

# THE UNIVERSITY OF WISCONSIN LAW SCHOOL 1868-1968: AN OUTLINE HISTORY

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## I. INTRODUCTION

The story about to be related has been told in part by others.<sup>1</sup> Nonetheless, at the risk of being somewhat redundant and while the present account makes no pretense of being in any way exhaustive, the centennial of the University of Wisconsin Law School forces a re-examination of the principal threads in the fabric of this now established institution. A cursory inspection of the main sources constituting the record<sup>2</sup> quickly reveals that the Wisconsin Law School has undergone five rather distinct periods of development, three of which are perhaps best identified with the personalities of deans who guided that development and initiated certain basic patterns within it. With this point of reference, therefore, the birth and growth of the school will be examined.

## II. THE EARLY PERIOD: 1868-1903

The Wisconsin Territory, last to be carved from the Northwest, was created in 1836.<sup>3</sup> Statehood followed 12 years later.<sup>4</sup> It remained, however, for the further influx of settlers, coupled with the growth of the state during the Civil War, to create the need for a school to train lawyers. There were, of course, lawyers practicing in the territory and in the state during the latter's first two decades, but environmental needs in terms of "law" were so primitive that they did not encompass a requirement for institutionalized professional training. For example, Charles Minton Baker, principal draftsman of Wisconsin's first statutes (1848),<sup>5</sup> in reflecting upon his territorial experiences and the simple need for law books, once commented:

I was, as I believe, the first lawyer who moved into the

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<sup>1</sup> M. CURTI & V. CARSTENSEN, *THE UNIVERSITY OF WISCONSIN—A HISTORY 1845-1925* (2 vols. 1949) constitutes the broadest treatment. It should also be noted at this juncture that the present sketch will contain no discussion nor analysis of shifts in jurisprudential emphasis within the school's framework. That approach is followed in Professor Hurst's comments which appear in this same issue.

<sup>2</sup> The Law School has developed, under Professor Leon, a considerable collection of materials relative to the history of the institution. Detailed citations will be omitted in this article.

<sup>3</sup> Act of April 20, 1836, ch. 54, 5 Stat. 10.

<sup>4</sup> Act of Aug. 6, 1848, ch. 53, 9 Stat. 56.

<sup>5</sup> For the background on Baker and glimpses into portions of the early legal history of Wisconsin see Van Alstyne, *Land Transfer and Recording in Wisconsin: A Partial History—Part I*, 1955 WIS. L. REV. 43, 51-76.

county, and I venture to say that for at least six months, and perhaps a year, after my arrival, there was not a law-book in the county except an Old Michigan Statute Book owned by Esq. McKaig. At least to my knowledge there was not. During this time, without any law books or jail, law and justice were administered under some disadvantages, and not as was laid down in Blackstone or Kent.<sup>6</sup>

Thus it should not be surprising that 20 years elapsed after statehood before the Regents of the University of Wisconsin created a law department within the university.<sup>7</sup> The beginnings of the law department were far from impressive, especially in contrast with today's standards. The faculty consisted of two appointed professors, Jairus H. Carpenter (he was also denominated the dean) and William F. Vilas. At the time Vilas was the only law school trained attorney in Madison, being a graduate of the Albany Law School. Both men were, however, of considerable ability.<sup>8</sup> Despite their professorial appointments they were not full-time faculty members in present day terms. The members of the Wisconsin Supreme Court were to supplement Carpenter and Vilas—without pay—as their other responsibilities allowed.

The course of instruction offered, commencing in the autumn of 1868, was for one academic year and geared to lectures, textbooks, and weekly moot court arguments. The governor supplied a room in the capitol for instruction but, as the official historians of the university have sadly commented, the law department, "was presently forced to migrate to two dingy back rooms over a Main Street saloon."<sup>9</sup> The library was, to say the least, meagre, and it was not until 1872 that the regents saw fit to appropriate funds for books. Aside from character testimonials and a minimum age of 20 years there were no admission requirements. The curriculum consisted of lectures on domestic relations, contracts, criminal law, bailments, bills and notes, personal property, evidence, corporations, agency, partnership, mercantile law, pleading, real property, equity jurisprudence, leading cases, constitutional law, and conflict of laws—all covered in one academic year. Then leading textbooks such as *Parsons on Contracts* and *Story on Bailments* were the basis for the instruction. Lest the casual reader be scandalized by the foregoing it must be emphasized that the entire pattern was not grossly differ-

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<sup>6</sup> C. Baker, Report to the Legislature by the Commissioners, 1849 (Charles Minton Baker Papers, Wisconsin State Historical Society Library).

