A Centennial History

of The John Marshall Law School

William Wleklinski
# table of contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>foreword</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>chapter one</td>
<td>In the Beginning</td>
<td>7</td>
</tr>
<tr>
<td>chapter two</td>
<td>Edward T. Lee</td>
<td>15</td>
</tr>
<tr>
<td>chapter three</td>
<td>Second Decade</td>
<td>19</td>
</tr>
<tr>
<td>chapter four</td>
<td>Standards</td>
<td>23</td>
</tr>
<tr>
<td>chapter five</td>
<td>Twenties</td>
<td>27</td>
</tr>
<tr>
<td>chapter six</td>
<td>Thirties</td>
<td>31</td>
</tr>
<tr>
<td>chapter seven</td>
<td>Forties</td>
<td>37</td>
</tr>
<tr>
<td>chapter eight</td>
<td>Fifties</td>
<td>43</td>
</tr>
<tr>
<td>chapter nine</td>
<td>Sixties</td>
<td>47</td>
</tr>
<tr>
<td>chapter ten</td>
<td>Standards Revisited</td>
<td>51</td>
</tr>
<tr>
<td>chapter eleven</td>
<td>Seventies</td>
<td>55</td>
</tr>
<tr>
<td>chapter twelve</td>
<td>Eighties</td>
<td>61</td>
</tr>
<tr>
<td>chapter thirteen</td>
<td>Nineties</td>
<td>65</td>
</tr>
<tr>
<td>chapter fourteen</td>
<td>In Retrospect</td>
<td>70</td>
</tr>
<tr>
<td>notes</td>
<td></td>
<td>75</td>
</tr>
</tbody>
</table>
The John Marshall Law School and my own personal history have been inextricably linked. Following my discharge from the U.S. Army after World War II, I re-entered John Marshall as a law student. I graduated in 1948, began to practice in Chicago as an attorney, joined the adjunct faculty of the law school, raised a family...achieved many of those things we are expected to do. One of the things I never expected to do was serve The John Marshall Law School as president of its Board of Trustees for 30 years. I have watched the law school grow, change, and evolve, and I take pride in being, in some small way, part of that growth, change, and evolution. Like so many alumni of the law school, I consider each day of my association with John Marshall an honor.

I hold a deep appreciation for the founders of The John Marshall Law School. They initiated our traditions of “diversity, innovation, access and opportunity through an education that combines an understanding of both the theory and the practice of law.” This foundation has enabled John Marshall to continue as an independent law school and to survive and thrive in one of the most tumultuous centuries in world history. Consider that only 16 of the 100 largest U.S. companies operating in 1899 are still in existence today.

Yet here at John Marshall, we are not only preparing to celebrate our centennial, we are also planning for our next 100 years. We will continue to experiment, innovate and adapt to the changing demands of legal education, while holding true to those principles that have guided us to success during the past century. “A Legacy of Opportunity, A Lifetime of Achievement” summarizes the mission and vision the law school has upheld throughout its proud history and will continue to uphold into its proud future.
For 100 years, The John Marshall Law School has striven to instill in its graduates the sense that an attorney “must earn the public’s trust by acquiring the learning, skills and the values essential to fulfilling their responsibilities to the justice system and to those whom the profession serves.” This standard has led John Marshall alumni to amass an enviable record of public and civic service. This service aspect has been a part of the John Marshall tradition since the law school’s inception, and continues to this day.

Let me take this opportunity to compliment William Wleklinski, the author of this Centennial History. He spent hundreds of hours researching and writing, and we are all the beneficiaries of his labors. He traces for us a path of chronology and individuals. Two men guided The John Marshall Law School for nearly two-thirds of its history. Edward T. Lee and his son Noble W. Lee each served as Dean of the institution. Each challenged the American Bar Association and the Association of American Law Schools over academic standards. Edward T. Lee embodied the ideals of the law school’s founders. Noble W. Lee shepherded John Marshall through three decades, including a period in the mid-1940s’ war years when the institution’s financial situation was uncertain. In the mid-1970s, Dean Fred F. Herzog initiated many major changes for John Marshall: he increased the full-time faculty from 22 to 50, ended “open admissions,” and expanded the curriculum with elective courses. John Marshall continues on the path he set for the law school to this day, and each subsequent dean, up to and including Robert G. Johnston, has overseen growth and improvement.

The John Marshall Law School continues to pioneer. We have committed ourselves to setting the standard against which legal education programs in the country will be judged. We will continue to educate and train effective advocates and counselors, instilling in them an appreciation for what it means to be “Chicago’s law school.”

Louis L. Biro, J.D. ’48
President, Board of Trustees
Rise of the American Law School

In the middle of the nineteenth century, the overwhelming majority of lawyers practicing in the United States had been trained in law offices, i.e., had “read law” as clerk-apprentices to practicing lawyers, or had educated themselves by a course of reading. At the beginning of the twentieth century, thousands of American lawyers then practicing had still come from this “rough school of experience.” In 1900 it was still the case that no state required a law degree, or even a college degree for admission to the bar. And yet, by the turn of the century, the “gap between law school and clerkship was closing.” Increasingly, fewer aspirants to the bar studied or clerked in law offices, “selling their labor cheaply or giving it free in exchange for practical experience.” Increasingly, more of these aspirants were going to law school. Indeed, by 1900 it was “quite clear that the law schools would come to dominate legal education.”

There were reasons for this trend. Increasingly, during the second half of the nineteenth century, an education in law school conferred on the student prestige which training in a law office did not. In a more practical sense, the role of the law clerk was in decline, “fading” as an historian put it. In 1900, because of the invention of the typewriter, law offices needed more secretaries and typists and fewer “copyists and drones in training.” Ergo, in the historical competition of methods of legal education, all the advantages were falling in the direction of formal training in an academic institution.

The story may be told in numbers. In 1850 there were fifteen law schools in the country. Twenty years later there were 31. At the turn of the century the number had risen to 102. In 1850 there were one or more law schools in twelve states, and in nineteen states there were none. By 1900 there were schools in 33 states; only thirteen states had none. During the academic year 1849-1850 the Harvard Law School had 94 students; ten years later it had 166. By 1869-1870 the University of Michigan had the law school with the largest student body: 308 students. In 1900 Michigan was still “number one” with 883 students. In 1870 there were 1611 law students nationwide. The corresponding number for 1894 was 7600.

Most of this increase consisted of new law schools which were part of or affiliated with public or private universities. By the 1890s, three-quarters of American law schools were of this kind. In some cases a major university established the school itself. Michigan created its “Law Department” in this manner in 1859. In other cases the new “universi-
ty” law schools were originally private, independent schools “annexed by, swallowed by, or federated with a university, which had varying degrees of success in digesting them.”

As the number of law schools increased, the schools themselves were evolving. In 1850, among the few schools extant, the standard course of studies lasted a single year. Later in the century, two years became typical. The three-year curriculum was introduced by Dean Christopher Columbus Langdell at Harvard toward the end of the century. Also, before the 1880s, full-time teachers were rare in law schools. Courses were typically taught by members of the bench and bar. The “professor of law” who taught at a law school full-time, and who might not have much practical experience, was another Langdellian innovation.

Finally, legal pedagogy was undergoing fundamental change. Langdell introduced the “case method” of teaching law at Harvard after 1870. Formerly, law had been taught by lecture, textbook, and rote memorization. In the decades following 1870, Langdell’s method would vie with the older methods within the nation’s law schools, gradually becoming predominant in the twentieth century, especially within the academic establishment of the full-time, university-affiliated law schools. In any event, the case method made greater demands upon law teachers, which was conducive to the hiring of full-time faculty and the professionalization of law teaching.

Rise of Part-Time Legal Education

Edward T. Lee, of whom this history will have much to say, studied law at Columbian College in Washington, D.C., receiving his degree in 1894. Columbian College, later part of George Washington University, began a part-time program in law in 1865, a program designed for federal employees whose workday ended at 3:00 pm. In the same year two judges in Des Moines started the Iowa Law School, which offered law classes at night. Iowa Law granted twelve law degrees (LL.B.’s) in 1866. By the 1870s part-time programs were also offered, in the District of Columbia, at the Georgetown and National law schools. As early as 1884 students in Portland, Oregon, could go to school part-time at the Northwestern College of Law. And in the next eight years at least four institutions created evening divisions for law students: New York City’s Metropolis Law School in 1888, Chicago College of Law in the same year, Baltimore University in 1889, and the University of Minnesota in 1892. During the academic year 1889-1890, there were nine “pure night schools” as opposed to 51 “day schools” in the country at large. During the 1890s the number of night schools doubled. At the turn of the century, there were 20 night law schools and 77 day schools.

In 1905, the same Edward T. Lee could write that of the 10,000 law students in the nation, about one-third were in night school. By his count, of the approximately 100 law schools in the country, 27 were strictly “evening schools,” and another four or five offered classes during both the day and evening. Of the 27 evening schools, two-thirds had been organized in the preceding ten years.

What sort of places were these night law schools? They were rigorously practical. They emphasized the law of the
local jurisdiction rather than a “common law” thought to prevail throughout the Union. They created opportunity, i.e., access to law school, for immigrant and working-class students. They were the “breeding grounds for the ethnic bar.” The night schools trained America’s Polish, Italian, Jewish, and Irish lawyers, many of whom later worked in their immigrant communities. Lower-court judges and local politicians were recruited heavily from the alumni of these institutions. Few of these students, however, found professional homes with the elite corporate firms on Wall Street or LaSalle Street.

It is within this era of dramatic growth for part-time legal education that the origins of The John Marshall Law School are to be found.

**Founding of JMLS**

In 1899 Edward T. Lee was an attorney practicing in Chicago. In that year he and other Chicago attorneys began to discuss the provision of legal education for men and women who were compelled by circumstances to earn their livings in full-time employment, and thus would have to attend law school, if at all, part-time. The Chicago of 1899 had but two evening law schools.

It is also relevant that two years earlier, in 1897, the Illinois Supreme Court had adopted Rule 39 concerning standards for admission to the Bar. Under the new rule, in order to be considered for admission, the applicant had to show evidence of an education which included at least (1) three years of high school and (2) three years of law school or study in a law office. By means of this same rule, the State Board of Law Examiners was established, supplanting the committees of local bar examiners which had existed previously. When the conversations of Lee and his colleagues eventually led to more well-defined intentions, one of these was to establish a law school which would satisfy in both letter and spirit the new Rule 39. More than a quarter of a century later, Lee would write that The John Marshall Law School was organized on the basis of Rule 39.

In due course, the conversations and intentions led to action. The John Marshall Law School was chartered as an educational institution under the non-profit corporation laws of Illinois on August 3, 1899. The founders were characterized, much later, as a group of lawyers dedicated to the principle “that in the highest interests of the entire body politic, the administration of justice should be representative of all segments of society...” The name for the school had been suggested by the Hon. Luther Laflin Mills, reputedly one of the foremost advocates of the day, and at that time, the youngest man to have occupied the office of State’s Attorney for Cook County. He would become a member of the original faculty and lecture on legal ethics. He suggested that the new school be named after John Marshall since at that time the nation, and especially the American legal profession, were preparing to celebrate the centenary of Marshall’s installation as chief justice in 1801.

What kind of law school were the founders attempting to create? Ironically, and at the most practical level, John Marshall was originally intended to be a day school, albeit a part-time day school. The idea was that the typical student would spend part of his day in class and part working in a law office. This was seen as a combination of the “school” and “apprenticeship” methods of legal education. Beyond such considerations, there seemed to be three principles to which the founders adhered in establishing the
School. First, “facilities should be provided to those qualified persons whose economic position precludes them from devoting their full time to the study of law.” Secondly, admission to the school should not be determined by “arbitrary and discriminatory factors such as racial origin, sex, color, nor religious affiliation.” Third, instruction in class should be given by active practitioners, since their teaching would be more “dynamic than that of solely academic educators, who have not had the advantage of the richness and tempered judgment resulting from law office and courtroom experience.”

The founders appointed Lee as secretary of the new school and authorized him to organize its first faculty. Lee was part of that original faculty as a teacher of torts and the history of English law. Other worthies assembled by Lee for this purpose included John N. Jewett, James G. Jenkins, James H. Cartwright, Luther Laflin Mills, Stephen S. Gregory, and James S. Harlan. Jewett, the School’s second Dean, was a prominent attorney and “one of the few men who ever declined appointment to the U.S. Supreme Court.” Lee referred to him as “one of the foremost lawyers of his day.” Jenkins was a judge on the U.S. Court of Appeals and later would deliver the Law School’s first commencement address. Cartwright served as a justice on the Illinois Supreme Court for more than a quarter of a century. Mills was described by Lee as a “brilliant lawyer gifted with rare eloquence.” Gregory was a former president of the American Bar Association and would serve on the faculty for more than 20 years; he was, according to Lee, “one of the ablest lawyers and finest citizens of Chicago in his day.” Harlan, son of the first Justice Harlan of the U.S. Supreme Court, was later a member of the Interstate Commerce Commission. William G. Webster, an acquaintance of Lee’s from Harvard, was selected as the first Dean.

The original location for the new law school was a building known as the Old Portland Block, at the southeast corner of Dearborn and Washington Streets in Chicago’s “Loop.” The Portland Block, completed in 1872, was one of the first buildings erected in Chicago after the Great Fire of the previous year. Initially the new school rented only two rooms in the building, the larger to serve as a classroom, the smaller as an office. Thirty-four years later, when the School moved to a new location, a student yearbook would describe the Portland Block as “raised almost on the ashes of the Chicago Fire of 1871” and go on to say:

No new quarters for John Marshall Law School, no matter how commodious and attractive they may be, can replace the classrooms in the Portland Block. They can never supply that touch of Puritan severity, nor that environment of antiquity which seemed to be of the same philosophical disposition as the Law itself.

Clearly yearbook editors of the early 1930s had grown fond of it.

The Law School officially opened, was “born” as Edward T. Lee later put it, in the Portland Block on Wednesday, September 20, 1899. The faculty attended opening ceremonies almost to a man. Addresses were given by John Jewett, S.S. Gregory, and other members of the faculty, and by Judge James B. Bradwell, editor of the Chicago Legal News, “who welcomed the advent of the new school, predicted its success, and pledged his continued interest in its progress.” A number of prominent local attorneys friendly to the new institution, including General Nathan William MacChesney, were also present. The School’s assets, including its “library,” were then worth less than $2500; its operating budget for the first year was less than $2000. The
student body consisted of three students. And from the outset, according to Lee, the “system of instruction ... was that of the lecture and text book, supplemented by the reading of cases.”

Those first three students to study law at John Marshall were Henry G. Zander, Martin M. Davidson, and Homer M. Fisher. Zander later became a well-known realtor in Chicago; Davidson, a practicing lawyer; and Fisher, a veteran of the Spanish-American War, was “a most worthy and ambitious young man.” Only one of the three could pay his tuition. One of the three requested and received permission to sleep at night, after classes, in the classroom. On the other hand, some eighteen lawyer-lecturers were available to teach these three students. As Lee later wrote, “[t]he School was launched with a larger crew than its passenger list.”

In later years, looking back upon John Marshall’s founding, Edward T. Lee paid special tribute to one man, Stephen S. Gregory. In 1899 Gregory not only consented to teach at the Law School, but also used his influence within the Chicago Bar to persuade other prominent lawyers to join the faculty, this at a time when John Marshall was “a school whose only asset besides its faculty was its ideals.” Wrote Lee: “[I]t is not too much to say that without the strength and influence of his name and example, the School might never have had an existence, or at best a far less effective one.” Later Lee wrote that Gregory was a “prince of men and lawyers, who continued a member of the Faculty till his death in 1920, and to whom the existence and the continuance of the School owed more than to any other man.”

**Earliest Years**

**Dean Jewett and Secretary Lee**

William G. Webster was the School’s first Dean, but in a matter of months after the founding he acquired interests in Providence, Rhode Island, and severed his connection with the Law School. On February 10, 1900, the Board of Directors of the fledgling school selected John Jewett as the second Dean. Jewett at this time was a famous constitutional lawyer and would serve as Dean until 1904. At the same time the Board tendered to Edward T. Lee the “almost non-existent job of undertaking the active management” of the School. This “almost non-existent job” took the form of being “secretary” of the Law School, a position Lee occupied for several years. Indeed, Lee was, for a time, the entire office staff.

