Law School - Out of Chicago Tradition...Framework for Experimentation, Learning

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State of American education
Law school—out of Chicago tradition . . .

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PERSONS familiar with the history of legal education in the United States points to the founding of the University of Chicago Law School in 1902 as an important event. The founding was accomplished with the active collaboration of the Harvard Law school, which played a part in determining the curriculum, which gave Professor Joseph Beale a leave of absence so that he might become the first and organizing dean of the new Law school, and which was in keeping with the new school's position whereby law students might begin in one law school and finish at the other. The position of the Law school had been actively sought by various members of the Faculty of the University of Chicago. Professor Ernest Freund of the Political department was a principal ad

The active interest of President Harper in the new school. It was Harper's suggestion, for example, that scholarships be established at chosen colleges of the university and that they be made to equalize the financial burden of attending the Harvard Law School. The idea was adopted and the scholarship program was established. The scholarship program, however, did not begin until the following year, 1903, at the urging of the president himself, who wished to see the idea put into practice as soon as possible.

The curriculum of the Law school was unique in its time and was designed to meet the needs of the developing legal education in the United States. It was founded on the principle that legal education should be based on a sound and comprehensive study of the law, and that it should prepare the student for a career in law. To this end, the curriculum included a strong emphasis on legal theory and the study of the law as a science, as well as an emphasis on practical legal work and the study of the law as an applied discipline.

The curriculum was divided into three parts: (1) Legal Theory, which covered the common law, constitutional law, and other areas of the law; (2) Legal Practice, which covered the practice of law in a courtroom setting; and (3) Legal Research, which covered the use of legal research tools such as legal reference books and legal databases.

The curriculum was designed to provide students with a broad and comprehensive understanding of the law, and to prepare them for careers in law. The curriculum was also designed to be flexible, so that students could choose courses that best suited their interests and career goals.

The curriculum was successful, and the Law school quickly became known as one of the best law schools in the country. This success was due in large part to the vision and leadership of President Harper, who was a strong advocate of legal education and who believed that the Law school should be a place where students could learn the law in a meaningful and thorough way.

The curriculum was also notable for its emphasis on diversity. The Law school was one of the first in the country to accept women and minorities as students, and it was also one of the first to offer courses in international and comparative law.

The curriculum was a model for other law schools, and it continues to be studied and emulated by law schools around the world. The curriculum was also a model for the development of legal education in the United States, and it continues to be one of the most important factors in the success of the Law school.

The old Law school . . .
...framework for experimental learning.

importance contributions to legal education.
Like so many new places, in some respects, it was many years ahead of its time. The purposes of the school were clearly stated in the 1877 Announcements as follows: "The curriculum of the Law school under the New Plan is designed to prepare the law student for professional activities as advocates and counselors on legal matters, out also to prepare them for judicial, legislative, and administrative life. The curriculum is based upon a belief that the more important problems confronting lawyers, judges, and legislators are basically economic in nature, in the sense that money is essential to equip law school graduates to cope with them. To this end the program of the School is planned to give the student a full and comprehensive lesson in the science in the technical and traditional legal subjects and to integrate these studies with subjects such as economics and political theory, history, ethics, logic and psychology. The study of legal history, jurisprudence, and comparative law is introduced as contributing to this integration into the first year law curriculum, although students with college degrees were permitted to take the program in three years. It attempted to integrate the traditional and to substitute comprehensive examinations at the end of each year. It created an opportunity for at least half the work of the third and fourth years to be in fields of specialization. The integration accomplished as an objective of the New Plan ran in several directions throughout the fields of specialization it economically and psychologically to mention only a part of the goals.

THE NEW Plan provided a framework for experimental teaching, the design of the new school came out of the Chicago tradition, and its roots go back to the first Freeland plan. It made it possible for the Law school to rethink and reorganize the traditional law courses, embarrassing to consolidate, preserving the basic traditional courses, and yet making room for the newer subjects such as taxation, trade regulation and bankruptcy law in a broad bankruptcy course. It resulted in adding an economic aspect to the teaching of the Law school; the whole law faculty went to school under Henry Simon to learn economics. Some what of an attempt was made to combine with the psychology department. The traditional interest of the law school in philosophy and politics, in the language and in heavy emphasis. The Second World War in the application of the psychological machinery of the New Plan; the influx of students after the war, entering at different times and on accelerated courses, made many of the required parts of the program unworkable. The Law school was forced to reduce its first year in order to implement the four year program. But the implementation of the New Plan was to be seen clearly in the tradition. The Faculty School was developed out of the experience which had been gained.