<sup>7</sup> In actuality the regents officially created the law department in 1857 but it remained a paper skeleton for lack of funds until 1868.

<sup>8</sup> Carpenter so impressed his student Mortimer Jackson that when the latter died and through his will created the Jackson Chair of Law in 1889, he specifically requested that his former mentor be appointed the first Jackson Professor. Vilas, after a distinguished career of national public service, created a multi-million dollar trust for the benefit of the university. Professor Willard Hurst currently holds the Vilas Chair of Law.

<sup>9</sup> 1 M. CURTIS & V. CARSTENSEN, *supra* note 1, at 453.

ent from other law schools of that day, including those affiliated with universities.<sup>10</sup>

After graduating 12 students (from a matriculating class of 15) with the degree Bachelor of Laws<sup>11</sup> at the end of its first academic year, the school continued in the same broad instructional outline until about 1890. Examinations were given once each term and in 1872 the regents added the requirement of a written dissertation from each candidate. While the students were further required in the 1870's to spend a second year in legal study under the supervision of a reputable practitioner, it was not until 1889 that two years study in the Law School was made a prerequisite to graduation. The latter move was parallel to the trend in other university law schools. At approximately the same time plans were being pushed to construct a law building on the campus and remove the school from its off-campus rooms<sup>12</sup> to the university campus. The reasons for strengthening the curriculum requirements and tighter integration into the university were mixed. In part they resulted from the initiative of the law faculty and the trend at other law schools such as Michigan, Harvard, and Columbia but in part they resulted from a conflict between the Law School administration and the general university faculty. The latter was sensitive, since the university was growing (albeit modestly) in stature, to the fact that the Law School was admitting applicants who had previously been refused admittance to other divisions of the university for lack of qualifications. The net result was that in 1889 the law department became the College of Law, acquired a full-time dean, Edwin E. Bryant,<sup>13</sup> and as stated, the curriculum was revamped to cover two years of classroom instruction. In October of the same year the Honorable Mortimer M. Jackson of Madison died leaving a legacy of 20,000 dollars in his will to the university to endow a professorship of law, and through his will expressed a desire that J. H. Carpenter (the first dean of the school) be the initial Jackson Professor. The regents accepted the legacy and Carpenter was appointed to the

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<sup>10</sup> A standard exposition may be found in Reed, *Training for the Public Profession of the Law*, 1921 (Carnegie Foundation for the Advancement of Teaching, Bulletin 15). A contemporary account may be found in *Law Schools and Their Course of Study*, 4 THE WESTERN JURIST 1-12, 125-37 (1870).

<sup>11</sup> The degree was also consistent with what the "older" university-affiliated law schools were doing. See Carnegie Foundation, *supra* note 10.

<sup>12</sup> The humiliating location over the saloon persisted from 1875 through 1885 when Governor Rusk finally moved the school back into the capitol building. The details are given in *The Ground Hog*, a fugitive memorial published by the class of 1891. The same publication also contains a frank final salute to "The Old Room" wherein "even the cuspidores [had begun] to take on a corrosive tint." *The Ground Hog*, June 1, 1891, at 64 (on file at the University of Wisconsin, Division of Archives).

<sup>13</sup> Bryant had been an officer in the Civil War, attained the rank of Brigadier General, and is sometimes referred to in official university documents as "General" rather than "Dean."

chair. From 15 students enrolled in the autumn of 1868, the Law School now counted 112 in its student body at the beginning of the fall term in 1889. By 1894 this figure was more than double at 266.<sup>14</sup> In 1893 the Law College was moved into its new brownstone<sup>15</sup> building on Bascom Hill—shared, incidentally, with the university administration for a few years—and a new era was on the horizon.

Perhaps one of the more interesting phenomena of the Law School's history has been its strong identification with the Wisconsin community since the earliest days. From the near inception of the school, the legislature of Wisconsin (in 1870) provided that its graduates be admitted to the Bar of Wisconsin solely upon presentation of a law diploma from the University of Wisconsin. Arguments both locally and nationally have waxed and waned over this provision but the University of Wisconsin Law School (and the state) clings strongly to its tradition that graduates of the state university's law school are prepared to practice in Wisconsin.<sup>16</sup>

Even an outline history would be remiss if some smaller but nonetheless interesting points in the early history of the Law School were not mentioned.

