

The Cornell Law School from 1954 to 1963

W. David Curtiss

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

 Part of the [Law Commons](#)

Recommended Citation

W. David Curtiss, *The Cornell Law School from 1954 to 1963*, 56 Cornell L. Rev. 375 (1971)

Available at: <http://scholarship.law.cornell.edu/clr/vol56/iss3/2>

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.

THE CORNELL LAW SCHOOL FROM 1954 TO 1963

W. David Curtiss†

I

INTRODUCTION

Robert S. Stevens concluded his history of the Cornell Law School for the years 1919 to 1954¹ as of September 1, 1954, the effective date of his resignation as Dean of the Faculty and Professor of Law. The task of continuing this history of the School over the years which have intervened since that date has, for me, been a thoroughly enjoyable undertaking. The events which I have recorded have in many instances been episodes in which I have personally participated. The individuals involved have for the most part been my colleagues, students, and friends. Under these circumstances, a completely objective evaluation of this period is too much to expect, at least from this writer at the present time. I am keenly aware of the note struck by Professor Morris Bishop when, in his absorbing history of Cornell, he reached the year 1951 and wrote:

The historian dealing with times well past speaks with classroom infallibility—for he knows how things came out. But when he attempts to treat of current matters his confidence fades. This presidential venture—is it courageous or foolhardy? This turn taken—is it toward prosperity or disaster? For all old questions and problems he is equipped with what teachers call an Answer Book. But for these new-posed problems there is no Answer Book.²

At the outset, then, I make a disclaimer of complete objectivity and, like Professor Bishop, will largely leave the “privilege of weighing and judging” to some “future historian blessed by the knowledge how things came out.”³

Before turning to the interregnum years of 1954 to 1956, the period between Dean Stevens’s resignation and the installment of his succes-

† Professor of Law, Cornell University. A.B. 1938, LL.B. 1940, Cornell University.

¹ Stevens, *The Cornell Law School from 1919 to 1954*, 54 CORNELL L. REV. 332 (1969). Additional histories include Hutchins, *The Cornell University School of Law*, 1 GREEN BAG 473 (1889); Woodruff, *History of the Cornell Law School*, 4 CORNELL L.Q. 91 (1919); Henn, *The Cornell Law School—Its History and Traditions*, 37 N.Y. ST. B.J. 139 (1965).

² M. BISHOP, A HISTORY OF CORNELL 605 (1962).

³ *Id.*

sor, I wish to pause long enough to recognize, and hopefully to correct, a major omission in his history of the Law School for the years 1919 to 1954. I refer to the fact that Dean Stevens modestly limited any reference to his own personal participation in the life of the School during these years to such matters as his joining the faculty as Lecturer in Law in 1919, his appointment as Dean in 1937, and his resignation as Dean and Professor in 1954. This modesty was characteristic of Robert Stevens. However, the record should be set straight, and important steps were taken in this direction in a symposium honoring Dean Stevens published in the *Cornell Law Quarterly* in 1965⁴ and in tributes to his memory expressed at the time of his death on November 17, 1968.⁵

Commenting on Robert Stevens's influence on corporation law, Professor Harry G. Henn stated in the symposium:

[His] contributions to corporation law defy adequate enumeration. Many of the novel ideas which he espoused a generation ago are accepted today as if they had always prevailed.

Nor can his effect on corporation law be accurately computed. Some of the more obvious effects have been mentioned. Through his students, who were to serve as practitioners, judges, legislators, other public officials, and law teachers; through his successors as corporation law teachers at the Cornell Law School; through his writings—articles, Hornbook, casebook; and through his labors for statutory revision—the Uniform Business Corporation Act and the New York Business Corporation Law—his ideas have spread throughout American corporation law. Because of his lifelong interest in equity, and his own high code of ethics, he has played an elevating influence in expanding the fiduciary duties of corporate management and controlling shareholders.⁶

Professor Robert S. Pasley wrote in the symposium about Stevens's contribution to equity jurisprudence:

Nevertheless, when all is said and done, for thirty-five years, more or less, Equity at Cornell was Robert Stevens. For thirty-five law school classes, Robert Stevens was Equity at Cornell. . . .

....

Historically, the function of Equity in Anglo-American law has been to ameliorate the rigors of a strict application of the common law, to reform and improve the law, to serve as a well-spring of ethical and moral principles, and, in short, to be an

⁴ *Symposium in Honor of Dean Robert Sproule Stevens*, 50 CORNELL L.Q. 579 (1965).

⁵ Thoron, *Robert Sproule Stevens*, 54 CORNELL L. REV. 327 (1969); *In Memoriam: Robert Sproule Stevens*, Cornell L.F., Winter 1969.

⁶ Henn, *Robert Sproule Stevens: His Influence on Corporation Law*, 50 CORNELL L.Q. 587, 598 (1965) (footnote omitted).

exemplar and teacher of lawyers, legislators, and judges. And so with Robert Stevens: his has been the rare achievement of being a great historian of Equity, a great reformer of the law, an inspiring source of ethical values, and above all, a superb teacher of law, equity, and morals.⁷

The mention of Robert Stevens's name brings to my mind a variety of memories of him: his quiet dignity; the warmth of his interest in his students, which continued throughout their professional careers long after they had left the Law School; his mastery of the Socratic method of teaching; his great pleasure in playing contract bridge and his enthusiasm for Cornell football games; the gracious hospitality with which he entertained his friends in his lovely home. Robert Stevens was a kindly, compassionate man, firm in his own convictions yet always tolerant of the views of others when they differed from his own. A scholar of national stature both in corporations and in equity, Dean Stevens left his mark on legal education in general and on the Cornell Law School in particular. At Cornell, during this thirty-five years of distinguished service as professor and dean, he originated the problem course as well as the third-year library problem and comprehensive examination, established a legal aid clinic, founded the international legal studies program, and strengthened the Law School in all of its aspects—faculty, student body, curriculum, and alumni relationships. If, as Emerson suggested, “an institution is the lengthened shadow of one man,” then, insofar as the Cornell Law School is concerned, that one man was Robert Sproule Stevens.⁸

II

THE INTERREGNUM 1954-1956

Upon Dean Stevens's resignation, Cornell's President Deane W. Malott appointed an Administration Committee of the Law School. This committee, which was authorized to exercise the usual powers of a dean, was comprised of Professor John W. MacDonald as chairman, Professor Ernest N. Warren, and Professor Richard I. Fricke (at the time serving as Secretary of the School). As MacDonald then put it: “This is a period of gnardianship—of custody. It cannot be a period of

⁷ Pasley, *Robert Sproule Stevens: His Contribution to Equity Jurisprudence*, 50 CORNELL L.Q. 663, 664, 671 (1965) (emphasis in original).

⁸ Cornell L.F., Winter 1969, at 5-6.

dramatic trail-blazing. . . . Our duty, therefore, is to keep the school intact and to hand it over as a going concern to the new dean upon his appointment."⁹

However, a number of important decisions were made and significant programs initiated during this period, although in several of these instances it was a case of the culmination in the interregnum of developments that had been carefully nurtured and planned well in advance of Dean Stevens's retirement.

The establishment of a combined Law School—Graduate School of Business and Public Administration course of study is a case in point. In 1954, the faculties of the two Schools approved a program whereby a student may combine his legal training with study in either business or public administration, finishing his work in these two fields and acquiring the two applicable degrees in four rather than the usual five years. Under this joint program, an individual who has met the admission standards of both Schools spends his first year entirely in the Graduate School of Business and Public Administration and his second entirely in the Law School, although the order of these first two years may be reversed; the work of the third year is distributed between the two Schools and that of the fourth is done wholly in the Law School. At the end of the third year, the candidate may qualify for the degree of Master of Business Administration or Master of Public Administration, as appropriate; at the end of the fourth year, he is eligible for the Bachelor of Laws (now Doctor of Law) degree. Commenting on this program at the time of its inception, Dean Stevens stated:

The thought behind the planning of the combined program is that legal training is a valuable supplement for those aspiring to positions in business or in public administration and that some of the training in the School of Business and Public Administration will be useful to the practicing lawyer or to the lawyer who abandons practice for an administrative position in business or government.¹⁰

During the sixteen years which have elapsed since the establishment of this combined program, forty-six students have successfully completed its requirements.

The interregnum period witnessed several important developments involving the faculty, including the appointment of Robert S. Pasley as Associate Professor of Law; the designation of Bertram F. Willcox as the first William G. McRoberts Research Professor in Ad-

⁹ J. MACDONALD, REPORT TO THE ALUMNI OF THE CORNELL LAW SCHOOL 3 (1955).

