

The Law School Marches Ahead

THE School of Law of the University of Oklahoma feels a just pride in the manner in which it has succeeded in performing its task of training young men and women for legal practice, for participation in the administration of government and for the myriad activities wherein legal schooling is of advantage. This has been accomplished in the face of the handicaps imposed by a curtailed budget and a small staff.

Recent surveys indicate that the school ranks at the very top of the state university law schools in the size of the student-load carried by each member of the faculty and near the top, in that respect, of all the schools of the highest rank throughout the country. At the same time, in salary scale and in the total number of teachers on the staff, it is near the bottom of the list, both of the state universities and of all the schools of high rank.

In spite of these difficulties, the school has a record of high achievement. It maintains standards higher than those set as a minimum by the Association of American Law Schools, of which it is a member. It is on the list of law schools approved by the American Bar Association. Here, too, it is in advance of the minimum requirements. Its graduates have achieved a success upon the bar examinations of this and other states substantially in excess of that commonly attained by those of other schools, even of wider national reputation. Their careers present a record in which their alma mater may well glory. To continue this course of accomplishment and to increase the service of the school is the ambition of the present faculty.

The school was fortunate in the date of its founding. The stars were right and the omens were auspicious. In the decade prior to 1909 there had developed a consensus of opinion as to teaching methods following the earlier lead of the Harvard Law School under Dean Langdell.

In a majority of the schools, however, this agreement had not yet led to results. Old methods persisted and the older generation of teachers was slow to accept change. The inertia of an old order was too much to be overcome at once.

But Oklahoma had no outworn traditions to overcome and no obsolete aims and methods to replace. As Dean Julien C. Monnet said to the State Bar Association in its February, 1910, meeting "We hope to avoid many of the errors that have been committed by other schools, if possible. We want to start off, if possible, where other schools are now, and not start where they started."

As a result of this early determination, the Oklahoma Law School took early rank

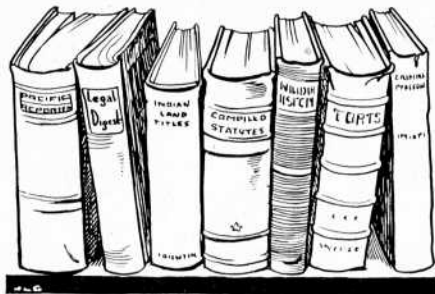
as one of the progressive schools of the country and as one with a minimum of traditional handicaps.

The ideal of the school, from the first, was to train men as members of the profession, conscious of social responsibilities and of duty to the courts, rather than to serve as a mere trade school. It accepted the responsibility of training men for a broader professional service, a very different service from that performed by many commercial law schools whose sole aim is to coach men to pass bar examinations. The field of legal education is so broad that no lifetime will cover it; so that the function of the school should not be the impossible task of teaching all the detail of the law, but rather the development of reasoning power and of a grasp of the fundamental principles of the law and its relation to society.

The method of instruction is based upon the development of legal principles through the study and discussion of leading cases, supplemented by consideration of statutory and other materials, by exercises in legal draftsmanship, and by a practice court to give training in procedural technique. Collateral reading and investigation by the students is encouraged.

It was a month after statehood, on December 20, 1907, to be exact, that the first organized effort to establish a school of law at the University was made. It took the form of a resolution adopted by the new State Bar Association at its first meeting, in Oklahoma City. This resolution called for "such legislation by the present legislature as may be necessary for the establishment, equipment and maintenance of a law department in connection with the state university, and for furnishing of such buildings, libraries, etc., as may be necessary to properly equip such an institution."

A committee consisting of W. M. Newell of Norman, and W. I. Gilbert of Oklahoma City drew bills calling for the appropriation of \$95,000 to effect the purposes of the resolution and these bills were introduced in the first State Legislature.



This early movement proved abortive, but it indicated the deep interest of the legal profession in the establishment of such a school at the University.

