THE LAW BARN:

A Brief History of the School of Law, University of Missouri-Columbia

by

WILLIAM F. FRATCHER
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Member of the Faculty of Law since 1947

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This little history is dedicated to two colleagues and friends whose long and faithful service in the School of Law has contributed much directly to the legal education of sixty-five graduating classes, and will contribute more indirectly to that of many yet to come,

PERCY ANDERSON HOGAN,
Law Librarian, 1915-1958,
Librarian Emeritus of the Law Library,

and

WILLARD LELAND ECKHARDT,
Eleventh Dean of the School of Law,
Member of the Faculty of Law since 1938.
Prefatory Note

The writer has relied heavily upon Chapter XVII, *The School of Law*, written by Percy Anderson Hogan, Law Librarian from 1915 to 1958 and Law Librarian Emeritus since, in *Viles, The University of Missouri: A Centennial History* (Columbia 1929); a revised version of this chapter prepared by Mr. Hogan and published as *History of the University of Missouri Law School*, 5 Mo. Law Rev. 269-292 (1940); and a longer unpublished manuscript entitled *Professional Training in Law at the University of Missouri 1872-1958*, written by Mr. Hogan and the late Glenn Avann McCleary, Member of the Faculty of Law from 1929 to 1967 and Dean from 1939 to 1958. Mr. Hogan and Dean McCleary are not responsible for the writer’s irreverent views and derogatory remarks. Their histories are reverent and contain no derogatory remarks.


Some readers may raise eyebrows when they discover that one who has received his bread and water (and chains) from the Board of Curators for more than thirty years has dared to criticize action (and inaction) of that august and puissant body. Before raising them too far, readers should consider two things. First, there is a natural human tendency to blame inexplicable calamities on those who appear to stand for the moment at the summit of the pyramid of power. All graduates of the School of Law will recall that our ancestors referred to such calamities as earthquakes and tidal waves as Acts of God. Older readers remember that, for a time, bad weather in Jackson County and the 1918 Influenza Pandemic were attributed to the Kaiser and the German Imperial General Staff. Many recollect that, at Democratic Party conventions, the Great Depression is always blamed on Herbert Clark Hoover of Iowa. So it is with a humble law teacher: troubles which he cannot understand are blamed on those who stand at the pinnacle of dread and awful power. Second, this history contains not a single criticism of an action taken by the Board of Curators while any present member of the body was a Curator. The writer has neither bitten the hands that feed him nor suggested that he would like to do so. Having seen starvation in Germany, he does not care to experience it.

W.F.F.

Lee H. Tate Hall
The Red Campus
North America
Commencement Day, 1978
BOYLE GORDON
Professor of Law, 1871-80.
CHAPTER I.

Two Former Ohio Lawyers Produce a Baby

Before the Civil War, a few graduates of Harvard and other university law schools near the Atlantic coast practised in Missouri, but most lawyers here had qualified for admission to practice by self-study, apprenticeship, or instruction given by a lawyer in his office, such as that given in Columbia by John B. Gordon to his son and other young men. The Hannibal and St. Joseph Railroad was completed before the Civil War and the North Missouri Railroad reached Macon in 1859. The Pacific Railroad was built across the state soon after the war. With the railroads came an increase in manufacturing and commerce which resulted in a felt need for more and better-trained lawyers. Just as this need began to be felt, the number of lawyers eligible to practice in the state was sharply reduced by provisions of the 1865 Missouri Constitution. These constitutional provisions imposed punishment by fine and imprisonment upon anyone who acted as a lawyer or minister of the gospel after September 2, 1865, without taking an oath that he had never "by act or word, manifested *** his sympathy with those engaged in *** carrying on rebellion." It is noteworthy that not only persons who had sympathized with the Confederate cause but also those who had merely sympathized with persons in the Confederate service were unable to take the required oath. Many Missouri ministers and lawyers had close relatives in the Confederate service. This oath barred not only ministers and lawyers who aided the Confederacy but also those who, while serving loyally in the Army of the United States, manifested sympathy with dying Confederate soldiers on the battlefield or in a field hospital.

In October Term, 1865, the Missouri Supreme Court, Judge Nathaniel Holmes concurring, upheld the conviction and sentence of a Roman Catholic priest for preaching a sermon without first taking the constitutional oath that he had never had sympathy with persons who supported the Confederacy. If a priest could be punished for conducting a religious service, a fortiori a lawyer could be punished for practising law without taking the constitutional oath. It seemed evident that there was need to train many new lawyers to make up for those who had not been trained during the war and to replace those who had been trained but could not take the oath, as well as to meet the new needs that arose as the railroads pushed west.

Early in 1867 the Curators of the University of Missouri offered the presidency of the university to Daniel Read, a member of the Ohio Bar who had served as a professor at the University of Wisconsin, Vice President of Ohio University, and President of Indiana University. Read conditioned his acceptance of the offer upon the addition to the university of colleges of agriculture, education and law. On April 17, 1867, the Curators voted to establish a law department. At its June meeting, the Board of Curators appointed Judge Nathaniel Holmes of the Missouri Supreme Court Professor of Law. In October Term, 1867, Judge Holmes wrote the opinion of the Court reversing convictions of a minister and a lawyer for practising their professions without taking the constitutional oath that they had never had

1. GENTRY, THE BENCH AND BAR OF BOONE COUNTY, MISSOURI (Columbia 1916).
3. MO. CONST. 1865, ART. II, §§ 3, 6, 9, 14, MARCH op. cit., 1003-1012.
4. State v. Cummings, 36 Mo. 264 (1865).
sympathy with Confederate supporters. By restoring the right to practice law to the Missouri lawyers who could not take the constitutional oath, this decision reduced the urgency of the need for a state law school in Missouri. Judge Holmes resigned from the court and accepted appointment as Royall Professor of Law in Harvard University.

So far as is now known, Nathaniel Holmes took no part in the planning or operation of the University of Missouri Law Department. Because of his background and later career, however, it is interesting to speculate upon what the Law Department would have been like if Professor Holmes had presided over it for the first twenty years. Holmes received the A.B. degree at Harvard in 1836 and the LL.B. degree in 1839, practised in St. Louis from 1840 to 1865, and served on the Missouri Supreme Court from 1865 to 1868, when he accepted the Royall professorship at Harvard. Prior to 1870 the Harvard Faculty of Law had no dean; the senior professor (at that time Emory Washburn, a former Governor of Massachusetts) acted as head of the Law Department.

In 1870 Christopher Columbus Langdell, who had received the LL.B. degree in 1853 and practised in New York City since then, was appointed to the newly-created position of Dean of the Harvard Faculty of Law. When Dean Langdell took charge, all of the members of the Harvard Faculty of Law had long experience in the practice of law, they admitted as students all men of good moral character, they required no examinations for law degrees, and they taught by the textbook and lecture method. Dean Langdell set to work to change all this by (1) employing as teachers persons with no substantial experience in the practice of law; (2) imposing high entrance requirements (an A.B. degree or passing difficult examinations in Blackstone's Commentaries and a foreign language); (3) prescribing searching written examinations; (4) elimination of students who failed examinations; and (5) adopting the case method of teaching. At this time law teachers were paid a percentage of student fees, so the adoption of entrance requirements and elimination of students who failed examinations would reduce the teachers' incomes. Professor Holmes appears to have opposed all of these Langdell innovations. He resigned from the Harvard Faculty in 1872 and returned to practice in St. Louis. It may be inferred from the stance which he took at Harvard that, if Nathaniel Holmes had been the first dean at Missouri, the Langdell scheme of legal education would not have been adopted during his tenure.

Having failed to secure the services of Judge Holmes, the Curators of the University of Missouri appointed John Harry Overall, who had practised briefly in Macon and Columbia, Professor of Law with effect from 1871. He had received the A.B. degree from the University of Missouri in 1865 and the LL.B. degree from Harvard in 1867. This was a Langdell-type appointment of a young lawyer with limited experience in practice. It is inferable from the announcements in the University publications that Professor Overall, probably in collaboration with Professor Gordon, did a good deal of planning for the new Law Department and hoped to make it as much like

5. Murphy and Glover Test Oath Cases, 41 Mo. 339 (1867). The opinion was based on Cummings v. The State of Missouri, 71 U.S. 277 (1866) and Ex parte Garland, 71 U.S. 333 (1866). In the Cummings case the Federal Supreme Court decided, 5-4, that the Missouri constitutional provision was an unconstitutional bill of attainder as applied to one who had been a priest before it became effective. In the Garland case it held a similar provision in an Act of Congress unconstitutional as to a lawyer admitted to practice before it became effective.
ACADEMIC HALL.

The first home of the School of Law. Destroyed by fire January 9, 1892.
Harvard as possible. For a good many years, however, the resemblance was to the pre-Langdellian Harvard. It was only gradually that the Missouri Faculty of Law adopted the revolutionary educational principles pushed by Dean Langdell. Entrance requirements, teaching methods, examinations, and elimination of failing students now meet Dean Langdell’s standards. For a time just before and during World War II the School of Law had only teachers who were uncorrupted by substantial experience in practice but there was a relapse in 1947 to the old vice of employing experienced lawyers as teachers. Indeed, no one without experience in practice has been employed for some twenty years.

Professor Overall accepted the appointment as professor late in 1871 but resigned in June, 1872, ostensibly because of ill health. Another reason may have been a statute in force from 1865 to 1877 which prohibited professors in the University from preaching or practising any profession. The low compensation offered by the University made it difficult to induce a successful lawyer to abandon his practice. Despite this barrier, Boyle Gordon, a Columbia Lawyer in his forties who had received A.B. and A.M. degrees from the University of Missouri, studied law in the office of his father, John B. Gordon, and served in the Missouri General Assembly, accepted appointment as Professor of Law in 1871 and remained on the faculty until 1882.

Philemon Bliss, whose term as a judge of the Supreme Court of Missouri expired in 1872, accepted appointment as Professor of Law for the 1872-73 academic year and was soon designated as Dean. Judge Bliss was a native of Connecticut who had attended college and studied law in New York, served as a judge in, and member of Congress from, Ohio, as Chief Justice of Dakota Territory during the Civil War, and, after the war, as probate judge of Buchanan County, Missouri, a Curator of the University and judge of the Supreme Court. This time the Curators had not made a Langdell-type appointment. They had employed a capable, experienced and conscientious lawyer who organized the Law Department and administered it well for seventeen years.

In addition to the two full-time teachers, Dean Bliss and Professor Gordon, four part-time lecturers in law accepted appointments before the Law Department started to operate. These were United States District Judges Arnold Krekel of Kansas City and Samuel Treat of St. Louis, Odon Guitar of the Columbia Bar, and Henry S. Kelley of the St. Joseph Bar. Judge Krekel taught Federal Jurisprudence and Mr. Kelley Criminal Jurisprudence until 1889. As President Read was already teaching courses in International Law, Constitutional Law, the British Constitution and Law and Ethics to college seniors, he was, in effect, an additional law teacher.

On Monday, October 7, 1872, the University of Missouri Law Department was formally opened at a public ceremony addressed by the President of the Board of Curators (James S. Rollins), the President of the University (Daniel Read), Dean Bliss and Professor Gordon. After the ceremony, classes began for the twenty-five entering law students in two classrooms set aside for the Law Department next to the room in Academic Hall designated for the newly-established law library. The columns of Academic Hall still stand in Francis Quadrangle on the Red Campus.

7. Despite his resignation, Mr. Overall gave written examinations to the class of 1874.
8. Mo. GEN. STAT. 1865, c.45, §41, repealed by Mo. LAWS 1877, p. 270. Judge Holmes had been offered a salary of one thousand dollars plus part of the law students’ fees. Dean Bliss was paid a salary of $2,000 a year from 1872 until 1889. By 1889 Professor Tiedeman had the same salary as Dean Bliss.
TWO FORMER OHIO LAWYERS PRODUCE A BABY

Philemon Bliss
Dean, 1872-89.

Alexander Martin
Dean, 1889-1902

John Davison Lawson
Dean, 1902-12, 1913-14

Edward Wilcox Hinton
Dean, 1912-13
Eldon R. James
Dean, 1914-18

James Patterson McBaine
Dean, 1919-27

James Lewis Parks
Dean, 1928-34

William E. Masterson
Dean, 1934-38
TWO FORMER OHIO LAWYERS PRODUCE A BABY

Glenn A. McCleary
Dean, 1939-58

Willard Leland Eckhardt
Dean, 1969-77

Joe E. Covington
Dean, 1958-69

Allen E. Smith
Dean, 1977-
CHAPTER II.

Seven Thousand Mules*

At its inception, the Law Department required each entering student to be a college graduate or at least nineteen years of age and of good moral character. After some years, a minimum of one year of high school was required. This was increased to two years in 1900 and to three years in 1905. High school graduation was required from 1907. At least a year of college was required in 1910 and two years in 1911. In 1918, while the country was engaged in World War I, high school graduates were permitted to enter a four-year curriculum consisting of one year of arts and science courses and three years of law courses. By 1921 two years of college were again required for admission to a normal three-year law school course. In 1939 the admission requirement was raised to three years of college. From 1945 to 1951 veterans of World War II could enter with only two years of college. In 1963 applicants for admission were required to take the Law School Admission Test given by the Educational Testing Service of Princeton, New Jersey, and to attain a satisfactory score on it. Since 1966 degree candidates have been required to have a college degree before or at the time when the law degree is conferred.

The fees for law students during the academic year 1872-73 were $40. By the academic year 1977-78 they had risen to $622 for residents of Missouri and $1,222 for non-residents. The fees have always been lower than those charged by private universities and the differential has become greater in recent years. In 1872-73 private law schools tended to charge $100 a year; the fees at the Washington University School of Law in St. Louis for the academic year 1977-78 were $3,700. This differential may be one of the reasons why the School of Law at Columbia has had, in recent years, such a high volume of applications for admission from St. Louis and other areas with good private law schools.

The total enrollment of a law school depends upon three factors: (1) admissions; (2) duration of course; and (3) attrition rate. No ceiling was placed upon the admission of qualified applicants until 1965, when it was decided that, in view of the limited classroom and library facilities available in Tate Hall, the entering law class would be limited to from 140-150. As the number of applications rose, applicants who were either residents of Missouri or had close connections with the state were favored. In some of the years since there have been from 1500 to 1600 applicants for admission. From these, the Admissions Committee has chosen those who appeared to be best qualified. Since 1965, with selective admission, the applicants admitted have had considerably more than the minimum qualifications for admission. This has been reflected in a greatly reduced attrition rate.

The University of Missouri School of Law has always welcomed women who applied for admission. Few did so before the great increase in applicants in the sixties but a woman (Gratia E. Woodside) was at the head of her class as early as 1899. In 1928 Miss Mary Louise Ramsey graduated first in her class, as did Mary Florence Gibson (Mrs. Fred Ashley Murdock) in 1953, Nanette Laughrey in 1975, and Teresa Martin Wear in 1977. In recent years women have constituted about a quarter of the student body. In 1977 a third of those in the top ten percent of the graduating class were women.

The Board of Curators did not permit the School of Law to admit Negroes during the first seventy years of its existence. In 1939 the Federal

* A denizen of the Law Barn was known as a "mule."
The Class of 1883 with Dean Bliss and Professor Tiedeman in the center of the front row.

*Between the Columns of Old Academic Hall:*
The Class of 1884 with President Laws, Professor Tiedeman and Dean Bliss at the right of the back row.
Supreme Court ruled that Negroes must be admitted so long as Missouri did not provide a separate but equal law school.9 The State then established a law school for Negroes at St. Louis as a part of Lincoln University. In 1950 the Federal Supreme Court decided that a similar law school established in Texas was not equal to the University of Texas School of Law because, among other things, its alumni were less distinguished.10 After this decision, the Board of Curators authorized the University of Missouri School of Law to admit Blacks. The number of qualified Black applicants has been small, probably because most of those interested live in St. Louis or Kansas City and find it less expensive and more convenient to attend law schools in their home cities. The Faculty of Law has tried very hard to treat all students in the school equally, without favoritism or discrimination because of race, sex, religious belief, political affiliation, or family connections.

From 1872 to 1891 the School offered only two years of instruction, leading to an LL.B. degree. A third year of instruction was added in 1891; between 1892 and 1903 fourteen LL.M. degrees were conferred for completion of this third year. In 1901 the course of study for the LL.B. degree was increased to three years and in 1904 the LL.M. degree ceased to be offered. On May 11, 1925, the Faculty of Law requested the Board of Curators to authorize J.D. (juris doctor) degrees for graduates of the School of Law who hold college degrees. In 1965 the Board of Curators authorized the J.D. degree for all future graduates of the School of Law and in 1969 the Board authorized retroactive substitution of J.D. degrees for LL.B. degrees granted in the past.
The chief causes of attrition are scholastic deficiency, loss of interest in the law, financial problems, poor health and departure, voluntary or otherwise, to enter military service. Departures for military service are particularly conspicuous in time of war. The enrollment dropped from 127 to 106 during the Spanish-American War. It dropped from 121 to 48 during World War I. From a high of 213 in 1935 it dropped to a low of 18 in 1943, a time when some other law schools suspended their operations. After reaching a peak of 309 in 1947, enrollment dropped to 107 at one point during the Korean War. The late Dean McCleary calculated the average attrition rate during the twenty-five years preceding 1958 at 51%; that is to say, of any hundred entering students, 49 eventually earned LL.B. degrees. The selective admission policy followed since 1965 has restricted entrance to applicants with high grade point averages in college and high Law School Admission Test scores. In consequence, the attrition rate has dropped to about 20%; that is to say, of any hundred entering students, 80 eventually earn J.D. degrees. The table which follows shows the fall enrollment and number of graduates at five-year intervals from 1872 through 1977:

**FALL ENROLLMENT AND DEGREES GRANTED AT FIVE-YEAR INTERVALS**

<table>
<thead>
<tr>
<th>Year</th>
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<th>Enrollment</th>
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<td>446</td>
<td>159</td>
<td>1977</td>
<td>411</td>
<td>117</td>
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</tbody>
</table>

*The first LL.B. degrees (6) were conferred in 1873.*
The Class of 1889 with President Laws, Dean Bliss and Professors Tiedeman and Yantis. The last class picture taken during the lifetime of Dean Bliss.
The Class of 1891 with Dean Martin and Professors Tiedeman and Yantis. The last class picture taken on the steps of old Academic Hall, which was destroyed by fire on the night of January 9, 1892.

The Class of 1893 with the Faculty of Law
Front row, right to left: Professor Yantis, Judge Elmer B. Adams, Dean Martin, Professor Lawson. The first class picture taken in front of the then brand new Jesse Hall.
The Class of 1894 with Dean Martin and Professor Lawson sitting on a low step of the new Jesse Hall.
The Class of 1895 with President Jesse and the Faculty of Law.
Class of 1895

Class of 1896.
The Class of 1897 with Dean Martin (32) wearing a straw hat in the third row, and Professor Lawson (1) in front of a Jesse Hall column. Where is Professor Yantis?
The Class of 1898 with Dean Martin and Professor Lawson in academic costume but Professor Yantis and Judge Adams without it. No. 6 is President Jesse.
General of the Armies John J. Pershing LL. D. '20 (L.L. B. Nebraska '93) on the front steps of the Law Barn after his honorary initiation into the John D. Lawson Chapter of Phi Alpha Delta Legal Fraternity. At the general’s left is Miss Alice Benson, Secretary to Dean McBaine. At her left is Professor Leonard J. Curtis. Paul M. Peterson '22, later a part-time teacher and General Counsel of the University, is at the far left of the picture. Picture copied from a photograph given by Lawson Chapter to Dean John Davison Lawson, then in his last illness.

*The Class of 1902 with the Faculty of Law*
Dean Martin and Professor Lawson in the back row to the left of the left Jesse Hall column, Professor Yantis in the same row to the right of the second column from the left. This is the last class picture taken before Dean Martin’s death. Is the person at the right of the front row, standing on the lower step of what is now Jesse Hall, President Jesse?
The Class of 1905 with the Faculty of Law
Dean J. D. Lawson is in the center at the bottom (above a small student picture and the Law Barn) in cap and gown. Immediately above him are Professors E. W. Hinton, V. H. Roberts and Walter Wheeler Cook.
SENIOR LAW CLASS
Horn
1916

SENIOR LAW CLASS, 1916
The Class of 1928 with the Faculty of Law

Front row, left to right: G. V. Head, J. C. Bour, H. W. Vanneman, Acting Dean S. I. Langmaid, M. I. Schnebly, J. L. Parks, R. L. Howard. Benjamin F. Boyer, now Professor of Law, University of California - Hastings College of the Law, is the first man in the second row.
The Class of 1931 with the Faculty of Law
Front row, left to right: P. G. Ochterbeck '31, G. A. McCleary, J. C. Bour, Dean J. L. Parks, A. H. Eblen, J. Geffs, L.-C. Overstreet, G. V. Head.
The Class of 1934 with the Faculty of Law

The men in the front row, left to right, are A. M. Meyer, Jr., G. A. McCleary, R. L. Howard, L.-C. Overstreet, J. C. Bour. Dean J. L. Parks died March 6, 1934. Mr. Bour was acting as Chairman of the Faculty.
The Class of 1935 with the Faculty of Law

The Class of 1936 with the Faculty of Law

The Class of 1938 with the Faculty of Law

The Class of 1939 with the Faculty of Law
Front row, third from left, G. A. McCleary, then Talbot Smith, T. E. Atkinson, R. L. Howard, O. B. Evans, Acting Dean J. C. Bour, L.-C. Overstreet.
The Class of 1940 with the Faculty of Law

The Class of 1941 with the Faculty of Law
The Class of 1942 with the Faculty of Law
ACADEMIC HALL
The first home of the School of Law. Destroyed by fire January 9, 1892.
CHAPTER III.