¹⁰ R. STEVENS, REPORT TO THE ALUMNI OF THE CORNELL LAW SCHOOL 4 (1954).

ministration of the Law; and the death of Professor Horace E. White-side.

Professor Pasley, who was born in 1912, received the A.B. degree from Princeton in 1933 and the LL.B. degree from Cornell in 1936. He had been the ranking student in his class for all three years at Cornell, business manager of the *Law Quarterly*, and president of the Law Student Association. The intervening years included private practice with the New York City firm of Cadwalader, Wickersham & Taft; military duty in World War II as a Major in the Judge Advocate General's Corps of the Army; and following the war, service as Assistant General Counsel and Acting General Counsel of the Navy Department. His Law School subjects have included trusts and estates, government contracts, and legal history.

The creation of the William G. McRoberts Research Professorship in Administration of the Law is a fascinating story, which began in 1938 when Cornell's recently installed President Edmund Ezra Day received the following letter from William G. McRoberts, '98, of Peoria, Illinois:

I have just read in the June, 1938 number of the Cornell Law Review, what purports to be an address delivered by A.A. Berle, Jr., at the commencement exercises at the Cornell Law School, June 2, 1938; and I am again surprised at the doctrine which seems to be meeting with favor at Cornell.

As I interpret this address, it advocates a departure from the Constitutional Government of the Nation, and would tend to inspire in the young people addressed, a sense of fear of special groups and the ratings of the individual at zero. According to my interpretation of this address, I find no words of inspiration, no mention of individual effort, courage, integrity, industry, sagacity and frugality; no statement that such things will permit the individual to succeed in business or professional life, and build for himself or herself an honorable and successful career.

Since I entered Cornell Law School by examination in the fall of 1895, I have had a very friendly feeling toward the University; and I have been a substantial contributor to the alumni fund since 1919. Later I have endeavored diligently to discover what kind of a product the University is turning out, and what kind of doctrine is being taught. . . .

I am writing this letter to you, because you are the new president of the University; and should be interested in knowing how a former student at the Cornell Law School feels about the future of the University 42 years after he was a student.¹¹

¹¹ Letter from William G. McRoberts to Edmund Ezra Day, July 6, 1938.

This letter was referred by President Day to Dean Stevens for reply, and the Dean's answer deserves publication in full. He wrote:

It naturally disturbs me when I discover that a graduate of the Law School has any cause for his confidence in the institution to be shaken and for questioning the quality of its product.

I must assume the responsibility for having asked Mr. Berle to be our Commencement speaker. It may interest you to know that last year I invited Mr. J. DuPratt White to be the speaker. With unusual candor Mr. White introduced himself as a conservative by inheritance and experience, and then proceeded with an admirable exposition of the views of a conservative.

My conception of the function of education may be expressed in a borrowed definition; that education is for the purpose of liberating us from herd thinking. Certainly it is one of the primary purposes of the Law School to induce the students to think for themselves. It is not, I believe, a function of educators to make students either conservative or liberal. It is their function to stimulate their power to reason for themselves and to give them so far as possible the background upon which an intelligent choice can be made.

Consistent with this point of view I believe that all of us, including students, should be anxious to receive the opinions of others so that we may be informed as to current viewpoints. Having cultivated the habit of individual thinking we are then able to assess the merits of the views expressed and sift the wheat from the chaff.

For these reasons I cannot feel regretful for having invited Mr. Berle to speak. I feel that it was worthwhile to have a public explanation of his point of view. I regard the speeches of both Mr. White and Mr. Berle as informational and I doubt if either of them made converts of the students they addressed.¹²

In view of this exchange of letters, it was a "surprise" (the word is Dean Stevens's) to learn upon Mr. McRoberts's death in 1950 that he had endowed a Cornell professorship to be devoted to the continuous and scientific study of the administration of the law by the courts and public officials throughout the country. The principal of this gift, \$347,000, was received by the University in the winter of 1953-54, and in June 1954 Professor Bertram F. Willcox was appointed the first incumbent of the new McRoberts chair. Throughout the succeeding years, Professor Willcox made notable contributions toward improving the administration of justice. His study of problems besetting indigents accused of crime resulted in two important articles (each written in collaboration with Edward J. Bloustein, '59): "The Griffin

¹² Letter from Robert Sproule Stevens to William G. McRoberts, July 27, 1938.

Case—Poverty and the Fourteenth Amendment,”¹³ and “Account of a Field Study in a Rural Area of the Representation of Indigents Accused of Crime.”¹⁴ In 1960, Professor Willcox became Staff Director of a monumental study of the law applicable to the admission and discharge of patients in New York State mental institutions. This study, which was sponsored by the Association of the Bar of the City of New York in cooperation with the Cornell Law School, culminated in 1962 in a volume entitled *Mental Illness and Due Process*, and many of the recommendations proposed in this report became incorporated in a subsequent legislative revision of the New York laws governing the hospitalization of the mentally ill.

The death of Professor Horace E. Whiteside occurred on June 9, 1956, as the interregnum period was drawing to a close. John MacDonald, who had been Horace Whiteside’s friend and colleague for almost thirty-five years, wrote of him:

Memories of him are kaleidoscopic. He was a man of many parts. Athlete, classical scholar and teacher, artillery officer, law student with the best scholastic record in our history, law teacher from graduation to his death, pioneering scholar and prolific writer, sound and brilliant lawyer and counsel, trusted consultant in the reform of the law—he was all these and more.

....

He had an extraordinary mind and a vivid imagination, coupled with an inordinate capacity for hard work. Not only did he have ability to take himself through the history of intricate rules and principles, he had an ability—beyond comparison—to bring his students into the clarity and light of his own understanding and thinking. He was supreme in the classroom. Of course his imposing physical presence helped him, but there was so much more. No one who ever sat under him will ever forget the experience of being in his class.¹⁵

The interregnum years saw a change in the office of Secretary-Treasurer of the Cornell Law Association, the position that entails general supervision of the School’s alumni activities. The Law Association had been founded in 1923 and there had been only two Secretary-Treasurers in the Association’s history: Horace Whiteside, first to occupy the post, had served for eleven years, and he was succeeded by John MacDonald for twenty-two years. Appointed in 1955 as the third Secretary-Treasurer, I undertook to make it clear that I had no desire for this geometric progression to continue any further! And such was

¹³ 43 CORNELL L.Q. 1 (1957).

¹⁴ 59 COLUM. L. REV. 551 (1959).

¹⁵ MacDonald, *Horace Eugene Whiteside*, 42 CORNELL L.Q. 1, 1-2 (1956).

the case, for ten years later, in November 1965, I was succeeded as Secretary-Treasurer of the Association by Associate Dean Lewis W. Morse, who thereafter provided able direction to the School's alumni program until his retirement from Cornell on June 30, 1969.

A perusal of such sources of information about the School as the minutes of faculty meetings and back issues of the *Cornell Law Forum* discloses a variety of events that occurred and decisions that were made during these interregnum years. I record a random sampling of these items at this point, leaving it to each individual reader to decide for himself whether a particular episode was significant in the life of the School, perhaps only mildly interesting or amusing, or possibly even unworthy of the serious attention it received at the hands of the faculty and students of a great law school!

After due deliberation, the faculty resolved that the "time within which candidates for political office in the Student Law Association might make speeches to members of a particular class should only be made available at the conclusion of [the] class period and not at the beginning of the class period."¹⁶

The *Cornell Law Forum* of 1954-55, "judged outstanding on the basis of journalistic quality and coverage," received an honorable mention award in an American Bar Association-sponsored national competition for law school newspapers.

Professor Herbert D. Laube, who had retired in 1948, returned to the faculty to teach the course in wills during the 1955 Fall Term in the absence of Professor Whiteside who was on sabbatical leave.

In a letter to the editor of the *Forum*, Professor Michael H. Cardozo expressed concern that at a recent lecture on the Cornell campus on "Natural Law in Legal and Political Philosophy," the auditorium was almost filled but included only two law students. While conceding that fees are not often "earned because a lawyer can recognize the natural law basis of a legal argument," Professor Cardozo reminded his readers that lawyers who can "make sense out of the language of jurisprudence are able to evoke in the layman respect for law and lawyers.

¹⁶ Minutes of Faculty Meeting, Cornell Law School, Dec. 5, 1955.

These few are the ones who make possible the due contribution of law to social order and progress."¹⁷

In September 1954, Edmund S. Muskie, '39, was elected Governor of Maine. Governor Muskie returned to Cornell in May 1956 as the principal speaker at the annual Cornell Lawyers Reunion.

The Frank Irvine Lecturer for 1955 was Arthur Larson, then Undersecretary of Labor and former member (1945-53) of the Cornell Law faculty. His topic: "The Lawyer as Conservative."