From the beginning there was always a sprinkling of out-of-state students enrolled in the Law School. This is hardly surprising in view of the fact that the state was, in the early period, still being settled. More surprising, however, is the fact that female students were not only admitted but were graduated and admitted to the bar. The first known of these Portias was Belle Case (later to become the wife of Robert Marion La Follette) who received her law degree in 1885. The most prominent of the 19th century female graduates were, however, the Pier ladies. Kate Pier, widowed with five daughters and left with considerable property, proceeded with Yankee determination (she was born and spent her early years in St. Albans, Vermont) to Madison from Milwaukee where she *and*

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<sup>14</sup> The law department at one time in the 19th century was graduating more students than any other department of the university. Since admission requirements to the former were extremely minimal this did not promote a harmonious relationship with the general university faculty. Nonetheless even after requirements became more stringent in 1889, enrollment kept climbing.

<sup>15</sup> Technically the basic veneer was Lake Superior sandstone which, according to some sources, was quarried near Ashland, Wisconsin.

<sup>16</sup> A rather bitter controversy arose between the Marquette Law School in Milwaukee and the Wisconsin Law School on this point in the early 1900's. For a reply to the Marquette attack on the privilege see Smith, *Reform in the Requirements for Admission to the Bar in Wisconsin: A Rejoinder*, 3 AM. L. SCHOOL REV. 516-22 (1914). At the time of Dean Richards' death in 1929, the dispute was still going strong—particularly as a result of maneuvering in the state legislature. See *The Daily Cardinal*, April 24, 1929, at 1, col. 3, for an illustration. Fortunately, however, this has long since been resolved peaceably and the Marquette graduates now enjoy the diploma privilege.

her eldest daughter Kate H. Pier were both admitted to the Law School and were graduated in the class of 1887.<sup>17</sup> Upon graduation Mrs. Pier and her daughter immediately opened a law office in Milwaukee where the mother became a court commissioner and both mother and daughter actively practiced before the general courts and supreme court of the state. In fact, family success at the bar prompted two more daughters, Caroline and Harriet Pier, to enroll in the Law School, graduate in 1891, be admitted to the bar, join their mother's firm, and go on to equal success as practitioners—Caroline appearing before the United States Supreme Court in 1897. One cannot but help suspect that this female law firm must constitute some sort of a first in the United States, particularly in view of its members' active careers in actual practice.

In 1891 the first chapter of a law fraternity, Harlan Inn of Phi Delta Phi, was founded at Wisconsin. The fraternity itself, founded at the Michigan Law School in 1869, was the first of its kind in the United States. The founding of Harlan Inn, however, is indicative of the changes which took place during the critical but "final" years of the early period from 1889 to 1903. In 1895, two years after the school moved from its quarters in the capitol to the new law building on campus, the law curriculum was expanded to cover a three year period while the year before a second full-time professor, Charles Gregory, was appointed to the faculty. In 1896 entrance requirements were finally made to coincide with those of the College of Letters and Science.

Thus the setting of the institution was changing. The school had progressed from one room to a new law building on campus. As has been indicated, its enrollment had grown from 15 in 1868 to 266 in 1894; the course of study increased from one to three years; full-time professors plus an endowed chair were now in evidence; entrance requirements stiffened;<sup>18</sup> and a law fraternity coupled with debating clubs had been added to the moot court clubs—all in all one era was coming to a successful end but an even more successful era was about to begin.

The law students were not only interested in a law fraternity, after having established more scholarly groups such as debating clubs and moot court clubs, but were also involved as a part of the pattern sometimes described as the rise of intercollegiate athletics in the United States. This was particularly true in the 1890's after the law curriculum was increased to three years. Not only did the law students organize their own athletic teams but some

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<sup>17</sup> Mrs. Pier's husband, Colwerth Pier, was a graduate of the Albany Law School, Colonel of the 38th Wisconsin during the Civil War, and a practitioner first at Fond du Lac and later at Milwaukee.

<sup>18</sup> In candor it should be stated that what we are talking about here is a high school diploma; but again, this was not so different from the national pattern.

participated upon the regular university teams. Most notable of these students was the celebrated Pat O'Dea who through a somewhat strange set of circumstances appeared at the university from Melbourne, Australia (his brother Andy was the Wisconsin crew coach in the 1890's) and, after one year in liberal arts enrolled in the Law School, being graduated in 1900. During this time as a law student he proceeded to perfect his drop kick, having already learned the art from playing rugby in Australia. Whatever O'Dea's grade transcript may show—and this the present writer did not bother to check—he certainly was a superior performer on the grid-iron, punting for 110 yards against Minnesota in 1897 and 100 yards against Yale in 1899.<sup>19</sup> The records of his famous long drop kicks while on the run are perhaps best immortalized in his individual class picture presently in the Law School gallery where he appears with a suitcoat heavily bedecked with football medals.