Fifty Years of Wasps

For almost the whole of the first twenty years of its operation, the Law Department was confined to three connecting rooms in old Academic Hall. Two were classrooms; the third housed the law library. On Saturday evening, January 9, 1892, fire broke out in the chapel at the east end of Academic Hall and spread by midnight to the entire building. As the rooms of the Law Department were at the west end, much of the law library was rescued from the building before the fire reached them. Governor Francis came to Columbia on Monday morning and met with the Curators, the faculty and the student body, to ensure survival of the University. Law classes were resumed Tuesday morning in the Boone County Courthouse at Walnut and Eighth Streets. The Faculty of Law met that afternoon in the courthouse to authorize the dean to make arrangements with the County Court for use of the court and jury rooms until June. The Faculty of Law met again that evening in Dean Martin’s handsome towered house on the southeast corner of University Avenue and Ninth Street to plan a new law building.

The Law Department Building, better known to law students as the “Law Barn,” was erected within the following year near the northeast corner of Francis Quadrangle on the Red Campus. The building, now known as the Sociology Building, contained a large law library room, two classrooms, moot court and club rooms, “quiz rooms,” and offices for the dean and other law teachers, all with high ceilings to make them more comfortable during hot weather. Classes first met in the Law Barn on Tuesday, February 21, 1893, and continued to meet there through the academic year 1926-27. After the extension of the LL.B. course from two to three years in 1901 it was necessary to have three classrooms. One of them could be entered only through another, which made for confusion and disorder when students were late or classes were let out early.

In the Law Barn every law teacher was provided with a large brass cuspidor and there was a strict regulation against spitting on the floors, furniture, and walls. Percy Hogan, Law Librarian from 1915 to 1958, recalls troubles with users of the law library who tried to spit through closed windows. This practice did not violate the regulation, strictly construed as a penal statute should be; neither did it increase the attractiveness of the law library. The serious troubles during the period when this was the Law Barn were, however, with the engineers. They conducted a campaign to exterminate all law students every spring until nearly the end of the period. The bane of annual engineer attacks was curbed by Dean McBaine’s secretary, Miss Alice Benson. She developed such deadly accuracy with bottles of ink thrown from the window of the dean’s office, that the engineers put their tails between their legs and slunk away. Lee-Carl Overstreet and many other law alumni bore scars from battles with the engineers to the ends of their lives.

The old Law Barn was an ideal home for the Law Department, which became the School of Law in 1909, while its enrollment and library remained small. By 1926, with 146 students and more than 25,000 law books, the school had outgrown the Law Barn. Mr. and Mrs. Frank R. Tate undertook to pay half the cost of a new building to be named after their son, Lee Harry Tate, who had graduated from the school in 1913 and died young after
THE LAW BARN
1893-1927
honorable service in the Navy in World War I. The state supplied the balance of the funds and Tate Hall, erected on the northwest corner of Ninth and Conley Streets, was ready for occupancy in 1927. Arrangements with the architect were made by the Business Office, which did not give the Faculty of Law an adequate opportunity to join in the planning. As a result, the new structure was something less than perfect.

Tate Hall had no courtroom for trials or appellate arguments, no auditorium for assemblies of the student body, and no electrical outlets in the three classrooms. These classrooms had, respectively, 140, 78, and 67 seats of a size suitable for small junior high school students. It has been necessary to remove a seat and put in a chair whenever a student is above average size. Those of average size find the seats cramped. It was, and is, impossible to see the blackboard from some twelve or fourteen of the 78 seats in Room 104 at the north end of the building. It was impossible to hear the teacher from some 26 of the 140 seats in Room 103 at the south end. The library had enough shelf space for the book collection, as it was, but there were no carrels, alcoves or small reading rooms for quiet study and no conference rooms where moot court teams could meet and visiting lawyers could dictate or interview students. There was just one large reading room with twelve chairs crowded together at each big table, poor lighting and, necessarily, constant movement, jostling and noise. The library charging desk was so placed as to be unusable. The teachers were obliged to move from spacious, high-ceilinged offices in the old Law Barn to cramped cubby holes in Tate Hall. Tate Hall has an elaborate air-blower system to pump cool air from the ground floor to the classrooms. The system is still there. So far as is known, it never worked. The crowning disappointment was that, just before the building was finished, the President of the University (Stratton Duluth Brooks) assigned half of the ground floor to the University Club, a social organization of engineering and other male teachers on the White and Red Campuses, some of whom spent much of their time playing checkers in space which the School of Law badly needed.

After giving the lawyers' deadly enemies, the engineers, a perpetual license to play checkers in the law school building, President Brooks graciously presided over the dedication of Tate Hall on Saturday, October 1,
The West Front of Tate Hall before the construction of the 1960 Addition.

The East Front of Tate Hall (Ninth Street)
1927. The ceremony featured speeches by Edward J. White of the Class of 1891, sometime (1913) President of the Missouri Bar Association, Guy A. Thompson of the Class of 1898, another former President of the Missouri Bar Association (1923-24) who later served as President of the American Bar Association, Robert F. Walker of the Class of 1875, Chief Justice of Missouri, and Roscoe Pound, who had not graduated from a law school but was, nevertheless, occupying Dean Langdell’s old place at Harvard. Dean McBaine did not attend the ceremony. He is thought to have been bitter about the University Club space assignment. At any rate, he resigned within a few months and never returned to occupy the spacious ten by twelve foot office which the Business Office had had designed for him.

One of the worst features of Tate Hall was probably not evident at once. This was a large colony of wasps which resided in the attic and took their exercise in Room 103. Teachers pretended that the wasps were not zooming across the room just above student heads and tried desperately to hold student attention on such problems as who was entitled to a fox running wild in the woods of upstate New York and who should pay for damage to a coal mine caused by water which escaped from a mill pond without fault on the part of anyone. Sometimes the teachers succeeded. When one of the students had been advised by his physician that another wasp bite might be fatal, the teacher was unlikely to succeed; the entry of a squadron of wasps in dive-bomber formation ended the class in pandemonium. The writer used to leave a wasp-ruined class in Room 103 and climb to his seven-foot wide office on the third floor only to find that the wasp squadrons were returning to their attic home by way of his office. In time one learned to get on with the wasps but their attempts to build mud nests on one’s nose or ears were never appreciated. Successive deans tried to remedy the problem with screens but they were always balked by the Business Office’s assertion that the Board of Curators had a policy permitting drapes, carpets and screens in the offices of administrators and, of course, the Business Office, but barring them from classrooms and teachers’ offices.

Dean Covington devised a more ambitious solution to the wasp problem. While the 1960 addition to Tate Hall was under construction, he elicited the aid of Senator George Spencer, of the Class of 1932. Senator Spencer persuaded the General Assembly to pass a bill appropriating $70,000 to air condition the classrooms in the older part of Tate Hall. Governor James T. Blair, Jr., a graduate of the Cumberland School of Law in Tennessee, vetoed this extravagant and wasteful bill. The Board of Curators, mindful of the injunctions of the Sermon on the Mount, rewarded Governor Blair with an honorary LL.D. degree. The Goddess Nemesis was less forgiving. The central air conditioning system in Governor Blair’s home pumped carbon monoxide gas into the room where he was sitting with his wife and dog. There was no survivor. Despite this tragedy, students who have suffered through classes in 110-degree weather will find it hard to forgive Governor Blair. Dean Smith returned to the older and cheaper solution to the wasp problem. It is not known whether he overcame the Business Office by trick

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12. Fletcher v. Rylands, L.R. 1 Exc. 265 (Exchequer Chamber 1866), Affirmed, Rylands v. Fletcher, L.R. 3 H.L. 330 (House of Lords, 1868).
13. It used to be rumored that there was a time when students who flunked out at Missouri went to Cumberland and graduated there with honors. Whether or not this rumor is true, Governor Blair was not in this category.
Room 102, Tate Hall with Dean McCleary teaching.

Room 101, Tate Hall, with the Board of Governors of the Law Student Association meeting. 1954.
The South End of the Main Reading Room in Tate Hall with Lee Harry Tate, Professor Yantis and Dean Bliss supervising study in 1964.

The crowded front hall of Tate Hall.
A Beloved Professor and his Students Professor Pittman teaching a class in Room 103, the south classroom and the largest in Tate Hall. This is the room that was plagued by wasps from 1927 to 1977.

What became the Law Student Lounge on the ground floor of Tate Hall after the Great Eviction. The fireplace still has the carved letters “U.C.”
or threats or whether he paid the cost from his own pocket, but Room 103 was equipped with screens soon after his 1977 arrival; just fifty years to the day after the dedication of the building. Dean Smith also had a public address system installed in Room 103. Now even students in the back row have their slumbers disturbed by the teacher's remarks.

Tate Hall was meant to house a law school with about 125 students, eight teachers and 50,000 law books. Students and teachers had to be less than average size to fit into it comfortably. In 1947 the student body grew to 309, many of whom slept on cots in basements because the university had no dormitories for men and the pre-war fraternity houses and rooming houses could not begin to house the burgeoning post-war enrollment. Such students could not study at "home" and Tate Hall lacked the space and seats needed. Dean McCleary saw this as a real opportunity for a full-fledged attack on the despised and hated University Club checker players. With the sympathetic aid of President Frederick Arnold Middlebush, the University Club was evicted forever from Tate Hall. Its lounge and fireplace were turned over to law students and the rest of its quarters on the ground floor was filled with book stacks and neat little desks, with places for storage of books, which were assigned to students who needed them. It was not easy to conduct all of the classes needed for 309 law students with only three classrooms and nine teachers. Dean McCleary managed it by scheduling classes from 7:40 a.m. six days a week and imposing a formidable work-load on himself and his fellow law teachers.

By 1944 the law library had grown to 60,000 volumes, which exceeded the capacity of the shelving in Tate Hall. Dean McCleary then commenced a campaign to secure funds for an addition to Tate Hall. Before he relinquished the deanship in 1958, the General Assembly appropriated $500,000 for this purpose.\textsuperscript{14} The Business Office employed the same architect who designed Tate Hall in 1926, but this time it allowed the Faculty of Law to deal directly with him. The plans were developed from sketches drawn by a member of the faculty who had studied mechanical drawing in junior high school. Being acutely aware of the architect's propensity for miniaturization, the faculty did all it could to ensure that the rooms and seats were large enough for full-sized adults. Even so, it was necessary to reduce the length of the addition by ten feet and the width by four because of rising building costs and the feature mentioned in the next paragraph. The plans approved by the Faculty of Law called for a combination courtroom, 200-seat auditorium and 57-seat classroom on the ground floor, a classroom, a faculty conference room, dean's office and four other offices on the first floor, ten good sized faculty offices and book stacks on the second floor, and book stacks and reading space on the third. A fourth floor was to be left incomplete. All of this was actually built except that, without notice to the faculty, large posts were put in the space intended for a classroom, making its use for this purpose impossible.

Upon his appointment as dean in 1958, Mr. Covington insisted that a five-story building should have an elevator. The Business Office would not tolerate any such unnecessary luxury. According to it, although old Academic Hall had had elevators, the Board of Curators adopted an anti-elevator policy in 1893, while Jesse Hall was under construction, as a result of which there were empty elevator shafts in Jesse Hall. After

\textsuperscript{14} The total cost of the original Tate Hall (1927) was about $150,000. The new building of the School of Law at Kansas City (1978) is costing some seven million dollars. A new building for the School of Law at Columbia would probably cost eight million or more.
consultation with the Faculty of Law, Dean Covington asked that the building contract be amended to include a book lift large enough to transport a full-sized human being pushing a book truck. Tate Hall already had a book lift, a small dumbwaiter, operated by pulling a rope, connecting the law librarian's office on the second floor with what, from 1927 until the Great Eviction, had been the University Club kitchen on the ground floor. Despite the fact that this advanced labor-saving device had never been used, the Business Office arranged a change in the construction contract to include a "book lift" running to the four lower floors. This proved to be very difficult to construct because of troubles with solid rock and a bubbling spring.

Within a few months after the change in the contract, the Federal Government offered to pay for the construction of elevators in all university buildings which lacked them if the University of Missouri would admit as students persons from eight states who were confined to wheel chairs. The Board of Curators promptly accepted the offer. The long-empty elevator shafts of Jesse Hall were filled with gleaming modern elevators at the expense of the United States Treasury. The federal bounty did not extend to book lifts, however, so the "book lift" in Tate Hall had to be paid for from the $500,000 appropriation. In consequence, there was not enough money to furnish the offices in the Addition to Tate Hall. President Elmer Ellis found university funds to pay part of the cost of the needed desks and chairs; the law teachers paid the balance from their own pockets. Boyd Ewing of the Class of 1921 provided the new faculty conference room with a handsome table. The family of Judge Berryman Henwood of the Class of 1904 and the Missouri Supreme Court provided the library with an exhibit case.

The School of Law took possession of the Addition to Tate Hall in 1960. Nine of the ten offices on the second floor were assigned to law teachers according to seniority. Dean Covington reserved the tenth for a faculty
lounge, which was furnished entirely at the expense of the teachers. The new offices were an improvement but the big change for each law teacher was having a telephone in his office. From 1927 to 1960 there had been a single faculty telephone in the anteroom to the dean's office. When a call for a teacher came in, the dean's secretary pushed a buzzer which sounded in the teacher's office. The teacher then ran to the dean's office anteroom to take the call—probably from someone selling insurance or lots at the Lake of the Ozarks. Only Professor Robert L. Howard had a telephone in his office before 1960. The Business Office permitted him to have one installed, at his own expense, provided he paid all bills himself, because he was Chairman of the Commission to Draft a City Charter.

No account of the fifty-year war against Tate Hall wasps would be complete without mention of the long-term Chief of Staff and Chief of Artillery. The first was Miss Esther Mason, secretary to Deans McCleary and Covington, recorder of grades, adviser to students, supervisor of examinations, planner of Law Day events, treasurer of the Law Review, notary public and performer of many functions of the present three assistant deans. The second was Tom Buckner, janitor of Tate Hall, right-hand man of deans, guardian of the faculty, friend of students, supplier of Flit guns and collector of pigeon squabs. Both will long be remembered with affection and appreciation.
The architect’s drawing for the 1960 Addition to Tate Hall.

The Addition to Tate Hall under construction in 1959.
The Addition to Tate Hall was meant to increase the capacity of the school from 125 students, eight teachers, and 50,000 law books to 250 students, seventeen teachers and 125,000 books. When it became available in 1960, it was possible to move 50,000 law books from boxes in a Nissen hut onto the shelves of the building. Enlarged Tate Hall provided adequate space for the School of Law for just three years. Enrollment rose to 264 in 1963 and, by 1971, it had reached 464. Students were sitting on the stairs and in the aisles of the bookstacks to study because of the shortage of chairs. The crowding in the front hall has become so great that it is sometimes impossible to get from Room 103 to Room 104 during the ten-minute interval between classes. The 1965 restriction on admission to 140-150 per year previously mentioned was designed to limit the growth but it was hard to administer so long as the bite of the Viet Nam War draft could not be calculated exactly. Deans Covington and Eckhardt tried to alleviate the seating shortage by replacing large tables with miniaturized blocks of carrels. Part of the library was housed in the unusable “classroom.” When it became necessary to use this space for offices, Dean Eckhardt had the fourth floor of the addition completed and filled with book stacks. As the number of law books went beyond 125,000, more and more had to be boxed. Once again more than 20,000 are stored out of Tate Hall (in the former A & P store opposite the Journalism School).

Law schools, like other organizations, reach points at which additions to the staff become necessary. When Dean McCleary relinquished the deanship in 1958 the staff consisted of the dean, his secretary, eight full-time teachers, two part-time teachers, the librarian, an assistant in the law library, and the Law Review typist (who, in her spare time, was supposed to supply any stenographic or clerical services needed by the ten teachers), a total of fifteen persons. Although the enrollment has not quite doubled since then, the staff has increased from the fifteen persons of 1958 to 44, including the dean, three assistant deans, eighteen full-time teachers, five part-time teachers, the law librarian and three assistants in the law library, the dean’s secretary, and ten typists. The increase in staff has added to the actuality and the feeling of crowding, which has become oppressive. The women’s rest room was designed to accommodate an anticipated maximum of five women working or studying in the building. There are now about 125.

Dean Covington foresaw accurately what was coming and tried to inform the alumni of the urgent need for an enlarged or larger building. He was told not to raise the question until the Board of Curators had authorized him to do so. The Board of Curators procured an appropriation of seven million dollars for a new law building in Kansas City; it asked for nothing for the School of Law at Columbia. In view of the cold reception accorded Dean Covington’s effort, Dean Eckhardt made no attempt to secure funds for building. Dean Smith accepted the deanship on the express condition that he be permitted to try to raise enough funds, by gift or legislative appropriation, or both, to build a new and adequate building for the School of Law at Columbia. The need is urgent. Every loyal alumna (and alumnus) should do what she (or he) can to enable the School of Law to retain its distinction as a fine institution for the training of lawyers.
Professor W. H. Pittman in conference in his spacious office in the Addition to Tate Hall with Professor T. E. Lauer.

Mrs. Elizabeth Montgomery, Assistant Law Librarian, 1961.
An Appellate Hearing in the court room

A trial in the court room
Study space on the third floor of the 1960 Addition to Tate Hall.

The Court Room—Auditorium at the west end of the ground floor of the 1960 Addition to Tate Hall. It is usable for trials, appellate arguments, lectures, assemblies and classes.

The Trustees of the Law School Foundation meeting in Room 109, Tate Hall Addition, 1970.
Book stacks on the third floor of the 1960 Addition to Tate Hall.
Christopher G. Tiedeman
Member of the Faculty of Law, 1881-1891.
CHAPTER IV.

Head Coaches, Coaches, and Trainers

Despite the demonstration by Oxford and Cambridge Universities, and by Harvard before 1870, that a law school can operate efficiently without a dean, the Curators of the University of Missouri have assumed that law schools must have deans. The chief function of a dean is, of course, to wheedle enough money out of the Curators to pay himself a good salary and employ as many law teachers as possible. This entails concealment of the facts that deans of law schools are not really necessary and that, as Abraham Lincoln proved conclusively, it is possible to become an astute lawyer without the aid of law teachers. It cannot, however, be said that deans and teachers are completely worthless. By checking attendance at 7:40 a.m. classes they discourage would-be lawyers from staying in bed all day. To say that they keep the students awake would be putting it too strongly. Moreover, the employment of some lawyers as salaried teachers reduces the amount of competition in the practice of law.

The first graduate of a law school to teach full time in the Law Department was Christopher G. Tiedeman, who received the LL.B. degree from Columbia University in the City of New York in 1879 and taught (1881-1891) during the administrations of Deans Bliss and Martin. Tiedeman was best-known in Missouri for his treatise on real property. He also wrote books on bills and notes, constitutional law, equity jurisprudence, municipal corporations, and sales. It is now known that he was one of the two or three scholars who most influenced the course of American constitutional law in the nineteenth century and that his influential works were all written while he was teaching in Academic Hall on the Red Campus.

Dean Philemon Bliss, aged 75, died at St. Paul, Minnesota, on August 24, 1889, and was buried in Columbia. The Board of Curators appointed Alexander Martin of St. Louis, a Commissioner of the Missouri Supreme Court, Dean of the Law Department. Martin received the A.B. degree from the University of Michigan in 1855 and the LL.B. degree from Harvard Law School in 1858. He practised in St. Louis until his appointment as Commissioner in 1883 and served as President of the Missouri Bar Association (1893). Dean Martin wrote books on civil procedure and equity.

Professor Tiedeman resigned in 1891 to accept an appointment in the faculty of the New York University School of Law. John Davison Lawson was appointed to succeed him. Lawson was a graduate of the Osgoode Hall Law School operated in Toronto by the Law Society of Upper Canada (now known as the Faculty of Law of York University). He was called to the Ontario Bar in 1875 and moved the next year to St. Louis where he was associated for nine years with Seymour D. Thompson, Editor of the prestigious New York-based American Law Review. This publication was edited in the 1860’s by Major John Chipman Gray, and in the next decade by

15. It must be conceded that Mr. Lincoln did have some assistance from Sir William Blackstone, who was a law teacher for awhile. It is, however, doubtful that Sir William, who died in 1780, was well informed as to the law applied by justices of the peace in Sangamon County. Illinois, in 1837.

James A. Yantis
Member of the Faculty of Law, 1887-1903.
Colonel Oliver Wendell Holmes, Jr. Lawson himself was the editor from 1910 to 1917, as well as being editor of the Central Law Journal, published in St. Louis, from 1876 to 1881. His editorials in the American Law Review, written under the pseudonym "The Docket," reveal a delightful person with a keen and kindly sense of humor and an enormous range of knowledge of history, philosophy, law and literature. Of the law books that he wrote, twenty-one volumes were published before he joined the Missouri Law Faculty and twenty-nine volumes thereafter. Perhaps his best known works are American Law of Contracts (1893; second edition, 1905) and American State Trials (17 volumes, 1914-23; reprinted 1971). Dean Lawson was President of the Missouri Bar Association, 1904-05, and Vice-President of the International Law Association in Paris in 1912 and in Madrid in 1913. He acquired for the School of Law a unique and valuable collection of portraits of great jurists, and presented it with his own large collection of books on law and criminology, many of them rare.

Dean Alexander Martin, aged 69, died at his University Avenue home on Monday, December 15, 1902. Professor Lawson was designated at once as Acting Dean and appointed Dean of the Law Department in March, 1903. Edward Wilcox Hinton was appointed to the Faculty of Law in 1903. A son of Probate Judge John Hinton, who was a part-time lecturer from 1884 to 1891, Edward Hinton received the LL.B. degree from the University of Missouri in 1890 and a second LL.B. degree from Columbia University in the City of New York in 1891. He practised law in Columbia, Missouri, from then until his appointment to the faculty. Dean Lawson relinquished the deanship in 1912 and Edward Hinton was appointed Dean of the Faculty of the School of Law. He resigned in 1913 to accept an appointment at the University of Chicago. He was acting dean there, 1928-31. Dean Hinton, who wrote books on evidence, pleading and practice, was well known nationally.