Day classes commenced on October 2, 1899. These classes met from 4:00 to 6:00 pm, Monday through Friday, and in the beginning were attended by the original three students, Fisher, Zander, and Davidson. However, evening classes were instituted as early as October 10 of the same year. These met from 7:00 to 9:30 pm on Mondays, Tuesdays, Thursdays, and Fridays. During that first year all classes were for first-year students. No classes for advanced students were organized until subsequent years. Given the foregoing, it is fair to say that although John Marshall began corporate life as a day school, within weeks if not days it was offering evening classes. Lee would later write that there was far greater demand for the kind of education John Marshall was offering in the evening, and the practicing lawyers who the School wanted as teachers were more available in the evening than in the afternoon. As a result, day classes were
discontinued after the academic year 1899-1900.

Under this makeshift Jewett-Lee Administration the student body grew exponentially. Eventually 22 first-year students attended classes during that first academic year. Another 22 freshmen registered in the fall of 1900, and 36 in the fall of 1901. Summer classes were held in 1900, beginning on July 2 and ending September 3: “sixty hours of instruction given in Blackstone's Commentaries.” Fifteen students attended, six of whom took the final examination and received grades ranging from 60% to 92%. A year later, in the summer of 1901, non-legal subjects were offered. Edward T. Lee taught English composition and rhetoric, while George Chipman taught economics. The Law School held its first commencement in 1902 for a class of 11 graduates.

Also in 1902, John Marshall offered something truly innovative in its day: law school for women. A “law class” was organized for women in domestic relations, commercial law, and parliamentary law. Lee claimed it was the first of its kind outside New York City.

Classes were offered between October 15 and April 15, and examinations were given at the end for those who wanted a “certificate for work done.” One of the first students in the program, Jessie A. Gerstley, was the founder of the National Women’s Aid Society. (More importantly for the Law School, in 1934 she would have title to the building at 315 South Plymouth Court. Her experience as a student at John Marshall in its first years would be relevant 30 years later when the Law School very much wanted to acquire that property.) Another student in the women’s program was Laura G. Shedd, daughter of the founder of the Shedd Aquarium.

John Marshall After Five Years

By June 1904 the School was five years old and had an enrollment of 137. The catalog published for the prior academic year succinctly stated the School’s mission:

_It is an evening law school, organized and conducted to afford to students, obliged to pursue an evening course, legal instruction of the standard maintained in the best day law schools._

The prevailing admissions policy, judged by the standards of a later era, seems permissive. Applicants who were at least 18 years of age and had the equivalent of a high school education were admitted without examination. Applicants lacking these credentials could be admitted as “special students” upon furnishing evidence of an education sufficient to enable them to successfully complete coursework at the Law School. Such special students would also have to “make up” deficiencies in their earlier education before presenting themselves for a degree.

During the academic year 1903-1904, classes met in the evening from 6:30 to 9:30, Mondays, Wednesdays, and Fridays. The annual cost of books for the student, if purchased new, was estimated to be between $20 and $25. The catalog advised prospective applicants from the provinces that “the cost of living in Chicago varies from $5 a week up, according to the tastes and habits of students.”

The system of instruction, circa 1904, was described as a combination of the “Harvard System” and the “Dwight System,” or, in other words, a hybrid of the case and textbook methods. The summer term that year was devoted chiefly to preliminary studies and introductory work in law. Sessions were held on Mondays, Wednesdays, and Fridays,
from 7:00 to 9:00 pm. The course, it was claimed, was “well adapted” for those wanting to learn the general principles of the law as part of a general education.

The catalog for 1903-1904 also reflects the nascent controversy within the profession about the increasing number of lawyers in general and the legitimacy of evening law schools in particular. Alluding to the greater numbers of law students in night school, the author of John Marshall’s bulletin replies:

This increase does not portend an inundation of the bar; it indicates a desire on the part of a growing number to learn the fundamental principles of the law and to understand the reasons underlying them; it means, in time, the addition in the community of an intelligently conservative element making for law and order and good government.

WATERMAN

Dean Jewett died in 1904. He was succeeded by Judge Arba N. Waterman, a former cavalry officer for the Union in the Civil War. E.T. Lee claimed that in one battle two of Waterman’s horses were shot as he strove to subdue the Rebels. By the time he became Dean he was a judge of the Illinois Appellate Court. A year later he also began to lecture at the Law School on constitutional law. Waterman resigned as Dean in 1909, but remained president of the faculty until 1914, when he left that position because of ill health. The Hon. Robert McMurdy succeeded him in the latter position. Lee later wrote that during Waterman’s deanship and presidency of the faculty “the School increased in numbers and in efficiency and became recognized for its thorough instruction and its high standards.”

An important development during Waterman’s deanship was the establishment of John Marshall’s first Post-Graduate Course, or graduate school for lawyers. The Law School began to offer a one-year graduate program in September 1906, open only to those who already had the LL.B. degree or were members of the Bar. The curriculum was designed to teach graduate law students the routine of a lawyer’s office work, and especially, how to “find the law.” Lee later testified that during these early years a number of students were graduated with “higher degrees in law” because of participation in this program.

When Judge Waterman resigned as Dean in 1909, John Marshall’s Board of Trustees did what by then may have seemed obvious. The fourth Dean of the Law School would be Edward T. Lee, who would serve in that capacity for 34 years. He would be helmsman during the Great War, Prohibition, the Great Depression, and well into World War II. He would also lead the School during years when the legitimacy of part-time legal education vis-a-vis the legal profession and academy was at stake.
Early Life

Edward Thomas Lee was born on October 17, 1861, in Hartford, Connecticut. He was the son of immigrant parents, Thomas and Jane Lee, who left Ireland following the Potato Famine. Edward Lee had three brothers and two sisters, all of whom would predecease him. The six children spent their earliest years on the Hartford Waterfront. Among Lee's earliest memories were those of parades of victorious Union soldiers returning from the Civil War and torchlight processions during U.S. Grant's first campaign for the presidency.

Lee's parents owned a grocery store which failed after the Panic of 1873. At the age of twelve he went to work as an office boy for $2 per week. Eventually he was graduated from Hartford Public High School, during his student days at which he worked nights as an elevator boy. Later he matriculated at Harvard, spending his junior year “abroad” at the University of Michigan. During the years at Harvard again he supported himself, this time by teaching at an evening school. He received his bachelor's degree from Harvard in 1886 at the age of 25.

After finishing college, Lee became a clerk to U.S. Senator Orville Hitchcock Platt of Connecticut and so moved to Washington, D.C. Later, from 1888 to 1893, he was employed as a clerk to the Senate Committee on Territories. While in the latter position he studied law part-time at Columbian College and received his degree (LL.B.) in 1894 at the age of 33. By then he had met Margaret Wishard Noble, whom he married on Thanksgiving Day, 1894. Margaret Lee would die in 1925, having borne three children, two boys and a girl. The oldest of the three was named Noble Wishard Lee.

Following marriage Mr. and Mrs. Lee moved to Buffalo, New York, where he practiced law for four years. In 1898 they moved to Chicago and lived in Hyde Park, where they remained for the rest of their lives. Besides practicing law locally, after 1898 Lee became associated with the Chicago Legal News, was later its editor for several years, and of course participated in the founding of The John Marshall Law School. After the founding he served the School as its all-purpose secretary for a number of years. During those secretarial years he daily carried his lunch to work and rode his bicycle the seven miles from home to office. Margaret Lee enrolled at the Law School and earned her law degree in 1906. After becoming Dean in 1909 Lee was primarily known for his contributions to legal education, but in the 1920s and early 1930s he was a conspicuous proponent of
Prohibition and used “both tongue and pen in advancing its cause.” Generally active in civic affairs, E.T. Lee was president of the Better Government Association by 1931.

Outlook

The philosophy of Edward T. Lee as a citizen, lawyer, and legal educator is relevant to the history of the Law School, and can be inferred from both his life and writings. Lee worked his way through Harvard and Columbian College for his baccalaureate and law degrees, and it is not surprising that he thought this was a good thing, for himself and others. In general he did not favor the granting of scholarships to students. Rather, he believed that they should be given the opportunity to achieve their goals (i.e., law degrees) on their own. Lee had no patience with the “scholarship hunting student.”

The flavor of the man’s thought can be captured by a sampling of his writings. In 1905 he wrote an article for a legal newspaper defending evening law schools, and it merits quotation at length. Concerning what was even then the ever-increasing size of the bar, Lee replied:

_The more sin, the more ministers to fight it; the more disease, the more doctors to combat it; and the more law, the more lawyers to interpret it. Lawyers are a result, not a cause of law._

Concerning the student body of evening law schools, and the social mission of such schools:

_The varied nationality of these evening law students is an interesting study. They prove that our institutions are capable of making all men of one blood, if not originally created so, and that to them America is still another name for opportunity. In a Chicago evening school one can find representatives of nearly every country in Europe—Christians and Jews, white and black, and yellow, with some native Americans. . . . Each of them from his legal training becomes a factor for law and order in his immediate neighborhood. His example and influence help to mold the different elements of a cosmopolitan city into one composite mass of law-abiding citizens. If the evening law schools did nothing more than to help leaven the undigested classes of our population, their right to existence, encouragement and respect would be vindicated._

Of evening law schools the “distinguishing feature is practicality”:

_The students are intensely practical fellows, in touch all the day long with life as it is in business centers. They are spending on tuition and books their own hard-earned money, they are sacrificing time often needed for sleep, recreation, and social diversions, and they demand teaching that is practical. They want to know how to try cases, how to find the law, and how to use it when found._

And concerning the opportunities which evening law schools afford:

_The only door of admission to the bar open for hundreds of worthy young men is by way of the evening law school. No rule of exclusion should be adopted against them in the shape of arbitrary preliminary qualifications. Let the bar of ambition be placed as high as is deemed wise, but give every youth a fair chance to vault it. The board of law examiners in each state have it in their power to test most severely the fitness of candidates for the bar. Let them apply such a test, and still the students of evening law schools have in them the stuff to meet it._
In 1919, by then Dean for ten years, Lee gave a commencement address at John Marshall in which he expatiated further, on the mission of his law school, and on opportunity within the legal profession. Of the former he said:

The John Marshall Law School is known, and must continue to be known, by the students that have passed out from its instruction. Their standing in their respective communities, in legal learning, integrity and good citizenship, must always measure the standing of the School in the public opinion of those communities.

Of the latter:

While it is imperative to keep the unworthy and the unfit out of the Temple of Justice, it is more than unwise, it is dangerous to narrow the opportunity to obtain a knowledge of the law, or to require its study under conditions that would exclude competent and ambitious youth of the working classes in our large cities from entering the profession or learning the law for any purpose, as the success of democracy is so bound up with the law that if the gateway to it be closed to any worthy aspirant willing to meet an educational and character test, our democracy will be to that extent weakened and imperiled, as without lawyers and men trained in the principles of the law, a true democracy is impossible.

Shortly after Lee’s death in 1943, the “cardinal principles” or “guiding stars” of his life and career were set out by his hagiographer. Edited for concision, they are as follows:

1. In a republican, representative democracy, the administration of justice is a fortress of protection against encroachments on established liberty by the policy makers and administrators of government, i.e., the legislative and executive branches.

2. The administration of justice can serve this purpose only when its processes are open on terms of freedom and equality to all persons in the jurisdiction.

3. These processes can be open to all only if all persons, regardless of race, language, economic status, etc., can avail themselves of them through advocates of their choosing, especially of their own kind.

4. Hence, the profession of law must be open to all who are qualified by character and intellect, and who possess requisite knowledge, regardless of where or how this knowledge is obtained.

5. The profession of law must be accessible to those who cannot attend school, law school or otherwise, during daytime hours.

6. The legal profession is enriched by men and women with experience in business and other fields which law is intended to subserv.

7. The legal profession is also enriched by those whose decision to study law is the product of maturity and experience.

8. The training of new lawyers should be done by seasoned, experienced lawyers.

Finally, Edward T. Lee was very much a man of his time. For example, in speeches and writings he would refer to the “Science of Law” in a way in which members of later generations would not. Lee was also an innovator in legal education. He would introduce the “cumulative comprehensive examination system” to the legal academy and was among the pioneers in establishing practice or moot court as a matter of nisi prius trial of actual happenings.

As a trustee, lecturer, and secretary, E.T. Lee had had enormous influence upon the Law School from its beginning. After he became Dean in 1909 his role was enhanced and ex officio. What sort of “vision” did he have for the School?
Lee saw John Marshall as an institution which would emphasize the teaching of law “as it is” and specialize in the instruction of law as it was practiced in its localities. He thought it healthy for the profession that two types of law schools should exist side by side: the theoretical and abstract on the one hand, the practical and local on the other. Who would teach the students? During his deanship, most members of the faculty were not people who applied for the job, but rather lawyers whom he discovered and thought would make good teachers. And in dealing with this faculty, Lee never tried to standardize pedagogy. Individual professors remained free, for example, to follow or not to follow the case method.

Important developments were occurring, relevant to the Law School, which coincided with the beginning of the Lee Administration. The Alumni Association was formed in 1909. In the same year the Law School established its Pre-Legal Division when Illinois law was changed to require four years of high school before legal studies instead of only three. The Pre-Legal Division would offer high school and later college courses to “pre-law” students until its abolition in 1951.
Pre-Legal Course

In 1909 the Law School first published its “Announcement of Pre-Legal Course.” It informed the reader that starting with the academic year beginning September 1910, this course would be required of all new students who lacked a high school education or its equivalent. Those entering the Law School before September 1910 (e.g., September 1909) could do whatever preparatory work was necessary during the Summer Term “as heretofore.” During that summer of 1909 the School offered courses in ancient, medieval, and modern history, political economy, and practical ethics.

The Pre-Legal Course required as of 1910 was designed to meet the special needs of prospective law students lacking high school preparation, and indeed, to the author of the announcement, for purposes of legal study the course was superior to the high school curriculum. “Obviously,” stated the announcement, the most suitable subjects for the future law student were history, political and social science, composition, literature, logic, psychology, philosophy, and ethics. And because many of these subjects were too advanced for the typical high school student, the Law School hoped that many new students with a high school education would also take some pre-legal “branches.”

The Pre-Legal Course would run throughout the year, requiring some 50 weeks including vacations. Again, according to the announcement:

_The aim of the course will be to give prospective law students a thorough training in the elements of all subjects likely to develop a comprehensive understanding of the law._

“Competent and experienced” instructors were to teach the twelve or so subjects to be offered yearly. Students would be examined in these subjects by a qualified examiner, whose affidavit would be accepted by the Board of Law Examiners. Classes would meet Tuesday, Thursday, and Saturday evenings from 6:30 to 9:00. The Pre-Law Course offered that first year included English Composition and Rhetoric; Literature: English and American; Public Speaking and Oratory; General History; Physical Geography and History of Commerce; Physiology and Psychology; Anthropology; Sociology; Civil Government in the United States; Political Economy; Financial and Economic History of the United States; Logic, Philosophy and Ethics; and, as an elective, Law Latin.
John Marshall After Ten Years

By the academic year 1909-1910 The John Marshall Law School was a decade old. It had a student body of 224 and was now regarded as a permanent institution, having made itself known as a “lawyers’ school” specializing in the law as it existed in Illinois. Students were now attracted to John Marshall because a high percentage of its graduates passed the bar examination. But the “lawyers’ school” was not entirely practical in its approach. In the same year the Law School sponsored a series of lectures on the legal systems of antiquity, e.g., those of ancient Egypt, Babylon, and the Roman Empire. Also in 1910, the Post-Graduate Course which had been started in 1906 was suspended. It would be re-established in differing forms in subsequent years.