The organization of the School of Law was finally provided for by a resolution of the Board of Regents on April 3, 1909. At that time a committee of the Board was appointed "to get a dean and faculty to organize the school so that it may be opened at the beginning of the school year in September, 1909."

The State Bar was invited to appoint a committee to cooperate with the Regents in the selection of a dean for the school. The committee appointed by the State Bar consisted of C. B. Ames of Oklahoma City, then dean of Epworth University Law School and later Judge of the Supreme Court Commission, Judge J. H. Burford of Guthrie and Judge Frank Bailey of Chickasha. Judge W. A. Ledbetter of Oklahoma City was also actively interested in the establishment of the school.

The committees selected Professor Julien C. Monnet of the George Washington Law School as dean. Prominent on the Board of Regents at that time were Lee Cruce, later governor of the State and a staunch friend of the University, and Claud C. Hatchett, one of our present Board of Regents, who is now serving his fourth term in that capacity.

The Law School opened in the Fall of 1909 with an entering first-year class of 47. The faculty for that year consisted of Dean Monnet and Assistant Professor Cheadle. The total attendance of the University for the year 1909-1910 was 692, of whom 132 were in the preparatory school. A substantial proportion of those enrolled as university students were unclassified.

The physical equipment of the University then consisted of two brick buildings on the oval, the Science Hall on the west and the Library, now the School of Education, on the east side. The Engineering School was housed in part of what is now used as the shop building of that college. The wooden building just south of the Union Building housed the athletic department and there were some small frame structures west of old Science Hall.

The first classes of the Law School were held in what then was the museum room on the third floor of the old Science Hall until the Spring of 1910, when they were removed to the basement of the old Library building, now the home of the School of Education. The present Law Building was ready for occupancy in the Fall of 1912.

In addition to his duties as Dean of the School of Law, Dean Monnet served as

president of the University from the Spring of 1911 to May 1912, when Stratton D. Brooks assumed the duties of that position.

Dean Monnet now has rendered as dean the longest continuous service of any dean serving a member of the Association of American Law Schools, and enjoys the further distinction of being the head of the only school of its age and standing that remains under the administration of its original dean. Professor Cheadle likewise remains one of the faculty, so that the school is still served by the members of its first staff.

Professor Henry Hubbard Foster, a graduate of the Harvard Law School, was added to the faculty in 1910. Professor Foster served until 1920, when he went to the University of Nebraska, where he is now Dean.

Professor Victor H. Culp, a member of the present faculty of the Law School, came in 1911. Another teacher added that year was Professor Marion R. Kirkwood, now Dean of the Stanford University Law School.

Professor Warren A. Seavey followed Professor Kirkwood in 1912, serving two years. Since leaving Oklahoma, Professor Seavey has taught at Tulane, the University of Indiana, the University of Nebraska, where he was Dean of the Law School for six years, and the University of Pennsylvania. He is now a member of the law faculty of Harvard University.

In 1914, owing to the resignation of Professor Seavey and the absence on leave of Professor Cheadle, two additions were made to the faculty, Professors Lyman P. Wilson and Joseph W. Madden. Professor Wilson served until 1920 when he went to George Washington University and later to his present position at Cornell. Professor Madden taught in the Oklahoma Law School until 1916 when he went into private practice. Later he joined the Law faculty at West Virginia, went from there to the University of Pittsburgh Law School, and is at present Chairman of the National Labor Relations Board. Both Professors Wilson and Madden were graduates of the University of Chicago Law School.

Professor Roscoe Harper and Professor George Boke joined the faculty in 1920, taking the places of Professors Foster and Wilson. Professor Harper resigned in 1922 and has since been in the practice of law at Tulsa. Professor Boke, who formerly had been Professor of Law at Yale and at the University of California, resigned in 1921 because of ill health. He died later in California. Professor Joseph F. Francis served as professor of Law from 1921 until his death in 1929. Professor Francis was a graduate of the University of Chicago Law School with the degree of J.D. He also held the graduate law degree of J.S.D. from Yale University. Professor Allison Reppy, graduate of the University of Chicago Law School was



Julien C. Monnet, Law School Dean, likes golf for recreation.