Editorializing on the subject of courtesy, the *Forum* decried "tardiness for class, habitual clockwatching, widespread whispering, and the closing of looseleaf books near the period's close. These practices, though seemingly unimportant, are slights the faculty tolerate daily."¹⁸

Promising that "no longer will the bulletin boards be filled with booksales for courses no longer taught, car rides driven last term, and choice rooms or apartments long vacated by several occupants since posting of the notice to let," the Law Student Association announced the appointment of a committee to "keep these spaces clean, neat, and tidy, filled only with vital information of concern to us all—i.e., smoking regulations for Room C."¹⁹

In 1955 Phi Alpha Delta legal fraternity established the Robert S. Stevens Lectureship in honor of former Dean Stevens. This lecture series was inaugurated in 1956 by Judge Samuel S. Leibowitz, '15, speaking on "The Practice of Criminal Law."

A grant totalling almost \$400,000 in principal and interest was received from the Ford Foundation in 1956 to be spent over a ten-year period in expanding the School's program in international legal studies.

The single most significant event during the interregnum years of 1954-56 was the appointment of a successor to Robert Stevens as Dean of the Law School. The choice was Gray Thoron, who assumed the deanship on July 1, 1956. He was thirty-nine years of age at the time.

¹⁷ Cornell L.F., Oct. 28, 1954, at 2, col. 2.

¹⁸ *Id.*, March 11, 1955, at 2, col. 1.

¹⁹ *Id.* at 3, col. 2.

Both his undergraduate and law degrees were from Harvard, the former being awarded in 1938 and the latter in 1941, and each was conferred with honors. He began the practice of law in New York City with the firm of Sullivan & Cromwell. With the advent of World War II, he joined the Army, served as an infantry officer in Europe, and was decorated with the Silver Star, the Bronze Star, and the Purple Heart with oak leaf cluster. Upon return to civilian life, he continued the practice of law with Sullivan & Cromwell until 1948 when he became a member of the faculty of the University of Texas Law School. There he taught corporation law and civil procedure and began to develop a new course in professional aspects of law practice in which (to borrow from the course description) "special emphasis is placed on the problems of conscience and professional responsibility which young lawyers are likely to meet in typical dealings with clients, opposing parties, witnesses, government agencies, and the public generally, and in trial and appellate practice." In the summer of 1952 he was a visiting professor at the University of Michigan Law School, and in 1954 he was granted a leave of absence from the University of Texas in order to serve in Washington, D.C., as Assistant to the Solicitor General of the United States. It was from this latter position that he came to Cornell.

His philosophy of legal education was revealed in a letter he wrote prior to assuming the deanship to Thomas Adams of the second-year class, then president of the Law Student Association: "I very strongly believe that the primary obligation of every law school is to its student body. My number one objective at Cornell will be to encourage in every way possible stimulating, effective and dynamic teaching, and a close student-faculty relationship."²⁰ In reporting Gray Thoron's selection as Dean to the Cornell law alumni, Professor MacDonald stated: "He was a fortunate choice. He would have had loyalty, cooperation, and friendship from all of us because of his position. Better, he himself has inspired all of these. The School is in good hands, and we look forward to the future with confidence."²¹

Gray Thoron served as Dean of the Cornell Law School—its ninth Dean—from July 1, 1956 until June 30, 1963. These were eventful years in the life of the School, and it is to them that we now turn our attention.

²⁰ Reprinted in *id.*, March 7, 1956, at 2, col. 2.

²¹ MacDonald, *Foreword* to REPORT TO THE ALUMNI OF THE CORNELL LAW SCHOOL 3 (1956).

III

THE THORON DEANSHIP

July 1, 1956—June 30, 1963

Faculty and Administrative Staff

The period of Gray Thoron's deanship saw many significant developments involving the faculty and staff of the School: new appointments, both permanent and visiting; revised administrative assignments; and, along with resignations, inevitable retirements and deaths.

Norman Penney joined the faculty in 1957. Born in 1926, he took his A.B. at Yale in 1950 and his LL.B. at Cornell in 1953. He had been the managing editor of the *Cornell Law Quarterly*. He came to the faculty from private practice in Buffalo. His principal fields of teaching and writing are commercial law, land financing, and insurance. His Law School administrative assignments have included service as Director of Admissions (1957-60) and Associate Dean (1962-65).

Professor Joseph T. Sneed came to Cornell in 1957 from the University of Texas Law School, where he had taught since 1947. Born in 1920, he received his B.B.A., LL.B., and S.J.D. degrees from Southwestern University, University of Texas, and Harvard, respectively. He specialized in the field of taxation and also taught contracts. Professor Sneed left Cornell in 1962 to join the faculty at Stanford.

Ian R. Macneil was appointed to the faculty in 1959. Born in 1929, he received his undergraduate degree from the University of Vermont in 1950 and his law degree from Harvard in 1955. In 1955-56 he served as law clerk to Judge Peter Woodbury of the United States Court of Appeals for the First Circuit. In 1956-59 he was engaged in private practice in Concord, New Hampshire. Although his principal field of professional interest is contracts, his subjects also include legal accounting and law and poverty.

William E. Hogan joined the faculty in 1960. He was born in 1928. He received the Bachelor of Arts degree in 1949 and the Bachelor of Laws degree in 1952, both from Boston College, on whose law faculty he served from 1955 until he came to Cornell. Professor Hogan was awarded a Harvard doctorate (S.J.D.) in 1963. Commercial law and creditors' rights are his principal subjects, although he has taught torts, legal process, and restitution as well.

In addition to these four permanent appointments, Dean Thoron concluded arrangements with other schools within the University whereby individual members of the faculty of those units were able to

offer courses in their specialties in the Law School. These arrangements added strength and diversity to the School's curriculum and resulted in the election to joint membership on the Law faculty of Professors Milton R. Konvitz and Kurt L. Hanslowe of the New York State School of Industrial and Labor Relations and of Professor Herbert W. Briggs of the College of Arts and Sciences.

Professor Konvitz, born in 1908, received the B.S. degree in 1928 and the A.M. and J.D. degrees in 1930, all from New York University, and the Ph.D. degree from Cornell University in 1933. He joined the faculty of the New York State School of Industrial and Labor Relations at Cornell in 1946. Since 1956, the date of his joint appointment to the Law School faculty, he has taught courses in constitutional law, jurisprudence, law and society, and law and poverty. He has also given distinguished leadership to a monumental project involving the codification of the laws of the Republic of Liberia.

Professor Hanslowe, born in 1926, took his B.A. at Yale in 1947 and his LL.B. at Harvard in 1951. The School of Industrial and Labor Relations recruited him for its faculty from his position as Assistant General Counsel of the International Union of United Automobile Workers in 1958, and the same year he began teaching part-time in the Law School. He became a permanent member of the Law faculty in 1966, and his subjects have included labor law, criminal law and procedure, and constitutional law.

Herbert W. Briggs, the Goldwin Smith Professor of International Law in the College of Arts and Sciences, was elected to joint membership on the Law faculty in 1958. Born in 1900, he received an A.B. from West Virginia University in 1921 and a Ph.D. from Johns Hopkins University in 1925. In the years that intervened between 1929 when he first came to Cornell and 1969 when he became emeritus, Professor Briggs taught in the international field and his career was highlighted by such honors as the presidency of the American Society of International Law (1959-60) and his election by the General Assembly of the United Nations to a five-year term (1962-66) on the prestigious International Law Commission.

In addition to these appointments to the faculty, the School's administrative staff was also enlarged.

A new position of Administrative Assistant to the Dean was created, and the first two appointees to this post were recent graduates of the Law School. Paul T. Rubery, '56, was the incumbent in 1956-58, and he was succeeded by William B. Kerr, '59, in 1959-60. In addition

to general administrative assignments, each directed the School's placement program and was active in alumni affairs.

During the period 1960-64 Frank T. O'Brien served as Assistant Dean of the Law School with responsibility for admissions and placement. A 1927 graduate of the University of Michigan Law School, Mr. O'Brien had extensive experience in law practice in Chicago and in government service in Washington, D.C. and abroad before coming to Cornell.

The library staff was further strengthened in 1961 by the appointment of Oscar J. Miller as Associate Law Librarian. Mr. Miller, who received his undergraduate, law, and professional librarian degrees at the University of Michigan, was in 1963 made Associate Law Librarian and Assistant Professor. In 1965 he joined the faculty of the University of Colorado Law School.

Faculty additions during the Thoron deanship were counterbalanced by resignations, retirements, and deaths.

Professor Richard I. Fricke resigned from the faculty in 1957 in order to accept a position as an Assistant General Counsel of the Ford Motor Company. He subsequently became Executive Vice President of the Mutual Life Insurance Company of New York.