The annual catalog for 1909-1910 was a reflection of a law school which had survived its infancy:

*The John Marshall Law School completes this spring its tenth year of instruction. From the beginning it has been a lawyers’ school distinctly, its Faculty being composed of active practitioners. With a few exceptions the original faculty has remained unchanged, so that it consists of experienced lecturers and teachers. While its sessions are held in the evening it has aimed to maintain in its instruction and examinations a standard substantially equal to that of the leading day schools of the country.*

Since its first commencement in 1902, John Marshall had granted the degree of LL.B. to 176 students. Of these, 156 had been admitted to the Bar and 20 had gone into business. (Seven of this number failed to pass the bar examination, four of whom passed on their second attempt.) The prevailing system of instruction was described, as it had been in 1904, as a combination of the “Harvard” and “Dwight” methods, or the “case” and “textbook” methods, or now five years later, the “inductive” and “deductive” methods. The course of study required three years, 40 weeks per year, each year divided into two terms. The accent was certainly on Illinois law and practice, but the School purported to train its students to practice throughout the country:

*While particular attention is paid to the law of Illinois, the course is designed to train students in the ruling principles of the common law and equity, and to prepare them thoroughly for the practice of their profession in Illinois or any other place where American law prevails.*

As in the past, classes met on Monday, Wednesday, and Friday evenings. A written examination was given upon the completion of each course. Students failing the test, or failing to take it, would have to take and pass a special examination, for which they were charged an extra $2. No student would be admitted to third-year classes “who has not passed in the work of the first two years.” Also, every candidate for a degree had to write and submit to the faculty on or before June 1 of his year of graduation a satisfactory thesis of at least 2500 words on some legal subject of his own choosing, approved by a member of the faculty. Courses in business law were offered in the first year for those who could only attend one year of law school. Work in Practice Court and Moot Court was required in the curriculum’s second and third years.
Pedagogy, War, and Scholarships

After 1910, Dean Lee, with the assistance of faculty members such as George E. Chipman and Henry Craig Jones, effectuated the refinement of the teaching method prevailing at John Marshall. In 1912 the Law School introduced its new, improved pedagogical hybrid which would combine the best of Blackstone and Langdell, text and cases. Chipman and Jones wrote textbooks with which faculty members at John Marshall could put the system into practice. In 1934 Lee would write that in the two decades following its introduction this “John Marshall Method” had become ever more popular at both evening and day law schools.

In the early years of his deanship, Lee emphasized pre-legal studies in advance of the eventual requirements of formal rules. Lee claimed in 1934 that the Law School had anticipated by a decade the new admission rules which the Illinois Supreme Court would adopt in 1922. The annual catalog for 1913-1914 shows the following pre-legal courses which were required of students without a college education: English Composition, English and American Literature, Latin, Ancient and Medieval History, Modern History, Physiography, Physiology, Civics, Anthropology, Political Economy, Sociology, Financial History of the United States, Industrial History of the United States, Logic and Psychology, and Introduction to Philosophy and Ethics. The subjects were taught by “trained and experienced” teachers, and examinations were given by Professor Hiram B. Loomis, Principal of Hyde Park High School.

At the outbreak of World War I, John Marshall had an enrollment of 268 students. During the academic year 1915-1916 Practice Court was conducted on Saturday afternoons. The library contained nearly 3800 volumes. The thesis requirement remained in force, to be “in the student’s handwriting or typewritten by him.” Banking, insurance, railroad, and real estate clerks were welcome to take courses in commercial law even though they had no intention of earning law degrees. And as it had more than a decade earlier, the School offered a day law class for women: “the extension of the suffrage to woman, increasing civic duties and opportunities, makes some knowledge of the law a practical subject today.”

The Summer Term was described as a time for preliminary studies and introductory and review work in law, for those wanting to review their work in the first year of law school or for those who just wanted an introduction to the principles of law. Also, a “quiz course” was offered for those preparing for the October bar examination. The Post-Graduate Course in the practice of law was resumed in 1916, but was soon “snuffed out” by World War I. Also in 1916 the Law School began an alternative four-year evening program which was ultimately abandoned to accommodate veterans returning from the Great War who were not inclined to prolong their time in class.

By the academic year 1917-1918, the School’s quarters consisted of four lecture rooms, a large library, and an office on the second and third floors of the Portland Block. As in the past, first-year courses in business and commercial law were offered to clerks working in Chicago who wanted to study only the law related to their work. Not working for degrees, such students were granted certificates for work done. On Saturday nights, a special course in Parliamentary Law and Public Speaking was given, comprising at least 20 hours of instruction. Once the course was finished, the School offered “popular lectures” on Saturday nights, with
admission free to students and their guests.

World War I greatly diminished the student body. The catalog for 1919-1920 lists 104 students. (A later source indicates that enrollment fell to 73 because of the war.) According to Lee, John Marshall did not begin to recover until 1921, after which attendance eventually surpassed pre-war numbers. Once the veterans began to return from service, the Law School cooperated with its Alumni Association to establish a number of “free scholarships” for students who had seen active service. During 1919 and 1920 the Alumni Association was able to raise about $2500 for these scholarships, seventeen of which were ultimately awarded. Also, in 1919, the Post-Graduate Course was again re-established.
America’s foremost student of legal education during the first half of this century, Alfred Z. Reed, wrote in 1931:

[It would appear to a good Jeffersonian like myself that you cannot believe very strongly in popular self-government if you are willing, when once your attention has been called to the situation, to let the standards of legal education be raised to the point where it would be next to impossible for any but a representative of the leisured class to enjoy the extraordinary privileges, and to exercise the fundamentally important governmental responsibilities, of a practicing lawyer.]

Reed was expressing himself in the aftermath of a rancorous conflict within the legal profession and academy during the prior fifteen years about the nature of American legal education. In this conflict, the very existence of legitimate part-time legal education was at stake.

By the end of the nineteenth century, the apparent success of part-time law schools had alarmed some leaders of the profession. This alarm had to do with their fears of too many lawyers, and the impact upon the profession of lawyers educated at law schools where minimal standards of scholarship prevailed. Often the assumption was made that these latter schools were the part-time, evening schools. As a result, in 1899, the American Bar Association called for the establishment of an organization of “reputable” law schools, and in 1900, 25 charter members formed the Association of American Law Schools (AALS). To E.T. Lee, the AALS was an elitist organization of endowed and “university state law schools” which he believed would soon begin a crusade for the extermination of evening law schools.

By 1912, the AALS would no longer accept member schools with day and night programs of equal length. At its annual meeting of that year it was argued that “the maintenance of regular courses of instruction in law at night, parallel to courses in the day, tends inevitably to lower educational standards.” The association resolved that its “policy . . . shall be not to admit to membership hereafter any law school pursuing this course.” In 1916 the AALS debated a resolution not to recognize any “night work” after 1920, a resolution ultimately referred to its Executive Committee. During the debate, Eugene Gilmore, a professor at the University of Wisconsin, opined that “[t]he universities can turn out all the lawyers the country needs; we don’t have to sit up nights to find ways for the poor boy to come to the bar.”
Throughout this period the American Bar Association was hardly idle. The Flexner Report on standards in medical schools, published in 1910, very much impressed its leadership. After 1913 at the ABA’s prompting, Alfred Z. Reed, a non-lawyer employed by the Carnegie Foundation, conducted a series of studies of legal education and the American legal profession over a period of 20 years. (These studies would first bear fruit in Training for the Public Profession of the Law, a report published in 1921.) In 1916 Walter Wheeler Cook, president of the AALS, called for a “Council on Legal Education” similar to the existing Council on Medical Education, and in 1917 the AALS formally requested that the ABA create such a council. At its convention in 1917 the ABA approved the establishment of a council, in effect making its Committee on Legal Education serve this purpose. However, the ABA’s new council, to which the deans of the law schools at Harvard University, the University of Wisconsin, the University of Minnesota, Columbia University, and Northwestern University were appointed, was much less powerful than the AALS had hoped.

In 1919 the AALS passed a resolution to the effect that no law school which conducted evening classes for students preparing for the bar should be admitted to the association. In the same year the ABA abolished the council established in 1917 and created in its place another council controlled by its Section on Legal Education and Admissions to the Bar, i.e., its “First Section.” Thereafter members of the AALS decided to seize control of the First Section, in which membership was individual rather than institutional, by attending its meetings in force. During August 1920 the ABA and the AALS held simultaneous meetings in St. Louis. According to Lee, 57 members of the AALS attended the special meeting of their organization for the real purpose of “packing” the meeting of the ABA’s First Section, which Dean Lee attended. An historian has described Lee’s predicament at the meeting in the following way:

Dean Edward Lee of John Marshall worried that the AALS would take over the Section and that the standards would not represent the opinion of the profession or even of the ABA. He looked with suspicion at the fact that the ABA and the AALS were meeting in the same city and on the same date for the first time in seven years.

Bristling at what he considered an elitist plot, Lee maintained that he was for high standards in education himself. . . . “I believe that the students of evening schools, a large percentage of whom work in law offices and are taught by practicing lawyers, are worthy of the sympathy and support of the American Bar Association.”

At that meeting of the First Section in 1920, Elihu Root was elected chairman. Root was a man who could be described as having a “strong resume.” He was a former president of the ABA, a former Secretary of State, and a winner of the Nobel Peace Prize. As chairman of the First Section, he appointed a committee of seven, of which he was also chairman, to report to the next meeting of the Section in 1921. The committee’s charge was to study what might be done by the Section and the ABA as a whole “to create conditions which will tend to strengthen the character and improve the efficiency of persons to be admitted to the practice of law.” During the following year Root sent questionnaires to law school deans, state and local bar associations, bar examiners, and some individual lawyers. His committee also held hearings and heard the testimony of legal scholars and jurists such as Harlan Fiske Stone of Columbia University and Roscoe Pound of Harvard University.
At the ABA's meeting in 1921 in Cincinnati, Root presented to the First Section his committee's report, which would eventually serve as the basis for the ABA's first Standards for Legal Education. This “Root Report,” containing proposed minimum standards for law schools, specifically required that those intending to practice law have two years of college before beginning law school, and three years of full-time study in law school or its equivalent in part-time study. The report also called on the ABA to invest its Council on Legal Education with the authority to accredit law schools. Root moved for the adoption of his report by the First Section, a motion seconded by former President of the United States and incumbent Chief Justice of the Supreme Court, William Howard Taft. Edward T. Lee, on behalf of the “night-school group” spoke in opposition. Despite opposition, Root's report was adopted by the First Section, and then by the full ABA the next day. Lee would later write that the ABA's approval was granted viva voce at a meeting held in a hotel dining room in which less than 800 of the organization's membership of 15,000 were present.

The ABA's resolution which approved the Root Report also authorized the First Section's Council on Legal Education to convene a special conference to “create conditions favorable to the adoption of the principles set forth” in the Root Report. This conference was held in Washington, D.C., in February 1922, representatives of more than 150 state and local bar associations and numerous law schools attending. This “Conference of Bar Association Delegations” approved the Root Report with an important exception. The delegates rejected the requirement of two years of college before law school to the extent of permitting “equivalent training” as an alternative. (Of course, in 1922, the AALS, the ABA, and even the delegates to the Conference were very much working in the realm of ideals. In that year not a single state required attendance at law school in order to gain admission to the bar.)

In the aftermath of the Washington Conference Dean Lee remained in the fray. He publicly attacked law professors Eugene Gilmore and William Draper Lewis, who denounced correspondence law schools and then wrote textbooks for the same schools. In the early 1920s Lee helped write the rules for admission to the bar in Illinois in such a way that students could qualify to attend law school by passing examinations in lieu of attending college. In Illinois at least, he was determined that the role of the state courts in determining who should belong to the Bar would not be usurped by the “AALS clique.” In 1927 the ABA was considering a resolution which would require law schools to maintain libraries of at least 7500 volumes. Lee, unsuccessfully, attempted to amend the resolution to require only that schools “provide an adequate library” to which students would have access, whether or not owned by the schools. (John Marshall's students, like all law students in the Chicago of that day, had access to the library of the Chicago Law Institute.)

The meeting of the First Section in 1929 was one of the most unpleasant in its history. Lee told the Section that:

A group of educational racketeers—deans and professors in certain endowed and university law schools of the country—have used the American Bar Association as an annex to the Association of American Law Schools, a close corporation of “case law” schools, entirely irresponsible to the American Bar Association, and . . . they have been boring from within our Association in the interest of their
own, unmindful of two fundamental objects of our Association, to uphold the honor of the profession of the law and encourage cordial intercourse among the members of the American Bar.

At this same “fiery session” Lee attacked the standards contained in the Root Report as “arbitrary” and “plutocratic,” and opposed rules which required law schools to employ a minimum number of full-time faculty. He also fought against the ABA’s hiring of an inspector who would visit approved schools to ensure that ABA standards were being followed. But it was also at this meeting of 1929 that the Root Report, which had been “adopted” by the First Section in 1921, actually became the Section’s Standards for the approval of law schools.

The foregoing is a complicated story, but it is radically simplified when seen from the perspective of E.T. Lee and The John Marshall Law School. Beginning in the decade between 1910 and 1920, important people within the legal profession, mostly activists in the AALS, to a lesser extent members of the ABA, undertook to eliminate evening law schools. By 1921 they succeeded in persuading the ABA to adopt a program, which if enforced, would have had that effect. Edward T. Lee was the “spokesman for the night schools” who opposed this institutional juggernaut. Within the arena of the American legal profession he pointed out that the criteria of the Root Report would have excluded Roscoe Pound from the bar. He publicly made the argument that the report’s supporters were bent upon giving the AALS a monopoly on legal education and at the same time closing the legal profession to the “rank and file of youth.” Lee believed that the recommendations contemplated by the AALS and the ABA were “arbitrary, illogical, discriminatory and un-American.” In the end the ABA approved the Root Report, and the Washington Conference of 1922 endorsed a form of it, but a form with which reputable evening law schools could live. By 1927 the ABA was on record as favoring the “Equivalent Rule.” This would permit law students at part-time institutions to meet requirements for pre-law college study through pre-legal programs at schools such as John Marshall, and through examinations administered by the state. Dean Lee thought this critical to the success of John Marshall and evening legal education generally, and no one fought harder within the profession to achieve this end.
In the aftermath of world war, attendance at the Law School fell to 88 for the academic year 1919-1920, and to 75 the following year. But thereafter enrollment increased rapidly, to 113, 163, and 313 during the next three academic years, respectively. During these same years, the School’s fledgling Alumni Association engaged in a campaign of letter-writing to the American Bar Association to combat attempts within the association to forbid legal education in the evening. By 1922 the Law School was granting both the degrees of LL.B. and J.D., the former for students who completed the three-year evening course and wrote a thesis of 2500 words, the latter for those who came to John Marshall already having earned a bachelor’s degree and who submitted a thesis of 5000 words. In February 1923 the Law School admitted its first class of new students to begin legal studies in the spring term. On June 24, 1924, The John Marshall Law School celebrated its Silver Jubilee with a reunion and dinner at the Hotel LaSalle. Of the original faculty of 1899 five survived, three of whom attended: William H. Dyrenforth, Sigmund Zeisler, and Edward T. Lee.

In 1922 the Illinois Supreme Court significantly changed its rule for admission to the Bar. Under the old Rule 39 of 1897, students were required to have three years of high school before beginning legal studies. Under the new, students beginning legal studies after July 1, 1924, would have to have completed high school and one year of college or the equivalent, as shown by passing an examination given by the University of Illinois. Those beginning law school after July 1, 1926, would have to have completed high school plus two years of college or, again, the equivalent, as demonstrated by examination. Students were able to secure the required secondary and college training in the Pre-Legal Program of the Law School, and indeed by 1926 John Marshall was offering to its pre-law students the college subjects necessary to satisfy the new Illinois rule. Writing in 1925, Dean Lee predicted that because of these new state-imposed admission standards, law school classes would be smaller for a few years, but went on to say that John Marshall welcomed the elevated standards. Lee was, of course, right. For several years law school classes were smaller as a result of the new rule, both at John Marshall and throughout the state. The Class of 1926, consisting of 73 graduates, was the last to enter John Marshall under the older rule.