During this early period the faculty can be characterized as practitioner dominated—not an uncommon characteristic of most law schools of the day. Lest the practitioner influence be demeaned by inference, however, it must be hastily pointed out that the law faculty included names distinguished in Wisconsin legal history and some known nationally. William Vilas, as has been noted, one of the two original professors of the Law School, was not only a prominent practitioner but went on to become a member of President Cleveland's Cabinet and a United States Senator. Burr Jones, also an eminent practitioner, became a Justice of the Wisconsin Supreme Court and authored a treatise on evidence which was in its time a recognized commentary on the subject. Others such as Philip T. Spooner, John M. Olin, and Ithamar C. Sloan left an equally prominent mark through their students who became leading practitioners, judges, and government officials.<sup>20</sup>

### III. THE RICHARDS PERIOD: 1903-1929 (32)

In the summer of 1903 a young man of 34 stepped off the train in Madison. Arriving to become the dean of the Law School, he stayed in Madison in that capacity for the rest of his life. If it cannot ever be said that any one man "made" an institution it easily can be said of Harry Sanger Richards, however, that he was instrumental in remaking the Wisconsin Law School into a recognized professional school; and, in fact, in the words of Dean Pound of Harvard, "one of the great law schools of the country."

Richards proceeded to convert the Law School to the case method

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<sup>19</sup> While Wisconsin lost the Yale game 6-0, and while O'Dea played with a painful injury, contemporaneous accounts from the East reported that the Eli's were "astounded" at O'Dea's punts and drop-kicks.

<sup>20</sup> *E.g.*, Moses E. Clapp, LL.B., 1873, later U.S. Senator from Minnesota; Oscar Hallam, LL.B., 1889, later Justice, Minnesota Supreme Court; Charles F. Harding, LL.B., 1880, later leading member of the Chicago Bar.

of instruction. Born in an Iowa log cabin, Phi Beta Kappa graduate of the University of Iowa, and honor graduate of the Harvard Law School, he had taught at the Iowa Law School and edited a casebook himself. The pedagogical transition was not without opposition but in it he was successful. His next move was to increase the permanent faculty and again his persuasiveness prevailed. He thereupon proceeded to recruit as professors men whose names still linger in the history of American legal education. William Underhill Moore, Walter Wheeler Cook, William Herbert Page (the "other" American expert and scholar in the field of contracts), Claude Horack, Eugene Gilmore, Henry W. Ballantine, and others of like calibre.<sup>21</sup> Richards rapidly changed the practitioner aura of the school (no matter how distinguished) to an aura of full-time scholarship. His success was constantly being undermined, however, by the parallel growth of other law schools with similar ideas and stronger financial support. Dean Richards found it necessary to report to the regents as early as 1914 that unless the salary structure was improved the Wisconsin Law School would be no more than a training school for the other law faculties of the nation.<sup>22</sup>

Shortly after his arrival he began a long-continued criticism (and a justified one) that the physical plant of the Law School was inadequate. The Wisconsin environment, rather than reacting for or against him, merely ignored his pleas and thrusts. Nonetheless, under his aegis the school again stiffened entrance requirements, steadily developed a full-time faculty of scholars, and broadened its general academic outlook.

In 1905 Richards was able to increase the admission requirements to include completion of one year of college work and in 1907 moved that requirement up to two years of college training for pre-law. In the same year the legislature authorized the creation of a Law School summer session which was promptly implemented by the regents. Richards just as promptly managed to enhance the summer session faculty for its premiere performance in 1908 with the presence of a European professor of law—Harold D. Hazeltine, Reader in English Law in the University of Cambridge and law lecturer of Emmanuel College, Cambridge University.

The legislature changed the name of the College of Law to the Law School in 1909. This was to conform to uniform nomenclature adopted by the Association of American Universities which provided that the term "school" should be applied to any department con-

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<sup>21</sup> For the younger reader perhaps we should point out that Underhill Moore became Sterling Professor of Law at Yale, Horack distinguished himself at the Iowa Law School, Ballantine became dean of the University of Illinois Law School, Cook went to the University of Chicago Law School faculty, and Gilmore became the Vice-Governor of the Philippines under President Coolidge and later President of the University of Iowa.

<sup>22</sup> H. Richards, Report of the Dean of the Law School, in *UNIVERSITY OF WISCONSIN, REPORT OF THE BOARD OF REGENTS 1912-1914*, at 151 (1914).

ferring professional or technical degrees that requires at least two years of college work preliminary to professional study.