Professor Peter Ward, whose Law School courses included insurance, left Cornell in 1960 to assume the post of Deputy Superintendent and General Counsel of the New York State Insurance Department. He is now engaged in private practice in Florida.

Professor Bertram F. Willcox retired as of June 30, 1963. Thereafter he spent several years in India as a consultant on legal education to the Ford Foundation and as a visiting professor at the Indian Law Institute. To the delight of his colleagues and friends, Professor Willcox continues to make his home in Ithaca and, when not travelling, to come regularly to his office in Myron Taylor Hall.

These men—Richard Fricke, Peter Ward, and Bertram Willcox—contributed generously of their talents to the School to which they are all so devoted.

It is necessary at this point to record the deaths of George Jarvis Thompson in 1957, of William Hartley Shannon in 1959, and of Herbert David Laube in 1960.

Professor Thompson had taught at Cornell since 1926. A glimpse of the respect and affection which his students had for him is provided by excerpts from a letter to him dated August 24, 1951, and signed by John B. Carroll "on behalf of the Class of 1951":

The Class of 1951 has a great affection for you as our teacher. At some undefined point in our legal careers you made Cornellians out of us. We became a product different in our legal thinking, outlook, and approach from any other law school. We're proud of this and we feel that your instruction played a major role in that development.

You taught us not only Contracts and Business Regulations, but by the example of your character you also taught us the virtues of honesty, surpassing fairness, and devotion. . . .

But more than this, each of us carries with him a bit of you, a phrase, an idea, an outlook. These will live as long as one member lives. However great you are and will become in the future generations of lawyers and law students because of "Williston and Thompson on Contracts," we hope that you will not count as least among your treasures the love and affection of your students.

Upon Professor Thompson's passing, Dean Stevens said of him:

[H]is personal characteristics cannot be over emphasized. The indefatigableness of his labors, his scrupulous insistence upon thoroughness and accuracy in his writing and his teaching, his exemplification of the highest ethical principles, his dignity and courtesy and his loyalty to Cornell, his colleagues and students made him the gentleman and scholar that he was.

[His] life-blood has been stilled, but his vital personality and his influence upon legal learning live on.²²

Professor Shannon, who held a joint appointment in the Graduate School of Business and Public Administration and in the Law School, offered a course in legal accounting for twelve years and during this period published a pioneering casebook on this subject. A student editorial in the *Cornell Law Forum* at the time of his death had this to say about him:

He was a man of great humility. This characteristic plainly showed on the teacher who was a recognized leader in his field.

However, the professor was also a perfectionist. . . . And even though he set high standards of performance, he was admirably patient in his method of instruction.

He was a great friend. He gave of himself and his resources to others to the extent of their needs. Often he loaned money to law students and to stenographers whom he hardly knew, yet the accountant kept no record of these benefactions.

William Shannon bemoaned anything that stood in the way of his service to society. He felt impelled to utilize himself to the

²² Stevens, *George Jarvis Thompson*, 42 CORNELL L.Q. 137 (1957).

benefit of his fellow man. He represented the epitome of the old virtues. He felt a sense of obligation to contribute to society to the limits of his ability. He is gone now and we deeply feel his passing, but we are consoled in the belief that he was able to infuse in us by his teaching and conduct elements which contributed to his own great success.²³

Professor Laube died in 1960, thirty-five years after coming to Cornell. These words about him are Professor MacDonald's, written for the *Cornell Law Quarterly*:

Laube was a good teacher, well trained, well prepared, gentle and precise. He was a prodigious worker and published three case-books and many articles and reviews. . . .

Gentle as he was, however, he had an intense, even a fierce, hatred of injustice. The titles of some of his articles hint at the strong position of their theses: "The Right of a Testator to Pauperize his Helpless Dependents," "The Social Vice of Accident Indemnity," "The Defaulting Employee—Britton v. Turner Reviewed"—these were the three which he said he considered to be the most significant. . . .

Laube wanted his jurisprudence translated into action, judicial or legislative. Yet he was himself a man of books. When he retired in 1948, he kept his law school office. Daily he came and worked, read and wrote. He did not stop until he was well into his last illness. . . .

He had a long life in preparation for law teaching. Excellent undergraduate and graduate training were of course part of it. Secondary school teaching, over a period so long that it might have seemed to be his chosen vocation, contributed. Then came the Columbia and Harvard Law Schools with a brief span in practical politics as a legislative aide between these two periods of study. Finally he came to Cornell where he made his life in the law. Here at forty-five he began a teaching and writing career which ultimately brought him to the front ranks of those of his generation. One half of the faculty with whom he spent most of his active life are now gone with him: Charles Burdick, Lyman Wilson, George Thompson and Horace Whiteside. It was a strong faculty on which he sat. Twenty-four classes will remember him respectfully and affectionately as a fine teacher, a great scholar and a worthy member of the group which brought them into the profession of the lawyer.²⁴

Any fair assessment of the Thoron deanship must take into account the role played by visiting professors. Most were in residence for a single term but a few for an entire academic year. They came to Cornell

²³ Cornell L.F., March 9, 1960, at 2, col. 1.

²⁴ MacDonald, *Herbert David Laube*, 46 CORNELL L.Q. 189, 190-91 (1961) (footnotes omitted).

from other law schools throughout the country, and individually as well as in combination they strengthened the program of instruction and enriched the life of the School. Their names appear below. It will be noted that in certain instances an individual was at Cornell during 1963-64, the year following Gray Thoron's resignation as Dean, but since he was instrumental in arranging these visitations, it seems appropriate to include them in this list: Professor Denis V. Cowen, University of Chicago Law School (1963 Fall Term); Professor Harold C. Havighurst, Northwestern University Law School (1957 Fall Term); Professor William E. Hogan, Boston College Law School (1959 Fall Term); Professor Robert L. Jordan, University of California Law School, Los Angeles (1962-63 Academic Year); Professor Albert R. Menard, University of Colorado Law School (1959 Spring Term); Professor James R. Merritt, University of Louisville Law School (1959-60 Academic Year); Professor Charles J. Meyers, Columbia Law School (1961 Fall Term); Professor Cornelius J. Moynihan, Boston College Law School (1960 Spring Term); Professor Willard H. Pedrick, Northwestern University Law School (1964 Spring Term); Professor Richard R. B. Powell, Columbia Law School (1961 Spring Term); Professor Joseph M. Snee, Georgetown University Law Center (1964 Spring Term); Professor Joseph T. Sneed, University of Texas Law School (1957 Spring Term); Professor Frank R. Strong, Ohio State University Law School (1963 Spring Term); and Professor Harold G. Wren, Southern Methodist University Law School (1960 Fall Term).

In addition to visiting professors, there were a number of able practicing lawyers who commuted to Ithaca for a day or two each week during a particular term in order to offer a specific course. This group included Thomas T. Adams (Practice Training); Lucille P. Buell (Practice Training); Joseph B. Bugliari (Practice Training); Richard P. Donovan (Federal Practice); Betty D. Friedlander (Practice Training); C. Addison Keeler, Jr. (Practice Training); Daniel C. Knickerbocker (Legal Accounting); Rudolph G. Kraft (Practice Training); Israel Margolis (Practice Training); James R. Patton, Jr. (International Law); Forbes D. Shaw (Federal Practice); and Irving Younger (Federal Practice).

Before leaving the subject of faculty and administrative staff, there are several additional personnel matters which are worthy of mention. These include: (1) the naming of Professor Schlesinger as the William Nelson Cromwell Professor of International and Comparative Law in 1956; (2) the service of Professor Dean as Secretary of the Law School in 1957-58; (3) the establishment in 1958 of the position of Associate Dean,

a post held successively by Professor Curtiss (1958-62), Professor Penney (1962-65), and the present incumbent, Professor Warren; (4) the designation in 1959 of Professor Cardozo as Director of International Legal Studies; and (5) the appointment of Professor MacDonald to the Edwin H. Woodruff Professorship in 1960.

The Program of Instruction

Cornell President Andrew D. White's statement of purpose for the new Law School is well-known:

Our aim should be to keep its instruction strong, its standard high, and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large minded, morally based *lawyers* in the best sense, who, as they gain experience, may be classed as *jurists* and become a blessing to the country at the bar, on the bench, and in various public bodies.²⁵

The School's curriculum is designed to help achieve the above purpose, and to this end it has over the years been subject to continuing review and revision in the light of current developments in the law and the legal profession. In this context, the faculty in March 1958 adopted what was correctly described as a "new" curriculum.

