



# THE HARRY A. BIGELOW

## LEGAL RESEARCH AND WRITING PROGRAM

In the spring of 1937, Harry A. Bigelow, then dean of the Law School, outlined his plan for a new curriculum in *The University of Chicago Magazine*. The plan, Dean Bigelow explained, would address the Law School's ongoing struggle to determine "the best method of fulfilling its obligation to the community at large and to the legal profession."<sup>1</sup>

Seventy years later, some of the defining features of that plan, such as a four year course of study, have been abandoned. Still others remain; the plan's commitment to an interdisciplinary examination of the law, for example, is a hallmark characteristic of the Chicago tradition. And the plan's formalized training in legal writing, instituted in

1937—now known as the Harry A. Bigelow Legal Research and Writing Program—has had an immeasurable impact on the very definition of legal study at this, and countless other, law schools.

Originally conceived as a way of providing all students with the sort of intensive training previously made available only to *Law Review* members, the Law School's legal writing program was initially set up as a tutorial system. First-year students were assigned to a faculty member or special tutor who guided them in their investigation of a legal topic, and provided thorough feedback on their written analysis of the issue. Each faculty member or tutor

worked with a maximum of six students. Three years into the program, newly appointed Dean Wilber G. Katz extolled its success, writing in a letter to alumni, “I am sure that many of you have had occasion to complain that law-school graduates are often utterly incapable of writing memoranda of law or briefs or even of handling simple correspondence. Our experience with the tutorial system thus far makes us confident that something worth while can be done to reduce the ‘illiteracy’ of law graduates.”<sup>22</sup> The same can be said (in so many words) of the success of today’s Bigelow Program. Alumni, faculty, and employers alike often comment that Chicago students are uniquely prepared to undertake what Professor Douglas Baird, current coordinator of the Bigelow Program, referred to as “the life-blood of legal practice”—research and the drafting of memoranda.

While the primary goal of the program has remained constant, the curriculum has evolved over time. By the early 1950s, the tutorial system had given way to a five-quarter sequence that extended beyond first-year writing and

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research courses to include two second-year courses on commercial transactions. While today’s program is limited to the three-quarter first-year sequence, the content of these courses is very much the same as it was fifty years ago. In the fall quarter, students focus on legal analysis and the preparation of closed memoranda; in the winter, they tackle legal research; and in the spring, they are able to apply their newly-honed research, writing, and analytical skills through the preparation of appellate briefs and oral arguments. The dawn of the electronic age has of course had a dramatic impact on how students conduct research, and, therefore, on the scope of their Bigelow assignments. A major component of today’s research course involves detailed presentations by the Law School’s librarians.

Throughout this sequence of courses, students are guided and mentored by Bigelow Fellows. Early fellows hailed from law schools across the country, including Harvard, Iowa, and Utah, and from overseas institutions such as Oxford and the London School of Economics. Indeed, the

predominance of scholars from common-law countries, who welcomed the opportunity to teach at an American law school, was a unique feature of the early Bigelow Program.

In the early years of the program there were only a few tutorial fellows on staff. The first fellows on record included Emerson Spies, a graduate of Hobart College and of Oxford University; Maxwell Isenbergh, a graduate of Harvard Law School; and Maurice Bathurst, a law tutor from the University of Cambridge. In 1941, thanks in part to a grant from the Carnegie Corporation of New York, the staff was expanded to include five tutorial fellows, who were given faculty standing; by the early 1950s, these individuals would be known as Harry A. Bigelow Teaching Fellows. Today there are six Bigelow Fellows on the faculty.

Throughout the program fellows have been distinguished by their great skill, talent, and promise. Professor Harry Kalven, Jr., wrote in 1952 that “the program depends in the end on the caliber of the staff, and we have been very pleased thus far with our good fortune in recruitment.”<sup>23</sup> Professor Baird echoed this sentiment when he spoke of the new generation of Bigelow Fellows, whom he described as “tomorrow’s stars.” For most of the program’s existence, fellowships lasted only one year, but today’s fellowships are two-year appointments. While early fellows were often able to contribute to the planning of more advanced seminars, current Bigelow Fellows are now free to construct and lead seminars of their own during the second year of their fellowship.

Through the years, the Bigelow experience has provided aspiring academics—some who have just graduated from law school, others who have spent time practicing law or serving as judicial clerks—with a rigorous and practical introduction to teaching. “The impact on my career was absolutely decisive – had I not been a Bigelow, I doubt I would have ended up as a law professor,” stated Lee Anne Fennell, a professor at the Law School and a fellow from 2000-02. “When I entered the program, I had been out of law school for nine years and knew next to nothing about legal academia. The Bigelow Fellowship not only made it possible for me to compete on the law-teaching market, but also gave me a sense of what being a law professor was all about, as well as access to an incredible intellectual environment in which to develop my scholarship.”

