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."  

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.”
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
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.”
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.” 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.

3 Kalven, Jr., Harry, “The Legal Writing Program in the Law School,” The Law School Record (Fall 1952).
4 Kalven, Jr., Harry, “The Legal Writing Program in the Law School,” The Law School Record (Fall 1952).

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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.


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