

Robert Sproule Stevens His Impact on the Cornell Law School

John W. MacDonald

Follow this and additional works at: <http://scholarship.law.cornell.edu/clr>

 Part of the [Law Commons](#)

Recommended Citation

John W. MacDonald, *Robert Sproule Stevens His Impact on the Cornell Law School*, 50 Cornell L. Rev. 579 (1965)
Available at: <http://scholarship.law.cornell.edu/clr/vol50/iss4/1>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in Cornell Law Review by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact jmp8@cornell.edu.

CORNELL LAW QUARTERLY

VOLUME 50

SUMMER 1965

NUMBER 4

ROBERT SPROULE STEVENS: HIS IMPACT ON THE CORNELL LAW SCHOOL

John W. MacDonald†

BIOGRAPHICAL SKETCH

Robert Stevens was born May 29, 1888, the son of Frederick C. and Isabel Sproule Stevens. His was a distinguished family in western New York, with its roots very deep, and its home in Attica, the county seat of Genesee County. His was the fourth generation to be born in that town, where his grandfather had purchased the family homestead from Thomas Cooley, judge, teacher, and legal author. During his grandfather's service as a Democratic Congressman (ante-Bryan) in the Cleveland administration, he acquired a house in Washington. The family kept it, and in Frederick Stevens' generation Robert Stevens lived there most of the year, and he attended school in Washington. Summers were spent in Attica. These were exciting days of the Theodore Roosevelt administration, and Stevens was one of a group of lively young people which included Theodore Roosevelt, Jr. and Kermit Roosevelt. His father was elected a Senator from the New York forty-sixth district in 1902, and took his seat on January 1, 1903, in the administration of Governor Odell, who had succeeded Governor Roosevelt. He held his seat during that administration and during that of Governor Higgins who preceded Governor Charles Evans Hughes. On January 14, 1907, Hughes appointed him Superintendent of Public Works of the State of New York, which post he held until 1911.

He received his secondary school education at Hackley School in the lower Hudson Valley, of which he later became a Trustee. Thence he went to Harvard, from which he received degrees of Bachelor of Arts in 1910 and Bachelor of Laws in 1913. Subsequently, he returned to western New York as an associate in the Buffalo law firm of Rogers, Locke and Babcock. *Per stirpes*, it is still there. In 1916 he formed his

† Edwin H. Woodruff Professor of Law, Cornell Law School. Chairman, New York Law Revision Commission.

own firm, Stevens and Reynolds, short-lived because of the entry of the United States in World War I. In June 1917, he enlisted in the Army and left in 1919 as a second lieutenant. Then he came to Cornell and to Ithaca where he has resided ever since.

Robert Stevens was Lecturer for only two years, Professor in 1921, Acting Dean in 1930 and 1934, and Dean from 1937 until his retirement in 1954. During this time he was elected by his colleagues on the University Faculty as one of their representatives to the University Board of Trustees, and he served from 1934 to 1939.

His teaching days were interrupted by World War II. When he had started a sabbatical in the second term of 1942, and indeed while he was on a short holiday, he was called to Washington to become Assistant General Counsel of the Office of Lend-Lease Administration, from which in 1943 he went to the Foreign Economic Administration where he stayed until 1945. In Lend-Lease, he had such interesting extra-mural temporary assignments as assisting in the preparation of the case against the so-called Nazi saboteurs which ultimately became *Ex parte Quirin*.¹ In FEA, he had such challenging work as conducting negotiations on economic aid to our then Soviet ally and making preemptive purchases of critical materials in foreign countries to preclude the enemy as well as to make them available to Americans. In 1945 he was appointed the first Chairman of the Appeals Board, Office of Contract Settlement, the administrative agency organized to hear and determine cases involving the termination of war contracts. In September 1945, he came back to Ithaca as Dean and Professor.

Dean Stevens also served in 1935 as a Special Assistant to the Attorney General of the United States studying the feasibility of a federal incorporation law under the interstate commerce power, in 1936 as a consultant to the New York Law Revision Commission, and from 1926 to 1948 as a New York Commissioner on Uniform State Laws. In the National Conference of Commissioners on Uniform State Laws he holds a life membership. As a Commissioner, he drafted the Uniform Corporation Law and participated in the drafting of the Uniform Criminal Extradition Act. As a consultant he was prominent in the drafting and the enactment of the Ohio Corporation Law. From 1956 until 1964, he was the chief consultant to the New York Joint Legislative Committee on Revision of the Corporation Laws, and was a leading figure in the studies, conferences, and negotiations which accompanied the drafting and enactment of the present New York Business Corporation Law.