Professor of Law from 1922 to 1924. Professor Reppy is now a member of the New York Law School faculty.

Professor William Braden Swinford of the present faculty came to the Law School in 1924. He had previously taught in the Law School of the University of Arizona at Tucson.

Professor F. Bert Grubb, a graduate of the University of Oklahoma Law School, taught in 1927-1928 and again in the second semester of 1928-1929. Professor Floyd A. Wright of the present faculty succeeded in 1929, coming to the University from Mercer at Macon, Georgia.

The last addition to the regular teaching faculty was Professor Maurice H. Merrill, a graduate of the law school in 1922, who came in the Fall of 1936 to the faculty from the University of Nebraska, where he had been professor of law.

Ather H. Huggins, librarian of the law school, was a graduate of the class of 1922 and has served in his present capacity since graduation. Mr. Huggins also

teaches courses in the use of the library and of legal materials.

The resident faculty now consists of Dean Monnet and Professor Cheadle, each of whom has been connected with the School 28 years, Professor Kulp, who has served 26 years, Professor Swinford who has taught here 13 years, Professor Wright with 8 years of service, Professor Merrill 2 years, and Mr. Huggins as librarian 16 years.

In the history of the school there have been no faculty members who did not hold law degrees from the more progressive schools. Of the law degrees held by the present faculty, three are from Harvard, two from the University of Chicago, and one from Yale and one from Stanford. Three of these are post-graduate degrees in law, having the regular academic and professional degrees in law as pre-requisites.

The lawyer's working tools are his books. The law school has endeavored to

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maintain an adequate working library, suited to the needs of law students and to that research which both faculty and students must pursue. The library, constantly growing, now contains, in round numbers, 23,000 volumes. (It may be of interest to note that the current report of the dean of the School of Law of Columbia University gives the number of volumes in the library of that school as 207,166.) These include the reports of the Supreme Court of Oklahoma and of the Criminal Court of Appeals, the reports of the Supreme Court of the United States, the reports of the highest courts of all the states down to the national reporter system, and several states in continuation thereafter, the national reporter system, the Federal Cases, and the Federal Reporter and Federal Supplement, the English Reprint and the current English reports, a collection of American and English statutes, the various sets of annotated reports, as complete a collection of legal periodicals as it has been possible to secure, some Canadian reports, including the D.L.R., reports of state and federal administrative tribunals and a working library of legal textbooks.

The student body has increased from a beginning of 47 students in 1909 to 320 enrolled during the present year. The standards for admission have been raised to a three-year requirement of college work as a minimum for regular admission. Under the operation of combined courses a great majority of the graduates also hold academic degrees.

One very unusual incident in the life of this school is that the first class to receive law degrees from the University of Oklahoma consisted of six men, graduated in 1910, none of whom had ever been enrolled in the University. The circumstances were unusual. Dean Ames had been conducting a high class law school at Oklahoma City in connection with Epworth University. He was also very much interested in the new law school of the University, which he had helped establish. In the Spring of 1910 he proposed to the trustees of Epworth University that they discontinue the law school in Oklahoma City, which they did. The State University accepted the records of Epworth University students who had completed prescribed courses there and issued diplomas based thereon.

The law school is proud of the distinguished record of achievement that has been made by its graduates and former students in the twenty-five years since the members of the first class received degrees. So important is the part they play in the leadership of the bar of this

state and in other jurisdictions that it would be invidious to single out particular persons for mention.

It may be proper to name those who have filled higher official positions, state and federal. At present, five of the justices of the Supreme Court of Oklahoma are graduates or former students of the school. These are Wayne W. Bayless, Denver N. Davison, Thurman S. Hurst, Fletcher Riley and Earl Welch. Orel Busby, who recently resigned from the Court, also is an alumnus of the School. George F. Short and Mac Q. Williamson have served the state as attorneys general, the latter being now in office. Fred Capshaw of the first graduating class, was a member and chairman of the Oklahoma Corporation Commission.