Walter Wheeler Cook was a member of the Faculty of Law from 1904 to 1906. Cook, who had studied at the Universities of Jena and Leipzig, held A.B., A.M. and LL.M. degrees from Columbia University in the City of New York. He taught law there and at the University of Nebraska before coming to Missouri. After leaving Missouri he served successively at the University of Wisconsin, the University of Chicago, and Yale University. His publications on equity, trusts, municipal corporations and quasicontracts were well known. He served as President of the Association of American Law Schools, 1915-16, and National President of the Order of the Coif, 1925-28.

Walter Wheeler Cook has been mentioned in spite of his short tour of duty in the Law Barn, because his was one of the first appointments to the Missouri Faculty of Law of the neo-Langdellian type. This type of appointment was normal for nearly the whole of the first half of the twentieth century. These appointees had little or no experience in the practice of law but they had, or acquired early in their teaching careers, graduate degrees in law from one of the major law schools. Until 1912 American law schools, following the lead of Harvard, tended to use the law degree pattern of the English University of Cambridge, which conferred LL.B., LL.M. and

17. See Appendix I.
18. Portraits of both John and Edward Hinton have hung on the east wall of the law library reading room in Tate Hall for many years.
19. The first one was Vasco Harold Roberts, J.U.D. (Heidelberg), who served from 1903 to 1908. Dr. Roberts died in 1910.
THE FACULTY OF LAW IN 1916
L.L.D. degrees. The "L.L." stood for "Legum," in English "Laws," meaning civil (Roman) and canon (ecclesiastical) law. As American law schools did not emphasize Roman and ecclesiastical law in their curricula, this pattern was not wholly appropriate. Moreover, the English universities tended to confer doctorates on distinguished scholars toward the end of their careers, after they had taught for many years. Throughout the nineteenth century, most English and American university teachers did not have doctors' degrees during their active teaching years.

During the nineteenth century the English universities taught Greek, Latin, Mathematics, History, Medicine, Roman Law and Theology but conducted little or no research in the areas of modern law and natural science. They required Greek and Latin for their B.A. and M.A. degrees. German universities put stress on natural science, modern languages and modern law and conferred doctorates upon all of their graduates. Under the German scheme a would-be university teacher took a doctorate (Ph.D., Dr. Jur., Dr. Ing.) after about five years' study (which did not necessarily include Greek and Latin), and then spent several years in supervised individual study. Upon publication of a thesis based on original research he received the Habilitation, which is essentially a research doctorate as well as a prerequisite for permanent employment as a university teacher. Americans in increasing numbers took German doctorates; Johns Hopkins and other American universities began to confer the Ph.D. degree with requirements resembling the German Habilitation. Doctorates became important to the prestige of the individuals who held them and the institution in which they taught; eventually a doctorate became a requirement for appointment as assistant professor in most fields. Law school teachers, lacking doctorates, found their prestige and influence on university campuses sinking. The University of Chicago Law School, established in 1902, adopted the German degree system, with the J.D. (juris doctor) for the first or basic professional degree in law and the J.S.D. (juridicae scientiae doctor = doctor of juridical science) as a research degree, the equivalent of the German Habilitation. By 1912 Columbia, Harvard, Michigan and Yale were conferring research doctorates in law.20

Percy Bordwell, who received LL.B., L.L.M. and Ph.D. degrees from Columbia University in the City of New York, served on the Missouri Law Faculty 1906-10. His later career was at the State University of Iowa, where he wrote a long series of excellent articles on the history of the English law of property. Manley O. Hudson, who had earned A.B. and A.M. degrees at William Jewell College and the L.L.B. at Harvard, served on the Missouri Law Faculty 1910-19, during which time he completed the Harvard S.J.D. While at Missouri, Hudson wrote excellent articles on real property law. His later career at Harvard and on the Permanent Court of International Justice made him a world-wide authority on international law.

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20 Jur.Sc.D. at Columbia; J.S.D. at Chicago and Yale; S.J.D. at Harvard and Michigan. Michigan and some other schools (e.g., Illinois, Iowa) conferred the J.D. in lieu of the L.L.B. with honors on candidates who had the A.B. and stood high in their classes. Yale also offered a D.C.L. (the doctorate in law given by the English University of Oxford) to persons whose field of study was Roman law. In England the Ph.D. (Law) is now conferred in lieu of the L.L.M. with first class honors. It is unfortunate that American law schools did not adopt the Ph.D. instead of the S.J.D. as the research doctorate in law. In other fields the Ph.D. is the minimum requirement for appointment as assistant professor. Teachers in other fields tend to deem a Professor of Poultry Husbandry with a seven-year Ph.D. better educated than a Professor of Law with a nine-year S.J.D. This is evident at university commencements, where the Ph.D. is conferred with great fanfare but the J.D. and S.J.D. awards get no more attention than the B.S. in Home Economics.
JAMES P. McBAIN
1910-28; Dean, 1919-27

GUSTAVUS H. ROBINSON
1916-19

PERCY A. HOGAN
Law Librarian, 1915-58:
Law Librarian Emeritus since 1958.

CHARLES K. BURDICK
1912-14

DUDLEY O. McGOVNEY
1914-16

GEORGE LUTHER CLARK
1913-20; Acting Dean, 1918-19
John D. Lawson served as Acting Dean 1913-14. For the next four years the deanship was held by Eldon Revare James. James had received the B.S. and LL.B. degrees from the University of Cincinnati and practised there for twelve years. In 1912 he became the recipient of the first S.J.D. degree conferred by Harvard.21 During the next two years he taught at Wisconsin and Minnesota. James was a big, genial man who shared Dean Lawson’s enthusiasm for building a fine law library. In 1915 he persuaded Percy Anderson Hogan, a graduate of the Boston Latin School who had been Assistant Law Librarian at the University of Chicago since 1911, to come to Missouri as Law Librarian. This was, perhaps, the most important appointment made in the first century of the law school’s existence. Percy Hogan had a remarkable capacity for anticipating book needs and meeting them with limited funds. In the forty-three years that he served as Law Librarian he built a library which contained one of the best collections of early English law books and later materials on British and Commonwealth law west of Cambridge, Massachusetts. However much Dean James’ departure for the Supreme Court of Siam (now Thailand), to be followed by service as Law Librarian and Professor of Law at Harvard, Editor of the Index to Legal Periodicals, and Law Librarian of Congress, is to be regretted, the School of Law at Columbia will always be indebted to him for recruiting Percy Hogan.

George Luther Clark joined the Missouri Law Faculty in 1913, the year in which he received the S.J.D. from Harvard. He held the A.B. degree from Kenyon College, the LL.B. from Indiana-Bloomington, and a second LL.B. from Harvard. He had taught at Stanford, Michigan and Illinois before coming to Missouri. Clark was Acting Dean, 1918-19 and left in 1920 at the invitation of the Board of Curators.22 The unhappy termination of his tour of duty in the Law Barn did not prevent Professor Clark from teaching at other law schools for many years and writing law books which sold well.

James Patterson McBaine joined the Missouri Law Faculty in 1910 and served as Dean 1919-27. McBaine received an LL.B. degree from Missouri in 1902 and a second LL.B from Columbia University in the City of New York in 1904. He practised law in St. Louis from 1904 to 1909 and in Columbia, as senior partner in the firm of McBaine and Clark,23 from 1909 to 1927. Because of his continuation of active law practice throughout his tour of duty in the Law Barn, McBaine is referred to as a “part-time dean” by old timers. The tone in which they speak, however, evinces respect for a lawyer who, like Enoch H. Crowder, was able to carry two full-time jobs and do both well. Since 1927 the Board of Curators has not allowed members of the Faculty of Law at Columbia to do legal work for lay clients; it has imposed no such restriction on the Faculty of Law at Kansas City. The last Head Coach in the Law Barn went to the University of California School of Law at Berkeley on a temporary basis in 1927, accepted a permanent

22. Clark v. McBaine, 299 Mo. 77, 252 S.W. 428 (1923). This was a libel action brought by Clark against his erstwhile colleagues James P. McBaine, J. Lewis Parks, Kenneth C. Sears and Stanley H. Udy, for publishing a statement that the Board of Curators had “good and sufficient grounds for his dismissal.” The present writer, after some years of experience as Chairman of the Faculty Committee on Tenure, University of Missouri-Columbia, is inclined to the view that, whatever the merits of his case may have been, the Board of Curators did not accord Professor Clark due process of law. As to the merits, Clark was charged with being “disloyal” to President A. Ross Hill. According to Clark, the “disloyalty” consisted of opposing Hill’s proposal for a three-term academic year. 252 S.W. 431.
VASCO H. ROBERTS 1903-08

LELAND E. BRISTOL 1906-08

PERCY BORDWELL 1906-10

JAMES W. SIMONTON 1921-26

ROBERT L. HOWARD 1925-61

STEPHEN I. LANGMAID 1921-28; Acting Dean, 1927-28
appointment there in 1928, served until retirement, and then became one of the early members of the famous "Over-Sixty-Five Club" at the University of California-Hastings College of the Law in San Francisco. Dean McBaine wrote books on pleading, practice and procedure.

Stephan Ives Langmaid was Acting Dean 1927-28. Langmaid received A.B., A.M. and LL.B. degrees from Harvard and practised law in California 1911-13. He taught at Montana and Tulane before joining the Missouri Law Faculty in 1921. After leaving Missouri in 1928, Langmaid taught for two years at the University of Chicago, followed by ten at the University of California at Berkeley. He published a case book on suretyship.

From 1928 until his death in 1934 James Lewis Parks was Dean of the Faculty of the School of Law. Parks received the LL.B. from Columbia University in the City of New York and taught at George Washington and Indiana Universities before coming to Missouri. He is remembered as a man with a dominating personality.

The next dean, William Edward Masterson, held that position from 1934 to 1938. A graduate of the University of Texas, Masterson received A.M., LL.B. and S.J.D. degrees from Harvard and an earned LL.D. from the University of London. His book on jurisdiction in marginal seas was well known. Masterson practised for short periods in New York and Texas before beginning his teaching career at the University of Idaho, where he became Dean of the College of Law. After leaving Missouri he taught for eighteen years at Temple University in Philadelphia.

John Coy Bour was Acting Dean 1938-39. Bour received A.B. and LL.B. degrees from the University of Missouri and the S.J.D. from Harvard. After practising in Kansas City for four years he started teaching law at St. Louis University and moved to the University of Missouri in 1926. After leaving Tate Hall in 1946 Bour served for a time as Commissioner of the Kansas City Court of Appeals. He was succeeded as Acting Dean by Glenn Avann McCleary, who had come to the Missouri Faculty of Law in 1929 from the University of North Dakota. McCleary received the A.B. degree from Ohio Wesleyan University, the J.D. from the University of Michigan and the S.J.D. from Harvard. He practised in Toledo for a year and, in 1940, became the third member of the Ohio Bar to be appointed Dean of the Missouri Faculty of Law. Dean McCleary kept the school going during the difficult World War II years and presided over its rapid growth after the war. He is entitled to much of the credit for the establishment and success of the MISSOURI LAW REVIEW and for the planning and construction of the Addition to Tate Hall. After relinquishing the deanship in 1958, McCleary continued to teach until 1965.24 Those of us who served under Dean McCleary will not soon forget the heavy burden of work that he imposed upon himself and us.

Thomas Edgar Atkinson, who saw more clearly with one eye than most men do with two, taught criminal law, pleading and wills in Tate Hall from 1935 to 1945. Atkinson earned the LL.B. degree25 at the University of Michigan, the A.B. degree at the University of North Dakota and the J.S.D. at Yale. After five years of practice in Grand Rapids, Michigan, Atkinson

25. Mr. Atkinson's high grades would have entitled him to the J.D. degree if he had secured an A.B. degree before completing law school. He completed work for the A.B. eight years later, probably because it was (and is) a prerequisite for all reputable S.J.D. and J.S.D. programs.

Lee-Carl Overstreet, 1928-55

Glenn A. McCleary, 1929-67
taught law at North Dakota and Kansas before coming to Missouri. During his Tate Hall years Atkinson was coeditor of a leading casebook on wills and author of a treatise on the law of wills which is still the leading American authority on the subject. During those same years he published an article proposing a model probate code to help state legislatures improve the law of wills and decedents' estates.26 As a result, he became one of the principal draftsmen of the Model Probate Code of 1946, the forerunner of the Uniform Probate Code of 1969, both of which have had great influence on legislation in most of the states. After fifteen years on the New York University Faculty of Law, Tom Atkinson died in Keswick, England, in 1960.

The deans who presided over the Faculty of Law between 1872 and 1958 and some of their colleagues who achieved national distinction as scholars have been reviewed. Deans and teachers with national reputations as scholars are not necessarily those who are best-liked and most-remembered by students. All but two of those mentioned—J. Coy Bour and Percy Hogan—have been released forever from the perils and uncertainties of life on earth. Those who still live in fear of the devil and the Board of Curators are not yet eligible for obituaries. Joe E. Covington was dean from 1958 to 1969. Willard Leland Eckhardt, a member of the Faculty of Law since 1938, was dean from 1969 to 1977. Allen Elmer Smith became dean in 1977. The careers of all persons who were full-time members of the Faculty of Law from 1867 to 1977 are summarized in the table which follows. Part-time teachers who served for extended periods are mentioned at the end of the table. Study of the table reveals the care taken during the entire history of the school to keep it from narrow provincialism by ensuring a group of teachers educated at a number of good law schools. Dean McCleary used to follow a rule that no more than three graduates of the same law school should be members of the Faculty of Law at the same time. His predecessors and successors have, as is evident, had like ideas.

FULL-TIME REGULAR FACULTY 1867-1977

Nathaniel Holmes  LLB Harvard 1839  1867-68
1865-68 Mo. Sup. Ct., Royall Prof., Harvard, 1868-72.

John Harry Overall  LLB Harvard 1867  1871-72

Boyle Gordon  AB AM UMC  1871-82

Philemon Bliss  Hamilton College  1872-89
Dean 1873-89; Before joining the UMC Law Faculty Dean Bliss served as a trial judge in Ohio, a member of Congress from Ohio, Chief Justice of Dakota Terr., Probate Judge of Buchanan County, Missouri, a member of the Board of Curators, and a judge of the Missouri Supreme Court.

Christopher G. Tiedeman  LLB Columbia 1879  1881-91
NYU 1891-1897; Buffalo 1902-03; Professor Tiedeman wrote books on bills and notes, constitutional law, equity jurisprudence, municipal corporations, real property and sales. He is credited with great influence on the development of constitutional law in JACOBS, LAW WRITERS AND THE COURTS: THE INFLUENCE OF THOMAS M. COOLEY, CHRISTOPHER G. TIEDEMAN, AND JOHN F. DILLON UPON AMERICAN CONSTITUTIONAL LAW (Berkeley 1954).

James Aull Yantis  LLB UMC  1887-1903

Alexander Martin  LLB Harvard 1858  1889-1902
Dean 1889-1902; Dean Martin wrote books on civil procedure and equity; Pres., Mo. Bar Assn.

John Davison Lawson  BCL York: LLD Toronto  1891-1916
Dean 1902-12, 13-14; Dean Lawson wrote some fifty books on contracts, criminal law, equity, evidence, personal property and other subjects. He edited the AMERICAN STATE TRIALS, provided the School of Law with its fine collection of portraits of English jurists, and gave his extensive law library, including many rare items, to the school; Pres., Mo. Bar Assn.

Edward Wilcox Hinton  LLB Columbia  1903-13
Dean 1912-13; Chicago 1913-36; Dean Hinton wrote books on evidence, pleading and practice.

Vasco Harold Roberts  JUD Heidelberg  1903-08
Drake, 1901-03.

Walter Wheeler Cook  LLM Columbia  1904-06
Chicago, Yale, Columbia 1910-26; Professor Cook wrote books on conflict of laws, equity, forms of action and pleading.

Leland Emerson Bristol  LLB Harvard 1901  1906-08

Percy Bordwell  LLM, LLM, PHD, Colum.  1906-10
Iowa 1910-51. Professor Bordwell wrote numerous articles on the history of the law of property.

Henry Clinton Hill  LLB Michigan  1908-11

Thomas Atkins Street  LLB Alabama  1908-11
Professor Street wrote books entitled FOUNDATIONS OF LEGAL LIABILITY and FEDERAL EQUITY PRACTICE.
James Patterson McBaine  
LLB Columbia 1910-28  
Dean, 1919-27; California (Berkeley and Hastings) 1927-61; Dean McBaine wrote books on pleading, practice and procedure.

Manley Ottmer Hudson  
LLB, SJD Harvard 1910-19  
Harvard 1919-60; Professor Hudson wrote numerous books on international law and was a member of the Permanent Court of Arbitration 1933-45, a judge of the Permanent Court of International Justice 1936-46 and a member of the United Nations International Law Commission 1949-53.

Grover C. Hosford  
LLB UMC 1908 1911-14

Isidor Loeb  
LLB UMC: PHD Columbia 1912-25  
Professor Loeb wrote a book entitled THE LEGAL PROPERTY RELATIONS OF MARRIED PARTIES: A STUDY IN COMPARATIVE LEGISLATION.

Charles Kellogg Burdick  
LLB Columbia 1912-14  
Cornell 1914-36; Professor Burdick wrote books on carriers, constitutional law and torts. Dean at Cornell, 1923-36.

Walter King Stone  
AB Christian Bros. 1913-14  
Law Librarian

George Luther Clark  
LLB, SJD Harvard 1913-20  
Acting Dean 1918-19; NYU 1925-43; Professor Clark, who had taught at Stanford, Illinois and Michigan before coming to UMC, wrote books on common law pleading, equity and torts as well as a SUMMARY OF AMERICAN LAW which was well known.

Lee Walker  
LLB UMC 1912 1913-15

Dudley Odell McGovney  
LLB Columbia 1914-16  
Iowa, California 1916-47; Professor McGovney edited a casebook on constitutional law. Dean at Iowa, 1916-21.

Eldon Revare James  
LLB Cincin: SJD Harv. 1914-18  
Dean 1914-18; Dean James practiced law in Cincinnati and taught at Cincinnati, Wisconsin and Minnesota before coming to UMC. He was a judge of the Supreme Court of Siam 1918-24, member of the Permanent Court of Arbitration at the Hague 1919-35, Law Librarian at Harvard 1923-42, editor of the INDEX TO LEGAL PERIODICALS 1926-42, and Law Librarian of Congress 1943-46.

Percy Anderson Hogan  
Harv. Coll. 1915-58  
Law Librarian

Gustavus Hill Robinson  
LLB, SJD Harvard 1916-19  
Cornell 1929-49; Professor Robinson wrote books on admiralty and public utilities.

Charles William Leaphart  
LLB, SJD Harvard 1916-17  
Montana 1919-54

Lue C. Lozier  
LLB UMC 1918 1918-19  
Commissioner, Mo. Sup. Ct. 1950-55.

Leonard J. Curtis  
JD Chicago 1918-20  
Arizona 1921-39

James Lewis Parks  
LLB Columbia 1919-34  
Dean 1928-34; "The Baron;" Dean Parks edited a casebook on mortgages.
Kenneth Craddock Sears
Chicago 1926-57.
JD Chicago 1919-25

Jesse Edmund Marshall
JD Chicago 1919-21

Stanley Hart Udy
JD Chicago 1920-21

Stephen Ives Langmaid
Acting Dean 1927-28; Calif. 1930-40.
LLB Harvard 1921-28

James Wiggins Simonton
West Virginia 1926-32.
JD Chicago; SJD Harvard 1921-26

Merton Leroy Ferson
LLB Iowa 1923-24
N.C., Cincinnati, Hastings 1924-63; Professor Ferson wrote books on agency and contracts.

Frank Chambers
LLB Harvard 1923-24, 1928-30

Guy Vernon Head
LLB, SJD Harvard 1924-35; 1964-65

Robert Lorenzo Howard
LLB UMC; SJD Harvard 1925-61
The Howard Municipal Building in Columbia was named for Professor Howard in recognition of his work as chairman of the commission which drafted a charter establishing the city manager form of government.

John Coy Bour
LLB UMC; SJD Harvard 1926-46

Merrill Isaac Schnebly
JD Chicago, JSD Yale 1926-28
Illinois 1928-56; Professor Schnebly was a co-author of the AMERICAN LAW OF PROPERTY.

Harry Walter Vanneman
LLB Ill., LLM Yale 1927-28
Ohio State 1928-52.

Lee-Carl Overstreet
"The Bull"
LLB UMC; LLM Mich. 1928-55

Glenn Avann McCleary
JD Mich.; SJD Harvard 1929-65
Dean 1939-58; Dean McCleary prepared the Missouri Annotations to the Restatement of Torts and wrote more than forty articles on property and tort law.

Alexander Moore Meyer, Jr.
LLB UMC 1931-35

William Edward Masterson
LLB, SJD Harvard, LL.D London 1934-38
Dean 1934-38; Temple 1939-47; Dean Masterson wrote a book, JURISDICTION IN MARGINAL SEAS WITH SPECIAL REFERENCE TO SMUGGLING.

Thomas Edgar Atkinson
LLB Mich., JSD Yale 1935-45
NYU 1945-60; Professor Atkinson was a co-author of the AMERICAN LAW OF PROPERTY and of casebooks on wills and civil procedure. He wrote a leading treatise on wills.

Elvin Remus Latty
JD Mich., JSD Colum. 1935-37
Duke 1937-73; Professor Latty practiced in New York City and taught at Kansas before coming to UMC. He was dean at Duke 1957-66 and wrote several books on corporations and business associations.