¹ 317 U.S. 1 (1942).

He married Pauline Croll in 1922 and they had a son, Robert C. Stevens, a resident of Monroe County, New York. After her death, he married Eva Howe in 1940, and they have had their twenty-fifth wedding anniversary this year.

My colleagues, Henn and Pasley, will discuss his impact on the law of corporations and on the law of equity. In a labor of great respect and deep affection, I will discuss his impact on this Law School and on its history and future.

HIS IMPACT ON THE LAW SCHOOL

In September 1919, Robert Stevens came to this faculty as a Lecturer in Law. In June 1954, he retired as Professor of Law and Dean of the School. Those thirty-five years, two of which were spent as Acting Dean and seventeen as Dean, were characterized by his friend and colleague, George Jarvis Thompson, as "unexcelled in length of service and in significance of contribution in the history of the school." His influence is pervasive and persists; with Charles K. Burdick, his predecessor, he prepared the School to become what it is today and what it is inevitably to be tomorrow.

There were five professors of law listed in the 1919-1920 Announcement (Woodruff, Stagg, Burdick, Bogert, McCaskill) and one assistant professor (Edgerton). Bogert and Edgerton had been on leave during 1918-1919, and Bogert returned in September 1919. Twenty-eight courses were offered. The assignments for the courses in Torts, in Equity Jurisdiction, and in the Law of Associations were left blank in the 1919-1920 Announcement. Obviously, it was published before the call to Stevens, because the 1920-1921 Announcement shows him as offering these courses.

The School in 1919 instituted a requirement of two years of college preparation for entrance. There were 171 law students in 1919-1920 (down from 216 the previous year), thirteen of whom had bachelor's degrees (seven the previous year), eighteen of whom were double-registrants in the College of Arts and Sciences out of seventy-nine first year students, and forty-two of whom had come from colleges other than Cornell, the majority of whom had only two years' preparation (up from eighteen the previous year). The influence of the 1919 change in admission requirements is quite apparent.

The fiftieth anniversary of the graduation of the University's first class had been held the June before Stevens came. The fifth Irvine Lecture was given in 1919 by Harlan Fiske Stone, then Dean of the Columbia Law School. Only four volumes of this QUARTERLY had been published. In September, 1919, Professor George Gleason Bogert was

faculty editor, and Mary Honor Donlon was editor-in-chief. In September 1920, Stevens was co-faculty editor with Bogert, and in 1923 he became sole faculty editor, retaining this post until 1929 when he relinquished it to Professor Gustavus Hill Robinson. It is fitting that this last issue of the fiftieth volume, marking the Centennial Year of the University, should be published in tribute to this great teacher, honored after his retirement by his selection as Edwin H. Woodruff Professor of Law, Emeritus.

I met Robert Stevens first as a teacher of Equity in the second academic term of 1923-24. There were six professors (Bogert, Burdick, Woodruff, McCaskill, Wilson, Stevens) and one lecturer (Whiteside), and Bogert was on leave. Stevens had been teaching four years. Before I graduated he taught me and my wife-to-be five hours of Equity, four hours of Corporations, three hours of Conflict of Laws and two hours of Taxation, every single course he taught while we were students. Equity was the only one which was required. This indicates what we, as students, thought of him as a teacher. Also, his assignment indicates the teaching load of those days.