By the mid-1920s the students had organized two fraternities and a sorority: Delta Theta Phi, Alpha Sigma Iota,
lished courses in Court Practice, Real Estate Practice, Probate Practice, etc., and new courses in Administrative Law, Insurance Trusts, and Taxation. Two semesters were required to complete the curriculum although a student might elect to finish his graduate degree in two or three years. The candidate who completed the program would receive the degree of J.D. or LL.M., depending upon his credentials prior to beginning post-graduate courses. By 1927 the curriculum would include courses in Drafting of Pleadings at Common Law and in Chancery, Briefing and Preparing Cases for Trial, Trial Work, Mastering Rules of Practice of Courts, Drafting Business Agreements, and Routine of Office Practice. The first class to be graduated under this augmented Post-Graduate Course consisted of twelve members who completed its requirements in June 1928.

From its first decade the Law School had taken pride in the consistency with which its graduates passed the bar examination. In early 1927 the School had the opportunity to draw public attention to this measure of success. The examination was given in Illinois on March 15 and 16 to 368 candidates for admission, of whom 216 or 59% passed. Twenty-five of these candidates were alumni of John Marshall, of whom 21 or 84% passed. The student yearbook was able to boast that “year after year” John Marshall’s passing rate was 15% to 20% higher than the average. In other words, the student editors concluded, the Law School’s “superiority is obvious and indisputable.”

As the end of the decade approached, John Marshall was showing signs of becoming a larger, more stable, respectable, establishmentarian place. In 1928, because of growth in the student body, it became necessary to divide the freshman class into two sections. In the same year the Law School established the Order of John Marshall, a kind of local Order
of the Coif, to recognize excellence in scholarship. Membership was limited to those graduating students whose grades placed them academically in the highest 15% of their class. For the academic year 1927-1928 registered students numbered 226. Two years later enrollment would reach 321. In its years at the Old Portland Block, a period which was rapidly coming to an end, the School would grow from one to ten rooms, including a library and an office, and its student body from 3 to 440.
A Centennial History of The John Marshall Law School
Early Thirties

At the outset of its fourth decade the Law School expressed its ideal notion of itself in the words of legal scholar William C. Robinson:

*If the professional school would realize its own ideal and do the work it is able to perform, it must be localized and confine itself to instruction in the art of law as understood and practiced in its own locality. Every State should have its own law schools, whose professors are selected from its own practitioners, and should bring its law schools into such close relations with its courts and bar that every possible advantage in observing practice and in practical training may be afforded to their students.*

In October 1931 the School would claim that in curriculum it:

*hears to the lines laid down in the Rules of the Supreme Court and the Regulations of the Illinois Board of Bar Examiners governing admission to the Bar. It is concentrating more and more in its work upon the ruling law of the State of Illinois in the belief that this jurisdiction has developed a body of jurisprudence ample for the sufficient training of students intending to seek admission in this State.*

In the same publication the Law School asserted that its relatively new Post-Graduate Course was proving especially attractive to lawyers from other jurisdictions who wished to practice in Illinois.

Chief Justice John Marshall had been installed in that position on February 4, 1801, and at The John Marshall Law School of the 1930s, February 4 was an important date. Commemorative “John Marshall Day” banquets were held on February 4, 1931, February 6, 1932, and February 4, 1933, the latter two at the Great Northern Hotel and the Hotel LaSalle, respectively. By the summer of 1932, of the fourteen members of the original faculty of 1899, two were living, one still teaching at John Marshall. In 1933 Edward T. Lee was made an honorary member of the Order of John Marshall at the annual alumni banquet. In the same year the Board of Trustees was enlarged from its original three members to five.

The Law School was growing rapidly. In the fall of 1931 it began a new academic year with the largest enrollment it its history, which necessitated the enlargement of its quarters in the Portland Block. The following summer 76 seniors and 10 students in the Post-Graduate Course received degrees, again the largest number in the School's history.
For the academic year 1931-1932 John Marshall had 434 registered students; during 1932-1933, 508 registered. By 1933 the School was advertising itself as an “evening law school with day school standards.” About the same time, however, E.T. Lee wrote that “it has never been the ambition of The John Marshall Law School to be the largest school in the City; if it can be among the best, it will be content.”

Plymouth Court

By 1920 John Marshall’s administration knew that it was only a matter of time before the School would require more spacious quarters. By 1930 it was occupying three floors of the Portland Block while enrollment exceeded 400. A larger building was needed. Then, in the autumn of 1932, the owner of the Portland Block decided to raze the building. It was no longer profitable. According to Lee, the building was a casualty of the Depression, which by then was beginning its fourth year. With its central location and rooms with high ceilings, it had been a good home for 34 years. In Lee’s words, the Old Portland Block, “while not luxurious in any way, proved fairly adequate during the long period of tenancy.”

Once the School became aware that it had to move, it considered some 75 locations in the course of six months. On May 1, 1933, The John Marshall Law School moved into the building at 315 South Plymouth Court as a tenant. The edifice had been the former quarters of the City Club of Chicago, of which E.T. Lee had long been a member. John Marshall’s tenancy there was intended to be temporary. Dean Lee wrote of the new location’s “large and commodious rooms with accommodations which a good club affords.” He went on to say that:

"The only drawback is in the crowded conditions of the office and library. But the time of occupancy is to be brief. The School expects to have large and ample quarters before the opening of the next school year in September. It has several desirable locations under consideration and hopes to be able soon to announce its new, and it is to be hoped, permanent location.

Edward T. Lee was not omniscient. The building at 315 South Plymouth Court would become John Marshall’s “permanent location.” It would house the Law School in its entirety for the next 40 years, and provides space for a significant part of its offices and classrooms to this day.

As a mere tenant in its new home, John Marshall had to share the building with other occupants. During this period some classes were conducted in the basement. In short order the Law School decided to purchase the building, although this was not easily done. It is an interesting story, best related in an earlier writing:

In 1902 our School experimented with a special law class for women—which lasted only one year, but had an extraordinary consequence thirty-two years later. In 1934, when our School, then a tenant of our present building, was negotiating for its purchase, we were advised that the fee owner (undisclosed) was unwilling to sell, though willing to lease—which would not satisfy the School’s needs. Then—without notice—the still-unknown fee owner appeared in person to see what manner of tenant wanted to purchase—and upon discovering the identity of the School, introduced herself as Mrs. Jessie Gersley—a member of that special women’s class of 1902—and thereupon became perfectly willing to sell to her “Alma Mater.”
The Law School bought the building from Mrs. Gerstley, the deed for which was recorded on March 31, 1934. The Dean, who by that time was a widower, made a gift to the School of his personal savings in order to pay part of the down payment. John Marshall had bought itself a building: one floor devoted to offices, six floors for classrooms, and a private club's gymnasium on the top story.

The building on Plymouth Court had been built for the City Club in 1911 at a cost of $211,000. It was designed by the firm of Pond & Pond. The architects claimed that the building did not “conform strictly to any of the established styles,” but that it could be described as a “free Renaissance treatment not devoid of gothic suggestions.” Originally on the first floor an entire room was used as a humidor. Once John Marshall owned the building it immediately planned extensive alterations for the summer of 1934, to provide adequate space for the library, study rooms, and “other desirable accommodations.” More than $10,000 was spent on remodeling in the dollars of that Depression era. During that summer, offices were built on the first floor and a “much enlarged library” was installed on the second. During the next two years several new classrooms were constructed.

The class which was graduated in February 1936 was the last to be formed at the Portland Block: 59 men and two women. Shortly after the new building was acquired and remodeled, the Law School’s office staff tripled from two to six. The student body also increased in size, and Dean Lee reduced tuition.

The “Current Law Lecture Course for Practicing Lawyers,” begun in 1933, continued through at least the academic year of 1939-1940. About 20 lectures were given annually on new federal and state legislation and related cases. In a similar development, as part of the Post-Graduate Course, the Law School introduced lectures specifically on new federal and state legislation enacted in 1933 and 1934 in response to the Depression, e.g., the New Deal as it was manifested in the United States Code. Hundreds of lawyers, many from neighboring states, attended.

John Marshall began its first experiments with its Comprehensive Examination System in 1933. During the next two years Dean Lee put the system into place, where it would remain a significant feature of the academic program for the next 40 years. Students who had completed at
least a year of law school would take these tests at the beginning of the fall semester. The tests were cumulative in the sense that they could include questions concerning anything students may have studied in law school. In the course of earning their degrees, students would take three such examinations after finishing one, two, and three years of formal legal education. Given a curriculum with no elective courses, the system was workable. During the 30 years following this innovation at JMLS, about one-fourth of American law schools followed its example.

Albert Jenner and Walter Schaefer lectured at the Law School on the Illinois Civil Practice Act and Municipal Circuit, Appellate, and Supreme Court Rules during the academic year 1933-1934. In 1934, Euclid Taylor, a former Assistant State’s Attorney, joined the faculty, thus becoming the first black lawyer to teach at an integrated law school in the United States. The School’s catalog for 1934-1935 summarized “The John Marshall Method” of learning the law:

The method of instruction followed in The John Marshall Law School is the lecture, text, and illustrative case method, accompanied by oral and written quizzes.

The text-book is studied to give a topographic survey of a subject. It is followed in the more important and difficult subjects by the study and briefing of special collections of leading cases, especially of Illinois cases, taken from the Supreme and Appellate Court Reports, thus putting into the hands of students for home study and analysis the ruling cases on the different branches of the law they are to be examined in for admission and later to practice in the courts.

A year later, in the same publication, the Law School was emphasizing that “it is a local school rather than a national school, believing there is a need for a school of Illinois law.” This was so because Illinois was “rich in its comprehensive system of jurisprudence.” Illinois law, when combined with federal law and practice, provided an adequate basis for legal education. But the proviso concerning federal law was important given the substance and quantity of federal legislation, regulations, and case law entering the legal system during the decade of the Depression and the New Deal:

The curriculum does not ignore the field of Federal Law and Practice. It could not well do so, considering the great and growing volume of legislation by Congress and of Executive Orders affecting the rights and property of citizens of the several States.

In 1935 John Marshall established an afternoon division, offering classes during the day for the first time since its first year. It was a course of three years with classes meeting from 4:30 to 6:30, Monday through Friday. A year later, in 1936, the evening course was lengthened from three to four years.

In 1935 Dean Lee established and thereafter supervised the School’s first law review, The John Marshall Law Quarterly, with David Axelrod as faculty editor. Soon thereafter the Quarterly had a Faculty Advisory Board and a Student Editorial Board in place. Articles were to be submitted by students, faculty, alumni, and “such other members of the profession as may be interested.” Unlike most law reviews, the Quarterly would publish articles dealing with the practice of law, and more often than not they would be student-written. A student yearbook would later state the journal’s mission bluntly: “The editorial policy of the Quarterly is to provide practical help to the Illinois lawyer and to that end, each issue contains a maximum of Illinois law and a minimum of purely philosophical and extraneous subjects.”
Also in 1935, the Dean started his Practice Court, a mock nisi prius forum in which actual events provided the “facts” of litigation, students interviewed real witnesses, and there was the realistic clash of conflicting testimony in “court.” At first Practice Court co-existed with the traditional Moot Court, but by 1938 the former had supplanted the latter.

By 1935 John Marshall had its own radio show. Every Saturday night station WJJD would broadcast Debaters’ Forum. Students, faculty, and alumni of JMLS and representatives of other law schools in Illinois and the Midwest would participate in talks and debates about public affairs. The “program chairman” was Leo J. Bartoline “of the School office,” an alumnus of John Marshall, Class of ’34. By 1939 the program was being heard at 11:45 on Saturday mornings. The program continued to be broadcast in 1940, but with a more complicated format. From November to May, representatives of colleges and universities in Illinois and the Midwest participated in roundtable discussions, while from May to November, students, faculty, and alumni of JMLS gave “broadcasting talks” on legal issues of interest to the general public.

When the Law School bought the building on Plymouth Court it acquired the athletic facilities of a private club, and by the middle 1930s students made serious use of them. The School had a gym with bars, weights, pulleys, exercising machines, showers, and a locker room on the sixth floor. On the same floor were courts for handball, squash, volleyball, and badminton. Handball and squash tournaments were sponsored by the School and in 1935 Allen Wennerstrand was appointed Director of Athletics. Ray Kesteloot, formerly of the Medinah Athletic Club, Postl’s Health Club, and the Union League Club, succeeded Wennerstrand in December 1939.

In 1938 E.T. Lee was 77 years old and his elder son Noble Lee, long a member of the faculty, became Business Manager of the Law School at the request of the Board of Trustees. He would become Associate Dean in 1939. New members of the faculty added to the roster between 1934 and 1939 included Samuel Witwer and Arthur Goldberg. (Witwer would become president of the Sixth Illinois Constitutional Convention in 1969-1970. Goldberg would become U.S. Secretary of Labor, Ambassador to the United Nations, and an Associate Justice of the United States Supreme Court during the Kennedy and Johnson administrations.) On April 4, 1939, James D. Crossen and Ruby King founded The John Marshall Guild, an organization composed of “the colored students and alumnae” of John Marshall. Its purpose was “to promote fellowship and elevate scholarship among the colored element” at the Law School. Also in 1939, what was at that time the largest alumni banquet in the School’s history was held to celebrate the fortieth anniversary of John Marshall’s founding. President Hogan of the American Bar Association was the principal speaker.

The Great Depression had the effect of reducing the number of law students in the 1930s both nationally and in Illinois, although at John Marshall during these years enrollment remained stable at about 450 students. Judged by number of students, John Marshall was by then the largest law school in the state. However, there had been fifteen law schools in Illinois in 1920 whereas by 1934 there were eight. There had been about 3200 law students statewide in 1930; there were less than 1900 in 1940. The Selective Service Act would also have its effect on enrollment one year later.

In 1939 Dean Lee boasted that during the preceding five years several thousand volumes had been added to the library, “now occupying spacious quarters” at 315 South
Plymouth Court. The library did grow rapidly, from about 3000 volumes in 1936 to in excess of 6000 by 1939. A photograph of the library taken during these years shows eight men and one woman working away at large tables, the former all in suits and ties, the latter in a black dress and pearl necklace.

After 40 years of educating lawyers, Edward T. Lee was modest in his claims. He wrote that John Marshall had been responsible for two innovations in legal education: (1) its combination of the casebook and textbook methods of instruction or the “John Marshall Method,” and (2) its publication of casebooks of leading Illinois cases on the principal subjects taught in its curriculum. “It has been,” he wrote, “preeminently an Illinois law school.”

Finally, during the 1930s Lee was familiar with the world beyond the Law School. In 1936 he wrote that:

> the need today in every country in Europe and in our own country is for men and women who prefer to stand on their own feet, rather than to be led hither and yon by self-appointed and accidental leaders of the day.