Talbot Smith
JD Michigan 1937-42
Orrin Bryan Evans
LLB Wis.; JSD Yale

Willard Leland Eckhardt
JD Ill.
Dean 1969-77; Dean Eckhardt was a co-author of books on property and legal forms.

William H. Pittman
LLB Idaho
'The Fox'
1942-43, 1945-69

Carl Crumbie Wheaton
LLB Harv.
Professor Wheaton wrote books on federal jurisdiction and procedure and Missouri practice.

Hiram H. Lesar
JD Ill.; JSD Yale
1946-57
Wash. St. L., So. Ill. 1957-; While at UMC Professor Lesar was a principal draftsman of the Missouri Probate Code of 1955 and wrote the volume on Landlord and Tenant for the American Law of Property. He was dean at Washington University 1960-72 and at Southern Illinois from 1972.

William Wilson Beckett
JD UMC
1947-49; 1969-75

William Franklin Fratcher
JD, SJD Mich.
1947-
Professor Fratcher wrote books on property, trusts and fiduciary administration. He was a Reporter for the Uniform Probate Code, a General Reporter for the International Encyclopedia of Comparative Law, and Reporter for the Missouri Probate Laws Revision Project.

Roy Franklin Proffitt
JD, LLM Mich.
1949-56
Michigan 1956-; While at UMC Professor Proffitt was an initiator of the revision of the Missouri Criminal Code.

Edmond Ralph Anderson, Jr.
JD Ill.
Pepperdine 1964-74

Edward Henry Hunvald, Jr.
JD Harv.
1957-
Professor Hunvald contributed substantially to the completion of revision of the Missouri Criminal Code.

Wm. Douglas Kilbourn, Jr.
JD Columbia
1957-59
Boston, Minnesota 1959-

Joe Ethridge Covington
LLB Ark.; SJD Harv.
1958-
Dean 1958-69; Dean Covington taught at Arkansas 1941-58 and was dean there 1954-58. He developed and became the first Director of Testing of the Multistate Bar Examination.

George Edward Skinner
BSLS Minnesota
Law Librarian; Arkansas 1969-

Henry Thomas Lowe
JD Harvard
1959-

John S. Divilbiss
LLB UMC
1960-67
Professor Divilbiss was a principal draftsman of the original Missouri Approved Instructions.

Jules B. Gerard
JD Wash. St. L.
1960-62
Wash. St. L. 1962-; Professor Gerard was co-author of a book on constitutional law.
<table>
<thead>
<tr>
<th>Name</th>
<th>Institution(s) and Years</th>
<th>Role or Activity</th>
</tr>
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<tbody>
<tr>
<td>Theodore E. Lauer</td>
<td>JD Wash. St. L.; SJD Mich. 1960-72</td>
<td>Professor Lauer was co-editor of a casebook on commercial transactions.</td>
</tr>
<tr>
<td>William Patrick Murphy</td>
<td>JD Va.; JSD Yale 1961-71</td>
<td>Professor Murphy wrote a book on constitutional law and co-editor of several books on labor law.</td>
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<tr>
<td>Joan Krauskopf</td>
<td>JD Ohio St. 1963-</td>
<td></td>
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<tr>
<td>Edwin Brown Firmage</td>
<td>JD, JSD Chicago 1964-65</td>
<td></td>
</tr>
<tr>
<td>William E. Seelen</td>
<td>JD UMC 1964-66</td>
<td></td>
</tr>
<tr>
<td>Hal M. Bateman</td>
<td>JD So. Meth. 1965-72</td>
<td>Professor Bateman was co-author of a book on bankruptcy of partnerships.</td>
</tr>
<tr>
<td>James E. Westbrook</td>
<td>JD Duke; LLM Georgetown 1965-76</td>
<td>Asst. Dean, 1966-68; While at UMC Professor Westbrook served as chairman of a commission to revise the Columbia Municipal Charter and began writing a treatise on municipal corporations; he was dean at Oklahoma from 1976.</td>
</tr>
<tr>
<td>Elwood Lauren Thomas</td>
<td>JD Drake 1965-</td>
<td></td>
</tr>
<tr>
<td>Frederick Benjamin Davis</td>
<td>JD Cornell; LLM Vict. (N.Z.) 1966-</td>
<td>Professor Davis wrote articles on administrative law and torts; as legal adviser to a senate committee he revised the Missouri Administrative Procedure Act.</td>
</tr>
<tr>
<td>Grant Steel Nelson</td>
<td>JD Minn. 1967-</td>
<td>Professor Nelson was co-editor of casebooks on equitable remedies and real estate finance and co-author of a treatise on the law of mortgages.</td>
</tr>
<tr>
<td>Robert Lee Ross</td>
<td>JD UMC 1968-</td>
<td>Professor Ross was reporter for the Missouri Supreme Court Committee to revise the court's rules.</td>
</tr>
<tr>
<td>Gary Lee Anderson</td>
<td>JD Iowa; LLM Harv. 1968-73</td>
<td>While at UMC Professor Anderson was reporter for the Missouri Criminal Code Revision Project.</td>
</tr>
<tr>
<td>Jack Owen Edwards</td>
<td>JD UMC 1968-</td>
<td></td>
</tr>
<tr>
<td>Elizabeth Ellington Parrigin</td>
<td>JD Va.; MLS Texas 1969-</td>
<td></td>
</tr>
<tr>
<td>William B. Fisch</td>
<td>LLB Ill.; MCL Chi. 1970-</td>
<td>Dr. Jur. Freiburg im Breisgau; Professor Fisch wrote a book, Die VORTEILSAUSGLEICHUNG IM AMERIKANISCHEN UND DEUTSCHEN RECHT.</td>
</tr>
<tr>
<td>Peter N. Davis</td>
<td>JD, SJD Wis. 1970-</td>
<td>Professor Davis wrote books on Australian irrigation law and Wisconsin water quality management.</td>
</tr>
<tr>
<td>Cannon Y. Harvey</td>
<td>JD Harvard 1971-72</td>
<td></td>
</tr>
<tr>
<td>Richard B. Tyler</td>
<td>JD Minn. 1972-</td>
<td></td>
</tr>
</tbody>
</table>
David A. Fischer  
JD UMC  
1972-
William A. Knox  
JD Minn.  
1972-
George I. Wallach  
JD Buffalo  
1972-
John W. Wade  
JD Miss.; SJD Harv.  
1976-77
Professor Wade, who was Dean of the Vanderbilt University School of Law 1952-72, edited casebooks on legal method, restitution and torts and served as Reporter of the Restatement of Torts.
Kenneth D. Dean  
JD UMC  
1976-
Allen E. Smith  
LLB Texas  
1977-
Assistant Dean
Dean; Dean Smith was co-editor of a casebook on torts, editor of a book on Texas courts and author of a book on the Texas Constitution. He was a member of the Texas Law Faculty 1964-77.
Terry A. Bethel  
JD Ohio St.  
1977-
Lary Lawrence  
JD Cal-Berkeley  
1977-

FULL-TIME VISITING FACULTY

Carl Louis Whitchurch  
JD, SJD Michigan  
1928-29
Wayne State 1930-
Jacob Geffs  
JD Chicago  
1930-31
Alabama 1931-
Amos Hall Ebleen  
LLB UMC, SJD Harv.  
1931-33
Kentucky 1934-42
John Hanna  
LLB Harvard  
1935
Columbia 1927-60
Lester Feezer  
LLB Harvard  
1935-36
Arizona, Washburn 1938-52
Robert Allen Leflar  
LLB, SJD Harvard  
1936-37
Arkansas, NYU 1933-56
Alfred Fletcher Conard  
LLB Pa; JSD Colum.  
1938
Michigan 1954-
Edward Felix Kenehan  
LLB Illinois  
1940
Wayne R. Bettner  
LLB Ill., LLM Colum.  
1940-43
Laurence Montgomery Jones  
JD Iowa, SJD Harvard  
1941-42
Maryland 1942-
Thomas G. Roady, Jr.  
JD Illinois  
1954-55
Vanderbilt, So. Ill. 1956-
Karl Stecher  
LLB, JD Yale  
1956-57
George W. Stengel  
JD Mich.; LLM Harv.  
1961-62
Miss. 1962-
Corwin W. Johnson  
JD Iowa  
Sum. 1964
Texas
PART-TIME FACULTY

From 1872 to 1913 and since 1942 the School of Law has used Missouri judges and lawyers as part-time teachers to supplement the work of the small full-time faculty. Samuel Treat of St. Louis (A.B. Harvard 1837), United States District Judge, was appointed lecturer in law in 1871. Arnold Krekel of Kansas City, a graduate of St. Charles College and also a United States District Judge, was appointed at the same time and taught Federal Jurisprudence from 1872 to 1889. Henry S. Kelley of the St. Joseph Bar taught Criminal Jurisprudence from 1872 to 1889.

While serving as Professor of Military Science and Tactics at UMC, Lieutenant Enoch H. Crowder, United States Cavalry, formed a famous women’s drill team, earned the LL.B. in 1886, and taught International Law in the School of Law from then until 1889. General Crowder was a justice of the Philippine Supreme Court 1899-1900, the Judge Advocate General of the Army 1911-23, Provost Marshal General of the Army (Director of Selective Service) 1917-19, and Ambassador to Cuba 1923-27. LOCKMILLER, Enoch H. CROWDER: SOLDIER, LAWYER AND STATESMAN (Columbia, Mo. 1955).

James A. Seddon, a circuit judge in St. Louis, taught Commercial Law from 1888 to 1899. Elmer B. Adams (A.B. Yale; LL.B. Harvard), also a St. Louis judge, taught Criminal Law and, later, Wills, from 1892 to 1910. William M. Williams of Boonville, who had been a judge of the Missouri Supreme Court, taught Negotiable Instruments during the first decade of this century and Constitutional Law during the second. Selden P. Spencer of St. Louis, who became a United States Senator from Missouri (1918-25), taught
Private Corporations from 1903 to 1913. Robert Franklin Walker of St. Louis, later Chief Justice of Missouri, taught Public Service Corporations from 1907 to 1913.

Paul M. Peterson (JD UMC, 1922) of the Columbia Bar, who became General Counsel of the University, taught Drafting of Legal Instruments from 1942 to 1967. Frederick Albert Lambert, Jr. (JD UMC) of the Columbia Bar taught equity from 1955 to 1960. Eugene Everett Reeves (JD UMC) was Director of Law Extension and taught Trial Practice from 1969 to 1977. Dale R. Spencer (JD UMC) has taught a seminar in Law and Journalism since 1972. Raymond L. Hodges (L.L.B., L.L.M. George Washington) has taught a seminar in Law and Medicine since 1973. Other Missouri lawyers have instructed in the School for shorter periods.
The Class of 1948 with the Faculty of Law

The Class of 1949 with the Faculty of Law
The Class of 1950 with the Faculty of Law
The Class of 1952 with the Faculty of Law

The Class of 1953 with the Faculty of Law
The Class of 1954 with the Faculty of Law


The Class of 1955 with the Faculty of Law

The Class of 1956 with the Faculty of Law

The Class of 1957 with the Faculty of Law
The Class of 1958 with the Faculty of Law

The Class of 1960 with the Faculty of Law
The Class of 1961 with the Faculty of Law

The Class of 1962 with the Faculty of Law
The Class of 1964 with the Faculty of Law

The Class of 1965 with the Faculty of Law
The Class of 1966 with the Faculty of Law
The Class of 1967 with the Faculty of Law
The Class of 1968 with the Faculty of Law
Front row, left to right: T. E. Lauer, E. L. Thomas, J. E. Westbrook, Miss Esther Mason, Secretary to the Dean, W. P. Murphy, E. H. Hunvald, W. L. Eckhardt, Dean J. E. Covington, G. E. Skinner, H. M. Bateman, G. S. Nelson, J. M. Krauskopf, J. S. Divilbiss, W. H. Pittman, H. T. Lowe, W. F. Fratcher, F. B. Davis. This picture was taken on October 17, 1967, the day of Dean McCleary’s funeral. Professor Divilbiss died suddenly on October 19, 1967.

The Class of 1969 with the Faculty of Law
The Class of 1972 with the Faculty of Law

The Class of 1973 with the Faculty of Law
The Class of 1974 with the Faculty of Law

The Class of 1975 with the Faculty of Law
The Class of 1977 with the Faculty of Law

The Class of 1978 with the Faculty of Law
CHAPTER V.

When Coaches Huddle

A faculty of law meets as a collective body to adopt, amend and waive admission and graduation requirements, grading systems, examination rules, rules of attendance and conduct, and curricular offerings. It meets to recommend the award of degrees and honors. Sometimes it resolves itself into an administrative tribunal to try a student accused of cheating or other misconduct. Sometimes it meets to adopt a resolution seeking action by the governing body of the university—usually a grant of funds with which to buy law books or an extension of time for reporting grades.

During Dean Bliss’s administration (1872-89), when there was only one other full-time teacher, formal records were kept only of a single annual meeting, held in the spring to recommend degrees and award honors. Since the appointment of Dean Martin in 1889 there has usually been at least one regular meeting a month during the academic year, an occasional meeting during vacations, and other called meetings needed to solve problems requiring quick solutions. At times when the Faculty of Law has been working on a general revision of the curriculum it has had many long meetings at frequent intervals. At times of crisis, such as the period of student violence after the Cambodian invasion and the Kent State massacre in 1970, it has met daily at 7:30 a.m.

As at Harvard during the same period, the President of the University was the presiding officer of the Faculty of Law and the Dean was the secretary and writer of the minutes during the administrations of Deans Bliss and Martin. The President of the University appointed the committees of the Faculty of Law and voted as well as presided at meetings. The Dean presided only in the absence of the President. Dean Martin had the minutes of the Bliss administration copied by a clerk into a well-bound book. During his own administration he usually wrote the minutes in his own hand in the book. On May 13, 1912, Professor Manley O. Hudson was elected Secretary of the Faculty of Law. He wrote the minutes from then until his departure for Harvard in 1919 but the President of the University continued for a time to preside at meetings and to appoint faculty committees. As late as June 1, 1918, it was the President who proposed that the name of a course be changed from “The Profession of Law” to “Legal Ethics,” but President A. Ross Hill was the last to attend regularly.

Appearances of the President of the University or his successor in local authority, the Chancellor of the Columbia Campus, at meetings of the Faculty of Law have been rare and brief since President Hill resigned in 1921. Instead of sitting beside the President at faculty meetings, the Dean of the Faculty of Law now communicates with this mighty personage through an hierarchical chain of command consisting (from the bottom up) of the Associate Provost for Academic Affairs, Columbia Campus; the Provost for Academic Affairs, Columbia Campus; the Vice Chancellor, Columbia Campus; the Chancellor, Columbia Campus; the Vice President for Academic Affairs, University Central Administration; and the Vice President for Administration, University Central Administration. If the reader concludes that this resembles the feudal chain from serf through yeoman, gentleman, esquire, knight, baron, earl and duke to the king in the reign of William the Conqueror, he will be correct.

After Professor Hudson’s departure, the Registrar of the University or
one of his assistants wrote the minutes of meetings of the Faculty of Law. Silas Woodson Canada prepared the minutes of November 13, 1922, May 2, 1960, and most of those held between those dates. Mr. Canada acted as secretary at meetings of the entire university faculty and at those of the faculties of all the schools and colleges in Columbia. His wide knowledge of what was going on in all parts of the campus was of great value to the Faculty of Law. It prevented many mistakes and collisions. Despite his lack of a law degree and a vote, Mr. Canada was an influential member of the Faculty of Law for nearly thirty-eight years.

Most faculty meetings involve routine matters. Occasional differences of opinion do not engender emotion and the contenders are as good friends at the end of the meeting as before it began. Only once in awhile is there a suggestion of excitement in faculty minutes. The meeting of December 21, 1895, was called to consider the horrifying fact that the students had invited Robert F. Ingersoll, the notorious agnostic who had once been Attorney General of Illinois, to speak. This explosive situation was defused before the meeting by the students' abject surrender and withdrawal of the offensive invitation. At the meetings of March 25, 1888, and October 30, 1905, when the Faculty of Law resolved that the Board of Curators be asked to give the law library autonomy, the bitter resentment of the University Librarian can be read between the lines. The Board of Curators has not yet granted those requests.

A similar intensity of feeling is suggested by the minutes of the meetings of January 29, 1906, and March 13, 1922, when the Faculty of Law asked its dean to request exemption of the School of Law from the rule requiring grades to be sent to the Registrar within a specified time. It was pointed out that, because of numerous questions, large classes, and the rule that law teachers grade their own examinations, compliance was impossible. After the first protest, the Board of Curators reduced the reporting time from two weeks to one. After the second, it adopted a rule requiring failing law grades to be reported “immediately” and all other law grades within two weeks.

The Faculty of Law in 1935
How a blue book can be determined to be failing without reading it is not explained in the rule. It takes an average of about an hour per student to grade four-hour essay examinations. If, as is commonly the case, a law teacher has two hundred students to grade, he must either work a hundred hours a week (including Saturdays, Sundays, Christmas and New Year's Day) grading them, or resort to objective examinations which a computer can grade. By withholding the pay of any law teacher who fails to comply with their absurd rule, the Board of Curators is gradually forcing law teachers to use an inferior type of examination. As the enrollment has grown, the evil effect of the rule has grown worse. After the Board of Curators purchased the University of Kansas City in 1963 it extended its rule to the School of Law there. Curiously, it is enforced more rigorously there than in Columbia. The two faculties of law met together in 1977 to discuss means of getting rid of the rule.

Complaints in this history about the Board of Curators are not to be taken too literally. Teachers tend to blame their troubles on the Board because it has the legal power to govern the University. In practice, the Board can act only if it knows of a problem. Ordinarily it knows of problems only if information is filtered through the hierarchy to the President and communicated by him to the Board. Filters often get blocked with sediment.

In the five mentioned examples of emotion disclosed by the minutes, the Faculty of Law was unanimous in its opposition to oppression. There is a certain exhilaration in united opposition to an oppressor, even if there is no hope of success. A meeting at which colleagues who have long cooperated in the operation of a school that they all love become so embittered by violent disagreement that they can no longer work together is very sad. The minutes disclose a few such meetings of the Faculty of Law at Columbia. On Wednesday, December 10, 1902, President Richard Henry Jesse presided over a meeting at which a motion was made to deprive Dean Martin of control of $1,000 of law library funds and vest it in the other teachers. "After nearly an hour's discussion Dr. Jesse was excused to attend another engagement." Dean Martin then took the chair and ruled the motion out of order. The motion was amended to meet this objection, carried, reconsidered, amended again, and carried, "Martin voting nay." As was his usual custom, Dean Martin wrote out in longhand the minutes of the meeting at which he was defeated and signed them. On Monday, December 15, he was dead.

On May 22, 1933, the Faculty of Law met in Room 101, Tate Hall, with Dean Parks presiding. A motion was made to constitute a committee of three teachers "as the directing head of the Faculty," with sole power to designate the members of standing committees and responsibility "for determining and administering the policies of the School." The motion would empower the committee to call a meeting of the Faculty at any time and deprive the Dean of his right to vote as a committee member. Dean Parks ruled the motion out of order as in conflict with the By-Laws of the Board of Curators. The teachers reversed this ruling and passed the motion four to two, the Dean's vote not being recorded. At the meeting of October 9, 1933, Dean Parks announced that the Board of Curators decided on June 2, 1933, that the motion passed on May 22 was in conflict with the By-Laws. At the meeting of November 13, 1933 there was dispute over what the Curators had decided. Dean Parks died on March 7, 1934.

On December 18, 1944, the Faculty of Law met in Room 101, Tate Hall, with Dean McCleary presiding. Because the enrollment, due to World War II, had dropped to some thirty, the usual student operation of, and writing of
LAW SCHOOL FACULTY MEMBERS IN 1956


comments and casenotes for, the MISSOURI LAW REVIEW could not be continued. A majority of the group decided to parcel out responsibility for writing, or getting written, particular issues among the teachers. Professor Bour had never favored the law review. He preferred the old University of Missouri Bulletin—Law Series, published irregularly when there was material worth publishing. His argument was that the attempt by a small law school to put out four law review issues a year would result in material of poor quality being published. Mr. Canada's report of the meeting is very brief; probably he thought it best not to record what was said or how votes were cast. There must have been tension. The minutes do record that Mr. Bour was charged with responsibility for the April 1946 issue of the law review. Mr. Bour resigned from the faculty. Ironically, by April 1946 Tate Hall was swarming with eager students. One wonders how much the tension of 1944 was due to discouragement attendant upon teaching in a law school with almost no students and the disappointment to hopes of an early end to the war inflicted by Hitler's last great effort, the Battle of the Bulge.

The latest meeting of the Faculty of Law in which bitter antagonism arose among teachers who had theretofore been cooperative colleagues and good friends also occurred in a period during which foreign war had created tension on university campuses. Student violence was rife all over the country: students had been killed at other universities; fires had been set in offices on the White Campus; the Columbia Campus Chancellor had recently been imprisoned in his office by a student mob. Those of us who participated in the unhappy meeting of June 17, 1970, will never know how much the tension on the campus outside aggravated the tension in Room 109 of Tate Hall Addition.