The new curriculum provided for a core of basic subjects required of every student during his first and second years. In the first year, all courses were prescribed: contracts, torts, property, procedure, public law, criminal law, and practice training. The course in practice training comprised instruction in the use of the law library and in the methods and materials of legal research, including the preparation of memoranda of law and Moot Court briefs and the presentation of oral argument. In the second year, all students were required to take courses in business associations, commercial law, taxation, trusts and estates, and legal accounting (if they had not already received adequate training in accounting).

After satisfying the requirement of mandated courses, a student could complete the balance of his second-year program and construct his entire third-year program from a wide range of elective courses.

As described thus far, the 1958 curriculum was different but hardly new. Its uniqueness lay in two major innovations, the first involving areas of concentration, and the second having to do with electives from special groups of courses.

In order to assure that he obtained some training in depth in at

²⁵ ANNUAL REPORT OF THE PRESIDENT OF CORNELL UNIVERSITY FOR THE ACADEMIC YEAR 1884-85, at 58 (1886) (emphasis in original).

least one relatively integrated field of law, each student was required to complete satisfactorily a given number of hours of course work in one of seven areas of concentration. These areas were commercial law, corporation law, international legal studies, procedure and advocacy, property, public law, and taxation.

The second major feature of the new curriculum, involving electives from special groups of courses, was designed to place "increased stress on subjects such as legal philosophy, legal history, comparative law, public law and international law, so as to give our students a greater degree of perspective and a broader approach to the solution of legal problems."²⁸ To this end, each student was required to include in his program at least one course drawn from the Legal System Group and one from the Public and International Law Group, as follows:

Legal System Group

Jurisprudence
Law and Society
Legal History

Public and International Law Group

Administrative Law
Antitrust Law and Trade Regulation
Comparative Law
Constitutional Law
International Law I
Labor Law I
Legislation
Any public-law problem course

The new 1958 curriculum was a creative and worthwhile experiment in legal education. One faculty colleague appraised it as "striking a sound balance between bread-and-butter on the one hand and culture on the other." Initially, it worked reasonably well. As the need for certain changes became evident in the light of experience in its use, these changes were made. Thus, for example, more courses were added to both the Legal System and the Public and International Law Groups. But the basic philosophy of the new curriculum ran counter to another competing principle of curricular planning which was fast gaining favor. This was the principle of complete freedom of election among all available course offerings, and the two prime innovations of the 1958 curriculum were ultimate victims of it. The requirement of an area of concentration was abolished in 1962. The provision for electives from special groups was eliminated in 1967. And in 1969 all courses after the first year became elective.

A number of new courses were added to the curriculum during

²⁸ G. THORON, REPORT TO THE ALUMNI OF THE CORNELL LAW SCHOOL 10 (1961).

the period 1956-63. One such course first made its appearance in the catalog for 1957-58 in these words:

108. PROBLEMS IN TRIAL AND APPELLATE PRACTICE. Representative, practical problems arising in trial practice, with instruction in the technique of legal research and preparation for trial. In addition to the preparation of memoranda of law, the course will also include the institution and defense of litigation, based upon selected problems, by the service of summonses, complaints, answers, demands for bills of particulars, and the like. Preparation of pleadings and other aspects of appellate practice.

The instructor: Judge (later Chief Judge) Charles S. Desmond of the New York State Court of Appeals. Over the intervening years, in collaboration with Professors Penney, Warren, and Thoron, Judge Desmond has commuted to Ithaca to offer the course. Trial and Appellate Advocacy (as the course is now called) is singled out for special mention in these annals because it has been the continuing vehicle through which the Cornell Law School has been able to share the rich professional experience and insights as well as the superior human qualities of Charles Stewart Desmond.²⁷

On November 7, 1961, the faculty of the Cornell College of Arts and Sciences voted that "effective with the class entering in 1962, the practice of permitting double registration in this College and in the professional schools of the University be discontinued."²⁸ Under this practice, seniors in the College of Arts and Sciences at Cornell could, with the approval of the Law School as well as the College of Arts and Sciences, elect the first year of law study and thus qualify for both the A.B. and LL.B. degrees in six rather than the usual seven academic years. The Arts-Law double registration program had consistently provided considerable numbers of well-qualified applicants for admission, and its termination was therefore a matter of real concern to the Law School. On the other hand, with this decision the last vestige of "undergraduate" instruction in the Law School disappeared, and no student has since been admitted to the School who did not have at least a baccalaureate degree or its equivalent. In any event, the decision rested solely with the faculty of the College of Arts and Sciences which presumably concluded that the Bachelor of Arts degree could no longer appropriately be awarded to an individual spending less than the customary four years of study in the College.

²⁷ See Thoron, *Chief Judge Desmond and Cornell*, 52 CORNELL L.Q. 354 (1967). This issue of the *Quarterly* was dedicated to Chief Judge Desmond upon the occasion of his retirement from the Chief Judgeship of the New York Court of Appeals.

²⁸ Minutes of Faculty Meeting, Cornell Law School, Feb. 5, 1962.

The Law School Advisory Council

The Bylaws of Cornell University authorize the Board of Trustees to establish advisory councils for the several colleges and schools and provide that these councils "shall have such membership and perform such advisory functions as the Board may determine" and that they "shall report to the Board at least annually."²⁹

A Law School Advisory Council was established in 1958, comprised initially of the following leaders of the bench and bar: Franklin S. Wood, Chairman, Hawkins, Delafield & Wood, New York City; John D. Bennett, Surrogate, Nassau County, Mineola, New York; Robert E. Coulson, Whitman, Ranson & Coulson, New York City; Louis W. Dawson, President, Mutual Life Insurance Company of New York, New York City; Arthur H. Dean, Sullivan & Cromwell, New York City; Frank C. Heath, Jones, Day, Cockley & Reavis, Cleveland, Ohio; Frank B. Ingersoll, Buchanan, Ingersoll, Rodewald, Kyle & Buerger, Pittsburgh, Pennsylvania; Ralston R. Irvine, Donovan, Leisure, Newton & Irvine, New York City; Robert J. McDonald, Sullivan & Cromwell, New York City; Edmund S. Muskie, United States Senator from Maine, Washington, D.C.; W. Clyde O'Brien, Nixon, Hargrave, Devans & Dey, Rochester, New York; William P. Rogers, Attorney General of the United States, Washington, D.C.; Alfred M. Saperston, Saperston, McNaughton & Saperston, Buffalo, New York; Joseph Weintraub, Chief Justice, Supreme Court of New Jersey, Newark, New Jersey; and Raymond S. Wilkins, Chief Justice, Supreme Judicial Court of Massachusetts, Boston, Massachusetts.

Although the membership of the Council consisted primarily of Cornell law alumni, there was also representation from other law schools.

The functions of the Council may be stated as follows:

- (a) Help evaluate the effectiveness of the work of the Cornell Law School.
- (b) Bring new ideas and fresh viewpoints to the Cornell Law School.
- (c) Help circulate information about the Cornell Law School among its alumni, friends, the bar, and prospective students.
- (d) Serve as liaison between the School and the legal profession, educational foundations, and individuals not otherwise connected with the Law School.
- (e) Provide incidental help in raising funds to support the activities of the Law School.³⁰

²⁹ Bylaws of Cornell University art. XXIII (June 12, 1966).

³⁰ REPORT TO BOARD OF TRUSTEES CONCERNING ACTIVITIES OF THE COLLEGE AND SCHOOL COUNCILS: 1961-62, at 26 (1962).

It is the practice of the Advisory Council to convene annually in Ithaca for a two-day meeting. In addition to formal business sessions, members of the Council have an opportunity to attend classes and to participate in informal interchanges with both faculty and students, thereby increasing their understanding of the needs and aspirations of the Law School. Although, as would be expected, the composition of the Council has changed over the years, its distinguished members, both as individuals and as a group, have consistently provided the School with invaluable advice and support.

The Cornell Legal Aid Clinic

A well-ordered legal aid program enriches the educational opportunities offered by the institution that sponsors it and at the same time enhances the quality of life in the community that it serves.

It was in 1938 when the Cornell Law School first ventured into the field of legal aid. Pursuant to an arrangement with the Tompkins County Bar Association, a practicing attorney assigned to represent an indigent client could request the assistance of one or more student members of the Cornell Legal Aid Bureau. This plan prospered until World War II, with its impact on the School's enrollment and operations, compelled its suspension.⁸¹

In 1958 Dean Thoron reported that there was considerable student interest in re-establishing a legal aid service. The faculty was warmly sympathetic to this proposal, although it is perhaps worthy of note that there was a consensus "that the institution of an appropriate program of malpractice insurance coverage should be a condition precedent to the Law School sponsorship"⁸² of any legal aid project!

There was much groundwork to be laid before the new Cornell Legal Aid Clinic could begin operation.