Many former fellows agree that access to the intellectual community at Chicago was one of the most memorable and rewarding aspects of their experience. As Rebecca Dresser, who served as a Bigelow Fellow from 1982-83, recalled, “I was interested in criminal law and law and

psychiatry, and Norval Morris gave me the opportunity to sit in on his courses and teach in one of them. Other faculty members welcomed us into their homes. I was also able to work with people in the medical school, people who are now my colleagues in bioethics. The relatively light teaching load gave me time to write law review and medical journal articles on legal and ethical issues in treating anorexia nervosa.” Ms. Dresser is currently serving as the Daniel Noyes Kirby Professor of Law and Professor of Ethics in Medicine at Washington University in St. Louis.

Thomas D. Morgan, J.D. '65, the Oppenheim Professor of Antitrust and Trade Regulation Law at George Washington University Law School, and a Bigelow Fellow from 1966-67, fondly remembered gathering with other faculty members at David Currie's home to play board games, and engaging in informal discussions with Walter Blum and Harry Kalven, Jr. The faculty, he remarked, “treated us Bigelows as though we were serious people. And that quality, that sense, that you could get to know people who were so experienced in teaching, and who you admired so much personally, was one of the lasting benefits of the program.” Mr. Morgan carried his Bigelow experience with him into his first teaching job at the University of Illinois Law School, and, eventually, into his role as the coordinator of Illinois's legal research and writing program, a program very similar to the Bigelow Program at Chicago.

Indeed, the legal writing program at the Law School has been cited as the first of its kind, one that many other law schools have since emulated. In 1952, Professor Kalven commented that what had begun “as an avowed experiment has now become part of the orthodox. It has been widely copied at other schools, and perhaps the surest sign that it has been basically successful is found in the fact that neither we nor the student body any longer regard it as a novelty.”<sup>4</sup> While it may no longer be a novelty, the innovative spirit of the Law School's Bigelow Program continues to have a lasting impact in classrooms, law offices, and courtrooms across the country.

<sup>1</sup> Bigelow, Harry A., “New Law School Curriculum,” *The University of Chicago Magazine* (March 1937).

<sup>2</sup> Katz, Wilber G., “The Progress of the Law School,” (February 19, 1940).

<sup>3</sup> Kalven, Jr., Harry, “The Legal Writing Program in the Law School,” *The Law School Record* (Fall 1952).

<sup>4</sup> Kalven, Jr., Harry, “The Legal Writing Program in the Law School,” *The Law School Record* (Fall 1952).

## 2007-2008 BIGELOW TEACHING FELLOWS

**Daniel Abebe**, B.A., 1997, Maryville University of St. Louis; J.D., 2000, Harvard Law School; A.M., 2006, The University of Chicago.

After graduating from law school, Daniel clerked for Judge Damon J. Keith of the U.S. Court of Appeals for the Sixth Circuit and later worked as a corporate associate at Cravath, Swaine & Moore LLP in New York City, before returning to graduate school in the fall of 2004. His teaching and research interests include public international law, foreign relations law, contracts, international business transactions, corporations, and international trade.

**Shyam Balganes**, B.A., LL.B (Hons.), 2003, National Law School; B.C.L., 2004, M.Phil, 2005, Oxford University; J.D., 2007, Yale University Law School

Shyam has served as a clerk for Justice (later Chief Justice) V.N. Khare of the Supreme Court of India, and also was an Articles & Essays Editor of the *Yale Law Journal*. His research and teaching interests include property law, intellectual property, Internet regulation, and legal philosophy.

**Josh Bowers**, B.A., 1995, University of Wisconsin, Madison; J.D., 2001, New York University School of Law

Prior to his arrival at Chicago, Josh clerked for Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit, worked as an associate at Morvillo, Abramowitz, Grand, Iason & Silberberg, P.C., in New York, and practiced criminal defense for the Bronx Defenders, a community-based public defender organization. His research and teaching interests include criminal law, criminal procedure, evidence, law and society, and legal ethics.

**Robin Effron**, B.A., 2001, Columbia University, Barnard College; J.D., 2004, New York University School of Law

After law school, Robin clerked for Judge Alvin K. Hellerstein of the U.S. District Court for the Southern District of New York, before serving as a fellow with the D.A.A.D. Program for International Lawyers. Her research and teaching interests include civil procedure and complex litigation, contracts and private law of the European Union, and legal philosophy.

**Irina Manta**, B.A., 2003, Yale University; J.D., 2006, Yale University Law School

Before coming to Chicago, Irina clerked for Judge Morris S. Arnold of the U.S. Court of Appeals for the Eighth Circuit. During her clerkship, she taught two courses as an adjunct professor at the University of Arkansas at Little Rock William H. Bowen School of Law. Irina's research and teaching interests include intellectual property (trademarks & copyright), law and social science, criminal law, criminal procedure, constitutional law, and property.

**Jamelle Sharpe**, B.A., 1997, New York University; J.D., 2003, Yale University Law School

Following law school, Jamelle worked as a litigation associate at Cravath, Swaine & Moore LLP in New York City, and then clerked for Judge Gerald Bard Tjoflat of the United States Court of Appeals for the Eleventh Circuit. His research and teaching interests include Civil Procedure, Conflict of Laws, Complex Civil Litigation, and Federal Courts.