Richards was elected President of the Association of American Law Schools (of which Wisconsin was a charter member) for 1914-1915. He took a leave of absence in 1917 to accept an appointment with the War Trade Board. The school, for all practical purposes was nearly shut down during World War I,<sup>23</sup> but Richards returned in 1919 and proceeded with his usual vigor throughout the 20's to continue recruiting faculty members of promise (such as Ray Andrews Brown, Malcolm Sharp, and others), to urge the construction of a new law building, and press constantly for higher standards. He succeeded in promoting the requirement that after January 1, 1929, all candidates for admission to the Law School must have completed three years of college training. Earlier, and with a view to strengthening the "practical" side of legal education, Richards also was instrumental in securing the requirement that before graduation, and in addition to the three year residence requirement, all candidates must serve a six month apprenticeship in a law office before their degree would be conferred. This was effective as of July 1, 1916.

In 1908 a chapter of Order of the Coif (then called Theta Kappa Nu)—a legal students' honorary society—was established. The *Wisconsin Law Review* was founded in 1920, and the groundwork thereby laid for what was to become the research program of the Law School.

On the lighter but still important side, as the school grew so did law fraternities and tradition. Phi Alpha Delta, established nationally at the Chicago College of Law in 1898, chartered a Wisconsin chapter in 1903. In 1912, the School of Engineering—a well-established division of the university going back to the Morrill Act and already justifiably proud of its distinguished alumni—started a St. Patrick's Day festival honoring St. Patrick as the first "engineer." Since the School of Engineering was then physically located opposite from the School of Law on Bascom Hill, this somehow provoked a rivalry—nay, a hostility—which ultimately led to such violence that the university authorities and Madison police cooperated in creating a ban on the engineers' annual St. Patrick's parade. Today the vestigial remnants of this lusty feud survive only in a friendly basketball game each year between impromptu teams fielded by the respective schools.

Among equally less academic points was the beginning of the annual cane carrying and Cane Parade of the law seniors at the homecoming football game. The present writer, being somewhat curious as to the origin of this tradition while a student, queried the late Professor Page about the background of the custom. Page declined

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<sup>23</sup> There were but 16 students enrolled during the fall term of 1918.



to discuss the matter in any detail, saying only that it was established when he came here from Ohio (in 1917).<sup>24</sup> Some violence or irreverence must have lurked in that background for he also told the writer that a faculty meeting had been held over the "problem" and that he volunteered to lead the annual parade of law seniors down the gridiron at Camp Randall so they could throw their canes over the goalposts (the rumor being that if you caught your cane you won your first case). This he did each year until literally carried from the law building in 1952, at age 84, never to return. In the meantime the day has gone when members of the senior class sat on the front steps of the old brownstone monster and pounded canes on the stairs in fulsome appreciation as an attractive coed (who had the courage) walked up Bascom Hill on a beautiful sunny autumn afternoon.

Turning again to more serious matters, Harry Richards—who never ceased in his striving for academic and professional excellence—died April 21, 1929, as he was attending a meeting of the American Law Institute on Agency in Boston. On his death *The Daily Cardinal* (the university student newspaper) was published with a heavy black border. The regents and President Glenn Frank closed all university buildings (even including the university canoe houses according to the *Cardinal*) as an indication of reverence for the dean. Professors Page and Rundell journeyed to Chicago, met and accompanied his body back to Madison. The day of his funeral the law students assembled at the Law School and, led by the faculty, marched silently down Bascom Hill and further down the long blocks of State Street to the Capitol Square and into Grace Episcopal Church where selected law students acted as ushers for the funeral. Such was the respect and affection engendered by Harry Richards. Looking over the faculty, the standards, the curriculum, and by no means least, the alumni produced during his tenure, it can be truly said that Harry Richards gave his life, and it was not wasted, to the University of Wisconsin Law School. At his death the Law School required three years of undergraduate preparation for admission to the Law School, three years of formal law school training, six months of apprenticeship, the institution was in the hands of full-time law scholar-teachers, and it was a school of some national significance.