George Gleason Bogert was succeeded as Dean by Charles Kellogg Burdick in 1925. The School in 1926 raised its admission standards to require a degree. Twice during his term as Dean, Burdick called on Stevens to become Acting Dean. Thus before he assumed the office in 1937, he had participated in administration, and he always was the leader of the Faculty. Herbert D. Laube came in the spring of 1926 and George J. Thompson, Elliot E. Cheatham, and William H. Farnham came in the autumn; Henry W. Edgerton, Harold E. Verrall, and Gustavus H. Robinson came in 1929; and I came in 1930. We were ten in 1930, a closely-knit and agreeable group. Myron Taylor's very generous gift had been announced two years before, and construction of the Hall which bears his name had just begun. Likewise so had the Great Depression; but in September 1930, no one in Ithaca thought too much about that. There were "67,000 volumes and about 6000 pamphlets" in the Law Library and "[it] is growing rapidly." So read the Announcement of that year. There were 800,000 books in the General University Library. When Stevens retired in 1954, there were 123,000 volumes and 12,000 pamphlets in the Law Library (from 80,000 books and 7000 pamphlets in 1937, when he became Dean) and over a million books in the General Library. Now there are 185,000 books and 15,000 pamphlets in the Law Library and over 2,420,000 books in the General Library. This doubling of the Law Library, between 1930 and 1954, despite depression and war, shows his interest and his influence.

Burdick, Cheatham, Thompson and Stevens—later Burdick, Thompson, Edgerton, Robinson, and Stevens, with Wilson, and later Whiteside and Farnham—were the distinguished, established, and mature members of the faculty in those years of the late twenties and early thirties. Out of determination and courage came the transition in 1926 from an undergraduate College of Law to a graduate Law School. Out of intellectual ferment, willingness to experiment, a liberal attitude toward the past and the future—and out of Stevens' leadership of the group as teacher and Dean—came the comprehensive examination and the library problem as an integral part of it with an oral examination before a faculty committee as a requirement for graduation, the annual updating of the curriculum with an awareness of the world of men and of affairs, and the development (from a modest beginning in either 1933 or 1934) of what I believe to be Stevens' greatest contribution to legal education, the "problem course" as we know it at Cornell Law School. Evolving from a "seminar," a "round table," or "exercise," the Cornell problem course developed from one which he inspired on the early legislation of the New Deal, given by him, Dean Burdick, and Professors Edgerton, Laube, Cushman (from the College of Arts and Sciences), and myself. While he was in Washington in World War II, he instigated a major revision of the curriculum, including a required Introductory Course for first year students given before the opening of the term. Under the leadership of Acting Dean William H. Farnham this revision was completed, and when the veterans came or returned, the School was ready to receive them, completely reorganized and in full operation.

He strengthened and developed alumni relations. He organized placement activities. He presented for several years summer institutes for practicing lawyers, which might well have culminated—and indeed nearly did, had there been adequate housing and dining facilities—in the midsummer meeting of the New York State Bar Association being held in Ithaca. He caused the organization of alumni gatherings in New York and elsewhere, at the New York State and American Bar Association meetings, and at the May law reunion in Ithaca. With Willard H. Emerson, Vice President of the University, he developed a program of annual alumni giving to the Law School and the disassociation of the Law School from the class organization of the undergraduate alumni. He obtained fellowships to aid the problem courses. He saw the establishment of four professorial chairs—Woodruff, White, McRoberts and Cromwell. He called members of the faculties of other divisions of the University (Cushman, Briggs, Montgomery, and Shaanon) to teach courses in the Law School; he called to the faculty a retired Judge of the

Court of Appeals, Leonard C. Crouch, in the field of appellate advocacy. He cooperated with other schools in the University in offering their courses in law. He organized panel discussions of faculty specialists on current legal issues before all who would listen; and they were always to capacity audiences. He encouraged founding of *The Barrister* and *The Cornell Law Forum*. He made the first contacts with the foundations. He cooperated in the establishment of the combined course with the School of Business and Public Administration. He sought new courses, such as those in Cooperatives, Legislation, Comparative Law, and Legal Accounting. He gave enthusiastic cooperation to the Law Revision Commission, located at the school from its creation in 1934. With delicate and skillful negotiation, he started legal aid activities, now to go so far. He encouraged the specialized curriculum in International Affairs and its distinctive degree.

These are only a few of his innovations, most of which have persisted. It was an exciting and inspiring experience to be with him, for in some projects, as in the composite examinations he proposed for the first and second years without course grades, he went farther than his faculty was willing to go. I expect to hear little in the future that was not discussed or tried. Withal, his tenure was marked by a superb Cornell record in the bar examinations. His contacts with students were close and intimate, and the graduation parties given by him and Mrs. Stevens are a joyous memory to a host of alumni.