It is difficult to read this passage and not think of an Old World in profound crisis, much of it in thrall to Stalin, Hitler, and Mussolini, and the Spanish Civil War about to begin. In the same writing Lee returns to his own idealistic, indeed sacerdotal notions of his profession and legal education:

> The safety of our country lies with the legal profession, for that profession constitutes the priesthood of the Law. Law schools are the seminaries of the Law, engaged in the work of studying, teaching, and vindicating the Law as the rule of civil conduct . . .
(1899-1933)
The first home of The John Marshall Law School
Portland Block Building
35 N. Dearborn
The John Marshall Law School
304 S. State Street
Acquired in 1980
Dean Edward T. Lee  
(1904 - 1943)

Dean Noble W. Lee  
(1944 - 1974)

Dean Fred F. Herzog  
(1976 - 1983)
Dean Leonard Jay Schrager
(1983 - 1987)

Dean Peter J. McGovern
(1987 - 1990)

Dean Howard T. Markey
A Centennial History of The John Marshall Law School

Dean Robert Gilbert Johnston
(1995 - )

Associate Dean Helen Thatcher
(1949 - 1989)

Lou Biro
President
Board of Trustees
Class of 1904
A Centennial History of The John Marshall Law School

Faculty of 1908
The first Post-graduate Class  1907
Silver Jubilee 1899 - 1924
Reunion Dinner of The John Marshall Law School
Hotel LaSalle, June 24, 1924
A Centennial History of The John Marshall Law School

Law Class, Supreme Court Building, Springfield, Illinois  October 13, 1927
Squash was played in courts on the 6th floor of the 315 S. Plymouth Ct. building, former home of the City Club of Chicago.
Senior Class 1929 members of the Order of John Marshall
A Centennial History of The John Marshall Law School

Practice Court 1939
Practice Court in Session 1940
The Practice Courtroom
(No specific date, published in a 1954 alumni publication)
Pre-War

In 1940 Dean Lee, in cooperation with the Chicago Patent Law Society, established as part of the Post-Graduate Division a Patent Law Course of one year. By 1941 the Law School was offering a “Comprehensive Course in Patent Law, Copyrights, Trade Marks and Unfair Competition.” During the ensuing academic year 30 lectures were to be given on Wednesday nights, and the student who attended and wrote a thesis would receive the degree of M.P.L. (Master of Patent Law). This was the genesis of the School’s later program in intellectual property. By the middle 1950s the School would claim that Lee’s course “has since developed into the most intensive and comprehensive course in patent law given anywhere in the United States.” In the same year the library of 6000 volumes was moved to the “Lincoln Room” on the fourth floor at 315 South Plymouth Court. The old location on the second floor became a lounge for discussion. In the early 1940s John Marshall had three social fraternities and two sororities. The “frats” were Delta Theta Phi, Alpha Sigma Iota (Jewish, founded in 1923), and Phi Beta Lambda (Polish, founded in 1938). The sororities were Kappa Beta Pi and Delta Omicron Delta, the latter “open to all Jewish girls in the law schools or in the practice of law.”

The Alumni Association held a testimonial dinner for E.T. Lee in June 1940. By that time he had been Dean for 31 years and affiliated with the Law School since its inception. In the same year the Law School established the Edward T. Lee Foundation, which was incorporated under Illinois law as a non-profit corporation. Contemporary sources maintain that Dean Lee objected to the Foundation’s name, to no avail. The Foundation’s purposes were three: (1) the creation of a fund of $150,000 for the benefit of the Law School by 1949; (2) the perpetuation of the Law School on a “permanent, independent, self-sustaining, low-tuition basis in the building [i.e., 315 South Plymouth Court] which it now owns”; and (3) the application of remaining funds to improving the library, the construction of additional school facilities (e.g., a courtroom for the Practice Court), and scholarships and loans for students. It was understood from the outset that funds raised by the Foundation would not be used to pay any of the normal operating expenses of the School, but for the purposes given above (e.g., the mortgage, permanent improvements, scholarship funds, etc.). The Foundation was governed by nine trustees who served...
without pay. The trustees recommended that alumni contribute to the Foundation ten annual gifts the sum of which would equal a year’s tuition. If this formula were followed the resulting funds would enable the School to retire the mortgage on its building and also create scholarship and loan programs and other special funds.

The case for the Edward T. Lee Foundation was of course made in positive terms, but the Foundation was created because of serious concerns about the Law School’s financial health in an uncertain future. The number of law students, nationally and locally, had been falling for more than a decade. The institutional impact of Selective Service was about to be felt. Fewer students meant less revenue. On the other hand the final payment on the mortgage would be due in a few years and it would be much larger than what were then the current annual payments. Overhead expense had increased because of the addition of the Afternoon Division and the introduction of smaller classes. Prices of all necessary materials and supplies were rising, and the School even expected “extraordinary expense resulting from subway construction.” So, creation of the Edward T. Lee Foundation was as much a matter of ensuring survival as securing a better future.

**WW II at JMLS**

**IMPACT OF CONSCRIPTION AND WAR**

It is hardly surprising that peace-time military conscription in the United States in 1940, and America’s entry into the Second World War in late 1941, would have a dramatic impact on enrollment in the nation’s law schools. The combined enrollment of 110 American schools in 1938 was 28,184. By 1941 this number had fallen to 18,449. In March 1943 it was 5,686. In the fall of 1943, 1049 of 4803 law students were women. At John Marshall, during the eighteen months following the Japanese attack on Pearl Harbor, the student body decreased to 125, about the size for the academic year 1903-1904. During the ensuing “lean years” the Law School received the full cooperation of its faculty and John Marshall was able to make its way through the war without financial deficits. But the war certainly had its effect on academic procedures and the curriculum. In response to a widespread demand for “acceleration” the Law School changed the evening course from eight semesters to seven plus two summer terms. (This was the first time John Marshall offered regular courses during the summer.) During this time the afternoon course was temporarily suspended.

Because of World War II there were a number of other ways in which the Law School had to change the way it conducted its business. John Marshall actively procured reversals of rulings by the Selective Service Administration which affected law students “harshly and unjustly in comparison with others.” The Law School submitted three proposals to the Illinois Supreme Court to ameliorate the predicament of law students who had to suspend their studies in order to enter the armed forces. With minor changes the Supreme
Court accepted these. Commencement programs published during the war show instances of "degrees conferred in advance because of military service" and "time certificates" conferred for the same reason.

The exigencies of war required that the School share its accommodations. The United States Referees in Bankruptcy and their staffs were forced to move out of the old Post Office Building, and so for three years they were housed at 315 South Plymouth Court. The larger classrooms served as their courtrooms. The Navy, with an enlistment center next door, would give tests to prospective sailors in John Marshall’s classrooms. And the University of Illinois, the University of Chicago, the Illinois State Civil Service Commission, and the Illinois Institute of Technology all conducted “war training classes” at the Law School during these years.

Wartime conditions brought to an untimely end The John Marshall Law Quarterly. Because of a shortage of paper it ceased publication in 1943. The library collection, however, continued to grow, exceeding 7000 volumes by 1943. In that same year, the Law School began charging tuition by the semester rather than by the academic year. The Post-Graduate Course now consisted of three courses, completion of any of which would merit a graduate degree: (1) Trial Technique, (2) Taxation, and (3) Patent Law, Copyrights, Trade Marks, and Unfair Trade. Needless to say, each “course” comprised several classes.

If deanships were “chapters” in the School’s history, its longest, most formative chapter came to an end in 1943. On December 12, at the age of 82, Edward T. Lee suffered a heart attack; two days later he died. Some fourteen months later, on February 9, 1945, the Law School held on its own premises a “Memorial Meeting and Presentation of Portrait of Edward Thomas Lee.” Arthur Goldberg spoke at the presentation, as did many others. Carl Tolpo was the artist who executed the portrait, which still hangs in the Law School.


c NOBLE W. LEE

In May 1944 the Board of Trustees chose Noble W. Lee, elder son of Edward T. Lee, to be the fifth Dean of the Law School. He had been a faculty member at JMLS since the 1920s, Business Manager since 1938, and Associate Dean since 1939.

Noble Wishard Lee was born in Buffalo, New York, in 1896, two years before his parents moved to Chicago. Upon graduation from Hyde Park High School in Chicago, he studied for one year at the Realgymnasium in Freiburg, Germany. He entered the University of Wisconsin in 1914 and transferred to Harvard University in 1916. In 1917, then a junior at Harvard, he went to France and became an ambulance driver for the French Army, then engaged in World War I. Later, after the United States entered the war, he enlisted in the American Army in Paris. During that conflict he was twice awarded the Croix de Guerre. When hostilities ended he returned home. He received his baccalaureate degree from Harvard in 1920 and earned a law degree (J.D.) from John Marshall in 1923. He also held a Diplome Etrangere from the University of Caen in France.

After early experience as an investment advisor and as a salesman, Noble Lee was admitted to the Illinois Bar in 1923 and he engaged in the private practice of law until 1939. During his years as a faculty member at John Marshall, he taught Case Analysis, Damages, and Illinois Constitutional Law. In 1940 he was elected to the Illinois House of Representatives, in which he would serve for 28 consecutive years. In 1931 Noble Lee married Gertrude Reid Smith, a high school history teacher. Mr. and Mrs. Lee
would become the parents of three daughters and a son. A man of many talents, Noble Lee was also principal dancer in the men’s chorus when the Chicago Bar Association would stage its annual Christmas Spirits revue.

His work habits seem eccentric. At least in those early years, he would often come to work late, between noon and 2:00 pm, and then would work as late as 2:00 am. His views concerning legal education and the profession were less so. N.W. Lee expressed himself on the subject of part-time legal education in an article published in 1937. In his view, the evening law schools had made two significant contributions to the profession: the “training of future lawyers by men of ripened experience in practice,” and the “addition to the membership of the profession of men whose varied background and prior business experience will enrich the profession . . . .” Noble Lee believed that anyone who wanted to attend law school should be given the chance, and if this meant that many would “flunk out,” so be it. A half-century after Noble Lee became Dean, Judge George Leighton would describe the younger Lee’s understanding of the Law School’s mission thus: John Marshall should prepare practicing lawyers who “go where the action is,” in the courts, in the administrative agencies, and in the judges’ chambers.

Financial Crisis

Shortly after becoming Dean, Noble Lee had to deal with a potentially catastrophic financial problem besetting the Law School. War seriously reduced enrollment, which in turn seriously reduced the revenue available to the School. The purchase money mortgage on the building at 315 South Plymouth Court fell due in April 1944. Although the Law School never ceased making payments, during World War II the amounts paid fell below the stipulated sums, and given wartime conditions, at its maturity it was impossible to refinance the mortgage. The Law School was in “technical default,” and another educational institution sought to acquire the property through the mortgage holder. As a result, the School experienced a “strenuous six months” lasting from July 1945 through January 1946. During this period, under the leadership of Edward Dahlin, Class of 1914, the alumni raised some $50,000. With these funds, John Marshall was able to procure an extension of the mortgage, which allowed for the ultimate refinancing of the debt through ordinary commercial channels.

Post-War

In 1945 the Board of Trustees was expanded from five to eleven members. After the war, five full-time teachers and two professional librarians were appointed to the staff. The Law School’s “office force and functions” were “departmentalized” in toto. By 1946 John Marshall was inundated by that “wave” of veterans that swept over educational institutions throughout the nation. There were, as a result, dramatic shortages of everything needed to operate a law school, including books, tables, chairs, and teachers. Hazel C. Hill, whose career at John Marshall would span forty years, was hired in 1945 as Veterans’ Coordinator to handle veterans’ records.

The catalog published for the academic year 1947-1948 for the first time contained a listing of “Officers of Administration.” Albert Wilson was Assistant Dean, Palmer Edmunds was Director of the Post-Graduate Division, Casper Ooms was Director of the Patent Law Course, and Robert
Sorensen was Director of the Pre-Legal Division. J. Howard Reed was Business Manager. Helen M. Thatcher, who had not yet completed her law degree at John Marshall, was shown as Registrar. Judge Leighton would later say that Noble Lee and Helen Thatcher formed a “good team” that “ran the Law School for a long time.” Hazel Hill would say that Lee and Thatcher functioned as the Law School’s department of admissions during the 1940s and 1950s.

By 1947, afternoon classes were again offered, but now they started as early as 2:15 and lasted no later than 5:00. There were no elective courses in those days. All students seeking their first law degrees took the same courses, regardless of the time of day or night. An alumnus who was a student in those years, and who would later become President of the Board of Trustees, claims that Arthur Goldberg was the School’s best teacher. He taught Constitutional Law and Bills and Notes. Soon thereafter he became general counsel for the United Steelworkers Union and was no longer available to teach at JMLS. By 1948 the library had in excess of 10,000 volumes and a year later Dr. Fritz Veit (D.Juris., University of Freiburg; Ph.D., University of Chicago) was designated Head of the Library.

After the war the Post-Graduate Course underwent radical change. The goal was no longer to train lawyers “in practice” but rather to train in depth in a few selected fields of specialization, e.g., taxation and intellectual property. Greater emphasis was placed on scholarly research and use of the seminar method. The thesis requirement was “stepped up” substantially.

And in 1949, a half-century after the founding of the Law School, the Board of Trustees authorized the filing of an application for approval with the American Bar Association.
At the beginning of its sixth decade, The John Marshall Law School was undergoing progressive change on a number of fronts. The building at 315 South Plymouth Court was in the process of major renovation. A “model” library was being created on the fifth and sixth floors. “Automatic” elevators were being installed. A complete revamping of the “instructional system” was in progress. The Board of Trustees grew again, this time from eleven to fifteen members. And the Post-Graduate Division was renamed the Lawyers Institute. The curriculum of the Lawyers Institute was divided into three divisions: Practice, Taxation, and Patent Law. Thereafter diplomas for the master’s degree indicated the recipient’s field of specialization. Enrollment in the Institute in 1950 was 28. By 1966 it would grow to 275.

In 1951 the Law School received “provisional approval” from the American Bar Association. (Full approval would come in 1955.) The Pre-Legal Division was abandoned in 1951: continuance proved impractical because by that time state law required three years of college before students could begin law school. Progress in the library was conspicuous. By 1949 Fritz Veit had been installed as Director and Paul C. Vancil (LL.B., JMLS) was Reference Librarian. The collection now contained in excess of 15,000 volumes.

Dr. Veit wrote an article for Law Library Journal in 1951 about the transformation of John Marshall’s library. The old law library on the fourth floor, as of the end of World War II, had not been cataloged. A complete reorganization was begun “in a systematic fashion” in 1949, which involved moving the library to the fifth and sixth floors. The successful completion of this undertaking, according to Dr. Veit, was a material factor in the granting of provisional approval by the American Bar Association in September 1951. The old library had had 1800 lineal feet of wooden shelving with glass doors. This shelving was moved to the sixth floor, and 3000 feet of metal shelving was installed on the fifth floor. The reorganized library had reading space for about 150 patrons. The resulting facility occupied some 5700 square feet, as opposed to the 2200 available in the old library (or the 1000 and 1500 square feet, respectively, devoted to earlier libraries on the first and second floors in the 1930s.) The School’s catalog for 1950-1951 boasted that the library was now housed in newly constructed quarters occupying one-and-a-half floors of the building, that books heavily in demand were held in duplicate and triplicate, and that “[t]he reading room is one of the largest, best lighted and best ven-
A Centennial History of The John Marshall Law School

...tilated to be found in the downtown area.” A year later the number of volumes surpassed 20,000.

Commencements in the 1950s were generally held at the Museum of Science and Industry. On June 21, 1952, Illinois governor Adlai Stevenson gave the commencement address, and he and four others received honorary degrees of Doctor of Laws. A few weeks later he would receive his party’s nomination for the presidency. Beginning in September 1952 applicants for admission were required to present transcripts showing at least 90 hours (three years) of college credit. In 1953 the Alumni Association was incorporated under Illinois law as a non-profit corporation. In the same year the Edward T. Lee Foundation gave $14,000 to the School to help pay for automatic elevators for the Plymouth Court building.

In the Old Portland Block Edward T. Lee had long made do with a secretary and one clerk. In 1954 the Law School had a full-time office staff of eight, two full-time librarians, and a maintenance crew of four. The title page of the catalog for the academic year 1954-1955 for the first time showed the round JMLS seal which would in time become ubiquitous in Law School publications. The same catalog told prospective applicants that taking the “Legal Aptitude Test” given by the Educational Testing Service was strongly recommended, and in some cases required. There were still no electives. All courses in the curriculum were required “in order to assure a base adequate both for those who contemplate the general practice of the profession and for lawyers whose ultimate aim is specialization.” For the first time the catalog made mention of a placement office under the direction of Assistant Dean Curtis. The Student Council, progenitor of the Student Bar Association, was founded. Vance Kirby, later a professor at Northwestern University School of Law, joined the faculty in the Taxation Division of the Lawyers Institute. And Louis L. Biro, later President of the Board of Trustees, became a faculty member in the Practice Division.