The central figure in the proceedings on June 17, 1970, was William Patrick Murphy, a good-looking, well-dressed man of gracious manner who had moved from the University of Mississippi School of Law to Tate Hall in 1961. In Mississippi he had been disliked by White Citizens Councils which were trying to prevent racial integration of schools in that state because he, of course, was of the opinion that states were bound by interpretations of the Federal Constitution made by the Federal Supreme Court. Murphy had received the LL.B. degree from the University of Virginia and had completed the requirements for the J.S.D. at Yale at a time when the dominant group on the Yale Law Faculty were proponents of social and economic change. His principal experience, apart from teaching, was in the Department of Labor and with the National Labor Relations Board. Readers who remember the New Deal know that the latter agency was set up to accomplish socio-economic change by forcing masters to negotiate with their rebellious servants in the process called collective bargaining. It soon became apparent that Professor Murphy was not in agreement with the policy dominant in the University of Missouri School of Law since 1872 that the chief purpose of the school was to train lawyers for private practice. As he said in a faculty meeting on December 19, 1963, Mr. Murphy sought to orient the curriculum "more to the role and function of law and lawyers in dealing with social problems, rather than over-emphasizing the single function of representing clients in private litigation." Although these views were not accepted, they were respected and their expression did not create friction.

For many years there had been a Committee on University Policy appointed by the President of the University to advise him on faculty problems, attitudes and wishes. After the University of Missouri became a four-campus institution in 1963, this became the University of Missouri-
Columbia Faculty Council on University Policy and its members were appointed by the Chancellor of the Columbia Campus on nomination by the faculties of the schools and colleges on the campus. For many years Professor Willard L. Eckhardt had been the representative of the Faculty of Law on both this body and the Faculty Committee on Tenure, which was directly elected by the faculties of the schools and colleges. He was also chairman of both bodies, by election of the membership of each. Eckhardt's appointment as Dean of the Faculty of the School of Law, effective September 1, 1969, made him ineligible for service on the Tenure Committee. He resigned his appointment to the Faculty Council. Mr. Murphy campaigned for nomination for appointment to the Faculty Council. He was nominated unanimously to fill the remaining year of Eckhardt's term on September 16, 1969, appointed by Chancellor John W. Schwada, and soon elected to succeed Eckhardt as Chairman of the Faculty Council on University Policy. The chairmanship received more publicity while Murphy held it than it had before. There were rumors of friction between Chairman Murphy and Chancellor Schwada. On April 8, 1970, the Faculty of Law nominated Murphy for a full three-year term on the Faculty Council, to commence September 1, 1970. This time there was opposition and the nomination was on the second ballot.

On Wednesday, May 6, Thursday, May 7, and Friday, May 8, 1970, large groups of students gathered to protest the invasion of Cambodia and the shooting of students by the Ohio National Guard at Kent State University. On Friday the Chancellor was imprisoned in his office for a time. Mr. Murphy was a conspicuous figure on Monday, May 11, when a large and menacing crowd assembled on the north front of Jesse Hall. His assertion that he was trying to assist the Chancellor to disperse the crowd was never seriously controverted. Early in June Mr. Murphy issued a press release criticizing Chancellor Schwada, President John C. Weaver and the

Board of Curators. It was reported that Chancellor Schwada had directed that Murphy be denied access to him. The Chancellor controls the budget of the School of Law, including the salaries of law teachers. Some law teachers thought that Murphy, however good his intentions may have been, could no longer be an effective representative of the Faculty of Law for the presentation of its views to the Chancellor. At a meeting of the Faculty of Law which lasted from 3:40 p.m. to 6:06 p.m. on Wednesday, June 17, 1970, a motion to withdraw the nomination of April 8 was passed by secret written ballot, 8-6.

Lengthy conversations with all voters at the meeting of June 17 (except Murphy) indicate that every person voted in what he thought to be the best interest of the School of Law and that the members of the majority were very sorry to embarrass Mr. Murphy and hurt his feelings. They voted as they did because they deemed it their duty to do so. Mr. Murphy seems to have considered the action as a personal affront. He broke off social relations with those teachers whom he suspected of voting to withdraw his nomination and soon resigned from the faculty. All of his former colleagues were glad that he was able to secure a good position as Professor of Law at the University of North Carolina.

Coaches do not always enjoy their huddles. They know that it is their duty to huddle.

Mrs. Elmer Ellis, wife of the President of the University, and Mrs. Earl F. Nelson, a generous benefactor of the School of Law, at the 1956 Law School Day banquet.
CHAPTER VI.

Blackstone, 27 Kent, 28 Marshall, 29 Holmes, 30
Hyde, 31 Finch, 32 and Morgan 33

Three principal methods of teaching law have prevailed, successively, in this country. The first, known as the text and lecture method, is much the easiest for both teacher and student. This may be why it is still used in England and other remote places. Under the text and lecture method, both teacher and students have identical textbooks which state the rules of law in the text and cite illustrative cases in the footnotes. During class the teacher paraphrases the text and mentions the facts and decisions in some of the illustrative cases cited in the footnotes. The student need not prepare for class or stay awake during class. He can learn enough to get a good grade by reading the text during the last week of the semester. The teacher needs to exert relatively little effort in preparation and the class hour does not involve the strain incident to asking and answering questions.

When Christopher Columbus Langdell became Dean of the Harvard Law Department in 1870 he devised and promoted the case method of instruction, which involves much more effort on the part of both teachers and students. Under the case method, both teacher and students have casebooks containing the full opinions or Year Book (1290-1535) reports of the earliest cases on each point involved. The Law French Year Book report of a case decided in 1472 is much preferred over the opinion in a case on the same point decided by the Supreme Court of Illinois, Iowa or Missouri in 1977, even though the opinion in the later case is better written, discusses the whole history of the problem since 1472, and cites statutes in force in fifty states and the District of Columbia calling for a result that differs from the 1472 decision. The Langdellian casebook ignores statute law and contains no footnotes to indicate whether the decisions printed are still in force or have been overruled or abrogated by statute. Under the case method, the teacher and students must prepare for class 34 and stay awake during class. During the class hour, a student is asked to state a case, after which the teacher and student conduct a dialogue, in which other students

28. Kent, James (1763-1847), Chief Justice and Chancellor of New York; Author, Commentaries on American Law (1826-30); Professor of Law, Columbia University in the City of New York.
32. Finch, Heneage (1621-82), first Earl of Nottingham; Lord Keeper, 1673-75; Lord Chancellor of England, 1675-82.
34. Student preparation usually was by purchase of a set of canned briefs. These were not read before class but, when the student was asked to state a case, he read aloud the canned brief of the case. Cruel teachers sometimes embarrassed such a student by asking questions about facts revealed in the opinion but not mentioned in the canned brief.
sometimes join, with a view to constructing the sentence of a textbook which would be illustrated by the case.  

When teaching according to the pure case method, the teacher must be careful not to give the students any hints as to whether (1) the case in question has been overruled by the court which decided it; (2) the rule laid down by the case has been abrogated by statute in the jurisdiction where it was decided; (3) the rule of the case has been accepted or rejected in other jurisdictions; (4) there is legislation anywhere on the subject; (5) the current rule in this state differs from that laid down by the case. The dialogue, therefore, is limited to analysis of the meaning of the printed opinion; it has no necessary relation to the law now in force here or elsewhere.

Although Dean Langdell was successful in imposing the case method of teaching law on the Harvard Law Faculty, an attempt to impose it on the Faculty of Law of Columbia University in the City of New York resulted in a schism during which some teachers left to form the New York Law School. There seems to have been no such acrimonious dispute in the Faculty of Law at Columbia, Missouri. The Missouri Law Department began with the text and lecture method in 1872. Between then and the arrival of Dean James in 1914 the older teachers continued to use the text and lecture method. New teachers, themselves products of the case method at Harvard or elsewhere in the East, used Langdellian type casebooks and sometimes edited them.  

The consistent emphasis at Missouri on training men and women for the actual practice of law must, however, have prevented adoption here of the pure Langdellian case method of teaching, divorced as it was from the actual state of the law currently in force. One suspects that Missouri students were always made aware of the facts that statutes, regulations, administrative decisions, court rules, and settled customs of practice are important components of the law as it really is and that learning to analyze appellate court opinions, necessary as it is, is not enough to make a student a lawyer. One also suspects that, however disgusting this would be to Dean Langdell, Missouri teachers sometime told their students the Missouri rule on a point involved in a casebook case.

Since World War II there has been a gradual shift to what may be called the “cases and materials” method of teaching law. The books used contain brief extracts from the opinions in decided cases or mere summaries of the decisions, interspersed between the text of widely-adopted statutes (often Uniform Laws), regulations of such bodies as the Interstate Commerce Commission and the Internal Revenue Service; text notes citing numerous statutes and cases; and a summary of the present state of the law, including the majority and minority rules on points governed by case law and the extent of adoption of important statutes. The cases and materials method is, to a considerable extent, a reversion to the old text and lecture system. It demands some preparation by teacher and students and some dialogue in

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35. The sentence so constructed had, in theory, to be written down by every student in his notes. In practice, in addition to the canned briefs, the students of a teacher who had taught the course before, purchased a “mill,” containing the sentences approved by that teacher the year before, to serve as the basis for review before the examination. When the writer was a visiting professor at the University of California he learned that the California students sent to Missouri for “mills” of the courses he taught there.

36. This suggests that Missouri law teachers had academic freedom, subject to the proviso that they must not disagree with the President of the University on how many terms there should be in the academic year. See note 22, supra. The 1904-05 Announcement of the Law Department indicates that casebooks were prescribed for twenty of twenty-eight courses.
class to ensure that the book is understood but students no longer need canned briefs or mills; everything they need to know is set out clearly and succinctly in the book. Sleeping through classes is unwise but occasional nodding or dozing is unlikely to reduce one’s grade.

When the Law Department opened in 1872 it offered a “two-year” course leading to the L.L.B. degree, which qualified the recipient for admission to the Missouri bar without examination.37 As the academic year began in October and ended in March, each of the two ”years” was really less than six months. On December 15, 1887, the Faculty of Law acted to extend the academic year to the last Thursday in April. By the turn of the century the academic year had become a full nine months from September to June. In 1971 it was changed to begin in August and end in May.38 The L.L.B. course was extended to three years, effective with the entering class of September, 1901. On December 15, 1941, the Faculty of Law adopted a quarter system, three of the four eleven-week quarters to be equivalent to an academic year. On October 14, 1946, the Faculty of Law decided to return to a system of two four-month semesters in the academic year and inaugurated a twelve-week summer session. This was discontinued in 1954 and an eight-week summer session was conducted from 1956 through 1977. Six-week summer sessions are contemplated for the future.

During its early years the Law Department prescribed study of BLACKSTONE’S COMMENTARIES, KENT’S COMMENTARIES, PARSONS ON CONTRACTS, STEPHEN ON PLEADING, CREASY ON THE BRITISH CONSTITUTION, STORY ON THE CONSTITUTION OF THE UNITED STATES, and HALLECK AND KENT ON INTERNATIONAL LAW during the first year. The second year text books were WASHBURN ON REAL PROPERTY,39 GREENLEAF ON EVIDENCE, STORY ON EQUITY, BISHOP ON CRIMINAL LAW AND PRACTICE and locally prepared materials on Missouri Law and Practice. Probably Dean

37. RSMo 1889 §624 provided, “Every person who shall have completed the course of study prescribed by the law department of the university of Missouri or the law department of Washington university, and received from either of said schools the degree of bachelor of laws *** shall be entitled to practice the profession of attorney and counselor at law ***.” This replaced similar legislation of March 5, 1874 (Mo. LAWS 1874, p. 182). Other candidates were to be examined by the Supreme Court, a court of appeals or a circuit court. The diploma privilege was abolished by Mo. LAWS 1905, p. 48, creating the Board of Law Examiners.

38. The University Faculty at Columbia had enjoyed the prerogative of approving the University Calendar since 1839. The writer remembers many a debate during President Middlebush’s regime (1935-54) over the question of whether classes should meet on the Friday after Thanksgiving Day. When the proposal to begin the academic year in August was advanced by Chancellor Schwada in 1970, it was defeated decisively by the Columbia Faculty. Many teachers felt that it would prevent them from attending meetings of national and international scholarly societies held annually in late August or early September. The Faculty of Law was unanimous in its opposition. For it, the proposed calendar meant (1) three or four more weeks per year teaching in intense heat in classrooms without air conditioning; and (2) in view of the two-week rule (page 85 supra), grading blue books all day on Christmas and New Year’s Day.

The Faculty at Columbia was soon ordered to meet again and told by the Chancellor that, because the Kansas City Faculty had done so, the Board of Curators “ requested” the Columbia Faculty to approve the calendar under which the academic year would begin in August. When a second lieutenant is told by Regimental Headquarters that the Colonel “requests” his presence without delay, the lieutenant knows that he has been ordered to report on the double—and does so. The Columbia Faculty, well aware that ignoring this “request” of the Board of Curators would threaten their careers, reluctantly reassembled, rescinded the previous action, and “approved” the shift of the beginning of the school year from September to August. The Tate Hall wasps chortled with glee. Governor Blair’s legacy was much more bitter than it had been in 1959 (See page 37, supra).

39. As this excellent treatise was enacted as a statute in the Republic of Liberia, studying it in Missouri provided a course in comparative law.
Case Club final argument on Law School Day 1946 in the Library with Professors Eckhardt, Howard and Overstreet sitting as Judges and Dean McCleary at the rear.
Langdell would sneer at this last item. Its presence indicates the practical good sense of Dean Bliss and Professor Gordon. Part-time lecturers taught Admiralty and Maritime Law, Organization and Jurisdiction of the Federal Courts, and Medical Jurisprudence. Courses in Torts and Law and Ethics were added in 1881 and Bookkeeping was made available in 1887. For a two-year law course, this was remarkably complete. Moreover, it was supplemented by Saturday moot court sessions in which a former judge of the Supreme Court (Dean Bliss) and a lawyer with considerable experience in practice (Professor Boyle Gordon) supervised the preparation of law and equity pleadings, the conduct of trials, the drafting of jury instructions, preparation of motions for new trials and arrest of judgment, writs of error assignments of error, bills of exceptions, and appellate briefs. Dean Langdell of Harvard might not approve this practical approach but it contributed a great deal to the quality of the bench and bar of Missouri. Throughout its history the School of Law at Columbia has emphasized this practical instruction in trial and appellate practice.

The 1901 extension of the LL.B. course from two to three years necessitated a drastic revision of the curriculum. The first three-year curriculum, including teachers and prescribed books, follows:

**DEPARTMENT OF LAW**

**FACULTY.**

RICHARD HENRY JESSE, LL. D.,
President.

ALEXANDER MARTIN, LL. D.,
Professor of Law and Dean of the Faculty.

JAMES AULL YANTIS, LL. B.,
Professor of Law.

JOHN DAVISON LAWSON, LL. D.,
Professor of Law.

ANDREW WALKER McALESTER, M. D., LL. D.,
Lecturer on Medical Jurisprudence.

HON. ELMER B. ADAMS, LL. D., Judge of the U. S. District Court for the Eastern District of Missouri,
Non-resident Lecturer on the Law of Wills and Administration.

HON. JAMES B. GANTT, LL. D., Justice of the Supreme Court of Missouri,
Non-resident Lecturer on Corporations.

PAUL BAKEWELL, LL. B., St. Louis, Mo.,
Non-resident Lecturer on Patents and Trade Marks.

HON. W. M. WILLIAMS, Ex-Justice of the Supreme Court of Missouri,
Non-resident Lecturer on Negotiable Instruments.

**PROGRAM OF INSTRUCTION.**

**FIRST YEAR (FIRST CLASS.)**

**First Semester.**

Contracts. Professor LAWSON. Five hours a week. LAWSON ON
Contracts.
Torts. Professor Yantis. Three hours a week. Hale on Torts.

Criminal Law. Professor Yantis. Two hours a week. Missouri Statutes and Selected cases.

Second Semester.

Bailments. Professor Lawson. Two hours a week. Lawson on Bailments.

Personal Property. Professor Lawson. Two hours a week. Lawson’s Cases on Personal Property.


Partnership. Professor Martin. One hour a week. Shumaker on Partnership.

Criminal Procedure. Professor Yantis. Two hours a week. Missouri Criminal Code and Selected Cases.

SECOND YEAR (SECOND CLASS).

First Semester.

Sales. Professor Lawson. Two hours a week. Lawson’s Cases on Personal Property.

Real Property. Professor Yantis. Three hours a week. Tiedeman on Real Property.

Equity Jurisprudence. Professor Martin. Three hours a week. Blisham’s Principles of Equity. Martin’s Selected Cases.

Private Corporations. Professor Martin. Two hours a week. Elliott on Corporations.

Second Semester.

Insurance. Professor Lawson. Two hours a week. Elliott on Insurance.

Real Property. Professor Yantis. Three hours a week. Tiedeman on Real Property.

Equity Procedure. Professor Martin. Three hours a week. Heard’s Equity Pleading and Precedents.

Damages. Professor Martin. One hour a week. Sedgwick’s Elements of Damages.

Homesteads. Professor Yantis. One hour a week. Selected Cases.

THIRD YEAR *(THIRD CLASS).

First Semester.

Procedure Under the Code. Professor Martin.

Constitutional Law. Professor Martin.

Evidence. Professor Yantis.

Bills and Notes. Professor Lawson.

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*As the classes in the department have not yet reached the third year in the three years' course, the schedule of instruction for that year is not particularized. This program is subject to changes necessary and proper for conveniently accomplishing the Course.
Second Semester.

Suretyship. Professor Lawson.
Maritime Law. Professor Martin.
Wills and Probate. Professor Yantis.
Municipal Corporations. Professor Martin.
Extraordinary and Special Remedies. Professor Martin.
Bankruptcy. Professor Martin.
Quasi Contracts. Professor Lawson.
International Law, Public and Private. Professor Lawson.

GRADUATE COURSE.

The object of the Graduate Course is to provide the practitioner with a more extended and practical knowledge of important subjects embraced in modern law, than the limited time of the Undergraduate Course permits. It is also intended to afford him assistance in prosecuting the study of any particular subject or branch of law which he expects to follow in his future practice.

The course of instruction embraces advanced work by lectures and recitations on the following subjects:


The student in this course is allowed to select any special subject in law for extended examination, to be elected concurrently with subjects embraced in the course. His investigations are directed by the Faculty, who advise him of the books and cases to consult, and afford him assistance and counsel.

It is believed that many licensed attorneys will find it to their advantage to take as special students the instruction in this course.

SPECIAL COURSE.

Students who do not wish to take any of the full Courses, and who are not candidates for any degree, will be permitted to take an elective course, and pursue any branches of instruction given in any of the Courses of the Department, the exercises of which do not conflict with one another or exceed the hours of work permitted to students in the Department and which can be pursued by them with profit. They will be classed as special students, and will receive from the Faculty certificates of the time spent in the study of the law and of the work therein accomplished.

METHODS OF INSTRUCTION.

In the Department of Law, instruction is given by means of lectures, recitations, examinations, class quizzes, seminars, moot-courts, and the required study of treatises and cases. The instructor will conduct his instruction in any or in as many of these methods as he may think most beneficial to the class.
Moot-Court.

Every Tuesday a Moot-court is held, in which all Law students participate. In this court the matters discussed arise in some supposed cause. Regular pleadings are required, and when the cause is supposed to be in the Supreme Court, in addition to the pleading, papers are prepared necessary in actual practice, as the writ of error, assignment of errors, bill of exceptions embodying the instructions to the jury, ruling upon the admission or exclusion of evidence, motions for new trials, in arrest, etc. Briefs of points and authorities must also be submitted and filed. A member of the Faculty presides at the trial, determining all preliminary and incidental motions. A member of the Third Class or Graduate Class is called to sit as special judge in each cause, who, at the next court held by the same Professor, gives his opinion in writing, subject to appeal to the member of the Faculty so presiding at the trial. Practical instruction in pleading is given by requiring half of the members of a class to draft pleadings in causes assigned to them, and to submit them to the other half. The pleadings thus drafted are discussed and settled in the class room, in the presence of the Professor giving instructions on that subject and under his rulings.

Degrees and Honors.

Degrees:

Members of the Third Class who have successfully passed the examinations of the Third year will be entitled to receive the degree of Bachelor of Laws. Members of the Graduate Class who have successfully passed the prescribed examinations will be entitled to receive the degree of Master of Laws.

All who receive from this University the degree of Bachelor of Laws are by law admitted, without further examination, to practice in all courts of Missouri.

Honors:

Whenever a candidate for graduation attains a high degree of excellence in his class-work the degree of Bachelor of Laws or Master of Laws, as the case may be, will be conferred upon him with distinction; and the words cum laude or magna cum laude will be incorporated in his diploma. In determining the required degree of excellence the student's conduct as a gentleman, as well as his attainments as a scholar, will be taken into consideration.

The members of the Third Class are all invited to write essays upon some subject in law, assigned to them by the Faculty before January 1 of each year. The essays so written are submitted to a committee of judges charged with the duty of designating the best two of said essays. The names of the authors of the best two essays are placed on the commencement program. Students not writing essays as aforesaid, and not excused therefrom by the Law Faculty, shall not be eligible to any of the
Examination of the foregoing Program of Instruction reveals the fact that 900 fifty-minute classes were offered in 1901 and all 900 were required for the LL.B. degree. Every student was to attend ten classes a week for six semesters, without any choice of subject or teacher. By way of contrast, the 1977-78 program of instruction includes offerings of 1575 fifty-minute classes. Of these, the J.D. candidate is required to attend 825 in basic courses (Contracts, Torts, Procedure, Property, Criminal Law, Constitutional Law, Evidence, Equity, Agency, Partnership, Corporations, Income Taxation, Trusts, Wills, Professional Ethics etc.), and to attend an additional 465 classes in courses chosen by him from among 750 classes in elective courses offered. The law student must attend a total of 1290 classes to qualify for the J.D. degree but he has a considerable range of choice as to more than a third of these. Some of the current offerings do not involve mere sitting in class: students may secure some credit for supervised work in the chambers of judges and the offices of prosecuting attorneys, public defenders, and agencies which provide legal aid to the indigent. This expansion of course offerings has been possible only because the Faculty of Law has been enlarged since 1901, when the only full-time teachers were Dean Martin and Professors Lawson and Yantis. How these three men contrived to teach thirty classes a week, administer the Department of Law, teach a graduate program and write books is hard to understand.