In all this teaching, administration, and public service, he was a prolific writer. His product will be discussed by my colleagues, Pasley and Henn. Suffice it to say, he published casebooks, textbooks, articles, and book reviews, and they are authoritative works.

As a recruiter, and as a judge of men, he was outstanding. He brought into teaching Arthur John Keeffe, George T. Washington, and Morris P. Glushien as Teaching Fellows in 1938, Herbert R. Baer as Teaching Fellow in 1939, Theodore S. Hope and Daniel G. Yorkey in 1940, Kenneth B. Lane in 1942, Arthur E. Sutherland in 1945, Bertram F. Willcox in 1946, Sherman Peer and W. David Curtiss in 1947, Rudolf B. Schlesinger in 1948, Ernest N. Warren in 1949, George R. Pfann in 1951, Peter Ward and Michael H. Cardozo in 1952, Richard I. Fricke and Harry G. Henn in 1953. He called here from other teaching posts Harrop A. Freeman and Arthur Larson in 1945, William Tucker Dean in 1953, and Robert S. Pasley in 1955. All of them remained in legal education except Washington, Glushien, Hope, Yorkey, Peer, Pfann, Ward and Fricke, and all of these men have had distinguished careers in the law.

He taught present University Trustees, Arthur H. Dean, '23, Chairman

of the Board, Mary H. Donlon, '20, Elbert P. Tuttle, '23, Robert W. Purcell, '36, and Mrs. William P. Rogers, '36; and living Trustees Emeriti, William D. P. Carey, '26 and George R. Pfann, '24. In his thirty-five years, of the present and former faculty, he taught Horace E. Whiteside, '22, William H. Farnham, '22, George R. Pfann, '24, John W. MacDonald, '26, Lewis W. Morse, '28, Harrop A. Freeman, '30, Ernest N. Warren, '31, Robert S. Pasley, '36, Kenneth B. Lane, '38, Peter Ward, '39, W. David Curtiss, '40, and Richard I. Fricke, '47. When he retired, he had taught over eighty per cent of those living who had ever attended the Cornell Law School.

His influence on legal education and upon this Law School, its past, its present and future? *Res ipsa loquitur*.

This issue honors him. Nine Stevens' Lecturers have honored him over the years, and will continue to do so.

CONCLUDING COMMENT

To conclude is difficult. The task assigned is worthy of the best.

Robert Stevens as a teacher: He was neither conceptualist nor functionalist. He recognized no boundaries in the law, no course limits. The law was as if it were a seamless garment. He never lost the thread. The unanswered questions he raised one day might be answered two classes later, but in the meantime, there had been a discussion of the field in depth that made the ultimate answer inevitable and predictable. He was a master of the Socratic method. He brought forth the answers and also the questions which he wanted and needed. He was a learned teacher; he knew and respected origins and history. He was also a man of his times, and of all times, and a man who foresaw the future. His great learning in, and respect for, the law of the Chancellors made a student's own legal conscience sparkling and bright.

Robert Stevens as a dean: I quote my colleague, Gustavus Hill Robinson, who deserves himself an ecomium all his own. Writing in 1954 on the occasion of Dean Stevens' retirement, he said: "Twenty-five years of acquaintance with Robert Stevens makes me say that as Dean he has been a gentleman. He has combined that sometimes difficult art of being a Dean and a gentleman. He has been fair minded and considerate and never overbearing." And that was true. But there was so much more. His life essentially was in this School. There was nothing of which he did not know and in which he was not interested. And that interest was shared by Mrs. Stevens who participated to the fullest, and graciously, in those activities in which she could play her role, leaving always to him those matters in which, with delicacy and perception, she knew she should

play no part. The growth and development of the School under his leadership are the marks of his accomplishment.

There was a triumvirate of law school deans with whom I have spent most of my life, boy and man. Seventeen years with Charles Burdick, twenty-four years with Young B. Smith of Columbia as member and chairman of the Law Revision Commission, and, *Deo gratias*, forty-two years, which are continuing, with Robert Stevens. As I approach the time when I too will see the lawyer's life beckoning after teaching days are over, and as I look back, no man could have had better mentors or chiefs. And no man could have had more cherished friends. Robert Stevens, *ad multos annos!*