Rules governing eligibility for assistance and outlining the office and case routine to be followed had to be developed. In this connection, the helpful cooperation of Armand L. Adams, '34, who chaired the Tompkins County Bar Association Legal Aid Committee, deserves special recognition.

As regards eligibility for legal aid assistance, the basic requirement was "financial inability to pay a lawyer for needed services. If the matter has sufficient remunerative possibilities to make it a desirable one to a practicing lawyer, it will not be accepted by the Cornell Legal

⁸¹ Stevens, *supra* note 1, at 346.

⁸² Minutes of Faculty Meeting, Cornell Law School, Dec. 14, 1959.

Aid Clinic."³³ Further, the Clinic would refuse assistance where there were "social reasons which appear to make the requested representation undesirable, even though the applicant would otherwise qualify for legal aid."³⁴ Thus, a domestic relations matter would not be handled unless involvement on the part of the Clinic would be desirable not only from the applicant's standpoint but from that of the family as well. And in this latter context, the Family and Children's Service of Ithaca agreed to work cooperatively with the Clinic.

Just as rules determining eligibility for legal aid applicants had to be developed in collaboration with the Tompkins County Bar Association, so criteria governing law student membership in the Clinic had to be formulated. In this latter connection, the faculty decided that participation in the program should be based

upon invitation extended in descending order of academic rank to students below the competitors for the Law Quarterly, the total number of such invitations to depend upon the needs of the Clinic, and with every effort being made to ensure that the Legal Aid and Moot Court programs command substantially equal student interest and support.³⁵

The students selected to participate in the program would interview applicants for assistance, conduct investigations and legal research, prepare required papers, and tentatively plan the solution to the particular problem of a given client. The students, however, would work under the careful supervision of a practicing member of the New York Bar, who would be responsible for reviewing and approving all proposed advice and action and for making all appearances in court. The selection of a directing attorney for the new Clinic was thus of critical importance, and the choice of Betty D. Friedlander for the position proved to be an excellent one.

Mrs. Friedlander, who received her A.B. from Goucher College in 1944, was graduated from the Cornell Law School in 1959, after having commuted to Ithaca daily from her home in Waverly, New York, some forty miles away. She was engaged in private practice in Waverly when she accepted an appointment as the Directing Attorney of the Clinic on a part-time basis.

The Cornell Legal Aid Clinic began operation on March 14, 1960, with offices in Myron Taylor Hall. Although initially the Clinic handled only civil matters, it became increasingly involved in criminal cases in

³³ Cornell Legal Aid Clinic, Eligibility Requirements for Legal Aid Applicants 1-2 (March 1, 1960).

³⁴ *Id.* at 2.

³⁵ Minutes of Faculty Meeting, *supra* note 32.

two ways: in providing professional assistance to local lawyers assigned to represent indigent defendants; and in responding to requests for information and help on the part of prisoners in various state institutions.

In 1963 Mrs. Friedlander reported that the Clinic's staff was comprised of some twenty second- and third-year law students and that its case load approximated seventy-five a year, consisting primarily of domestic relations, landlord and tenant, and small claims cases.⁸⁶

The Charles Evans Hughes Law Residence Center

For almost forty years, Myron Taylor Hall has amply satisfied the Law School's requirements for adequate classroom, library, and office space. Indeed, "[w]ith luxurious details inside and outside, the building is an inspiration to those who teach and study there and has drawn from them a sense of protective guardianship."⁸⁷ However, suitable living and dining facilities, which would accommodate current students as well as attract prospective ones, were among the School's most pressing needs until the opening of the Charles Evans Hughes Law Residence Center in the fall of 1963.

This handsome building is connected to Myron Taylor Hall and is constructed in the same Gothic style. It houses approximately 120 law students. Its dining facilities serve not only the residents of the center but others in the law student body and in the University community as well. It permits the School to operate in the historic tradition of the English Inns of Court.

These residential quarters were made possible through the continued interest in the Law School of its most generous benefactor, Myron C. Taylor of the class of 1894, who contributed more than one million dollars toward the total cost of \$1,700,000. Gray Thoron's first meeting with Mr. Taylor occurred in June 1956, on which occasion they discussed the needs and aspirations of the School. A law school dormitory was one of two subjects that interested Mr. Taylor most, the other being the adequacy of faculty salaries. At this same meeting, Mr. Taylor reminisced at some length about his own days as a Cornell law student and particularly about his recollections of Charles Evans Hughes, then a member of the faculty. In looking back on his experiences as a professor at Cornell, Chief Justice Hughes many years later was to write: "Whether my efforts were of benefit to the students I cannot say but they were of incalculable benefit to me."⁸⁸ The Chief

⁸⁶ Friedlander, *Organizing a Clinic in a University Town*, 21 THE LEGAL AID BRIEF CASE 173 (1963), reprinted in Cornell L.F., May 18, 1963, at 3, col. 1.

⁸⁷ Stevens, *supra* note 1, at 342.

⁸⁸ Quoted in Taylor, *Charles Evans Hughes—Professor*, 26 CORNELL L.Q. 1 (1940).

Justice need have had no such doubt about student reaction to his teaching for Myron Taylor remembered Hughes with admiration and affection as having been the most exciting and stimulating member of the faculty at that time.³⁹

Charles Evans Hughes came to Ithaca from private practice in New York City in the fall of 1891; he was then twenty-nine and the youngest full professor at Cornell. He remained here until June 1893, although his association with the Law School continued thereafter from 1893 to 1895 as a nonresident lecturer.

Hughes's decision to give up a potentially lucrative practice in New York for a Cornell professorship struck his father-in-law, Walter S. Carter (himself an eminent lawyer) as preposterous. "I felt, when you first spoke to me of going to Cornell, that you were making a very great mistake, and time has only served to strengthen that conviction," he wrote to Hughes on December 21, 1892.⁴⁰ And, disturbed that his two young grandchildren would have to grow up "in a one-horse town like Ithaca," Mr. Carter in the same letter scolded his son-in-law: "You ought to be 'batted in the beak' . . . for even thinking of such a thing."⁴¹

Hughes viewed his brief Cornell career quite differently. On the occasion of the dedication of Myron Taylor Hall in 1932, he wired from Washington: "My association with the Faculty of the School in its early days was one of the most delightful experiences of my life and I have observed the development and success of the School with the keenest gratification."⁴²

Charles Evans Hughes left Cornell in 1893 and resumed private practice in New York. His subsequent career in public service is well known: Governor of New York; Associate Justice of the Supreme Court; Secretary of State; Judge of the Permanent Court of International Justice; Chief Justice of the United States.

Hughes's pupil, Myron Taylor, graduated from the Law School in 1894. He then embarked upon a unique career in law (private practice in New York), industry (Chairman of the Board and Chief Executive Officer of the United States Steel Corporation), and diplomacy (counselor to Presidents Roosevelt and Truman and their personal representative to the Vatican). Mr. Taylor was not to see the

³⁹ I am indebted to Gray Thoron for a full account of his conversations and negotiations with Mr. Taylor and Mr. Taylor's representatives relating to the Charles Evans Hughes Law Residence Center.

⁴⁰ Quoted in 1 M. PUSEY, CHARLES EVANS HUGHES 101 (1951).

⁴¹ *Id.*

⁴² Quoted in *Dedication of Myron Taylor Hall*, 18 CORNELL L.Q. 1 (1932).

new residence center which was made possible through his generosity and which bore the name of his favorite professor, for he died on May 5, 1959, when the project was still in the architectural planning stage.⁴³

The Charles Evans Hughes Law Residence Center (or, in abbreviated form, Hughes Hall) was open for occupancy in the fall of 1963. Formal dedication ceremonies were held on December 4, 1964, with Chief Justice Earl Warren scheduled as the principal speaker. However, a fogged-in Tompkins County Airport kept the Chief Justice in Washington while his address, transcribed by telephone, was read by Cornell Vice-President William R. Keast.⁴⁴

International Legal Studies

In 1956 the Ford Foundation awarded the School approximately \$400,000 to be spent over the next ten years in an expanded program of international legal studies. This expansion, which included support of foreign graduate students and sponsorship of visiting professors and speakers in the international and comparative law fields, proceeded principally in two directions: the Cornell Summer Conferences on International Law; and the Cornell Project on General Principles of Law Recognized by Civilized Nations, or, as the name of the project was subsequently modified, the Cornell Project on the Common Core of Legal Systems.

The Summer Conferences on International Law

There were five Summer Conferences on International Law—in 1957, 1958, 1960, 1962, and 1964. All were under the general direction of Professor Michael H. Cardozo. For three days in June a selected group of government officials, teachers, and private practitioners came together in Ithaca for the purpose of exchanging ideas on a variety of subjects relating to international affairs.