#### IV. THE GARRISON PERIOD: 1932-1942

On the death of Dean Richards it was too late to recruit a dean for 1929-1930. The measure of his loss can be best judged by the

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<sup>24</sup> Graduates of the early 1920's dispute this, claiming the law seniors of 1922 (the first group of World War I veterans to graduate) began the cane business. The writer is inclined to go along with Page's statement since there are collateral materials which indicate that the custom may have been a modification borrowed earlier from another school.

fact that the faculty and regents took a good time to analyze the next direction of the Law School before selecting a new dean. In the interim, 1929-1932, the acting dean became the gentle, scholarly Oliver Rundell—of whom more is to be said later. Finally, in 1931, a New York practitioner and Harvard Law School graduate, Lloyd K. Garrison, was selected as the dean and he came to Madison in 1932. Today his appointment would probably not have been possible with modern pressures requiring graduate degrees, publications (even then the latter element was somewhat present—the acid test being in those days, “What casebook did he edit?”), and other “proper” credentials. Nonetheless, the gifted Garrison came to Wisconsin and built upon the solid foundation created by Richards with a new concept—teaching and casebooks, yes, but what about original research into the law and its interaction with society? In a day when some schools were flushed with “casebook” success this was indeed a novelty.

Again, like his predecessors, Garrison worked with limited funds but he was a practitioner-scholar-salesman. Within five years after his arrival in Madison, he was elected President of the American Association of Law Schools. Of far greater significance, however, was Garrison’s concept as to a new role for American law schools—that of research outside the boundaries of reported cases and statute books. He proceeded to recruit additional young faculty members—and funds to support the research—throughout the 30’s. Under his administration came scholars such as Alfred Gausewitz, Charles “Bob” Bunn, Nathan Feinsinger, Willard Hurst, J. H. Beuscher, and others. The impact of these men and their programs is still being felt—and copied—throughout the nation.

During the Garrison period the curriculum was again strengthened with new, broader courses such as Law in Society being made part of it. Garrison’s influence began to attract as students more than the drop kickers of O’Dea’s vintage. A graduate program—somewhat unusual in national context but much in accord with the Wisconsin Idea—emerged. Research and writing intermeshed with on the job service in state agencies was developed as part of the work leading to an S.J.D. degree. In 1933 a law alumni association was created which ultimately led to strengthening the school through scholarships and faculty-student-alumni contacts.

Garrison was as sensitive as Richards on the building problem but was able to achieve a larger measure of success strangely enough through the co-incidence of the business recession of the 30’s. During the latter part of his administration a new library wing was constructed and attached to the brownstone edifice. When the time arrived for actually moving books into the new structure Garrison, attired in a costume which included a sweatshirt and tennis sneakers, personally led a crowd of students, faculty, and university grounds personnel in physically moving the books.

A feature of the building was (and still is) a mural entitled "The Freeing of the Slaves" which covers much of one wall at the end of the reading room: the mural was executed by the famous John Steuart Curry, the artist-in-residence at the University of Wisconsin. The mural was originally designed for the Department of Justice building constructed in Washington in the 1930's. The proposed mural became a subject of such controversy that it was never painted on the proposed site. Garrison, however, with typical aplomb quickly persuaded Curry to execute the mural in the new library reading room. Today, after examining what sophisticated critics have judged a superb work of art, one cannot help but wonder why the controversy ever reached such proportions.

The building was dedicated in May 1940. As part of the dedication the Law Alumni Association sponsored a special luncheon and round table discussions on selected current legal topics. The association had, since 1935, sponsored alumni luncheons at June graduations. The May 1940 program was, however, such a success that the June luncheons were thereafter abandoned and the current "Spring Program," held each May, initiated.

Each year in May the alumni gather at Madison, attend a session on current legal problems, and end the session with a banquet in the Great Hall of the Memorial Union. Nationally prominent speakers, panelists from the faculty, and experts from the Wisconsin Bar participate. This program, created in Garrison's time, was also the beginning of a program of continuing legal education developed at the Law School in greater depth after World War II for Wisconsin lawyers.

World War II, with its call to national service, ended the Garrison era, but his programs, together with the sound academic foundation established by Richards, were to continue and flourish under a quiet man with gold-rimmed spectacles who had modestly stayed in the wings since 1910—Oliver S. Rundell.

#### V. THE RUNDELL PERIOD: 1942-1953

Oliver S. Rundell was born of old stock on a modest family farm near Rewey, Wisconsin, a secluded rural community in the southwestern part of the state. Joining the Wisconsin faculty in 1910 after stints at schoolteaching (before law school) and law practice, he quietly proceeded to become a nationally known scholar in the field of property law, a great teacher, and a sort of *loco parentis* uncle/grandfather to two generations of Wisconsin law students.