The mortgage for the building on Plymouth Court was due to be paid in full in 1957. Dean Lee and the Alumni Association were able to raise the full amount by 1955, and the School held a “mortgage-burning party” two years ahead of schedule. The Annual Patent Conference began at the Law School in 1956. By 1956 Grace French was a full-time librarian and Ruth Nelson had acquired the title of “Secretary to the Dean.” John Marshall had “homecoming queens” in subsequent years, selected upon the occasion of the annual holiday dance in December. Bernice Van Drunen reigned in 1957 and Raellen Paulson in 1958. The Legal Writing Program was “born again” in 1958. It had been started in 1936 but was terminated during World War II. The library continued to grow apace, its collection by the late 1950s exceeding 24,000 volumes.

Again in 1958, the Admiralty and Maritime Law Division was added to the Lawyers Institute. (The St. Lawrence Seaway was about to be opened for commercial traffic and Chicago was expected to become a major, international seaport.) This new part of John Marshall’s graduate program even commanded the attention of The New York Times. The Times reported that John Marshall was pioneering in the field of maritime law in the Middle West. The Law School would confer the master’s degree upon the lawyer who completed six courses: Admiralty Jurisdiction, Maritime Collisions, Marine Financing, Nautical Contract Law, Maritime Tort Law, and Special Doctrines of Admiralty Law. This “seagoing” curriculum was open only to graduate lawyers and “qualified non-lawyer marine specialists seeking fa-
familiarity with laws governing the field.” According to the Times the program was expected to draw students from Illinois, Wisconsin, Michigan, and cities along the Mississippi River. As of 1958 John Marshall was the only American law school to offer the master’s degree in admiralty and maritime law. According to Noble Lee, before JMLS changed things, the teaching of admiralty was confined to survey courses in cities along the Atlantic seaboard. John Marshall’s new master’s program was “[t]he expression of the desire of the legal profession to keep pace with Chicago’s emergence as an inland world port, and to prepare for the resultant increase in the many phases of maritime law.” With the expansion of the Port of Chicago and the completion of the Seaway, Lee predicted that there would be “a boom in the practice of admiralty law in the entire Great Lakes region.”

As an aside, the Times also alluded to John Marshall as a “cradle of political leaders.” N.W. Lee claimed that records showed that one JMLS graduate in twelve entered politics. And this circumstance, he suggested, had been to the Law School’s credit: “We have had a phenomenal record in that so few of them fell from grace during public service.”

By the end of the Eisenhower decade, Donald W. Banner had joined the faculty of the Patent Law Division. He would later enjoy a distinguished career as, among other things, United States Commissioner of Patents and Trademarks, and would lead John Marshall’s graduate program in intellectual property for more than 20 years. The library now had more than 25,000 volumes. And in 1959, the Law School acquired the “Annex,” the smaller building just to its south. Eventually it would provide space for several classrooms, several conference rooms, offices for student organizations, an alumni office, and a bookstore.
A Centennial History of The John Marshall Law School
By the fall of 1960 Arthur J. Sabin was teaching at JMLS. A recent graduate of the Law School, in the beginning he taught part-time. Later he would become a full-time member of the faculty. Edward B. Hayes was Director of the Admiralty and Maritime Law Division of the Lawyers Institute. During the 1960s commencements took place at various sites: McCormick Place, the Prudential Auditorium, and Medinah Temple. In February 1961, Julian H. Levi gave the commencement address and was awarded the degree of Doctor of Laws honoris causa. The faculty now included “Practice Court Staff” and “Legal Writing and Analysis Staff.” Louis Biro was a member of the former. George B. Trubow also joined the faculty. The Law School now had a Director of Activities and Development and a Director of Clinical Testing: John H. O’Dowd (A.B., The Citadel) and George L. Watson, respectively.

By the academic year 1962-1963 a thesis was no longer required for the first law degree. Instead, students had to “write, under faculty supervision, an argumentative paper, in the nature of an appellate brief.” Beginning with the same year, the Evening Course was extended to eight semesters and one summer term. The faculty now included subsets identified as “Practice Court Faculty” and “Legal Writing Faculty.” Robert J. Nye was a member of the general faculty, while Robert G. Johnston, later to become Dean, was a member of the Legal Writing Faculty. Ronald Z. Domsky appeared on the roster of those teaching in the Taxation Division of the Lawyers Institute.

Improvements were planned for the Annex, i.e., the building at 321 South Plymouth Court now owned by the School. Amazingly, according the plan of the hour, some of the space would be “reserved for housing for married students.”

In 1963 the Law School was telling prospective students that it strongly recommended the taking of the Law School Admissions Test (LSAT) prior to admission. If a student was “unable to write the test before entrance, he will be required to take it during his first year in law school.” In contrast to earlier editions, the catalog did not say that all courses were required courses. The catalog did contain a statement on “Methods of Instruction” which is worth quoting because of the understanding of legal education it reflects, and particularly because of the seemingly tutorial nature of John Marshall’s program at the time:

*The methods of instruction employed are twofold, and parallel each other. First, the principles of the law are taught in the regular scheduled courses, involving a combina-
The second method involves the development of legal skills, by a program of individual conferences between the student and an assigned faculty member. Its object is to integrate and utilize the principles he is learning in class, through training in the work that every lawyer has to do in his office... This individual conference work grows out of, and helps to "tie together," the classroom work of each semester.

In the same year, the "Honors Programs" were established: For demonstrated academic ability and superiority in the legal skills of analysis, research, oral argument and writing, certain students are appointed by the Faculty each semester to serve as assistants in the various elements of the Legal Methods Programs. These appointments are noted on all records and transcripts of the appointees.

Moot Court was revived in the fall of 1963, having been totally eclipsed by Practice Court in the late 1930s. The new competition was "round-robin" and lasted three semesters. Students in teams of two would write briefs and engage in oral argument for actual cases on appeal. Students who excelled were elected to a Moot Court Committee, which conducted the program. Also by 1963, the Student Council had become the Student Bar Association, the name it still retains. Robert G. Johnston was listed on the faculty of the General Practice Division of the Lawyers Institute. George Trubow was now Director of Legal Methods Programs, and Leonard J. Schrager, a future Dean, was a member of the faculty.

By the academic year 1964-1965, an "accounting requirement" was imposed on new students. Those admitted who had not completed a year of accounting as an undergraduate would have to (1) pass an examination in the subject before the end of their fourth semester, or (2) take and pass a year of accounting at a local college or university approved by the registrar, or (3) take and pass a non-credit course given in the fall, on Saturdays, at the Law School. Courses designated as electives first appear in the catalog at this time. International Trade Law was added as a fifth division of the Lawyers Institute. The faculty now included a subset called "Faculty for Legal Methods Program." Robert G. Johnston and Ronald Domsky were members of the general faculty and Robert Nye was Director of the General Practice Division of the Lawyers Institute. And the Law School published to the world that the building at 321 South Plymouth Court, acquired back in 1959, was "to be ultimately rebuilt."

The Gavel Society was founded in February 1965 to promote student participation in law-related, extracurricular activities. Membership was limited to students who demonstrated scholastic ability and leadership in organizations such as the Moot Court Committee, the Student Bar Association, and the social fraternities. Philip Kurland of the University of Chicago's law school gave a commencement address that year on June 19. Donald Banner was shown as Director of the Patent Law Division of the Lawyers Institute. Librarian Grace Elizabeth French died on November 12. She had worked at John Marshall since 1950. And, beginning in 1965, the School charged tuition by the credit hour, as opposed to by the semester or the year.

By 1966, after lengthy experiment, the "Kelso Method" was made part of the educational program to improve the odds for success for entering students. Also, a special program was established by which students could participate in the work of the state Public Defender's office. As of 1966 the Division of Admiralty and Maritime Law was unique in
the United States. No other law school was offering even a quarter of the organized instruction available in these areas at John Marshall. Similarly, the Patent Law Division offered the most extensive and intensive course of its kind in the country. Thomas Hynes and George Leighton were now on the faculty. (Judge Leighton would serve on Illinois circuit and appellate courts and on the U.S. District Court for the Northern District of Illinois.) Alfred V. Kulys was the librarian. Philip Baim was president of the Alumni Association, and in February 1966 that organization held its first Alumni Citation Dinner Dance, thereby raising $10,000. The following year Louis Biro was president and the association held its second such dinner. The Wives Club was organized, for the wives of students, at a time when the student body was still overwhelmingly male. Meetings were held the first Friday of each month at which speakers were featured. The club also gave a “tea” each semester for wives of new students at which they could meet faculty members, their wives, law school staff, wives of other students, and alumni.

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of the faculty. Ronald Smith was an instructor in the Legal Methods Program. Seven full-time assistants were employed in a library which contained more than 35,000 volumes. Several classrooms had been remodeled, and as of the summer of 1967, the School would claim that it was fully air-conditioned.

John Marshall soon had a student newspaper. In the spring of 1968 the first issue of The Decisive Utterance was published. Louis Biro had become President of the Law School’s Board of Trustees. Melvin B. Lewis (JMLS ’48) was a Practice Court instructor in the Legal Methods Program. JMLS was one of the ten largest law schools in the country, and claimed in its literature that “[i]n the near future a new building will be erected to enable John Marshall to continue and expand its instruction of the law.” The student yearbook boasted that John Marshall was the only law school in the country “which in 68 years has never known the number of its students in various ethnic, color, religious, or other irrelevant classifications.”

By 1969 the degree of Bachelor of Laws (LL.B.) was no longer offered. Students labored for the J.D. or the LL.M. The Decisive Utterance was now considered one of the Supplemental Programs, and therefore a student working on the newspaper could achieve the waiver of course requirements in Legal Methods. Charles S. Padden and Ronald Smith had become members of the regular faculty. Hazel Hill now held the title of Librarian and Dr. Fritz Veit was “Advisor to the Library,” each serving an institution with a collection now in excess of 40,000 volumes. But, according to an “ABA report” of the time, the Law School had already outgrown its library. Ergo, a new library was planned to be located in the new building which the School planned to build in place of the Annex at 321 South Plymouth Court.
A book on the legal profession published in the late 1960s referred to John Marshall as “a last-chance place where the average entrant is thirty-one and many do not have a college diploma.” The same publication described Noble Lee as “large, aging, shabby, impatient, with a politician’s shaking jowls” and as the “angriest and probably the most effective spokesman for the night law school as it has always been.” This Noble Lee was very much a man whose relationship with the Association of American Law Schools, and to a lesser extent the American Bar Association, was adversarial. As of 1967 Lee refused to meet AALS standards as to minimum faculty salaries, maximum teaching hours, and faculty autonomy. JMLS would also accept students who had failed at schools belonging to the AALS, contrary to an unwritten rule. Noble Lee presided over a faculty all of whose members had at least five years experience in the practice of law, and on this subject he claimed to be “bitter that the legal profession—the rock of the Republic—can be turned over to people who’ve never even handled a five-hundred-dollar property transaction.” The author of the book, writing at a time when he saw grounds for pessimism, concluded that the “decline of the night law school . . . is among the most important and saddest social developments in the United States since World War II.”

Judge George Leighton described the Noble Lee of this period as a man who despised elitism. In particular, he believed that “legal education should not be an elitist endeavor.” The AALS, according to Lee, was no more than a trade association of law school professors, whose members were more concerned about their jobs, salaries, and careers than about the improvement of legal education. And his view of the ABA, if less jaundiced, was hardly establishmentarian. The issue of ABA standards for legal education would arise again in the late 1960s, as it had in the early 1920s, and N.W. Lee was intensely involved in the resulting conflict.

Revised Standards for Legal Education

Millard Ruud was the ABA’s Consultant on Legal Education from 1968 to 1973. He maintained that the major accomplishment of the ABA’s First Section during these years was the drafting of Standards
for the Approval of Law Schools, which was adopted by the association in 1973. It is the basis of the standards which the ABA employs today.

The original ABA Standards of 1921 could be set out on two pages, but by the 1960s these pages were supplemented by many more pages of "factors" to be taken into account in their application. In the late 1960s the First Section made an initial, unsuccessful attempt to revise the Standards. In 1968 Robert Smith of Birmingham, Alabama, chairman of the Section, formed a committee of three which included himself, Dean Harold Reuschlein of Villanova University, and George Neff Stevens. The committee was given the charge to consolidate the Standards of 1921 with existing ABA bylaws, recommendations of the Executive Committee, and the Standards of the AALS. Drafts produced by this committee contained language perfectly designed to earn the antagonism of Noble Lee and like-minded legal educators: language banning legal instruction after 5:00 pm and stressing the value of legal education conducted in law schools affiliated with universities. Ultimately this committee produced Proposed Standards which were indeed a revision of the Standards of 1921. These were, however, rejected by the membership of the First Section at successive annual meetings in Philadelphia in 1968 and in Dallas in 1969.

Noble Lee had fought the evolving Proposed Standards in committee well before they were formally defeated at the annual meetings. Later, according to Millard Ruud's story, Lee flew Chicagians to the meeting in Dallas in a chartered plane, where they voted against the Proposed Standards en masse. It was not clear that all the Chicagians were members of the First Section, or were even lawyers, but all voted. Ruud took the view that Lee's opposition was "more psychological that practical." Perhaps, but the final Proposed Standards only stressed the importance of university affiliation for law schools; they did not require it. They would have required the Law School to hire thirteen full-time faculty members, and in general the tenor of the proposed revision was to minimize the role of part-time faculty. Lee saw all of this as threatening to evening law schools, and taken together they served as the basis of his opposition.

Judge Leighton characterized these events a little differently than did Millard Ruud. In opposing the ABA's Proposed Standards, Noble Lee was, by his own lights, trying to "save the night law schools of America from the elitists of the American Bar Association and the Association of American Law Schools, who were trying to destroy the opportunities in the legal profession for the man who was willing to work all day and study all night." In time Leighton became intimately involved in these events. Lee saw in Leighton a potential ally in his fight against the ABA and the AALS and "used" him accordingly, i.e., made him a member of the Council of the First Section. At the ABA meeting in St. Louis in 1970 Lee persuaded Leighton to become a candidate for membership on the council. Judge Leighton was elected to the council with the support of Noble Lee's "organization," i.e., the deans and faculty of other evening law schools and those alumni of John Marshall present at the meeting. Leighton would serve on the council for ten years, and become chairman in 1975.

Once on the council, Leighton concluded that Noble Lee was mistaken in some respects. Lee thought that the ABA and the AALS were involved in a conspiracy to destroy JMLS and "dual-division" schools (law schools with both day and evening classes) generally, and to force every law school to become a university affiliate. Leighton agreed that in the early drafting of the Revised Standards there was
involved a minority who did indeed want to abolish the dual-division schools, but that by the early 1970s the core of the First Section’s council agreed with Noble Lee on these issues. Leighton’s experience on the council and his conversations with affiliated men such as Ruud, James White, Fred Franklin, and Sam Thurman, led him to this conclusion. Leighton later tried to persuade Lee that the latter was mistaken, but never succeeded.

The Proposed Standards had been decisively rejected in Philadelphia and Dallas, but the chairman of the First Section for 1969-1970, Harold Gill Reuschlein, still believed that new, comprehensive standards were needed. He appointed another committee led by Richard W. Nahstoll, a practitioner from Portland, Oregon. The committee’s membership included deans, law professors, practitioners, and judges. It met six times during 1970 and 1971, in April, June, and November of both years, each meeting lasting two or three days. The committee prepared a final draft of its revision for the meeting of the First Section in Milwaukee in 1971. Thereafter, three general public meetings were held at which the revision was discussed: in Chicago, San Francisco, and New York. During this ensuing period of controversy, N.W. Lee was a public critic of the revision. He thought the “minimum course load” for which it provided was too large, the requirements for full-time instructors too onerous, and language about the desirability of university affiliation objectionable in itself. Susan Boyd, historian of the First Section, states that in the end Lee came to accept the new standards, probably influenced by his friend George Leighton. In any event, the ABA’s House of Delegates adopted them in 1973.
Final Years of the Ancien Regime

In 1970 Melvin B. Lewis is shown as a member of the general faculty. Samuel T. Lawton, Jr. was teaching in the General Practice Division of the Lawyers Institute. Florence Meinecke is first shown as a librarian at JMLS. The library now had a support staff of ten students; in earlier years it had numbered no more than seven.