Among those serving the federal government are A. P. Murrah, United States District Judge for the state at large; Paul Walker, who, after years of service on the legal staff of the Corporation Commission and as a member and chairman of that body, is now a member of the Federal Communications Commission, having been chairman of its Telephone Division until the abolition of the division form of organization; Wilburn Cartwright and Jed J. Johnson, members of the House of Representatives, and Leslie E. Salter, who was for several years a special assistant to the Attorney General of the United States. Too numerous for special mention here are those who have served on the district bench of the state and in other public offices, state and federal.

Several graduates have become teachers of law. John G. Hervey is associate dean of the Temple University School of Law at Philadelphia. Elden S. Magan teaches in the same school. Edwin W. Briggs is a member of the faculty of the school of law of Montana State University. James C. Powell and Thomas Z. Wright teach law in the University of Oklahoma College of Business Administration. George B. Hoke also teaches in that college. Maurice H. Merrill is a member of the faculty of the University of Oklahoma School of Law.

The graduates of the school have been prominent in the civic life of the state and of their respective communities. It is impossible to call the roll of honor in this respect and it would be invidious to name only a few. However, one outstanding illustration of public service directly affecting the University may be mentioned. In 1923 the governor undertook to reduce the appropriation for the University after the adjournment of the legislative session. A suit was brought to enjoin the expenditure of any money for the institution, upon the theory that as the Governor had no power of reduction, his action amounted to a disapproval of the entire item.

A committee of alumni of the law school appeared, without compensation, on behalf of the board of regents and presented the law to the Supreme Court so well as to

secure from that tribunal an adjudication that the governor's action was ineffective for any purpose, so that the entire appropriation became available as made by the Legislature.

Several graduates of the school have served the University as members of the Board of Regents. Three of the present Board are law school graduates, Lowrey Harrell, Joseph C. Looney and Eugene Ledbetter, and a fourth, Lloyd Noble, is a former student in the school. In addition, many other law school men have given their time to the public service of the state as members of other public boards and commissions.

The law school faculty has realized that the teacher in a professional school should not remain aloof from the problems affecting his practicing brethren. The teacher's research may enable him to be of assistance in solving these problems. In turn, his teaching will be enriched immeasurably by the contact with those in the active practice and by the understanding of "the law in action" thereby derived. The faculty are therefore happy to co-operate with the bar in its organized activities for the improvement of the administration of justice and for the advancement of legal knowledge.

This co-operation takes place in many ways. Dean Monnet is greatly interested in the work of the American Law Institute for the restatement and simplification of the common law. A charter member of the institute, he is in regular attendance at its annual meetings. Professor Kulp is undertaking the Oklahoma annotations to the first two volumes of the American Law Institute's Restatement of the law of Torts. He addressed the Section on Real Estate Law of the Oklahoma State Bar at the annual meeting at Tulsa in December, 1937, on "Suggestions to the Code Revision Committee on Remedial Legislation affecting Real Estate in Oklahoma."

Professor Cheadle is the member from Oklahoma of the American Bar Association's Committee for the Improvement of the Law of Evidence. Professor Wright has been for several years, and continues to be, the chairman of the Committee on Annotations to the Restatement of the Law of the Oklahoma State Bar. He is draftsman and secretary of the State Bar committee on Revision of the Oklahoma Corporation Code and is a member of the Committee on Survey of Crime, Criminal Law, and Criminal Procedure of the Association of American Law Schools.

Professor Merrill is a member of the Committee on Annotations headed by Professor Wright, and is preparing the Oklahoma Annotations to the Restatement of Agency. During the past year he served as a member of the committee of the Association of American Law Schools on Co-operation with the American Law Institute.

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