As has been indicated Rundell modestly but efficiently filled the breach between the death of Richards and the appointment of Garrison. He continued the Richards' pattern during his interim appointment, completing, for example, the establishment of the Legal Aid Society in 1930. The society, in which selected second and

third year law students provided legal services for indigents (or near-indigents) of Dane County under the supervision of practicing Madison lawyers, had actually been founded by the Dane County Bar Association in 1928 as the Legal Aid Bureau. The County Bar envisaged (presumably spurred by Dean Richards) the utilization of law students but it was under Rundell's guidance that the arrangements were perfected in 1930 and the bureau renamed the Legal Aid Society with its efforts being largely supervised by the Law School administration.

When Garrison left as part of the exodus to the nation's capitol upon the outbreak of World War II, Dean Rundell found the stewardship of the Law School thrust upon himself for those years. Watching his student body and faculty dissolve before his eyes, he nonetheless managed to keep the school open almost single-handed and was alert to the flood he knew would arrive once the war ended. His reports to the alumni and to the regents during this period are not only touching to those with compassion but a gauge as to the deep depth of the man. Even shortly after he received the sorrowful news that his son had been killed in action during the bitter fighting as the American Army proceeded into Germany in late 1944, he wrote to the alumni:

I am writing this about the middle of February 1945, at a time when the war is mounting to an almost unbelievable fury. Many and many a law student is playing a brave part in this great conflict. More than we dare count have made the extreme sacrifice that the rest of us may be able to enjoy a better life. We pay homage both to them and to their gallant comrades who are still among us.<sup>25</sup>

When the war ended, Rundell was ready for something for which perhaps, his entire life had been fashioned—the return of the veterans with a return of his faculty both with a burning motivation that exceeded the post World War I pattern.

He created a refresher course for Wisconsin lawyers as they returned and donned mufti. Beginning in January 1946 arrangements were made for continuing afternoon and evening programs scheduled so that members of the Bar could attend even after traveling considerable distances. This was done over the period of a year and was a complete success. The Spring Program was, of course, re-instituted in May 1946 and has continued without interruption since.

From a student body of about 50 during the middle of the war, enrollment soared to a post-war high of about 800. The dean was aware, however, that while this figure would decline slightly in the 1950's, Wisconsin was no longer to be a small state law school.<sup>26</sup>

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<sup>25</sup> O. Rundell, Report to the Alumni (1945).

<sup>26</sup> Perhaps this was overly modest. Actually, of the law schools west of the Alleghenies, only Michigan and Texas exceeded Wisconsin in size even before World War II.

He reiterated the words of both Richards and Garrison to the regents that the physical facilities were strained beyond belief. It is, perhaps, a real tragedy that he did not live to see the present commodious law quadrangle with its air conditioned rooms, fluorescent lights, and the other accouterments and trappings of present-day educational facilities.<sup>27</sup>

He continued a keen interest in the law research program hinted at by Richards and commenced under Garrison. Graduate students, spurred by the stimulus of Beuscher, Hurst, Remington, and others, not only increased in numbers but produced—their research being published and accepted—and the producers wended their way to professorial appointments at other leading law schools.

It is perhaps fitting in closing on this period to point up that Oliver Rundell not only weathered the school through a modest time of trouble after the death of Dean Richards and kept the institution alive during World War II, but most significantly, successfully mastered a crisis after the war involving a staggering enrollment with a physical plant so inadequate as to tax the imagination. Never were standards dipped, research slowed, nor the students as *individuals* forgotten. Men of such kidney and ability are rare indeed.

#### VI. THE RECENT YEARS: 1953-1968

Upon the retirement of Dean Rundell in 1953, John Ritchie, a gentlemanly Virginian, was selected as dean. While his tenure lasted but four years—he was enticed to Northwestern—Dean Ritchie took up the cudgels for the basic problem of the Law School: new buildings. His efforts almost succeeded during his deanship and while the buildings did not materialize certainly the seeds he scattered had a bearing on the ultimate result a few years later.

Ritchie's activities were not obviously confined solely to the "Battle of the Buildings." Realizing the significance of the Spring Program and the refresher course which Rundell had created immediately after the war, and in consonance with the Wisconsin Idea as it applied to the Law School—service to and through the Wisconsin Bar—he secured the appointment of a new full-time faculty member, August Eckhardt, whose sole function was to develop a program of continuing legal education for Wisconsin lawyers. Eckhardt, utilizing the assistance of the general University of Wisconsin Extension facilities (in fact he was technically appointed as Extension Professor of Law), laid the groundwork for what has become a highly developed continuing educational program for lawyers in-

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<sup>27</sup> One touch with the past was retained. The oak audience benches, jury box, judge's bench, etc. from one of the courtrooms of the Dane County Courthouse (which was razed shortly before completion of the present quadrangle) were saved, stored, and installed as the equipment for the student courtroom in the new complex.

volving the Wisconsin Law School, the Marquette Law School, and the State Bar of Wisconsin.

