

A Short History of the School of Law

by Joseph W. McKnight

Professor of Law



Introduction — In the fall of 1978 Southern Methodist University will embark upon its sixty-fourth academic year, and the School of Law will begin its fifty-fourth. The School of Law was established by resolution of the University's Board of Trustees in February 1925 and was essentially the realization of the vision of Judge Joseph E. Cockrell, who served as Chairman of the Board of Trustees of the University in 1925 and was a past-President of the Dallas Bar Association. Judge Cockrell convinced the Board that no university could attain first rank without a school of law.

The Formative Years — When the first law school class enrolled in the fall of 1925, Judge Cockrell was serving as Chairman of the Faculty and continued in this role until Charles Shirley Potts assumed the deanship in 1927. Much of the work of organization of the school was accomplished by William Alexander Rhea, who was the first Professor of Law, having come to SMU from the faculty of the University of Texas.

By 1927 the school had a complete three-year course of study and was put on the approved list of the American Bar Association; and two years later, it was admitted to membership in the Association of American Law Schools.

Potts was dean from 1927 to 1947. During the early years of his deanship he worked to effect an orderly phasing out of various proprietary and unapproved law schools in Dallas. A leader in these developments was Robert G. Storey, who in 1937 had been elected Chairman of the Committee on Legal Education of the American Bar Association. After extensive negotiations between the ABA, the Dallas Bar As-

sociation, the State Bar of Texas, and SMU, the representatives of the groups concerned agreed that the University would operate an evening division on the campus and that all unapproved law schools would cease operation. By the time of the scheduled amalgamation only one such school remained, the Dallas School of Law, which met in the YMCA. It was merged with the SMU School of Law in 1938 with the understanding that classes would continue to be held at the YMCA for two years; and after that period, all classes would be held on the SMU campus. Phasing out of these substandard schools resulted in a marked upgrading of the quality of legal education in Dallas, for at SMU the same standards were maintained for day and evening students and both divisions were taught by full-time faculty.

Potts's deanship was a period of establishing a new and struggling law school. Budgets were tight during the Great Depression, and students were hard pressed to afford even \$50 a semester for tuition. Many students were in arrears with their tuition, and grades had to be withheld and registration for the next semester prohibited until tuition was paid. Dean Potts, without the knowledge of the students affected, frequently acted as surety for loans to enable students to continue their legal education.

Despite these difficulties the Dean and faculty were dedicated to maintaining from the outset the integrity and quality of education. Indeed, the magnificent library collection which the School of Law has today is attributable to the unstinting devotion to the development of an excellent library from the very beginning.

Faculty minutes of those early days are replete with instances of the serious concern for scholarship and the quality of professional training. In this regard what now may seem an amusing incident is recorded in the minutes of November 2, 1931, in which the Law Students Association, represented by four students who went on to become distinguished members of the bench and bar, formally apologized to the faculty for their unprofessional conduct in declaring a holiday on Saturday, October 31, 1931, beginning at eleven o'clock and extending through the balance of the day in anticipation of the SMU-Texas football game (N.B. — Classes were then held on Saturday until 1:00 p.m. — the game results were SMU-9; Texas-7).

Following the Depression came the onset of World War II, and again the School of Law was dealt a severe blow. Although Potts was 70 in 1942, he agreed to stay on for the difficult years of the war while awaiting the appointment of his successor. Enrollment dropped to thirty-five students; yet the school was maintained intact and was prepared for the deluge of applicants at the war's end.

The Law Quadrangle Begun — A new era for the School of Law came with the succession of Robert G. Storey to the deanship in 1947. The School had been housed originally on the third floor of the east wing of Dallas Hall and later on the ground floor and part of the first floor. Mr. Storey envisioned a truly great school with fine buildings of its own.

The Southwestern Legal Foundation was organized in 1947 as a means of sponsoring the development of a major legal center. A building campaign was undertaken

with the splendid cooperation of the lawyers and businessmen of Dallas. By 1951 two new buildings were completed — Storey Hall, housing library, faculty and administration, and Lawyers Inn, a residence hall for law students. In addition, Kirby Hall, which had formerly housed the School of Theology, was refurbished as a law classroom building and renamed Florence Hall.

An impressive dedication ceremony was staged in the spring of 1951 and featured Dean Arthur T. Vanderbilt of the New York University School of Law and many distinguished representatives from the bench, bar and legal education.