The expansion of course offerings and degree requirements is readily understandable. Every lawyer knows that the importance of such areas as tax law, labor law, conflict of laws, administrative law, securities regulation, natural resources and social legislation has increased greatly since 1901. Most lawyers would agree that the offering of instruction in jurisprudence, legal history, comparative law, and legislation is needed if law school graduates are to be more than technicians. A course in Legal Bibliography was added to the curriculum in 1934 at the suggestion of Percy Hogan, who taught it for the next twenty-four years. On September 10, 1935, Dean Masterson recommended that Mr. Hogan be paid an additional $250 a year for teaching this course. The recommendation was not accepted. Sometime in 1936 Dean Masterson tried again, this time to add $200 to Mr. Hogan’s annual salary for teaching the course. President Middlebush replied on October 7, 1936, denying the recommendation and remarking, “Presumably, the University is paying Mr. Hogan a salary for full-time work.”

From its inception, the Law Department followed Dean Langdell’s precepts of examinations and elimination of those who failed. At first the examinations were at the end of the two-year course, conducted orally by committees of practising lawyers. Written examinations in which the Faculty of Law had a hand soon replaced the oral quizzes. From 1881 the degree examination was eliminated and a separate examination given for each course by the instructor who taught the course.

42. At this time, Mr. Hogan’s salary as Law Librarian was $2,400 per year. By way of comparison and contrast, Dr. Middlebush received $10,000 and a free house. Hogan was forty-nine, three years older than Middlebush.
On February 11, 1924, the Faculty of Law adopted an honor system for the conduct of examinations. Under this system, there are neither teachers nor proctors present while examinations are written. The students themselves report cheating and other violations of the honor code. This system has worked well. Experience indicates that the atmosphere is much pleasanter during examinations under the honor system than when police-type proctors are employed to watch the writers and escort them to the washroom. As law students are mature college graduates, an honor system can work well in a law school, although it might fail to ensure honesty in an undergraduate college. On November 11, 1929, the Faculty of Law decided that students should put assigned numbers, in lieu of names, on their blue books, and that teachers should report grades by number. This relieves teachers of pressure to favor influential students and students from suspicion that there is favoritism.

In the early years the grading appears to have been on a scale of ten. In 1909 the University imposed a new grading system using the letters E (95-100%), S (85-95%), M (70-85%), I (50-70%), and F (below 50%). If teachers had been free to grade in accordance with the actual performance of students, this would not have been a seriously bad system, but the University also imposed a regulation that teachers were required, over a period of years, to give 50% M grades, 25% below M, 25% above M, and no more than 2% of E. If this regulation had been followed literally, of a hundred students commencing a fourteen-semester course of study (eight in arts; six in law), one or two would receive the LL.B. Needless to say, like the Curators' rule that failing grades must be reported "immediately," the requirement was not followed to the letter. Nevertheless, it did have the effect of making grade point averages in the School of Law very low in comparison with other law schools. The local requirement of an S average for election to the Order of the Coif commonly resulted in less than ten percent of the graduating class (the percentage permitted by the national rules of the order) being elected here.

In 1958 the University adopted an A B C D F grading system and rescinded the 1909 requirement that grades be curved according to fixed percentages. By action of September 18, 1961, the Faculty of Law adopted a new grading system for internal School of Law purposes. Under this system grades of 55 and lower on a percentage scale were to be recorded as 0.0 in the School of Law records. 0.0 through 0.5 were to be reported to the Registrar of the University as "F." Those from 0.6 through 1.5 were to be reported to the Registrar as "D." Those from 1.6 through 2.5 were to be reported as "C." Those from 2.6 to 3.5 were to be reported as "B." Those from 3.6 to 4.5 were to be reported as "A." This gave law teachers 46 instead of five grades for internal purposes. The five grade system had distorted calculations of class standing, eligibility for honors, and vulnerability to academic dismissal because a student with all low M's (later C's) plus one S (later B) appeared to be better than one with all high M's (later C's) plus one I (later D). Under the new system, a cumulative average and a semester average of 1.7 were required for good standing and a cumulative average of 1.67 was required for graduation.

Before the 1958 rescission of the 1909 University rule, the average grade was M minus (C minus). The increased entrance requirements stemming

43. Page 85, supra.
from the restriction of enrollment since 1965 have resulted, as is proper, in a slight increase in the average grade awarded from about 2.0 (middle C) to about 2.3 (C plus). This increase has meant that all third year students in the upper ten percent of the class meet the "B" (formerly "S") average requirement and can be elected to the Order of the Coif.

Since 1965 virtually all entering students have had a "B" or better cumulative undergraduate average. With the median grade in the "C" range, it is inevitable that many of these will have lower cumulative grade point averages in the School of Law. The University Registrar was issuing transcripts which reported a cumulative grade point average on all courses taken in the University. In 1970 the Faculty of Law decided to report to the Registrar only that students had passed or failed courses so that transcripts would not show declining grade point averages which suggested that the students were deteriorating.

On Monday, November 11, 1912, President A. Ross Hill presided over a meeting of the Faculty of Law attended by Dean E.W. Hinton and Messrs. Burdick, Hosford, Hudson, Lawson, Loeb and McBaine. Everyone present knew that, from its inception, the School of Law had taught its students how to write pleadings and appellate briefs. They also knew that leading law schools like Harvard and Michigan gave their able students experience in writing comments and case notes in regularly published law reviews that also contained leading articles by law teachers and other legal scholars.

The Missouri law students had a magazine, THE DOCKET, published at irregular intervals and containing legal chit-chat which was interesting but no more scholarly than the present brief history. For example, the May, 1912, issue contained articles by Dean Lawson on the history of the law school and its collection of portraits (Appendix I), a brief article by Dean Hinton on proof of suicide in Missouri, an extract from Dean Roscoe Pound's famous 1906 speech, "Causes of Popular Discontent With Administration of Justice," a short article by Forrest C. Donnell '07 on the problems of a young lawyer in the city, two articles by Robert W. Jones '13, on biblical and Roman law, and other like items. This was not a bad publication but no one could acquire experience or a reputation as a legal scholar by contributing to it. After all, THE DOCKET had an attractive art nouveau cover design, was
There is something vital besides mere prices that enters into the selection of clothes for men. There must be that correctness of style and fabric that at once distinguishes clothes that are right. We demand these important points from the manufacturers who produce our garments and tolerate ONLY those who prove themselves worthy. You have the same right and should insist on the best in style, fit, finish and cloth, without being willing to pay extra for them. They are YOURS by right and WE have them for you without a penny extra.

MEN'S AND YOUNG MEN'S SUITS

$7.50 TO $30.00

THE HOME OF 'STETSON' HATS AND 'MANHATTAN' SHIRTS

VICTOR BARTH
THE BIG CLOTHER
illustrated with portraits of Deans Lawson and Hinton, and the Docket staff, (Lee Walker, Editor in Chief; R.W. Jones, Associate Editor; C.G. Vogt, Business Manager; Harlie R. Douglass, Assistant Art Editor; and Joe Brown, Assistant Manager), and contained advertisements for the Missouri Store, Levy’s Shoe Store, the Electric Shoe Repairing Co. at 108 South Ninth Street and The Popular Place for Refreshments, Lunches and Candies at 16 South Ninth. Such a publication could not be scholarly.

Professor Manley O. Hudson’s motion to “discourage” the publication of THE DOCKET was carried. Professor Isidor Loeb then moved that a committee be appointed to investigate and report concerning the possibility of establishing a Law Series of the University Bulletin. This motion carried and President Hill appointed Messrs. Hudson, McBaine, and Hosford to the committee. The committee reported in favor of the project at a luncheon meeting of the Faculty of Law held on Friday, December 13, 1912. The recommendation was adopted. Between November, 1913, and September, 1935, fifty LAW SERIES bulletins were published, with a cumulative index in the last. This was a law review in everything except regularity of publication. By February 8, 1915, it was indexed in the Index to Legal Periodicals with the Harvard and Michigan Law Reviews. High-ranking second and third year students were elected by the Faculty of Law as student editors. They wrote comments and case notes. Its severe format, without illustrations, advertisements or gossipy information, guaranteed the scholarly character of the Law Series. The first bulletin contained a leading article on entitlement by Manley O. Hudson. The last contained a leading article on regulation and state taxation of utilities by Robert L. Howard. One of the best articles in the LAW SERIES is that on conditional delivery of deeds by Glenn A. McCleary.

On Monday, October 8, 1934, the Faculty of Law met in Room 101, Tate Hall, with the newly-appointed Dean Masterson presiding and Messrs. Bour, Howard, McCleary, and Overstreet present. ‘‘Mr. Howard moved that the School of Law publish a quarterly beginning in the Fall of 1935, the quarterly to be of the usual style and type of law journals. The motion was carried.’’ The MISSOURI LAW REVIEW commenced quarterly publication in January 1936 and has continued ever since. The first leading article in the first issue was one on bankruptcy by John Hanna, Professor of Law at Columbia University in the City of New York and Visiting Professor at Missouri.

Regular publication of a law review provides, for both able students and law teachers, an incentive for legal research and writing that tends to raise the stature of a law school and improve the morale of everyone connected with it. Such regular publication imposes a strain, however, on a small law school. Each of a small group of teachers has not only to suggest the subjects and supervise the writing of numerous student comments and casenotes but also to contribute leading articles written by himself. The Faculty of Law met on December 18, 1944, in Room 101, Tate Hall, with Dean McCleary presiding and Messrs. Bour, Evans, Howard, and Overstreet present. It was determined that ‘‘a contribution from each member of the Faculty every

48. This meeting was mentioned on Pages 86-88, supra.
other year will be necessary." This requirement was never strictly enforced, partly because Herr Hitler lost the war. The typical law teacher writes more than one article in two years but he does not want to publish all he writes in a single law review. It would be bad for the school to have her (or him) do so.

A somewhat different faculty writing and publication requirement was strictly enforced. Beginning in 1937, the MISSOURI LAW REVIEW carried a series of articles in the November issue describing the "Work of the Missouri Supreme Court" for the preceding year. At first these surveys contained tables showing the number of opinions written by each judge. Understandably, some of the judges did not like this feature. It was dropped. However, the teachers of certain courses were required to contribute annual survey articles describing the Missouri Supreme Court decisions in their fields during the preceding year. For example, the November, 1957, issue, which was the last controlled by Dean McCleary, contained survey articles by Eckhardt on Property, Fratcher on Trusts and Succession, McCleary on Torts and Wheaton on Procedure. Dean Covington allowed the conscript writers more latitude. They were free from 1958 on to mention Missouri statutes and Court of Appeals decisions as well as Supreme Court opinions. The titles were changed accordingly, e.g., "Trusts and Succession in Missouri." Even so, it is virtually impossible to make a survey article interesting or inspiring. It is little more than a series of digest paragraphs. This writer tried to relieve the dullness by starting with an in-depth study of some case or problem. Professor Eckhardt was even bolder: he limited his required article to an in-depth study of a single case or problem; in other words, he contributed an ordinary, readable, scholarly article to the November issue. The last coerced survey articles were published in 1965. By then the school had grown to a point at which coercion was unnecessary to keep the MISSOURI LAW REVIEW going.

A different form of coercion has resulted in some contributions to the Law Review. It will be recalled that, during the first half of this century, an S.J.D. was commonly required as a condition of tenure as a law teacher. By 1950 some teachers who had not received this degree were being employed without an understanding that they would acquire it. Such teachers have been required to publish several substantial articles (not necessarily in the MISSOURI LAW REVIEW) before their promotion and tenure is recommended. In effect, the School of Law has imposed a requirement that its beginning teachers earn their Habilitation here instead

49. E.g., 2 Mo. Law Rev. 393-505 (1937).
50. 22 Mo. Law Rev. 373, 390, 384, 413, (1957). Louis F. Cottey '58 prepared the statistical survey; Charles V. Garnett (UMKC '12) surveyed Appellate Practice; John David Collins, '51, Evidence; Robert E. Seiler '35, Insurance; Austin T. Shute, '52, Labor Law; and Robert S. Eastin '31, Taxation. The surveys by practising lawyers really were "contributions."
52. E.g., Eckhardt, Rule Against Perpetuities in Missouri, 30 Mo. Law Rev. 27-71 (1965). This is an outstanding article which helped to secure the passage of Mo. Laws 1965, p. 628, §1, RSMo 1969 §442.555. See Eckhardt, Perpetuities Reform by Legislation, 31 Mo. Law Rev. 56 (1966). The Index to Legal Periodicals refused to index the 1965 article because it was part of a survey. See Fratcher, The Decline of the Index to Legal Periodicals, 18 J. Legal Ed. 297-303 (1966).
53. See page 53, supra. One reason for Assistant Professor William W. Beckett's 1949 resignation was that he lacked an A.B., could not become an S.J.D. candidate without one, and was unlikely to be promoted to Associate Professor with tenure without being at least an S.J.D. candidate. He had had long and arduous service in World War II. The pressure on law teachers to earn S.J.D. degrees had become less intense when he returned to the Faculty of Law in 1969.
of elsewhere. Perhaps it should confer the LL.M. on those who do well and the S.J.D. on those whose publications are outstanding. It did recommend an LL.D. for John Davison Lawson.

As originally organized, the editorial policy of the Missouri Law Review was fixed by a Faculty Editor and its business affairs were managed by the Dean's secretary. Student editors merely wrote comments and case notes under the supervision of teachers of the subjects involved in their essays. Since the fall of 1958 a student Editor-in-Chief has been designated by the Faculty of Law. In the fall of 1959 the faculty supervisor's title was changed to Faculty Adviser, the student Editor-in-Chief assumed most of the responsibility for editorial policy, and a student Managing Editor took over most of the conduct of business affairs. There has been a gradual shift of most supervisory and operating functions to the student editors but student writing is still reviewed before publication by teachers with expertise in the subject. The election of candidates for the student editorship was based exclusively on grade point average until recent years. It is now possible for a student whose grade point average is high, but below that required for automatic election, to qualify by writing a casenote of publishable quality.

Since 1872 every first year student has been required to write an appellate brief for moot court. Since 1942 a course in Drafting of Legal Instruments has been offered when faculty manpower was available to teach it. It has been popular when taught by such able teachers as Paul M. Peterson, Willard L. Eckhardt and Robert L. Ross.

In 1967 the Student Bar Association (comprising all students in the school) recommended that non-law review students be given an opportunity for faculty-supervised legal writing comparable to that provided for law review candidates and members. In response to this recommendation, the Faculty of Law adopted a rule prescribing that every student who is not a law review candidate or member take in each of his last two years a course in which a substantial written paper, based on legal research, is required. The supervision of legal writing is very time-consuming for law teachers.

At the first meeting of the American Bar Association Section on Legal Education, in 1894, Professor John D. Lawson of the University of Missouri Department of Law read a paper urging the establishment of bar examinations which would be severe enough to screen out applicants with inadequate legal education. The Association of American Law Schools was organized in 1900 by Professor Lawson and representatives of thirty-four other law schools. The Missouri Department of Law became (and still is) a charter member. This organization has, from its inception, insisted upon high standards for membership, including adequate faculties, libraries and facilities. In November, 1923, the Council on Legal Education and Admission to the Bar of the American Bar Association designated thirty-nine law schools as Class "A," meaning that they met all standards of the Association. The University of Missouri School of Law at Columbia was one of the thirty-nine. It had had a chapter of the Order of the Coif since 1906. That organization imposes higher standards than either the American Bar Association or the Association of American Law Schools.

Until 1965 the School of Law had always been well ahead of the requirements of all three organizations. This is no longer the case. The admission requirements are high, the curriculum is adequate and the faculty is excellent but Tate Hall is not sufficiently commodious to house the students, teachers, and books crammed into it. The law library staff is inadequate in size and training and the law library lacks the degree of independence of the central campus library director which the current
regulations of the American Bar Association prescribe. On Friday, March 25, 1888, the Faculty of Law met in Academic Hall with President Samuel Spahr Laws presiding and Dean Bliss and Professors Tiedeman and Yantis present. The minutes, written by Professor Tiedeman, recite, "It was also moved and adopted that the Board of Curators be requested to completely sever the law library from the management of the general library of the University and to place the law library in the charge of the law faculty." Those who adopted this motion no longer frequent Academic Hall and never saw Tate Hall. Their successors hope that some day, some way, this plea will find its way at last through the clogged channels of university bureaucracy to the top of the mountain and that their Serene Omnipotencies, the Board of Curators, will grant the request of Dean Bliss and his colleagues. We pray that it will not be another ninety years until this happens.

CHAPTER VII.

Old Girls and Old Boys

Teachers in a good state law school contribute directly to society by drafting court rules, regulations and legislation, taking an active part in the law reform programs of bar associations, and writing books and articles which organize, clarify and suggest improvement of the law. They are paid primarily for teaching, however, and involve themselves in these other activities mainly because this improves their teaching. The stature of a law school is judged more by the careers of its graduates than by the publications of its teachers. If the law teachers at Old Mokansas write learned articles on the Code of Hammurabi and the Peruvian off-shore fishing laws but the typical alumnus of Old Mokansas is an unsuccessful ambulance chaser who ekes out a meagre living by securing an occasional divorce for a charwoman and defending clients charged with vagrancy, the public esteem of Old Mokansas will not be high.

There is an intimate relationship between five factors: (1) the quality of a law school; (2) its reputation; (3) the careers of its graduates; and (4) the extent to which the graduates help the school. If all four factors are strong, the law school is outstanding. If there is weakness in any of the four factors, this tends to impair the other three. For example, unless its graduates have successful careers, a school cannot attract able applicants. Without able students, it cannot turn out graduates who will be good lawyers. If its graduates are not good lawyers, its reputation will be low. If its reputation is low, it cannot attract able teachers. If its graduates are unable, because they are unsuccessful, or unwilling, to help the school with money and political support, it cannot pay salaries high enough to retain good teachers, build a good law library or secure adequate buildings. If the reputation of a school declines, the value of its degree is reduced and the careers of its graduates are impaired. Whether they like it or not, the teachers and alumni of a law school are so bound together that, unless both groups do their parts well, both will suffer.

Alumni help can be of various types. Some are: (a) giving lectures, part-time teaching, and moot-court judging; (b) recruiting able applicants for admission; (c) providing summer employment that offers practical experience for students in the school; (d) helping in the placement of graduates; (e) informing the faculty of changes in the practice that may make modification of the curriculum or methods of the school desirable; (f) contributing funds to meet needs of the school for which state appropriations are unavailable or inadequate; (g) supporting the school in the political arena. An opportunity for this last type of help arose when Dean Covington tried to inform the alumni and the public of the urgent need of the School of Law for a new building and was immediately muzzled by the University Administration. If influential law alumni had grabbed the ball and run with it, the School of Law might have had a spacious new building ten years ago instead of being kept crowded into Tate Hall, a structure meant for a school half its size.

Experience in all of the states indicates that state legislatures cannot or will not provide sufficient funds to maintain a state law school of high

quality. If a state law school is to rise above mediocre stature it must have contributions to supplement state appropriations. A leading state university law school, that of the University of Michigan at Ann Arbor, received some thirteen million dollars from one alumnus for construction of buildings and endowment prior to 1933. It now receives gifts of over half a million dollars a year from alumni for current operating expenses, in addition to which the alumni are financing an eight million dollar law library addition. With this kind of alumni financial support, the law school at Ann Arbor is maintaining its high standing in spite of the fact that the State of Michigan’s operation of another law school in Detroit has made it difficult to secure adequate appropriations.

Some Missouri law alumni have seen clearly needs of the School of Law which were not being met from appropriated funds. On Thanksgiving Day, 1927, Earl F. Nelson ’05 of St. Louis, 55 made a presidential address to the Law School Alumni Association56 in which he proposed the creation of a Law School Foundation to collect and administer an endowment fund to meet needs of the school which could not be met from appropriated funds. Mr. Nelson saw as the most urgent problem at that time57 the need for salary supplements to keep the best law teachers from resigning to accept better-paid positions elsewhere. He suggested that one reason why law teachers were paid less at Missouri than at other schools was a long-standing University Administration policy of paying all teachers of equal rank on the same scale without regard to whether they taught such academic subjects as Latin and philosophy or professional courses in law or medicine. The policy ignored what teachers could earn outside the University.58 He attributed the loss of Dean Hinton, Walter Wheeler Cook, Stanley Hart Udy, Merton Leroy Ferson, Charles Kellogg Burdick, Percy Bordwell and Kenneth Craddock Sears,59 all able teachers, to this policy. Within a short time he could have added Dean McBaine to the list of losses.

The University of Missouri Law School Foundation was incorporated in 1928. By 1954 it had an endowment fund of $32,000. A campaign conducted in 1955 under the chairmanship of Latney Barnes ’35 increased this substantially. A “Margin of Excellence” campaign was conducted in 1967 and 1968 under the chairmanship of Lowell L. Knipmeyer ’32. As a result of these campaigns and of gifts and bequests made by self-motivated loyal

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55. President of the Law School Foundation, 1933-38, and Honorary President from 1938 until his death in 1946; Curator, 1937-43.
56. Which was established in 1923 and has held annual meetings on Law School Day since 1929.
57. When this address was delivered the school had just moved into Tate Hall, so there was no immediate need for a building.
58. Mr. Nelson suggested that the policy had been terminated by the administration of President Stratton Duluth Brooks, which began in 1923. In fact, it is very difficult for presidents and chancellors who are professors of history or education to be enthusiastic about a salary scale under which professors of medicine, veterinary medicine and law (who usually lack Ph. D. degrees) are paid twice as much as professors of history, literature, philosophy and education (who always hold Ph. D. or Ed. D. degrees). If the pre-1923 policy described by Mr. Nelson were still in force, professors of education and surgery would be paid exactly the same salaries although a surgeon makes more than ten times as much as a school teacher outside the University.
59. The 1923-24 MISSOURI OFFICIAL MANUAL lists Kenneth C. Sears as a professor of law with an annual salary of $4,500, the same amount received by professors of anatomy, English, engineering mechanics, field crops, high school administration, psychology, pathology, economics, history and philosophy. The Professor of Physical Education, however, was paid $5,000 a year.
alumni, the Foundation now administers an endowment in excess of $400,000. Some of this is earmarked for designated purposes, such as scholarships and law books. When funds are not earmarked, it has been the policy of the Foundation to invest them and use the income for scholarships, an annual Edna Nelson Dinner for first year students and members of the Missouri Law Review, an annual Earl F. Nelson lecture, payment of travel expenses of law teachers, and summer research grants for law teachers. All of these supplements to appropriated funds help the school to maintain its standing.