Dean Ritchie helped foster new experiments such as the seminar on Military Policy and Administration under the direction of Professor Carlisle Runge (later to become Assistant Secretary of Defense for Manpower under President Kennedy). The dean also advocated increased admission requirements, seeking as fundamentals a degree obtained with a certain minimal grade average coupled with a satisfactory score on the national law school admission test. The busy efforts of Ritchie were brought to a close, however, when he regretfully resigned to accept the deanship of the Northwestern University Law School.

Upon Ritchie's resignation, and shortly before he departed for "Wigmore Country," George Hooper Young was appointed dean. Young, a native of Wisconsin and graduate of both the College of Letters and Science and the Law School, had been a member of the faculty since 1951. Principal author of the state's revised corporation code, Young had also distinguished himself in Madison practice following his graduation in 1941 until joining the faculty.

During Young's administration Harry Richard's dream came true—a modern law quadrangle was completed. Admittedly support came from the outside. Dean Strong of Ohio State and Professor Currie of Chicago came to Madison in 1959 as an inspection team for the American Bar Association and substantiated the complaints of a half century of deans. They said:

One is astonished that a law school could have achieved such a distinguished record of performance under such adverse conditions of physical environment. The main building was erected in 1891 [sic]. Under the architectural standards of that period it can be justly regarded as an architectural misprison. It is now shockingly inadequate antiquated and confining.

The Strong-Currie report, coupled with Dean Young's persistent efforts, finally broke the log jam. By 1961 a larger second library building was completed as the second side of a proposed law quadrangle and in 1964 justice triumphed when the final two buildings comprising the quad were completed; the last two being primarily the classroom wings with (for the first time in the history of the school) adequate offices, student and faculty lounges, locker rooms, law review offices, and the like; the entire complex being complete with air conditioning and similar modern necessities.

The difficulties under which the school operated during these several years of razing and constructing buildings were borne with good humor by students and faculty alike.<sup>28</sup> At one point during

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<sup>28</sup> The confusion and inconvenience of law classes in a mathematics building, a commerce building, etc. were mild compared with the down-

the period, Young jokingly commented at the Spring Banquet that under his inspired leadership, student enrollment had not only declined but that he presided over the most unique law school in the country—one without classrooms. In actuality the transition was relatively smooth. When the new complex was completed the architects left as a memento at the main entrance, a gargoyle from the 1893 brownstone—mounted on a pedestal and with the dated cornerstone implanted in the cement walk to his front. With prompt dispatch this ugly creature (a fitting memento it would seem of the building) was named “Brownie” by the student body and, until they tired of it, the students would place various hats on his head and wrap long Wisconsin mufflers around his neck.

Under Young, a greatly increased faculty followed through with Ritchie's earlier moves relative to increased admission requirements. Effective February 1959 all candidates for admission were required to take the Law School Admission Test. While the bulk of entrants had for some years been college graduates, it was not until 1964 that a degree, with minor exceptions, was formally required for admission. In 1966, in recognition of the fact that the school was (and actually had been for some time) fundamentally a graduate professional school, the basic law degree was changed from Bachelor of Laws to Doctor of Law.

In the meantime the old Law Student Association had now become the Student Bar Association, maintaining a book mart, publishing a school newspaper (*The Advocate*), sponsoring a student loan fund, speakers program, and a program of social events. The student body presently numbers substantially over 600, including graduate students and research fellows carrying on research programs far beyond the scope of the *Law Review's* simple student notes of the 1920's. The student population for 1967-1968 represents graduates of 120 colleges and universities both within and without the United States.

The Law School itself is still very much part of the Wisconsin Idea—the school as part of the university serves the state through research and service. Today, in addition, the research and consulting program of the school is in a sense, national and international, with a land tenure center sponsored in South America and commitments to the exploration of resource and environmental problems from Wisconsin to Alaska. Last, but certainly not least, it still trains young men for service to the people through the profession. In striving for this goal the Wisconsin Law School has not wavered, even though changing and growing progressively, for 100 years.

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right hardships of the brownstone “misprison.” The writer can recall teaching two successive 7:45's in the latter during a typical sub-zero Wisconsin winter, while being forced to wear an overcoat and gloves. Much to my astonishment the students stayed in class and matters proceeded on course.