In the period immediately following World War II, the faculty perceived the need for a publication which would be devoted primarily to developments in Texas law and would offer the opportunity for law review training for qualified students. The journal, *Texas Law and Legislation*, was inaugurated in the spring of 1947 and in the second year of publication its name was changed to *Southwestern Law Journal*, which is now in volume thirty-two. In its early issues, the *Journal* published a survey of important recent developments in Texas, Louisiana, Arkansas, and Oklahoma. Currently, it publishes a special fifth issue each year containing a survey of recent developments in Texas law.

In 1961 the School of Law became the permanent home of the *Journal of Air Law and Commerce*, then in its twenty-eighth volume. The *Journal* is the only scholarly periodical in the English language devoted primarily to the legal and economic problems of aviation and space. It is now in its forty-third volume and is published quarterly.

Dean Storey expanded the horizons of the school to include graduate legal education of foreign lawyers, first with the founding of the Law Institute of the Americas, a program designed primarily for lawyers in Latin America, and the Academy of American Law, a program designed primarily for lawyers in the Middle East, Far East, and some countries of Europe. These programs continue to bring about thirty students each year to SMU for a year's study in specially prepared courses surveying the whole of the Anglo-American legal sys-

tems. Many graduates of these programs have returned to their native countries to work in the improvement of legal education and the administration of justice. They are a credit to the United States, to Dallas, and to SMU.

The School of Law-Southwestern Legal Foundation differences — Dean Storey also served in the capacity of President of the Southwestern Legal Foundation. With respect to relationships both internal to the University and with the public at large, the identities of the School of Law and the Foundation were blurred because Dean Storey was an effective advocate for both organizations and was indistinguishably identified with both. When he retired in 1949, his Assistant Dean, John W. Riehm was appointed dean. Dean Riehm wanted to establish the identity of the School of Law separate from the Foundation and sought to have representatives of each organization articulate a *modus vivendi*. Although every effort was made to reach a harmonious arrangement, there was no real success, so that by 1974 The Southwestern Legal Foundation moved to the campus of the University of Texas at Dallas.

Dean Riehm expanded the faculty and with faculty approval undertook to offer a program leading to the Doctor of the Science of Law (S.J.D.) degree. With faculty approval he also broadened the curriculum to offer a greater variety of electives for students.

Dean Riehm resigned effective September 30, 1963, to become associated with Matthew Bender & Co., publishers of law and other academic texts. Professor Arthur L. Harding was made Chairman of the Faculty until the appointment of Dean Charles O. Galvin in November, 1963.

Solidification of Program — Dean Galvin initiated the third great era of the School of Law. He has been responsible for better utilization of resources and the prompting of greater scholarly activity on the part of faculty. A series of important developments have marked these years. One of Dean Galvin's initial problems was the question of what to do about the evening division. Enrollment had declined to the point that evening education was causing a serious financial drain.

Finally, on vote of the faculty, it was gradually phased out by 1969. At the same time a large number of practitioners were attracted to teach courses in specialized areas as a means of significantly enriching the curriculum for the day division.

A chapter of the Order of the Coif was installed in 1967. Furthermore, in that year the *Southwestern Law Journal* reinstituted its annual survey of Texas law, a valuable service to the bench and bar. In 1968 the prestigious Hatton W. Sumners Scholarship program was begun. Each year five to seven outstanding scholars are selected by the Sumners Foundation out of a group of candidates nominated by the school. The Sumners Scholar receives full tuition, board and room, books, and traveling expenses. This program offers one of the most generous fellowships in any law school.

In 1970 Webster and Laura Burgher Atwell endowed the William Hawley Atwell Chair in Constitutional Law, and Professor A. J. Thomas was designated as the first recipient.

Working closely with the Law Alumni Association, Dean Galvin has succeeded in substantially increasing the Annual Law School Fund and has developed endowments for the library, scholarships, and other purposes. In 1971 he enlisted the support of his long-time friend, George M. Underwood, Jr., real estate developer and financier, to build the Underwood Library. The Underwood gift and gifts from other friends and organizations in Dallas matched a grant and loan from the Department of Health, Education and Welfare to enable the School to remodel Florence Hall into a first rate classroom building and to complete a magnificent library, second in size only to the Harvard Law Library and approximately twenty-third in number of holdings among 165 ABA approved public and private law schools.