The Law School Foundation has lacked the resources needed to solve the salary problem noted by Mr. Earl Nelson in his 1927 address, but several loyal alumni have provided funds for this purpose. In 1961 Mr. R. B. Price '04 made arrangements for payment of a substantial salary supplement to a distinguished professor of law. Mr. Price permitted his bounty to be used, pending a permanent appointment, to bring distinguished scholars to the school for short periods. Professors Austin W. Scott of Harvard, Edwin Willbイト Patterson of Columbia University in the City of New York, Elliott E. Cheatham, Monrad Paulsen, also of Columbia, Frederick D. G. Ribble of the University of Virginia, and Frederick H. Lawson of Oxford served for limited terms as the R. B. Price Distinguished Professor of Law. In 1968 Phil Sheridan Gibson '14, who had been Chief Justice of California from 1940 to 1964 and was then a director of the Dorothy H. and Lewis Rosenstiel Foundation, arranged to have that foundation assign a $500,000 debenture to the University of Missouri in memory of Dorothy H. Rosenstiel, the income to be used for salary supplements for law professors. Edna Nelson, widow of Earl F. Nelson '05, established a trust, the income of which became available in 1973 to provide a salary supplement for a law teacher or teachers and to finance scholarships for second and third year students. President and Mrs. Frederick Arnold Middlebush also set up a trust to provide a salary supplement for a law teacher to be designated the Isidor Loeb Professor of Law. Mr. Nelson's 1927 address has produced results.

Despite the generosity of some alumni, a few instances of which have been mentioned, it has not yet been possible to get all successful alumni of the school to adopt a habit of regular annual giving in substantial amounts. In order to achieve this, the Law Alumni Association and the Law School Foundation agreed in 1977 to work together to raise the regular annual alumni gifts to the School of Law to $100,000 a year. This is a modest goal, only a fifth of the amount regularly given by Michigan Law alumni.

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60. University policy for many years limited reimbursement of travel expenses of teachers to first class rail fare plus Pullman upper berth charges in attending one scholarly or professional meeting per year. The rail and Pullman fare has been changed to air coach fare. This has meant that, if a law teacher wished to attend more than one meeting per year he had to pay all his expenses for the additional meetings. Even if he attended only one meeting (e.g., that of the Association of American Law Schools, held after Christmas), he had to pay taxi fares, hotel bills, and the cost of meals and tips out of his own pocket. It is with these expenses that the Foundation has helped. The University has reimbursed the Dean for full expenses of travel to as many as three meetings per year (Association of American Law Schools; American Law Institute; American Bar Association), but neither it nor the Foundation has helped other teachers to attend more than one. Some teachers would like to attend meetings of such organizations as the American College of Probate Counsel, the American Society of Legal History and the American Bar Association.

61. The summer research grants have usually been in the amount of $900, which is not subject to federal income tax if spread over three months. Teachers have frequently preferred such a grant to teaching in the summer session with compensation of from one to four thousand dollars.
Law school alumni cannot be expected to support the school unless they are informed of its progress and needs. To this end, successive deans have spoken to alumni luncheons arranged in conjunction with the fall annual meetings of The Missouri Bar. Since 1929 alumni have been invited to return to Tate Hall late in April each year for Law School Day, which has included meetings of the Law Alumni Association and the Law School Foundation, the annual initiation into the Missouri Chapter of the Order of the Coif, ceremonial and social functions of law fraternities, an alumni dinner and, usually, the second-year moot court finals. Mr. Boyle G. Clark '06 of the Columbia Bar, who had been Dean McBaine's law partner and had served as President of the Missouri Bar Association, began to invite returning alumni who were his friends to a picnic lunch on Law School Day at his home on South Greenwood Avenue. The scope of the invitation was extended gradually to include all alumni attending Law School Day functions. After a Law School Day during which rain fell steadily and some seven hundred alumni and spouses tramped mud into the Clark home, Mr. Clark decided that he could no longer continue this much-enjoyed picnic lunch. Dean McCleary, who noted shrewdly that the law alumni enjoyed the visiting with classmates and friends at the lunch more than anything else in the Law School Day program, arranged to have the School of Law take over the picnic lunch, holding it on the lawn near Tate Hall if the weather was good and in Brewer Field House if it was not. In order to keep alumni who did not return for Law School Day informed of events in the school, Dean McCleary sent an informative letter annually to all graduates of the school. His successors have continued both the picnic lunch and the mailing of newsletters.

The 1953 Coif Initiation
President Hiram H. Lesar of the Missouri Chapter, Order of the Coif, decorating Governor Phil M. Donnelly, the 1953 honorary initiate, with the insigné of the order. Dean Alexander Martin and Lee Harry Tate '13 witness the ceremony.
Law School Day Luncheon at home of Boyle G. Clark '06
1951
Part of the speakers Table, Law School Foundation Banquet (1953) Left to right: Frank Stonner, Lynn Ewing, Roland O’Bryen, President F. A. Middlebush, George Willson, Judge Norwin Houser, Paul Hanna. Mrs. Middlebush, Mrs. Montgomery (Assistant Law Librarian) and Percy Hogan are in the foreground.


In addition to keeping its graduates informed of its operations and needs, a good law school renders service to its alumni. Graduates of the University of Missouri School of Law at Columbia have been provided with placement service, use of the law library and, since 1970, with a continuing legal education program. Alumni frequently get tips on solving legal problems from their former teachers.

This chapter began with a statement that the stature of a law school is measured by the careers of its graduates. To prove that, by this measure, the University of Missouri School of Law stands proudly, it is necessary to describe the careers of its graduates. Because, as has been seen, the school has seen as its primary function the training of lawyers for private practice, an inherent difficulty arises. Who is wise enough to know which lawyers in private practice serve society best? The senior partner in the large Kansas City firm which guides major banks, industries and business corporations? The general counsel of a railroad or a great public utility corporation with offices in St. Louis? The lawyer who practices alone in a small county seat town and has drafted every deed and will executed in the county since 1927?
The lawyer whose three-member firm in a railroad town is expert in the trial of tort cases? Don Carlos Carter '05 of Sturgeon, who defended persons charged with crime for some seventy years and boasted that not one of his clients was ever hanged? Discussions with alumni who are successful in private practice suggest that there is no feasible way to compile a list of those who are most successful (or most useful, which is not the same thing). This being so it is impossible to name those who have done best that which the School of Law trained them to do.

All that can be done is to offer a list of the graduates of the School of Law who have held important public or bar association offices, have been awarded honorary degrees by the University of Missouri, or who have been honorary initiates into the Missouri Chapter of the Order of the Coif. This omits many alumni who have had distinguished careers and have also been loyal supporters of the school. This is to be regretted. The list which follows does establish beyond a reasonable doubt that at least some of the graduates of the Department of Law which Daniel Read and Philemon Bliss of the Ohio Bar established at Columbia, Missouri, on Monday, October 7, 1872, have done better than the typical graduate of Old Mokansans described in the first paragraph of this chapter.

The 1951 Coif Initiation. Left to right: A. H. Stocker '51; W. J. Cason '51; J. E. Reeves '51; C. C. Wheaton (Harv. '15), President, Missouri Chapter; F. C. Mann '12; W. W. Fry '09. Behind Mr. Fry is the portrait of Professor J. A. Yantis.

62. It was rumored that one of Mr. Carter's clients had had the hangman's noose adjusted around his neck before his reprieve arrived from Jefferson City.
### SOME DISTINGUISHED ALUMNI

<table>
<thead>
<tr>
<th>Name</th>
<th>Class</th>
<th>Accomplishments</th>
</tr>
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<tbody>
<tr>
<td>Robert Franklin Walker</td>
<td>1875</td>
<td>Chief Justice of Missouri; President, Missouri Bar Assn.; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>Enoch H. Crowder</td>
<td>1886</td>
<td>The Judge Advocate General of the Army; Ambassador to Cuba; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>William Mack</td>
<td>1887</td>
<td>Legal editor; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>North Todd Gentry</td>
<td>1888</td>
<td>Judge, Missouri Supreme Court.</td>
</tr>
<tr>
<td>Edward J. White</td>
<td>1891</td>
<td>President, Missouri Bar Association; Hon. LL.D., UMC; Coif 1935.</td>
</tr>
<tr>
<td>Henry J. Gerling</td>
<td>1894</td>
<td>Superintendent of Schools, St. Louis; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>Guy Brasfield Park</td>
<td>1896</td>
<td>Governor of Missouri.</td>
</tr>
<tr>
<td>Guy Atwood Thompson</td>
<td>1898</td>
<td>President, American Bar Association; President, Missouri Bar Association; Hon. LL.D., UMC; Coif 1932.</td>
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<tr>
<td>Frank Gaines Harris</td>
<td>1898</td>
<td>Lieutenant Governor of Missouri.</td>
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<tr>
<td>George Herbert Moore</td>
<td>1901</td>
<td>U.S. District Judge; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>George Robb Ellison</td>
<td>1904</td>
<td>Chief Justice of Missouri.</td>
</tr>
<tr>
<td>Berryman Henwood</td>
<td>1904</td>
<td>Judge, Missouri Supreme Court.</td>
</tr>
<tr>
<td>Robert Beverly Price</td>
<td>1904</td>
<td>President, Boone County National Bank; Treasurer of the University of Missouri.</td>
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<tr>
<td>Earl Fontaine Nelson</td>
<td>1905</td>
<td>University Curator; Coif 1933.</td>
</tr>
<tr>
<td>Lawrence H. Hedrick</td>
<td>1905</td>
<td>Brigadier General, Assistant Judge Advocate General.</td>
</tr>
<tr>
<td>Charles B. Davis</td>
<td>1905</td>
<td>U.S. District Judge.</td>
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<tr>
<td>Ernest A. Green</td>
<td>1905</td>
<td>President, Missouri Bar Association.</td>
</tr>
<tr>
<td>Boyle G. Clark</td>
<td>1906</td>
<td>President, Missouri Bar Association; Coif 1937.</td>
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<tr>
<td>Roscoe F. Anderson</td>
<td>1906</td>
<td>President, Missouri Bar Association; University Curator.</td>
</tr>
<tr>
<td>Robert B. Caldwell</td>
<td>1907</td>
<td>Chairman, Missouri Board of Law Examiners; Hon. LL.D., UMC; Coif 1942.</td>
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<tr>
<td>Forrest C. Donnell</td>
<td>1907</td>
<td>Governor of Missouri; U.S. Senator; Hon. LL.D., UMC; Coif 1907.</td>
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<td>Clarence Andrew Cannon</td>
<td>1908</td>
<td>Chairman, House Appropriations Committee; Hon. LL.D., UMC.</td>
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<tr>
<td>William Wallace Fry</td>
<td>1909</td>
<td>President, Missouri Bar Association; Coif 1950.</td>
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<tr>
<td>Allen Laws Oliver</td>
<td>1909</td>
<td>President, Missouri Bar Association; Coif 1959.</td>
</tr>
<tr>
<td>Name</td>
<td>Year</td>
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<td>-------------------------------</td>
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<tr>
<td>Merrill Edward Otis</td>
<td>1910</td>
<td>U.S. District Judge; Hon. LL.D., UMC; Coif 1910.</td>
</tr>
<tr>
<td>Edwin Wilhite Patterson</td>
<td>1911</td>
<td>Professor of Law, Columbia University, N.Y.C.; Coif 1911.</td>
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<tr>
<td>Ernest Moss Tipton</td>
<td>1911</td>
<td>Chief Justice of Missouri.</td>
</tr>
<tr>
<td>Roscoe P. Conkling</td>
<td>1912</td>
<td>Chief Justice of Missouri.</td>
</tr>
<tr>
<td>Frank Clark Mann</td>
<td>1912</td>
<td>President, Missouri Bar Association; University Curator; Coif 1951.</td>
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<tr>
<td>Russell Lee Dearmont</td>
<td>1914</td>
<td>President, Missouri Pacific Railroad; Hon. LL.D., UMC.</td>
</tr>
<tr>
<td>Phil Sheridan Gibson</td>
<td>1914</td>
<td>Chief Justice of California; Hon. LL.D., UMC; Coif 1952.</td>
</tr>
<tr>
<td>George Clark Willson</td>
<td>1914</td>
<td>University Curator; Hon. LL.D., UMC; Coif 1914.</td>
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<td>Laurance Mastick Hyde</td>
<td>1916</td>
<td>Chief Justice of Missouri; Hon. LL.D., UMC; Coif 1938.</td>
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<tr>
<td>Cornelius H. Skinker</td>
<td>1916</td>
<td>Circuit Judge; Coif 1939.</td>
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<tr>
<td>Rush H. Limbaugh</td>
<td>1916</td>
<td>President, The Missouri Bar; Chairman, Section of Real Property, Probate and Trust Law, American Bar Association; Coif 1948.</td>
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<tr>
<td>Kenneth Teasdale</td>
<td>1918</td>
<td>President, Missouri Bar Association; Coif 1940.</td>
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<tr>
<td>Sidna P. Dalton</td>
<td>1918</td>
<td>Chief Justice of Missouri; Coif 1918.</td>
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<tr>
<td>John M. Dalton</td>
<td>1923</td>
<td>Governor of Missouri; Hon. LL.D., UMC; Coif 1962.</td>
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<tr>
<td>Delos Cole Johns</td>
<td>1923</td>
<td>President, Federal Reserve Bank of St. Louis; Hon. LL.D., UMC; Coif 1923.</td>
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<tr>
<td>Roy P. Swanson</td>
<td>1923</td>
<td>President, The Missouri Bar.</td>
</tr>
<tr>
<td>Richmond C. Coburn</td>
<td>1925</td>
<td>President, Missouri Bar Association; Coif 1952.</td>
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<td>Roland F. O’Bryen</td>
<td>1925</td>
<td>President, Missouri Bar Association.</td>
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<tr>
<td>James Wesley McAfee</td>
<td>1926</td>
<td>President, Union Electric Company; Hon. LL.D., UMC; Coif 1926.</td>
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<td>Isaac Newton Skelton</td>
<td>1926</td>
<td>University Curator; Coif 1926.</td>
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<td>Lynn M. Ewing</td>
<td>1927</td>
<td>President, The Missouri Bar; Coif 1927.</td>
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<td>Mary Louise Ramsey</td>
<td>1928</td>
<td>Legislative Reference, Library of Congress; Coif 1928.</td>
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<td>Irvin Fane</td>
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<td>Lawrence Holman</td>
<td>1929</td>
<td>Chief Justice of Missouri; Coif 1970.</td>
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<tr>
<td>Name</td>
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<td>Nathaniel B. Rieger</td>
<td>1929</td>
<td>Brigadier General; Commandant, The Judge Advocate General’s School; Missouri Commissioner of Securities.</td>
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<td>Amos Hall Eblen</td>
<td>1931</td>
<td>Professor of Law, University of Kentucky; Coif 1932.</td>
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<td>Norwin D. Houser</td>
<td>1931</td>
<td>Commissioner, Supreme Court of Missouri; Coif 1967.</td>
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<td>James A. Finch, Jr.</td>
<td>1932</td>
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<td>Lowell L. Knipmeyer</td>
<td>1932</td>
<td>Kansas City; Coif 1972.</td>
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<td>Cullen Coil</td>
<td>1932</td>
<td>Commissioner, Supreme Court of Missouri; Coif 1976.</td>
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<td>Floyd Robert Gibson</td>
<td>1933</td>
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<td>Robert A. Dempster</td>
<td>1934</td>
<td>University Curator; Coif 1978.</td>
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<td>Rudolph Heitz</td>
<td>1934</td>
<td>Professor of Law, UMKC.</td>
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<tr>
<td>Robert E. Seiler</td>
<td>1935</td>
<td>Chief Justice of Missouri; Coif 1935.</td>
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<tr>
<td>William L. Nelson, Jr.</td>
<td>1936</td>
<td>General Counsel, MFA Insurance Companies; Coif 1936.</td>
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<td>Harris Kenneth Wangelin</td>
<td>1936</td>
<td>U.S. District Judge.</td>
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<td>Clarence O. Woolsey</td>
<td>1936</td>
<td>President, The Missouri Bar.</td>
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<td>Alden A. Stockard</td>
<td>1937</td>
<td>Commissioner, Supreme Court of Missouri; Coif 1937.</td>
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<td>Elmo Bolton Hunter</td>
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<td>U.S. District Judge; Coif 1938.</td>
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<td>David R. Hardy</td>
<td>1939</td>
<td>President, Kansas City Bar Association; Coif 1961.</td>
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<td>Ilus W. Davis</td>
<td>1939</td>
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<td>Rankin M. Gibson</td>
<td>1939</td>
<td>Justice, Supreme Court of Ohio.</td>
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<tr>
<td>Robert James Fowks</td>
<td>1942</td>
<td>Professor of Law, Washburn University; Coif 1942.</td>
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<tr>
<td>Jackson A. Wright</td>
<td>1944</td>
<td>President, The Missouri Bar; University General Counsel; Coif 1944.</td>
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<tr>
<td>Edith Dailey Wright</td>
<td>1944</td>
<td>Vice President and Trust Officer, Boone County National Bank.</td>
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FOUR GOVERNORS OF MISSOURI

Guy B. Park '96
Governor of Missouri (Straus Photo - Courtesy State Historical Society of Missouri).

Forrest C. Donnell '07
Governor of Missouri, 1941-45; United States Senator from Missouri, 1945-51. (State Historical Society of Missouri)

John M. Dalton '23
Governor of Missouri (State Historical Society of Missouri)

Warren E. Hearnes '52
Governor of Missouri (State Historical Society of Missouri)
CHIEF JUSTICES OF MISSOURI

Robert F. Walker ’75
Lecturer on Law, 1907-13; President, Missouri Bar Association; Chief Justice of Missouri. (State Historical Society of Missouri)

Guy A. Thompson ’98
President, American and Missouri Bar Associations

George R. Ellison ’04
Chief Justice of Missouri (Photographed by Kay Hart, N.Y. Courtesy State Historical Society of Missouri).

Ernest M. Tipton ’11
Chief Justice of Missouri (Missouri Secretary of State).
James A. Finch, Jr. ’32
Chief Justice of Missouri
(Missouri Secretary of State)

Robert E. Seiler ’35
Chief Justice of Missouri
(Missouri Secretary of State)

J. P. Morgan ’47
Chief Justice of Missouri
(Missouri Secretary of State)

Robert T. Donnelly ’50
Chief Justice of Missouri
(Missouri Secretary of State)
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<tr>
<th>Name</th>
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<tr>
<td>Robert Grant Brady</td>
<td>1948</td>
<td>University Curator; Court of Appeals Judge.</td>
</tr>
<tr>
<td>Herman T. F. Lum</td>
<td>1950</td>
<td>Circuit Judge, Honolulu, Hawaii.</td>
</tr>
<tr>
<td>Warren E. Hearnes</td>
<td>1952</td>
<td>Governor of Missouri; Hon. L.L.D., UMC; Coif 1966.</td>
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<tr>
<td>William Howard Billings</td>
<td>1952</td>
<td>University Curator; Court of Appeals Judge; Coif 1952.</td>
</tr>
<tr>
<td>John R. Gibson</td>
<td>1952</td>
<td>President, The Missouri Bar.</td>
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<tr>
<td>Laurance M. Hyde, Jr.</td>
<td>1952</td>
<td>Dean, Nova University School of Law.</td>
</tr>
<tr>
<td>William C. Phelps</td>
<td>1956</td>
<td>Lieutenant Governor of Missouri.</td>
</tr>
<tr>
<td>Mary Frank Lafollette</td>
<td>1958</td>
<td>Executive Director, The Alaska Bar.</td>
</tr>
<tr>
<td>Joseph C. Long</td>
<td>1963</td>
<td>Professor of Law, University of Oklahoma; Coif 1963.</td>
</tr>
<tr>
<td>William Boyd Wharton</td>
<td>1963</td>
<td>Professor, South Texas College of Law</td>
</tr>
<tr>
<td>Mack Allen Player</td>
<td>1965</td>
<td>Professor of Law, University of Georgia</td>
</tr>
<tr>
<td>David M. Roberts</td>
<td>1967</td>
<td>Associate Professor of Law, University of Puget Sound; Coif 1967.</td>
</tr>
</tbody>
</table>

Law School Day, 1963. Left to right: Austin W. Scott, Dane Professor Emeritus at Harvard and Visiting R. B. Price Distinguished Professor at Missouri; President Elmer Ellis; Judge Lawrence Holman; Judge John Oliver.
ALUMNI WHO BECAME DISTINGUISHED FAR AWAY FROM THE LAW BARN

Phil Sheridan Gibson '14
Associate Justice, California Supreme Court, 1939-40; Chief Justice of California, 1940-64.

Brigadier General Nathaniel B. Rieger '29
Staff Judge Advocate, United States Army, Europe, in his office at Heidelberg, Germany, 1958. (U.S. Army Photograph).