The agenda for these sessions were as follows:

1957 Conference

International Law in Progress—Viewed by Government Official,
Private Practitioner and Professor
International Trade and Commerce
International Transportation and Communication
Cooperation for Mutual Defense
International Judicial Cooperation

⁴³ See 45 CORNELL L.Q. 165, 165-70 (1960) for tributes to Myron C. Taylor by former President Harry S. Truman, Chairman Arthur H. Dean of the Cornell Board of Trustees, and Dean Gray Thoron.

⁴⁴ Warren, *Comments on the Dedication of the Charles Evans Hughes Residence Center*, 50 CORNELL L.Q. 147 (1965).

1958 Conference

- Peace by Adjudication—The Limits of the Use of International
Tribunals for Settling Disputes
International Adjudications: The Practice of Nations
International Adjudications: The Source of the Law
International Adjudications: Enforcement of Decisions

1960 Conference

- International Law in National Courts:
A. The Judge's Role: Autonomy or Restraint?
1. The Influence of the Executive
2. The Act of State Doctrine
B. Sources of International Law: Problems Faced by Courts
in the United States:
1. The Traditional Sources
2. The Restatement of the Foreign Relations Law of the
United States

1962 Conference

The Status of Domestic Jurisdiction

1964 Conference

- Human Rights: Protection of the Individual Under International
Law
The Concept of Human Rights
Procedures for the Protection of Human Rights
Protection of the Individual: Property Interests
Constitutional Problems of U.S. Adherence to Conventions

An examination of the published proceedings of these conferences makes clear that the discussions were not only lively but also (in Professor Cardozo's words) "sufficiently scholarly to enrich the literature of the law of international relations and sufficiently useful to be of some help in the resolution of controversies and in the formulation of official policy."⁴⁵

The Common Core of Legal Systems

In 1957 Professor Rudolf B. Schlesinger put the following questions to those assembled in Chicago at a colloquium of the International Association of Legal Science:

Would it be unreasonable to expect that co-operative supra-national and trans-national ventures, whether regional or world-wide, would be furthered by the availability of a body of formulated general principles of law recognized by civilized nations?

⁴⁵ Cardozo, *Foreword* to PROCEEDINGS OF THE 1962 CORNELL SUMMER CONFERENCE ON INTERNATIONAL LAW, at iii (1962).

May we not assume that the existence of such a common core of legal precepts (and perhaps of legal techniques and institutions) in fields such as those of procedure and contracts would make it unnecessary for the lawyers in each instance to start *de novo* when they set up the ground rules?

....

... Would the knowledge of a common core of legal principles create a greater feeling of solidarity among peoples, first on a professional but ultimately perhaps on a popular level? . . . Is it not high time that we utilize every practicable method, however doubtful and untried, which holds some hope of enlarging the area of common ideas among the lawyers of the world?⁴⁶

A ten-year study, designed to identify and formulate the common core of the principal legal systems throughout the world, represented the Cornell Law School's attempt to answer the above questions. This pioneering project was destined to become a model of international teamwork in comparative legal research. Professor Schlesinger was the director of the project; Professors Ian R. Macneil and Robert S. Pasley were major contributors to it.

The particular subject chosen for study was the formation of contracts. This topic was examined by selected legal scholars from Australia, Egypt, France, Germany, India, Italy, Switzerland, and the United States, as well as an expert on Communist legal systems. The methodology employed by the participants was described by Professor Schlesinger at the First World Conference on World Peace Through Law held in Athens, Greece, in the summer of 1963:

(1) A Working Paper is drafted and sent to each participant. For this purpose, an over-all topic (e.g. Offer and Acceptance) has to be chosen and to be divided into chapters and sections. Since legal systems may differ as to the organization of the subject, even this first step has to be preceded by comparative studies, in order to make sure that the organizational scheme selected for our study will make it possible for each participant, from the standpoint of his own legal system, fully and responsively to cover all of the points raised in the Working Paper. Each section of the Working Paper sets forth a number of fact situations, mostly taken from reported cases, connected perhaps by brief comments or additional questions. The total number of fact situations thus systematically strung together in the Working Paper is fairly large.

(2) In response to the Working Paper, each participant prepares one or several National Reports. Such a report is expected to set forth how the individual legal system or systems covered by the reporter deal with each of the fact situations set forth in the Work-

⁴⁶ Schlesinger, *Research on the General Principles of Law Recognized by Civilized Nations*, 51 AM. J. INT'L L. 734, 738, 749 (1957).

ing Paper, to give a coherent doctrinal explanation of the results reached, and to support such results by assembling all pertinent authorities.

(3) After these national reports have been exchanged and studied by all, the members of the team convene at Cornell University for a conference of several months' duration. They discuss every section in detail, in order

(a) to make sure that the information contained in the national reports is clear and complete, and correctly understood by all, and

(b) to begin, tentatively at first, to stake out areas of agreement and disagreement among the legal systems under consideration.

(4) Finally, section by section (but not forgetting that the sections are interrelated), the participants will have to reduce to writing, i.e. to formulate as precisely as possible, their findings as to such areas of agreement and disagreement.⁴⁷

The fourth and final phase of the study resulted in a General Report for each section, and these General Reports were in due course unanimously approved by the participating scholars. The project culminated in 1968 in the publication of a 1,700-page, two-volume treatise, *Formation of Contracts: A Study of the Common Core of Legal Systems*.⁴⁸

Admissions and Enrollment

The student recruitment situation for the years 1956-63 (with the years 1954, 1955, and 1964 included for comparative purposes) is revealed by the following table:

	<i>Applications Received</i>	<i>Entering Class Enrollment</i>
1954	304	115
1955	341	126
1956	391	121
1957	321	82
1958	302	88
1959	366	113
1960	377	108
1961	364	78
1962	378	110
1963	529	115
1964	601	132

⁴⁷ Schlesinger, *The General Principles of Contract Law—Report on a Study of the Common Core of Legal Systems*, in *WORLD PEACE THROUGH LAW—THE ATHENS WORLD CONFERENCE 779, 784-85* (1964).

⁴⁸ The post-1963 developments of the Common Core Project will be described in more detail in a subsequent treatment of this later period in the School's history.

Referring to the above figures for the years 1954 through 1960, Dean Thoron stated:

It is not possible to identify with precision all the factors which brought about these fluctuations. Almost certainly economic pressures from successive tuition increases, a small dip in the age group from which candidates were being drawn in 1957 and 1958, and the post-Sputnik emphasis on science have had some impact. . . . At the same time we have not only continued our selective admission process but also have made some increase in admissions standards in an attempt to eliminate candidates whose Admission Test scores and undergraduate records raise substantial doubt as to either their ability or motivation to meet our School's exacting standards.⁴⁹

The tuition increases that Dean Thoron mentioned were substantial (in 1954-55, tuition and fees totalled \$885; in 1960-61, \$1,425) and gave Cornell the dubious distinction for several years of having the highest tuition level of any law school in the country.

To meet the problem of declining enrollments, the School embarked upon a vigorous program of student recruitment. In January 1958 the faculty approved the creation of ten Cornell National Law Scholarships to be awarded to individuals giving promise of superior academic and professional accomplishment. Each of these scholarships carried a maximum stipend of \$1,500 (subsequently increased to \$2,000) subject to demonstrated need for this amount. The availability of the new Cornell National Law Scholarships as well as of the School's continuing regular scholarship awards was communicated to over one thousand undergraduate pre-law advisors throughout the country.

Another method of interesting applicants in Cornell consisted of visitations by members of the Law faculty to other campuses and, conversely, of encouraging prospective students to come to Ithaca for a day of orientation in Myron Taylor Hall. Although the burden of travel to other institutions fell primarily on the Director of Admissions, his colleagues generally recognized the importance of the visitation program and cooperated in carrying it out. This would mean spending a day or two at a particular college interviewing applicants, conferring with the undergraduate advisor, and perhaps speaking before the pre-law society. Approximately fifty different colleges and universities were visited as part of this recruiting effort. An annual one-day "open house" at the Law School was organized in order to accommodate pre-law students at institutions within driving distance of Ithaca. The day's schedule included an opportunity to tour Myron Taylor Hall, attend

⁴⁹ G. THORON, *supra* note 26, at 7-8.

classes, and learn about the School through conversations with individual members of the faculty and student body at a specially arranged coffee hour and luncheon. On the first of these occasions there were representatives from Colgate, Hamilton, and Hobart as well as from Cornell undergraduate units; the number of institutions represented ultimately reached fourteen.