Intimations of a coming revolution appear in the record by 1971. A faculty tenure committee was created in preparation for the inspection by the American Bar Association scheduled for 1974. Taking the Law School Admissions Test was now required of prospective students prior to admission. In the Day Division, classes now met in the morning as well as in the afternoon. The Legal Methods Program, while retaining its name, was reorganized into courses in Practice Court, Case Analysis and Introduction to Law, and Legal Problems. Elmer Gertz and Neil F. Hartigan were members of the faculty. Jane Derendinger had joined the administrative staff as Assistant Registrar. Hazel Hill was first shown as “Head Librarian” and Florence Meinecke as “Assistant Librarian.” The library itself now contained “about 50,000 volumes.”

By 1972 summer classes were offered in the afternoon as well as in the evening. A newly minted alumnus, Richard Brzeczek, was already teaching in the Legal Problems part of the Legal Methods Program. He would become Superintendent of Police when Jane Byrne was Mayor of Chicago.

In 1973 the Lawyers Institute was renamed the “Graduate School.” The Patent Law Division of the Graduate School was now called the “Intellectual Property Division.” John E. Corkery and Fred F. Herzog were members of the faculty. Helen Thatcher was now Assistant Dean for Academic Affairs, Jane Derendinger became Registrar, and Della S. Danziger was hired as Secretary to the Dean. Ruth Nelson and Mary Ellen Clayton were, respectively, Reference Librarian and Assistant Librarian. Three floors of the Rothschild Building, the twelve-story edifice just to the northeast of 315 South Plymouth Court, were leased and remodeled to create room for a new two-story library, additional classrooms, faculty offices, and offices for the Journal of Practice and Procedure. The literature of the period suggests that these arrangements were to be temporary, until a new building was built for the Law School at the site of the Annex.
Later in 1973 the library was moved, in the course of a weekend, from the fifth floor of Plymouth Court (now the “West Building”) to the sixth and seventh floors of the Rothschild Building (the “East Building”). Once the job was done, the Law School had a new two-story library of 50,000 volumes with seating for 500, complete with glass-enclosed rooms for conferences, audio-visual equipment, and typing facilities.

A journalistic “snapshot” of the Law School, circa 1973, is afforded by an article published at the time in the Chicago Tribune. The journalist felt compelled to point out that John Marshall had never been a family-owned enterprise but rather a non-profit educational institution with a board of fifteen trustees. Traditionally the Law School had an “easy admissions policy” and the “flunk-out rate” was “horrendous.” Reportedly JMLS had a student body of more than 1600 students in 1973, twice the number it had had a decade earlier. The ethnic quality of the School was reflected by an alumni roster of Italian, Irish, Polish, and Jewish names.

The article also contained a brief interview with Noble Lee, by then 77 years old, in which he made a number of noteworthy assertions. Lee said that the Law School enrolled its first black student three years after its founding and that John Marshall had always educated women lawyers. Without embarrassment he was able to say that John Marshall was “a last-chance school for a lot of people.” On clinical legal education:

I guess I’m old fashioned but I’m all for the traditional . . . case law method. If my students want practical experience I get them jobs in lawyers’ offices. By the time they graduate, at least 50 per cent of our Day Division students have worked in law offices.

And the anti-elitism had not disappeared: “[I]t is terrible for any tax-supported law school to have entrance requirements higher than those for getting admitted to the bar.”

The following year, 1974, would prove a watershed for the Law School. An inspection by the American Bar Association was scheduled, for which Judge Leighton directed the preparation of the requisite “self-study.” A student handbook published in that year quoted the catalog provisions for the Comprehensive Examination System, and then commented:

It is currently under complete review by the Faculty Curriculum Committee . . . . [T]he decision of that Committee and the Faculty has not been determined.

And after 30 years at the helm, Noble Lee would resign as Dean.

Come the Revolution

Re-inspection by the ABA occurred during the first half of 1974, and in July the President of the Board of Trustees addressed the faculty concerning the re-inspection team’s Preliminary Report. Overall, the report concluded that John Marshall was in compliance with ABA Standards with two exceptions: the size of the full-time faculty needed to be increased; and “teaching loads” had to be reduced.

In the course of reaching these conclusions, the report contained several comments about the School, some laudatory and some critical. The report paid tribute to the “unusual maturity and balance of judgment” of administration, faculty, and students; the student body was “one of the greater
assets” of the Law School; and trustees, administration, faculty, and students were consistent in their respective statements of their goals. On the other hand, the faculty, taken as a whole, while rich in practical experience was poor in teaching experience; faculty members ought to publish more scholarly work; the full-time administrative staff was inadequate; the curriculum, concentrating on litigation, legislation, and real estate practice, was too narrow and ought to be broadened with additional courses; the “attrition rate” among students, especially those who had completed first-year coursework, was “troublesome”; and the faculty needed to be more consistent among themselves in the application of grading standards. The School was also advised that it needed an official who could undertake the raising of capital funds; this was thought to be an ideal task for an emeritus dean.

FRED F. HERZOG

After Noble Lee tendered his resignation to the Board of Trustees, Fred F. Herzog was selected as Acting Dean. He was also selected to be chairman of the committee which would choose Lee’s successor. During 1975 the committee strove to do this but was unsatisfied with the candidates who were being considered. Ultimately the Board offered the position to Herzog himself. He accepted and became Dean on January 1, 1976.

Fred Herzog was born in 1907 in what was then the Austro-Hungarian Empire. He earned a doctorate in law from the University of Graz in 1931 and by 1935 had become a judge in his native Austria. He left Austria after the Nazi Anschluss of 1938 and emigrated to the United States in 1940. In 1942 he received the degree of Juris Doctor from the University of Iowa, after which he moved to Chicago, where he served as an editor in legal publishing and also engaged in the private practice of law. In 1947 he became a full-time faculty member at what would become ITT-Chicago Kent College of Law, where he eventually rose to the positions of Associate Dean and Dean of the College. In 1972 he resigned his deanship and was appointed First Assistant Attorney General of the State of Illinois. Herzog became affiliated with John Marshall in 1973, in which year he began teaching a course in equity.

When Fred Herzog accepted the deanship, he did so under two conditions: that the Law School would (1) pay higher salaries to faculty members and (2) apply for membership in the Association of American Law Schools. He was also interested in raising admissions standards. Until Herzog became Dean, John Marshall had had a policy of open admissions. Dean Herzog ended this. He was able to raise standards for admissions significantly, but by his own testimony this was made easier because of the enormous increase in the number of students applying to law schools in the 1970s. Under Dean Herzog’s administration, Comprehensive Examinations were abolished. The faculty’s “teaching load,” described as “appalling,” was reduced. Faculty members were now expected to do research and publish the results of their scholarship. New elective courses were developed. With the support of the Board of Trustees, more faculty members were hired at higher salaries.

Herzog made major changes of an administrative nature. Under his direction the Law School hired a controller. Financial records prior to his deanship had been primitive. He would hire a new library director (Randall T. Peterson) who would oversee an enormous expansion of the library. Dean Herzog initiated a series of presentations by “Distinguished Lecturers.” And so on.
Dean Herzog had definite views about what kind of place the Law School should be. JMLS would happily accept academically gifted students from elite backgrounds, but it must provide opportunity for the sons and daughters of immigrants and blacks. Consistent with this view, Herzog began John Marshall’s Conditional Program for students without the high scores on the LSAT and the elite backgrounds. He believed in a sound legal education for all students, which meant that the curriculum would contain many required courses. He considered John Marshall’s independent status, its lack of affiliation with any larger academic institution, to be a valuable asset, and regretted Chicago-Kent’s earlier merger with Illinois Institute of Technology. And in John Marshall’s case, maintaining this independence had been a matter of policy rather than happenstance.

An alumni directory published in the mid-1980s summarized Dean Herzog’s accomplishments at John Marshall in the following way: he (1) increased the full-time faculty from 22 to 50, (2) expanded the library, (3) established a full-time placement office, (4) strengthened the curriculum, and (5) initiated a set of instructional programs for non-lawyers.

LATER YEARS

By 1975, under Acting Dean Herzog, the general rule was that applicants for admission had to be college graduates. A few exceptions were made for those who had completed 90 hours of college work and had excellent LSAT scores. The School still had an accounting requirement. Supplemental Programs now included the Student Clinical Legal Education Program, the Student Intern Program, Law Review, Moot Court, the Philip C. Jessup International Law Moot Court Competition, the Client Counseling Competition, the Criminal Appeals Seminar, and the Federal Criminal Defender Program. The requirements for a law degree no longer included Comprehensive Examinations and theses or argumentative papers. Eighty-six credit hours were now required for the J.D. rather than 84. Evening classes now met Mondays through Thursdays, instead of on Mondays, Wednesdays, and Fridays, as they had for decades. And the Graduate School was limited to the Divisions of Intellectual Property and Taxation.

New student organizations were created, and others underwent changes reflecting changes in the larger society. A chapter of the Black American Law Students Association was in place by 1975. A Women’s Law Caucus was established. The Wives’ Club was renamed the “Law Spouses Club.” The latter organization was “open to wives, husbands, and partners of students for primarily social reasons.”

In addition to Dean Herzog and Associate Dean Thatcher, the administrative staff now included Assistant Dean (and Associate Professor) Ronald W. Olson. Hazel Hill was Librarian and an Assistant Professor. Registrar Jane Derendinger had become Registrar Jane D. Oswald, and Florence C. Ford was Bursar. The full-time faculty is now shown in the catalog with the titles of professor, associate professor, and assistant professor. New faculty included Gerald E. Berendt, William K. Carroll, John D. Gorby, Walter J. Kendall, Robert Kratovil, Ann M. Lousin, Robert J. O’Connell, Craig A. Peterson, Michael J. Polelle, Arthur M. Scheller, Glenn P. Schwartz, and Anthony S. Zito. Noble Lee had become Dean Emeritus and Professor Emeritus. Instructors in Trial Practice included attorneys who would distinguish themselves such as Tyrone C. Fahner, Charles P. Kocoras, Samuel K. Skinner, Anton R. Valukas, and Dan K. Webb.
In 1976 summer classes were held during the “day” and evening, and not just during the “afternoon” and evening. The faculty now included Louis Altman, Edward B. Arnolds, Michael L. Closen, Celeste M. Hammond, Michael G. Heyman, Kenneth Kandaras, and Michael P. Seng. The library, occupying two floors of the East Building, held in excess of 75,000 volumes.

In 1977 Randall T. Peterson was hired as Library Director and Assistant Professor. John Marshall became the first law school in Chicago to provide access to Lexis, the first marketed example of “computer-assisted legal research.” By 1978 the Supplemental Programs included the State Appellate Defender Program. Walter Kendall was now Director of Placement as well as Associate Professor of Law. The catalog boasted that the library met both ABA and AALS standards.

On October 8, 1978, Noble Lee died. When he had become Dean in the spring of 1944, the Allies had yet to invade Normandy. World War II would continue for well over a year before the Axis powers surrendered. When he resigned in 1974, thirty years later, Vietnam and Watergate were only the most conspicuous of a radically different set of national concerns. His tenure as Dean had begun and ended in very different eras. The Law School paid tribute to Noble Lee at a memorial service held at the First National Bank on October 31. Dean Herzog presided, and the speakers included Judge George Leighton, and Professors John Ingram, Melvin Lewis, and Milton Hermann.

In 1979 the Law School introduced, in respect to the student body, new rules of discipline, and new rules for “discipline proceedings.” The resulting codes occupied four-and-a-half pages in the annual catalog. The Supplemental Programs now included the National Appellate Advocacy Competition and the National Mock Trial Competition. “Outreach” programs, i.e. law-related programs sponsored by the School for practitioners and (sometimes) non-lawyers, included the Law Program for Community Developers and Social Workers, the Institute for Criminal Justice, the Intellectual Property Conference, Intellectual Property for Non-Lawyers, and the Patent Office Examination Review. James J. Kremski, C.P.A., was shown as a member of the administrative staff. And the library had approximately 150,000 volumes. The number is important because it now reflected “microform equivalents,” i.e. books and documents made available on microfilm and microfiche.

AALS MEMBERSHIP
As a condition for accepting the deanship, Fred Herzog had insisted that the Law School apply to the AALS for membership. As Dean he began to take measures to achieve this goal. At the most basic level, Herzog had to persuade the AALS that John Marshall was not and never had been a proprietary law school owned by the Lee family. Beyond this, he had to respond to the association’s demands for institutional change. Faculty members would have to teach fewer hours and engage in scholarly research and publishing. Herzog himself would have to be a full-time Dean, i.e., he would have to stop teaching. For a while the City of Chicago considered condemnation of the property on which the Law School was located for purposes of an “urban renewal” project. By 1978 these plans had been canceled, a cancellation which would prove necessary for the success of John Marshall’s application for membership. In addition, Dean Herzog had to attend interviews with representatives of the AALS in Quebec and Washington. Also, an AALS inspection team visited the Law School, first in April 1977 and again in September 1978.
Late in 1978 the AALS acted favorably on John Marshall’s application. Its report encouraged the Dean and faculty to:

*increase further their efforts to recruit additional established scholars and teachers to the School’s full-time faculty, to continue to reinforce the commitment to scholarship by the members of the faculty now so involved and to encourage others to become so involved.*

The report also alluded to the School’s requirements for additional space, which “it critically needs, especially for its library collection and services.” Architects advised Dean Herzog that it “wouldn’t pay” to remodel the old Annex at 321 South Plymouth Court. So, the additional space which the Law School so critically needed had to be found elsewhere. In 1979 John Marshall acquired the Rothschild Building at 304 South State Street. Built in 1906, the structure of twelve stories had been the home of the Maurice L. Rothschild department store for decades. At the time, the School’s purchase of the building was considered significant to the redevelopment of the “South Loop.” Dean Herzog would have to raise funds to pay for the building, and then raise more funds to remodel it.

**Revolution Summarized**

The Law School underwent changes during the 1970s of a qualitative magnitude for which, in its own history, there was no precedent. The ABA Inspection of 1974 had affirmed the Law School in its mission but had also called attention to needed improvement. Noble Lee’s resignation from the deanship that same year brought to an end 65 years of familial, institutional leadership. Under the direction of Lee’s successor, Fred Herzog, the full-time faculty more than doubled in size, and the School became part of the AALS, accepting the obligations which membership therein would entail. Major expansion of the library was undertaken. Other changes could be mentioned: a Rule 711 program; an expanded course in legal writing; new elective courses in entertainment law, environmental law, and law and psychology; and outreach programs for social workers, community developers, police officers, and journalists. In any event, the Law School was a very different place in 1980 than it had been in 1970.
Fifth Generation

In 1980 the curriculum offered “Fields of Concentration” to the student pursuing the first law degree. Selection of such a field was optional, and the fields included Courts and Administration of Justice, Public Law, Property, and Business Law. In the same year John Marshall and Rosary College (now Dominican University) began collaborating on a joint program whereby students could earn both a law degree from John Marshall and a graduate business degree from Rosary. Donald W. Banner became “Distinguished Professor of Law” as well as Director of the Intellectual Property Division. James Kreminski was shown as Controller, and Florence Ford became Financial Aid and Veterans Officer. Paul D. Faherty began teaching in the Taxation Division, of which he would later become Director. Additional outreach programs included the Creative Patent Application Preparation Seminar and the Media and the Law Conference. The School now had an Office of Development and Alumni Programs, of which Rhona B. Schultz was Director. Its purpose was to raise funds for the School from alumni and philanthropic sources, and to organize alumni events and publish a quarterly newsletter. The library staff now included eight professional librarians.

By March 1981 John Marshall had a student body of 1500 and was the seventh largest law school in the country. On the ides of that month, March 15, the School announced that it would soon move into four additional floors of its State Street or East (nee Rothschild) Building, using the extra space for the library and additional classrooms. This meant that by the fall of 1981 the School would be occupying floors 4 through 10. (At that stage, no decision had been made about the fate of floors 2, 3, 11, and 12.) President Biro of the Board of Trustees was quoted by the local press to the effect that “[t]he recycling of this building into a research facility for legal education is a significant commitment by the Law School to Chicago’s South Loop.”