Brigadier General Lawrence H. Hedrick '05
Major General Enoch H. Crowder '86
Lecturer on Law, 1886-89; Associate Justice, Philippine Supreme Court, 1899-1900; The Judge Advocate General, 1911-23; Provost Marshal General and ex-officio Director of Selective Service, 1917-19; United States Ambassador to Cuba, 1923-27 (U.S. Army Photograph).
Postscript

Despite the careful searching of old records done by Percy Hogan and the late Dean Glenn McCleary and the efforts of the present writer, this brief history lacks some features which a good law school history should have. Interested alumni and friends of the School of Law may be able to provide some of these for the second edition.

Anecdotes about former teachers and student life in the School of Law are needed. Pictures of law classes in session and assemblies in old Academic Hall (1872-92) and the Law Barn (1893-1927) would make welcome additions. More graduating class group pictures might be added. Information about the careers and personalities of distinguished graduates would be especially valuable. If any of the school's alumni has served as Chief Justice of Australia or Chief Public Prosecutor in Siberia, the history should note it. Information about graduates who (1) flunked the bar examination, (2) were disbarred, (3) served terms in the penitentiary, or (4) ended their careers with the aid of the public executioner, is not sought.

Contributions of information and pictures will be appreciated.

Dean Glenn A. McCleary and Law Librarian Percy A. Hogan examining the newly acquired English Statutes of the Realm, published by the British Record Commission between 1810 and 1822. February 1952.
One of the pictures of distinguished judges collected for the School of Law by Dean John D. Lawson. The portrait is of Lord Camden, Chief Justice of the English Court of Common Pleas from 1762 to 1766. He became Earl Camden and Lord Chancellor later but was in deep disgrace for several years because he favored the rebel cause during the American Revolution.
APPENDIX I

The Law School Collection of Portraits *

Having always believed in the value to the law student in familiarizing himself with the faces of the judges, lawyers and jurists whose judgments and pleadings they study, when I became Dean of the Law School I commenced the collection of portraits of Jurists of the world. Through the generosity of the Governing Board of the University and private donations, it has now become by far the best collection of the kind in the West, and only equalled (I do not think it is excelled) by the collection which is the property of the Harvard Law School.

Of the great English judges and lawyers whose faces look down from the walls on the twentieth century American law student are Lord Bacon, Chancellor of England and Philosopher; William Blackstone, the author of the Commentaries on Law which lawyers in both England and America still study; Lord Brougham, the Law Reformer; Lord Campbell, Chief Justice of England and author of the Lives of the Judges and Chancellors; Lord Camden, Chancellor of England, and friend of America during the Revolution; Coke, Attorney General in the reign of Queen Elizabeth and antagonist of Bacon and Sir Walter Raleigh; Lords Eldon, Thurlow and Erskine, three of the greatest of the English chancellors; and Lord Ellenborough and Lord Mansfield, two of the greatest of the Chief Justices and Lord Lyndhurst, the only English Lord Chancellor who was born in America and the son of the Boston Artist Copley, the portrait painter of the Revolution.

The other great English judges in the collection are Abinger (1769-1844); Cockburn. (1892-1880); Kenyon (1732-1802); Denman, (1779-1854); Holt, (1642-1710); Jervis (1802-1856); Timdall (1776-1846) and Russell (1833-1900), who were all Chief Justices, and Cairns (1819-1885); Cottenham (1781-1851); Hardwicke (1690-1764); Loughborough (1733-1805); Macclesfield (1666-1732); Sir Thomas Moore (1478-1535); Selborne (1812-1875), and Somers (1650-1716). Other English judges are Kelly (1796-1800); Pat­teson (1790-1861); the celebrated Baron Parke, (1782-1868), probably the greatest of the English Common Law Judges and Lord Stowell (1743-1836), the greatest of English Admiralty Judges. He was a brother of Chancellor Eldon and divided with Mr. Justice Story, of the United State Supreme Court, the distinction of having established the rules of International Law relating to prizes and contraband goods in time of war. There are also portraits of one judge, Blackburne, (1782-1867); one Scotch Chief Justice, Chief Justice Lord Dundas, and one Canadian Judge, Mr. Justice Riddell of Ontario.

The collection of American Chief Justices includes two of the great American Chief Justice John Marshall (1753-1835); one from the painting owned by the Bar of Philadelphia, the other from the painting that hangs in the Capitol at Richmond, Virginia, Chief Justice Jay (1745-1829); Ellsworth (1843-1807); Rutledge (1739-1800); Taney (1777-1864); Chase (1808-1873); Waite (1816-1888); Chief Justice Cooley (1824-1898), of Michigan; and Chief Justice Shaw (1781-1861) of Massachusetts. There are also engravings of Justices Curtis (1809-1874); Story (1779-1845); and Miller (1816-1890) of the Supreme Court of the United States. There are also two group pictures of the Justices of the Supreme Court of the United States, as that Court was constituted in 1907 and 1910. Other portraits of American Judges are Chancel-

lor Kent (1763-1847); of New York—the author of Kent’s Commentaries; Chief Justice Sherwood of Missouri and Mr. Justice Jackson (1767-1845), of Tennessee. The last is no other than General Andrew Jackson, who few persons know was for a time a justice of the Appellate Court of Tennessee.

The portraits of American lawyers include Thomas Jefferson (1743-1826); Alexander Hamilton (1757-1804); Daniel Webster (1782-1852); Jeremiah Black, (1810-1833); Martin Van Buren (1782-1862); Millard Fillmore (1800-1874); and Abraham Lincoln (1809-1865). Of these, all three afterward became Presidents of the United States; Edgar H. Farrar of Louisiana, President of the American Bar Association in 1910 and George W. Wickesham, the present Attorney-General of the United States, and Judah P. Benjamin (1811-1884), who after being for years a leader of the Louisiana Bar and successively a member of the United States Senate and Secretary of War in the Cabinet of Jefferson Davis, escaped in disguise from this country upon the downfall of the Confederacy and in ten years had become the leader of the English Bar.

The portraits of legal educators of note include Judge Cooley, who gave the Michigan Law School its great reputation in its early years; Theodore Dwight (1822-1891), for many years the head of the Law School of Columbia University; Edward J. Phelps, (1822-1900), Professor of Law in the Yale Law School and some time United States Minister to England, and John B. Minor (1813-1895), the beloved Dean of the Law School of the University of Virginia.

There are several fine engravings of legal history: The Trial of Marie Antoinette; the Trial of Lord Strafford; the Trial of Charles the First; the United States Senate in Webster’s and Clay’s time when it sat in the present Supreme Court Room at the Capitol, and The Examination of a Law Student in the Sixteenth Century.

One room is devoted to the Faculty and Alumni of the Law School, and on the walls are portraits of Deans Bliss, Martin and Lawson and Judge Hinton and his son, the new Dean, and Professors Gordon, Tiedeman, Yantis and Roberts. Large class pictures of all the graduates in Law since 1904 are also in this room and I have been for ten years collecting the class pictures of the former classes. I hope to complete this before long so that the walls of the Law School building may be able to show the faces of all the graduates of the school since the first class of 1873.

Many of the engravings in the Law School collection are rare and very valuable. Special mention should be made in this connection of Bartolozzi’s engraving of Thurlow by Reynolds, of the etching of Cooley by Thomas Nast, of the portrait of Dundas, and the Rosenthal etching of the old painting of the Law Student’s Examination.

Many of the portraits are gifts to me in trust for the University Law School. Jay, Ellsworth, Wade and Chase were presented by Judge Selden P. Spencer of St. Louis; Cooley, Phelps, Dwight and Minor by Judge Elmer B. Adams of St. Louis; Miller by C. O. Tichenor of the Kansas City Bar, Sherwood by E. J. White of Kansas City, of the Law Class of ’91; Story by J. S. McIntyre of St. Louis of the Law Class of ’97; Abinger, Kenyon, Denman and Russell by the Law Class of 1905, and the Examination of a Law Student by Hon. David R. Francis of St. Louis. I have made personally a few contributions, one of which has an interesting history. The portrait of Chief Justice Taney was formerly owned by his colleague, Justice Stephen J. Field, and hung in his library at Washington for more than a quarter of a century.

JOHN D. LAWSON.
"Justitia est constans et perpetua voluntas juris suum cuique tribuendi."

USHERS.
R. E. Downing, Norwood Fitch,
J. M. Evans, J. C. Growney,

Fourteenth Annual
LAW
Commencement.

University of the State of Missouri,

Thursday, March 25, '86.
**LIST OF GRADUATES.**

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<th>Name</th>
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<td>Joseph Barton</td>
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<td>Wm. Archie Bedford</td>
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<td>James Lewallen Bishop</td>
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<td>Cape Girardeau</td>
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<tr>
<td>James, Henry Whitecotton</td>
<td>Sidney</td>
<td>Ralls</td>
<td>Missouri</td>
</tr>
<tr>
<td>Lafayette Green Wilson</td>
<td>Oak Ridge</td>
<td>Cape Girardeau</td>
<td>Missouri</td>
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University of Missouri

LAW DEPARTMENT

MID YEAR EXAMINATIONS—1905–'06

FIRST YEAR CLASS

CONTRACTS.

DEAN LAWSON.

1. What are the necessary elements to a contract?

2. Illustrate acceptance by (a) assent, (b) promise, (c) act, (d) silence, (e) signing paper, (f) accepting paper.

3. Explain what is meant by form and consideration.

4. When does an acceptance contained in a letter bind the offerer from the moment it is posted?

5. Give the 4th section of the Statute of Frauds.

6. Give the three views taken by different courts of subscription papers signed by a number of subscribers to a public object.

7. Give the three different views on the question as to when one has the right to sue.

8. In what cases does an innocent misrepresentation affect an agreement?

10. Give your opinion regarding the validity of "lobbying" contracts.

11. A, who was engaged in the retail drug business in Boone county, sold his stock of drugs, fixtures, etc., and good will to B, and signed a written agreement never again to engage in the same business in Boone county, nor to engage in the same business in any adjoining county for a period of five years from the date of the agreement.

Three years after signing the agreement A opened a drug store in Boone county and also opened a like business in an adjoining county. B sued him for breach of contract. If you were consulted by A how would you advise him?

12. A owed B $500.00 evidenced by his promissory note which was due Sept. 1st, 1905. Unable to pay the full amount when due, A told B that he would pay half of the amount and asked B to give him until Jan. 1st, 1906, in which to pay the remainder. B received the $250.00 and promised to wait until Jan. 1st, 1906, for the balance; but instead of doing so sued B on the note on Oct. 15, 1905. Who will get judgment and why?

13. A on June 1st, 1902, agreed to pay B $100 for the use on June 27th of two rooms in B’s store overlooking a street in London on which the coronation procession of King Edward VII. was announced to pass on that day. The coronation was postponed on account of the illness of the King. B sued A for the $100. Who will get judgment and why?
14. It was publicly announced that on June 28th, there would be a grand review of the English fleet at S., to celebrate the coronation of King Edward VII. A about June 10th hired from B a steamship for June 27th to 29th, stating that he was going to use it to take passengers to see the review on June 28th. The review was subsequently officially canceled on account of the illness of the King and A refused to take or pay for the steamship. B sues him for the sum he agreed to pay for it. Who will get judgment and why?

15. A, by post, offered to sell B certain property for $1,000 and gave B one week in which to accept the offer. At eight o'clock in the morning of the third day after the date of A's letter, B posted a letter of acceptance, properly stamped and addressed, and this letter A never received. At 8:00 p.m. of this same day A telegraphed to B withdrawing his offer. Is there an agreement of sale and why?
Missouri Chapter, Order of the Coif
ORGANIZED MAY 23, 1906

ANNUAL OPEN MEETING AND INITIATION
Main Ballroom, Memorial Student Union
Columbia, Missouri
SATURDAY, APRIL 24, 1954
3:30 P.M.

PROGRAM

Call to Order
Introduction of honorary initiate
Introduction of regular initiates
History of the English Order of the Coif
The Pledge and Charge
Acceptance by honorary initiate

William F. Fratcher, President
Honorable Laurance M. Hyde
Roy F. Proffitt, Secretary
The Secretary
The President
Honorable Albert L. Reeves

INITIATES

The Honorable Albert L. Reeves,
Retired Chief Judge, United States District Court
Donald George Stubbs, Kansas City, Missouri
Raymond Charles Lewis, Jr., Columbia, Missouri
Lynn Moore Ewing, Jr., Nevada, Missouri
APPENDIX IV

REGULAR MEMBERS

(By Classes)

1906  William A. Franken
       Fred Kelsey
       James A. Parks
       Claude O. Pearcy

1907  Leslie E. Bates
       Forrest C. Donnell
       D. V. Northland
       William T. Nardin
       Fred W. Temple

1908  Charles T. Butler
       Barton D. Davis
       Grover C. Hosford
       Floyd E. Jacobs
       Harry E. Kilmer
       John A. Kurtz

1909  George D. Brownfield
       Sam R. Freet
       Dimmitt H. Hoffman
       Jesse F. Hogan
       William F. Woodruff

1910  Norman A. Cox
       Henry E. Elliott, Jr.
       Clarence R. Innis
       Merrill E. Otis
       Richard A. Smith
       Louis V. Stigall

1911  Johnson D. Hill
       Edwin W. Patterson
       James F. Rogers
       Rollin E. Talbert

1912  Preston C. Alexander
       Marvin E. Boisseau
       Charles C. Byers, Jr.
       Morrell DeReign
       Benjamin L. Liberman
       Dayle C. McDonough
       Thomas Lee Walker

1913  Carl S. Hoffman
       Elmer O. Jones

1914  Wendell Berry
       Arnold Just
       George C. Willson

1915  Keehn Berry
       Robert Burnett
       Roy Burns
       Elbert Lynn Webb

1916  Green L. Douthitt
       Dean H. Leopard
       Julius C. Shapiro

1917  James P. Hannigan
       Lue Lozier
       Gardner Smith

1918  Sidna P. Dalton
       Paul G. Koontz
       Samuel H. Liberman

1920  John Coy Bour
       Carson E. Cowherd
       Roscoe E. Harper
       James A. Walden

1921  William E. Crowe
       Ralph E. Murray
       Irving C. Neale

1922  Carl L. Crocker
       Ben Ely, Jr.
       Dupuy G. Warrick

1923  John W. Coots, Jr.
       Delos C. Johns

1924  John T. Sandison
       George E. Woodruff

1925  Robert L. Howard
       Abe Nemzoff
       Lee-Carl Overstreet

1926  James Wesley McAfee
       Isaac Newton Skelton

1927  Lynn M. Ewing
       John M. Gerlash
       George F. Wise

1928  Benjamin F. Boyer
       Mary Louise Ramsey
       John Henry Vossbrink

1929  John C. Baumann
       Frank O. Knight
       Russell Voertman
1930  John Henry Caruthers  
    Robert Stuart Erdahl  
    James Moore Haw, Jr.  
1931  Robert Strong Eastin  
    Paul G. Ochterbeck  
    John William Pegg  
1932  William Henry Becker, Jr.  
    James A. Finch, Jr.  
1933  Wallace Clifton Banta  
    Clarence G. Strop  
1934  Harold Miller Gutenkunst  
    Walter Compton Hotaling  
    Albert C. Howard  
    James Franklin Selby  
1935  William R. Collinson  
    Robert Eldridge Seiler  
    Henry Tiffin Teters  
    Sanford Russell Vandivort  
    Solbert M. Wasserstrom  
1936  Lawrence R. Brown  
    Helen Hunker  
    William L. Nelson, Jr.  
    John W. Oliver  
    A. D. Sappington  
    George S. H. Sharratt, Jr.  
1937  Oscar S. Brewer  
    Alden A. Stockard  
    Sesco V. Tipton  
    Robert A. Winger  
1938  Elmo Bolton Hunter  
    Morton M. Lane  
    William W. Van Matre  
1939  Harry P. Thomson, Jr.  
    Charles M. Walker  
    Ozbert W. Watkins, Jr.  
    George W. Wise  
1940  James H. Ottman  
    Simon Polsky  
    J. Baird Reynolds  
    Gerald B. Rowan  
    Ralph J. Tucker  
1941  John H. Gunn  
    Edward E. Mansur, Jr.  
1942  Robert James Fowks  
    Fred L. Howard  
1944  Jackson A. Wright  
1945  Tom H. Parrish  
1946  William Wilson Beckett  
1947  James P. Brown  
    James Edward Craig  
1948  George E. Ashley  
    Charles E. Dapron, Jr.  
    Robert L. Hawkins, Jr.  
    Guy A. Magruder, Jr.  
1949  Olen Wesley Burnett  
    George Flanigan  
    Laurence Flanigan  
    Alvin Randall  
    Murray Randall  
    Robert Lee Ross  
    Joseph Jamison Russell  
    Richard Jerome Watson  
1950  James Fenton Ford  
    Harry C. Lewis  
    Robert L. Smith  
    Robert James Virden  
    Buell Franklin Weathers  
1951  William Jennings Cason  
    James Edward Reeves  
    Allan H. Stocker  
1952  William Howard Billings  
    Jack Lee Brant  
    Fred Ashley Murdock  
    William Wayne Shinn  
1953  Mary Florence Gibson  
    Walter Duncan McQuie, Jr.  
    Robert Fleming Pyatt  
1954  Lynn Moore Ewing, Jr.  
    Raymond Charles Lewis, Jr.  
    Donald George Stubbs  

Regular members are selected by the faculty of the University of Missouri School of Law from the ten per cent of the third-year class who rank highest in scholarship.
HONORARY MEMBERS

J. Lionberger Davis, 1916
W. W. Graves, 1917
Henry Upson Sims, 1928
William T. Ragland, 1929
Fred L. Williams, 1930
Kimbrough Stone, 1931
Guy A. Thompson, 1932
Earl F. Nelson, 1933
Frank E. Atwood, 1934
Edward J. White, 1935
Cyrus Crane, 1936
Boyle G. Clark, 1937
Laurence M. Hyde, 1938
C. H. Skinker, 1939
Kenneth Teadale, 1940
Allen McReynolds, 1941
Robert B. Caldwell, 1942
Hugo L. Black, 1943
Albert M. Clark, 1946
Ransom A. Breuer, 1947
Rush H. Limbaugh, 1948
John Caskie Collet, 1949
W. Wallace Fry, 1950
Frank C. Mann, 1951
Richmond C. Coburn, 1952
Phil M. Donnelly, 1953
Albert L. Reeves, 1954

FACULTY MEMBERS

(With chapter and date of original election to the Order)

John D. Lawson, Missouri, 1906
Edward W. Hinton, Missouri, 1906
Vasco H. Roberts, Missouri, 1906
Walter Wheeler Cook, Missouri, 1906
L. E. Bristol, Missouri, 1908
Percy Bordwell, Missouri, 1908
Henry C. Hill, Missouri, 1909
Thomas A. Street, Missouri, 1909
James P. McBaine, Missouri, 1910
Manley O. Hudson, Missouri, 1911
Grover C. Hosford, Missouri, 1908
Isidor Loeb, Missouri, 1912
Charles K. Burdick, Missouri, 1913
George Luther Clark, Missouri, 1913
Eldon R. James, Wisconsin, 1913
Lee Walker, Missouri, 1912
D. O. McGowney, Missouri, 1914
C. W. Leaphart, Missouri, 1917
G. H. Robinson, Missouri, 1917
K. C. Sears, Chicago, 1915
Stanley H. Udy, Chicago, 1919
James Lewis Parks, Missouri, 1920
James W. Simonton, Chicago, 1914
Stephen I. Langmaid, Missouri, 1923
Merton L. Ferson, Missouri, 1924
Robert L. Howard, Missouri, 1925
Merrill I. Schnebley, Indiana, 1925
John Coy Bour, Missouri, 1920
Lee-Carl Overstreet, Missouri, 1925
Carl L. Whitchurch, Michigan, 1927
Frank Chambers, Missouri, 1929
Glenn A. McCleary, Michigan, 1924
Amos H. Eblen, Missouri, 1932
Alexander M. Meyer, Missouri, 1932
Guy V. Head, Missouri, 1933
William E. Masterson, Missouri, 1934
Lester W. Feezer, Ohio State, 1930
Thomas E. Atkinson, Michigan, 1917
Elvin R. Latty, Michigan, 1930
Talbot Smith, Michigan, 1934
Willard L. Eckhardt, Illinois, 1937
Orrin B. Evans, Wisconsin, 1935
Wayne R. Bettner, Illinois, 1937
William H. Pittman, Kentucky, 1937
Carl C. Wheaton, Missouri, 1945
William W. Beckett, Missouri, 1946
Hiram H. Lesar, Illinois, 1936
William F. Fratcher, Michigan, 1936
Roy F. Proffitt, Michigan, 1948
Paul M. Peterson, Missouri, 1948
1881 LL.B. diploma signed by President Laws, Dean Bliss and Professor Boyle Gordon. Lieutenant Francis Preston Blair was Professor of Military Science and Tactics, 1879-81. He earned the LL.B. in 1880 and served as part-time assistant professor of law and engineering until 1881.
To all whom it may concern

Greetings.

Be it known that said Curators, having been advised by the Council of the University, that Charles Oliver Goveff has completed the Course of Study and discipline required of candidates for the degree of Bachelor of Laws and that he is qualified to receive the same.

Do by these presents confer said degree upon him with all the honors and privileges appertaining thereto.

In testimony whereof the proper officers of the Board of Curators and of the University for the execution of these presents, have hereunto subscribed their names, and caused the seal of the University to be affixed.

Done at the University, State of Missouri, United States of America, this second day of June in the year of our Lord 1897

[Signatures]

1897 LL.B. diploma signed by President Jesse, Dean Martin and Professors Lawson and Yantis.