The subject has entered into the curricula of other leading schools.

First, there was the emphasis on jurisprudence which was given in the first year course in Elements of the Common law group in the country. Allison Dunham then left his professorship at Columbus to join with Shepard Triff to continue Chicago's position in the common law field. Brainard Currie left the deanship of the University of Pittsburgh; Philip Kurland came from the faculty of Northwestern; Francis Allen left his professorship in Yale; To Malone, who had received his training at Virginia, Columbus, and the Maxwell school, and Roger Cramton, law clerk to Judge Waterman of the Federal Court of Appeals for the Second Circuit, and to Justice Harold Bur- ton, joined the faculty. The result has been to give Chicago an outstanding faculty in each major area of law, as for example, Robinson, Currie and Kat- wens in the field of conflict of laws; Melzer, Currie and Kurland in the field of procedure and evidence; Crosskey, Allen and Kurland in constitutional law; Katz, Director, Blum and Steffen in the area of law and economics. This was a faculty with varied experience in the practice of law, in government service and in teaching. Consequently the growth of the School in a number of directions was inevitable.

A FEW examples will suffice. Aaron P. Bruch, a successor to Henry Simon's, gave renewed stature to the School's pro- gram of teaching and research in law and economics, and with Director, the School began the publication of the Journal of Law and Economics. Wil- liam Ham and Harry Kalven teamed up to write one of the outstanding textbooks on the law of Progress in Taxation. Brainard Currie began a series of provocative and stimulat- ing articles in the field of conflict of laws; the same has been true of Melzer in labor management. Kalven (professor of Law and Sociology), Men- schlaff, Dunham, Blum, Cranston, Stief- fen, and Melzer, have all written a series of projects in the field of law and behavioral science. Triff initiated and became chairman of a unique program which brings to the School common- law courses from across the world. Max Rhtein originated and carried forward a program to train American law students in the civil law and then to send them abroad for a year under supervision. Lucas, Dunham and Kattenbach gave the School unique stature in the field of leg- islation, law revision and local govern- ment, continuing the work begun by Professor Lucas in earlier years. In a similar vein, Allen, one of the outstanding professors of property law in the country, contin- ued the work of Ernst Puttkammer. With Nicholás Katzenbach (currently ad- viser of the American UN defense (space law) and Malcolm Sharp, the Law school brought international law into a course in its curriculum. And lastly, Katz, even though he also directs the tu- torial program, has begun to address the essays in law and theology and law and ethics, parallelling his pioneering work in accounting and corporate law. When the Conference of Chief Justices wished to have placed before them in analysis the problems of Sodomy and the Law, the justices, they turned to Philip Kurland and four other members of the law faculty—Roger Cramton, Allison Dunham, Francis Allen and Bernard Melzer—for the basic work of the School. They then worked on the closest collaboration with members of other faculties — such as

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Brodbrook, associate professor of Social Psychology; Edward A. Shils, professor of Sociology and Social Thought; Ernest A. Haggard, professor of Psychology, Department of Psychiatry, The University of Illinois; and Morton A. Kaplan, assistant professor of Political Science.

The School's work cannot be pigeon- holed into any one category. There is the craftsmanship of the penetrating analysis of law of Currie and Melzer, there is the collaboration with the social sciences of Kalven, Zeisel and Menschshaff; there is the development of legal history of Cress- key and Kurland; there is the revision of statutes to meet pressing needs of Allen, Dunham and Lucas; there is the new manuscript, now being completed, in the field of jurisprudence on the work of the appellate courts, by Karl Llewellyn. The program has followed the faculty.

NEW opportunities have been created for the School by the location of the Amer- ican Bar center on the University campus. The creation of the Ethics Model Legal Aid Clinic, staffed by law students, has enriched student life, just as the Law Review, the Moot court, the Student asso- ciation, the Student Lawyer Journal, and the Law school residence halls, introduced the new buildings of the Law school con- nected with Burton-Judson residence halls. The School's interest in the con- taining, the Weymouth Kirkland court- room, in which the Illinois Supreme Court has said it will hold some of its regular, cases, present an unparalleled develop- ment for the students of law who come from thirty-seven states, nineteen foreign countries and territories, and 200 universi- ties and colleges. Of this development, Chief Justice Warren has said: "It will be unique among the law schools of the world. ... It will provide the best oppor- tunity in America for an integrated ap- proach to the many problems that con- front all of us in the administration of Justice."