It is often difficult if not impossible to assign fully satisfactory reasons for fluctuations in enrollment, whether up or down. It is perhaps enough to note here that in 1961 Dean Thoron could report that the approaching academic year 1961-62 would find "total enrollment for the School as a whole rising above 300 for the first time since 1957."⁵⁰

The Cornell Law School Kaleidoscope
July 1, 1956—June 30, 1963

Several graduates of the School assumed high judicial posts. Joseph Weintraub, '30, was named an Associate Justice of the Supreme Court of New Jersey in 1956 and the following year was elevated to Chief Justice. In 1958 Edward J. Daly, '14, an Associate Justice of the Supreme Court of Errors of Connecticut, became the Chief Justice of that court. Marvin R. Dye, '17, was in 1958 re-elected to a second fourteen-year term on the New York State Court of Appeals. Charles E. Cassidy, '25, became a member of the first Supreme Court of Hawaii in 1959, and in 1961 Abraham S. Bordon, '14, was advanced from the Superior Court to the Supreme Court of Errors of Connecticut. In 1961 Elbert Parr Tuttle, '23, became Chief Judge of the United States Court of Appeals for the Fifth Circuit where he had served since his appointment by President Eisenhower in 1954.

A *Cornell Law Forum* editorial on "Traditions":

There are certain law school traditions which we wish to pass on to the entering class in the hope that they will help maintain the reputation and standards of the school. . . .

As for the "upkeep" of the students, it has been the tradition that the male students wear a coat and tie to classes. We are all entering upon a profession where personal appearance means a great deal and, in fact, is one of our principal "stocks in trade." In addition, it shows a certain respect for the professors when students appear properly dressed, and a certain disrespect when the opposite is the practice. Besides, many visitors pass through

⁵⁰ *Id.* at 8.

the law school at various times and their impressions are made by the outward appearance of both the school and its students.

We would appreciate your cooperation in upholding our traditions, and we hope that you will point these out to the few upper classmen who may sometimes have a mental lapse.

The year of the editorial: 1957!⁶¹

Professor John W. MacDonald, '26, was in 1958 elevated by Governor Harriman to the Chairmanship of the New York State Law Revision Commission, the pioneering law reform agency on which he had previously served as Executive Secretary and Director of Research (1934-56) and as a Commissioner (1956-58).

In 1957 President Eisenhower appointed William P. Rogers, '37, Attorney General of the United States. Attorney General Rogers returned to Cornell in May 1958 as the principal speaker at the annual Cornell Lawyers Reunion and again in December 1960 to deliver the Frank Irvine Lecture on "The Importance of Continued Improvement in the Administration of Justice." Following his resumption of private practice in 1961, Mr. Rogers served a term (1961-63) as President of the Cornell Law Association.

An initial gift from Henry A. Carey, '12, resulted in the establishment in 1958 of the Henry A. Carey Lectureship in Civil Liberties. The lectureship was inaugurated that same year by Professor Harrop A. Freeman's address on "Civil Liberties—Acid Test of American Democracy." The Carey Lecturer for 1959 was Thurgood Marshall, then General Counsel of the National Association for the Advancement of Colored People and now an Associate Justice of the Supreme Court, whose topic was "Civil Rights and the Role of the Courts."

Maine Governor Edmund S. Muskie, '39, delivered the 1958 Robert S. Stevens Lecture entitled "Do Convictions and Politics Mix?" In January 1960, having in the meantime become a member of the United States Senate, Senator Muskie was the principal speaker at the annual Cornell Lawyers Luncheon in New York.

Resuming a practice that had existed for several years immediately prior to World War II, a Law School final convocation was held in

⁶¹ Cornell L.F., Sept. 21, 1957, at 2, col. 1.

May 1958. The ceremonies took place in the Moot Court Room and were attended by the families and friends of the members of the third-year class. The format of this and subsequent convocations: a procession of faculty and graduating students without academic regalia; formal exercises presided over by the Dean of the School, participated in by the President of the University, and addressed by a member of the Law faculty selected by the graduates; and an informal reception in the courtyard of Myron Taylor Hall.

Guests of the Law School included Supreme Court Justices William O. Douglas and John Marshall Harlan, and United States Senators Kenneth B. Keating and J. William Fulbright. The subject of Justice Douglas's April 1960 Frank Irvine Lecture was "The Supreme Court and Its Case Load." Justice Harlan, a member of the School's Advisory Council in 1962-63, spoke informally about the work of the Court at a Law School convocation in October 1962. Senator Keating was the Robert S. Stevens Lecturer in 1960, and Senator Fulbright in 1961; their respective topics were "The Federal Government's Role in Combating Organized Crime," and "American Foreign Policy in the Twentieth Century Under an Eighteenth Century Constitution."

Mary H. Donlon Hall, a residential facility for Cornell undergraduate women named in honor of Judge Mary H. Donlon, '20, of the United States Customs Court, was opened in September 1961.

Guest of honor and principal speaker at the January 1962 annual Cornell Lawyers Luncheon in New York was Professor Gustavus H. Robinson, William Nelson Cromwell Professor of International Law, Emeritus. Then 81, Robbie gave his 350 appreciative listeners a delightful half hour of "frivolity without any intent toward uplift or social significance."

The John J. Kelly, Jr. Memorial Prize, an annual award of \$250 to the student judged by the Dean as best exemplifying qualities of scholarship, fair play, and good humor, was established in 1962 by an anonymous donor in memory of John J. Kelly, Jr., '47.

On January 1, 1963, Philip H. Hoff, '51, took office as Governor of Vermont.

The faculty achieved an imposing record of publications. In addition to articles and book reviews, an impressive number of books (both first and second editions) and teaching materials were authored, including: (1) Herbert W. Briggs, *Reservations to the Acceptance of Compulsory Jurisdiction of the International Court of Justice* (1958); (2) Michael H. Cardozo, *Diplomats in International Cooperation: Stepchildren of the Foreign Service* (1962); (3) William H. Farnham, *Cases and Notes on Property in Land and Chattels* (1962); (4) Harrop A. Freeman, *Administrative Law Materials* (1956), *The Tax Practice Deskbook* (1960) (with Norman D. Freeman, '56), and *Dear Mr. President: An Open Letter on Foreign Policy* (1961) (with Ruth Freeman); (5) Harry G. Henn, *Handbook of the Law of Corporations and Other Business Enterprises* (1961); (6) William E. Hogan, *Secured Transactions Under the Uniform Commercial Code* (1963) (with Peter F. Coogan and Detlev F. Vagts); (7) Milton R. Konvitz, *Fundamental Liberties of a Free People* (1957), *Bill of Rights Reader: Leading Constitutional Cases* (second edition, 1960), *A Century of Civil Rights* (1961) (with Theodore Leskes), and *First Amendment Freedoms* (1963); (8) John W. Macdonald, *Cases and Other Materials on Legislation* (second edition, 1959) (with Horace E. Read and Jefferson B. Fordham); (9) Robert S. Pasley, *Cases and Materials on Government Contracts* (1959); (10) Rudolf B. Schlesinger, *Comparative Law—Cases, Text, and Materials* (second edition, 1959); (11) William H. Shannon, *Accounting and the Law* (1957); and (12) Peter Ward, *Tort Problems of Loss Distribution* (1958).

In January 1962 Gray Thoron announced that he had submitted his resignation as Dean to President Malott effective June 30, 1963, or at such earlier date as his successor might be selected and available to take office. He was motivated by a desire to return to a full-time program of teaching, writing, and professional activity, free from the demanding burdens of academic administration. His had been an eventful and productive deanship. Some of the more significant achievements of the years 1956-63 have already been discussed, and there were others. The Law Library was of special concern to Dean Thoron, and in order to enlarge its collections and strengthen its staff, he supported a policy of increased collaboration with the general University library system. At the beginning of his deanship the Law Library collections totalled 129,517 volumes and the annual expenditure for books and periodicals was \$18,585; at the end, the corresponding figures were 163,466 volumes and \$41,685. In 1956-57, his first year as Dean, 941 donors contributed

\$46,358 to the Cornell Law School Fund; in 1962-63, his last year, 1,031 donors contributed \$79,869. During the years 1956-63 the School's overall operational budget approximately doubled, resulting in substantially improved faculty salaries and more generous student scholarship assistance.

Gray Thoron's retirement as Dean on June 30, 1963, was the occasion for expressions of praise and appreciation from his faculty colleagues, students, alumni, and friends. It is this writer's opinion that none of the encomiums he received pleased Dean Thoron more than the editorial tribute of the *Cornell Law Forum*: "He was, in the final analysis, a student's Dean."⁵²

On July 1, 1963, William Ray Forrester became the tenth Dean of the Cornell Law School.

⁵² *Id.*, March 16, 1962, at 2, col. 1.