Curriculum — The School of Law offers a diverse curriculum that has changed in significant respects over the fifty-three years though a continuity of purpose has been maintained to train skillful practitioners with a strong sense of public responsibility. From the first years

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Pictured left to right: Dean Charles O. Galvin, Paul Carrington, James E. Coleman, Jr., Gene L. McCoy and Mrs. Paul Carrington.

Gift Honors Paul Carrington

In honor of Paul Carrington's many contributions to the legal profession during his years of private practice in Dallas, the firm of Carrington, Coleman, Sloman, Johnson & Blumenthal purchased video equipment for the School of Law. The new Sony equipment has been installed in the conference room of the Law Library and will be used in clinical training and the legal writing program.

On April 4, 1978, Mr. Carrington and members of the firm were honored with a reception at the Law Library where the new equipment was demonstrated. A plaque and portrait of Mr. Carrington were also placed in the conference room.

Professor Walter Steele, As-

sociate Dean for Clinical Education, stated: "This marvelous gift is the ideal way to recognize the accomplishments of Mr. Carrington who has dedicated his professional life to improving the legal profession for the betterment of both its practitioners and the public. Videotapes are proving to be a lasting, yet adaptable modality for providing law students with insights not normally available from the classroom approach, and we are very proud and pleased to have this equipment available. It will enhance both our clinical and our legal writing programs. Both Mr. Carrington and the firm can be assured that their gift will be put to maximum use for many years to come."

HISTORY

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through most of the 1940s, SMU had the traditional curriculum then prevailing in American legal education. The first year of study consisted of required courses in agency, contracts, criminal law, pleading, real and personal property, torts and legal bibliography. Additional courses in civil procedure, constitutional law, equity, corporations and evidence were required during the second and third years of study. The student chose the rest of his curriculum from a very standard, but fairly limited, list of elective courses.

In 1949 the whole of the first two years of study was required, with further requirements in the third year. Students entering in 1950 were also required to be in residence for one summer session in addition to three academic years. The required summer session was not dropped until 1963 when a somewhat different approach to the curriculum was adopted: all first year courses were still required but only two courses were required during the final two years, thereby allowing students a choice from an ever-widening variety of elective courses. In place of specific course requirements fixed hourly requirements, in certain subject-areas were

imposed. But this approach proved to be administratively burdensome without significant educational gains to justify it.

The majority of students tend to take those basic courses which best prepare them for modern practice. With 650 Juris Doctor candidates and another 65 graduate students, however, it is nonetheless necessary to structure the curriculum with fixed requirements in order to utilize time and space for the most effective educational results. The present curriculum of 90 semester hours required for graduation is well balanced with 42 required hours and 48 elective hours. The core subjects in which common-law thinking is rooted are mastered in the first year. Though the number of required courses after the first year varied from time to time, students have great latitude of choice among elective courses and can thereby specialize in a particular area during their final two years of instruction.

The Law School Today — In fifty-three years, a school of great strength and diversity has been built. The faculty prides itself on maintaining a fine balance between high scholarly productivity and excellence in instruction. The student body is carefully selected, hard-working and cohesive. All this is achieved in a physical setting of great convenience and efficiency with a library of 240,000 volumes which serves both the academic community and the legal profession of Texas and the Southwest.

Our great strengths in specialization have been developed and widely recognized in the last thirty years. Though the school is perhaps best known for in-depth training offered in the corporate-tax-commercial area, our excellence in the field of international and comparative law is also widely known. Our third area of excellence is in the field of practice, procedure and clinical training. Few, if any, other schools offer so much carefully supervised training in interviewing techniques, negotiation, trial tactics and advocacy.

The vitality of Dallas as a center of business and governmental activity adds immeasurably to the scope of these academic offerings and provides the fullest professional opportunity for our graduates.

the brief

OF THE SCHOOL OF LAW

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW

SUMMER, 1978

Cover: The Class of 1928



Pictured left to right—

top row: Paul L. Williams, James F. Gray, Edgar H. Selcman, and John W. Randall;

middle row: Hubert D. Wills, DeWitt Harry, Erin Bain Jones, Harry S. Pollard, and J. Harold Goode;

bottom row: Ellis P. House, Euell Moseley, W. Autry Norton, and Ely Straus

(photo courtesy of J. Harold Goode)

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