of leaders like John Murphy. Throughout his more than 30 years on the faculty, John Murphy terrified, dazzled, and motivated the students in his

classroom. At the same time, he was a leader in the college’s efforts to connect with the community. He established numerous programs that sent students into the city to learn, and also brought the resources of the college to the community.

This began almost on the day he arrived in Cincinnati, back in September 1965.

He had received employment offers from schools across the country, but decided that the Queen City was the most promising potential “laboratory” for his ideas. Today, more than four decades later, Murphy still believes that to be true. “This is an urban law school,” he explains, “and that’s key.

It gives the faculty an opportunity to test their ideas on how to better society in the marketplace. It’s right here. I mean, the urban ills, the urban blessings—are all *right here*, and we’re in the middle of it.”