Also in March 1981, the School announced a capital fund-raising campaign to be known as the Fifth Generation Fund, which local businessman and civic leader William Wirtz would serve as chairman. The goal of the campaign was to raise $3,000,000 through donations and pledges payable through the end of calendar 1984. These funds would be used to pay for the enormous expansion of the campus then in progress. The objectives of the Fifth Generation Fund were met by December 1982, in no small part with the assistance of a grant of $350,000 from the Kresge Foundation.
This success would ultimately make possible a renovated library of five floors; media and computer centers; a mock courtroom, jury deliberation room, and judge’s chambers; a reception center; new offices for faculty; and three additional classrooms.

New faculty members joining the School in 1981 included Donald L. Beschle, Susan M. Connor, and Allen R. Kamp. The administrative staff included a “Conference Coordinator,” Ellen Scesnewicz. The outreach programs were now offered under the aegis of The John Marshall Law Center. The catalog explained that:

The concept for The John Marshall Law Center had its birth in the School’s growing conviction that as an urban institution located in the center of a thriving metropolis there is an obligation to reach out to the community and acquaint the public at large, or special groups, with legal problems and solutions to these problems.

The programs offered at the center included Law for Community Developers and Social Workers, a thirteen-week course offered twice a year by Professor Arthur Scheller and Thomas Grippando of the Cook County Legal Assistance Foundation; the Institute of Criminal Justice for police officers, administrators, sheriffs, and private security guards; the Symposium on the Illinois Mental Health Code for legal, medical, and mental health professionals; and Guardianship by the Voluntary Sector for non-profit organizations which would act as legal guardians for the disabled. Also, 1981 was a critical year for the library: it became a United States Government Depository for federal documents, and in December it expanded from two floors (Floors 6 and 7) to five (Floors 6 through 10), with seating capacity for 750 patrons.

The Law School began conducting the Benton Moot Court Competition in 1982. Limited to issues concerning information and privacy law, the competition was funded by a grant from the Benton Foundation in Washington, D.C. Competitors from all schools approved by the American Bar Association were eligible to participate. “Law for the Information Era” was added as a field of concentration within the general curriculum. In the same year, the School began to sponsor “Taxes and the Family,” an annual conference which served as one of the outreach programs. Susan L. Brody, Ralph Ruebner, and Paul T. Wangerin joined the faculty. Bennet B. Harvey became Director of Placement and Rita MacDowell was shown as an admissions officer. Also, expansion of the library was completed on Floors 8, 9, and 10, and “West Law,” then the second system of computer-assisted legal research, was introduced to complement Lexis.

Schrager

In 1983 Fred Herzog resigned as Dean and became a member of the Board of Trustees, a position he would occupy until 1990, when he resigned from the Board and became Acting Dean for one year. Professor Leonard Schrager succeeded Herzog as Dean in August. Dean Schrager, both a lawyer and a certified public accountant, had long been a member of the faculty, and also had experience as a managing partner of a prominent Chicago law firm. During Schrager’s tenure negotiations would be conducted, and agreements made, with the Chicago Bar Association which would have lasting importance for the Law School.

Also in 1983, David E. Neely joined the School’s administration as Assistant Dean. Diane S. Kaplan, William B.T. Mock, and Timothy P. O’Neill became members of the
faculty. Carol Janet Belshaw, later an Assistant Dean, was an instructor. Dorothy In-Lan Wang Li had joined the library staff as Head of Technical Services. The library's collection now exceeded 200,000 volumes, including both paper copies and microforms. The Center for Information Technology and Privacy Law was founded, and placed under the direction of Professor George Trubow, former General Counsel to the Committee on the Right to Privacy, Executive Office of the President. The center would concern itself with the new forms of information technology and their implications for the law of privacy. In the course of doing this, it would sponsor conferences, colloquia, and the Benton National Moot Court Competition.

In 1984 curricular changes were significant. Courses in legal writing, research and writing, and advanced research and writing were eliminated and replaced with Lawyering Skills I, II, III, and IV (eight hours in toto). Sales Transactions, Decedents' Estates and Trusts, Equity, Income Taxation, and Accounting became electives. Areas of concentration for students working for the J.D. were expanded to include Business, Civil Rights and Liberties, Criminal Law and Procedure, Dispute Resolution, Estate Planning, Labor Law, Legal Problems of Individuals, Litigation, Privacy and Intellectual Property, Real Estate, and Taxation. Under the rubric of “Special Programs” the Law School now offered “Trial Advocacy for Lawyers.”

John Marshall’s Graduate School had long had the Division of Intellectual Property. In 1984 the Law School had a Center for Intellectual Property Law. The center’s program consisted of three elements: courses in intellectual property in the undergraduate school, i.e., leading to the degree of Juris Doctor; courses in the Graduate School; and continuing education programs and publications for lawyers and for professionals in research and development. John Marshall was also a participant in the Chicago Coalition for Law-Related Education, a partnership of the Law School, the Chicago public schools, and the Chicago Bar Association. The objective was to create law-related educational programs, e.g., mock trials, for the city’s youth. These programs eventually led to city-wide competitions, winners of which would receive full scholarships to JMLS. The same year Ardath A. Hamann joined the faculty as an instructor.

In the spring of 1985 a new curriculum was put into effect which featured the Lawyering Skills series, plus a Core Curriculum for first-year students, and three “Distribution Requirements” in the areas of “Perspectives on the Law,” “Government Regulation and the Law,” and “Process of the Law.” An area concentration in “General Practice” was added to those established the year before. A Financial Aid Office was created and Florence Ford was appointed its officer. In like fashion a Publications Office came into being and Arlette B. Capel became its Director. The library was now publicizing its microforms as a distinct part of its collection, and for the first time audio and video cassettes were listed among its holdings.

The catalog for the academic year 1986-1987 contained the following “late-breaking” news:

As this Bulletin goes to press, plans are being negotiated for the move of The Chicago Bar Association, the nation’s largest local bar association, to the John Marshall Campus. The Law School is also negotiating with the Illinois Institute for Continuing Legal Education to move its headquarters to John Marshall’s three-building complex. This move will make John Marshall’s urban campus the heart of Chicago’s Legal Community. The opportunities for student/lawyer interchange, and participation in
activities of the city's 18,000-member practicing bar will be extraordinary.

Such was the institutional vision of the future in 1986. Accelerated Trial Advocacy was now offered in January, May, and August. (The course could be completed in nine-and-a-half days; ordinarily it was taught in fifteen weeks.) Joel Cornwell joined the faculty as an instructor in the Lawyering Skills program. And on October 25 the Law School conducted convocation exercises honoring William J. Brennan. Dean Schrager presented the long-time Associate Justice of the Supreme Court with an honorary doctorate conferred by the Law School.

McGovern

In April 1987 the Law School announced that Peter J. McGovern would succeed Leonard Schrager as Dean. Peter McGovern came to John Marshall after deanships in the early and middle 1980s at the law schools of Valparaiso University and St. Thomas University. He assumed his duties at John Marshall in July. Leonard Schrager returned to the teaching faculty.

By 1987 the School was able to claim that the Illinois Institute for Continuing Legal Education (IICLE) would be “moving its headquarters to John Marshall's two-building complex within the year.” The Software Law Journal began to make a home for itself at John Marshall. At this stage it was published jointly by the Center for Computer/Law in Manhattan Beach, California, and John Marshall's Center for Information Technology and Privacy Law. As of 1987 its editorial board and staff consisted of students at John Marshall.

In 1988 Thomas J. Hoffman became Acting Director of the Intellectual Property Division. Once again the School pronounced that IICLE would move its headquarters to the Law School's “complex” within a year. The Center for Information Technology and Privacy Law was renamed the “Center for Informatics Law.” Major changes were made to the administrative staff. Sarah A. Campbell became Assistant to the Director of Admissions, Rocca A. Petruzelli was appointed Director of Career Services, RoseMarie Knight became Conference Director, and Carol Belshaw was now Assistant to the Controller. Personal computers were available for students in the library, at this point chiefly for word processing.

As the decade came to its end, Robert G. Johnston became an Associate Dean. Yvette Barksdale, Linda R. Crane, Marie A. Monahan, and Samuel L. Olken joined the faculty. By 1989 IICLE had moved on campus, occupying the twelfth floor of the East Building.
Early Events

In April 1990 the Board of Trustees announced that Dean McGovern had resigned, effective July 1. Beginning in the fall he would join the teaching faculty. Fred Herzog would function as Acting Dean until a successor could be found. During Peter McGovern’s deanship the Center for Advocacy was founded, the National Criminal Justice Trial Advocacy Competition began in partnership with the American Bar Association, and Software Law Journal was brought to John Marshall. Also, the Moot Court Privacy Competition was endowed by a special gift.

More significantly for the long term, under Dean McGovern’s direction measures were taken to put into effect the agreement between John Marshall and the Chicago Bar Association which dated from the Schrager Administration. The old CBA library had closed, a significant fraction of its collection having been shipped to John Marshall. At the Law School some of these volumes were used to form a special “CBA Core Collection” while others became part of the library’s general collection. As of July 1990, the membership of the CBA was entitled to use John Marshall’s “totally integrated professional library facility.” The following month Randall Peterson resigned his directorship of the library and began teaching full-time as a member of the faculty. Steven C. Perkins would act as Interim Director for the next two years. Also, the CBA had purchased the old Annex building at 321 South Plymouth Court in the mid-1980s, and by August 1990 its new headquarters, built on that site, was ready for occupancy.

Students working for the degree of Juris Doctor now had to earn 90 hours of credit. The adjunct faculty was now divided among six categories: Advocacy Program, Informatics Law Program, Intellectual Property Program, Juris Doctor Program, Lawyering Skills Program, and Taxation Program. The Clinical Legal Education Program was established, the idea being to place students in federal, state, or local agencies, or with the judiciary for a semester in order that they might gain practice experience in lawyering skills. The Center for Advocacy was also created to coordinate instruction in all phases of advocacy: courses in trial and appellate advocacy, alternative dispute resolution, client counseling, interscholastic competitions, clinical programs, and continuing legal education for lawyers. Corinne Morrissey joined the administrative staff as Director of Student Advising and Academic Support Services and Ann E. Murray did likewise as Acting Director of Institutional Advancement. Also in 1990, the Board of Visitors was created.
Samuel Maragos, JMLS ’48, was selected to be chairman of the decanal search committee of 1990-1991. The result of the search was the Hon. Howard T. Markey, former Chief Judge of the U.S. Court of Appeals for the Federal Circuit. A former test pilot who completed law school after World War II, Judge Markey earned a master’s degree in patent law at John Marshall in 1950. Thereafter he practiced law privately in Chicago until he was called to the federal bench in Washington in 1972. He served on the federal courts until 1991, when he accepted the deanship at JMLS. Judge Markey assumed his duties at the Law School in the summer of that year.

By 1991 the curriculum no longer specified distribution requirements. Albert G. Tramposch was now a member of the faculty and Director of the Center for Intellectual Property. Paul Faherty, long an instructor in the Graduate Tax Program, now became its Director. Professor Melvin Lewis became Director of the Center for Forensic Science Services. The purpose of this institution was to create databases listing expert witnesses, references to their past testimony, etc. Jessie C. Grearson was hired as the Law School’s first “writing specialist” to counsel students who needed assistance in writing English prose; soon she would become Director of the Writing Tutorial Program.

In 1992 Dean Markey reorganized the Law School’s administration, and as a result Robert G. Johnston and James Kreminski were Associate Deans, and Carol Belshaw, Jane Oswald, John McNamara, and David Neely were Assistant Deans. Ann Murray was promoted to Director of Alumni Relations, Ernest Melichar was hired as Development Officer, and Dorothy Li became an Associate Professor and Director of Library Services. Although John Bahaveolos had been employed in the library as a computer technician since the late 1980s, by 1992 he had become Head of Computer Services, still within the library. And the library now had 50 personal computers for use by students, and by the end of the year they were all connected as part of a local area network.

The Center for Forensic Science began to offer the Ethics Advisory Service, with Professors Susan Connor, John Corkery, Melvin Lewis, and Anthony Zito participating. Members of the bar faced with ethical quandaries could now submit them to a panel of experts and receive a legal opinion on the matter. Students could now receive academic credit for working in the Fair Housing Clinic under the supervision of Professor Michael Seng and F. Willis Caruso. During Judge Markey’s deanship it became familiar practice for distinguished jurists to visit the Law School: in 1991 and 1992 Justice Antonin Scalia, former Chief Justice Warren Burger, and Justice Anthony Kennedy visited John Marshall and spoke to students and faculty.

In 1993 the Law School had an independent department of Media Services. In the past such services had been performed in the library. The administrative staff now included a “public information officer.” A year later a Director of Public Information would supervise one other professional in an independent department. In July 1993 Jane Oswald was promoted to Associate Dean for Academic Services. During the same year the eleventh floor of the East Building was renovated to create faculty offices, classrooms, and a computer laboratory. Donald P. Reynolds joined the faculty as Director of the Center for Intellectual Property Law. An International Law Program was established under the supervision of Professor William Mock, which offered cours-
es leading both to the J.D. and the master’s degrees offered in the Graduate School. The program also sponsored speakers and other activities. The Center for Intellectual Property Law began offering regular programs for paralegals involved in that field.

By 1993 students were able to take a two-hour course in fair housing law from F. Willis Caruso of John Marshall’s Fair Housing Clinic. Students could then work in the Clinic for additional credit under Caruso, Professor Seng, and attorneys of the Leadership Council for Metropolitan Open Communities. A related development was the founding of the Fair Housing Legal Support Center at JMLS, the purpose of which was to educate the public about fair housing law, and to assist public and private organizations trying to eliminate housing discrimination.

The curriculum was so modified as to provide for a joint J.D.-LL.M. program in taxation, which could be completed at John Marshall in four years by a student attending full-time, or in five years if attending in the evening. The Law School was also offering a joint program with Roosevelt University whereby a student could earn both a bachelor’s degree and a law degree in six years. In the library an Innopac on-line public access catalog was installed, which replaced the old card catalog.

In 1994 Software Law Journal changed its name to The John Marshall Journal of Computer and Information Law, now fully published by the Law School. Professor Mock’s International Law Program was “upgraded” to the Center for International Law. The Law School once again collaborated with Roosevelt University in order to establish two additional joint-degree programs. Participating students would receive a law degree from John Marshall and a master's degree in either public administration (M.P.A.), or in arts (M.A.) with a concentration in political science. Also in 1994, the Law School entered into a joint venture with a law faculty in the People’s Republic of China. John Marshall and the College of Foreign Economical Relations and Trade of Zhejiang University were involved, and together they created the Zheda-Marshall Center for International Economic and Trade Law, jointly located in Chicago and Hangzhou, China.

In October 1994, Howard Markey resigned from the deanship. Associate Dean Robert G. Johnston accepted the position of Acting Dean for the interim period during which Dean Markey’s successor would be sought.

Johnston

The Acting Dean became Dean. The Board of Trustees elected Robert Gilbert Johnston as Howard Markey’s successor in April 1995. Robert G. Johnston had been affiliated with the Law School since the 1960s as both teacher and administrator. He had also practiced law extensively, both in his native Hawaii and in Illinois. One month after his own election Dean Johnston announced the appointment of Professor Susan Brody to fill his former position as Associate Dean for Academic Affairs.

By 1995 the Graduate School’s curriculum was becoming highly diversified. A graduate program leading to a master’s degree in real estate law was directed by Professor Celeste Hammond. Lawyers from other countries could now earn an LL.M. at John Marshall, taking courses in both American and international subjects, in a program for foreign lawyers under the direction of Professor Mock. John Marshall established relationships with “sister schools” in both the Czech
Republic and Lithuania. Professor Seng supervised the exchange of faculty and students with Masaryk University in the Czech city of Brno. Professor Mock acted in the same capacity with respect to the University of Vilnius in the capital of Lithuania. And the Center for Intellectual Property Law participated in John Marshall’s evolving relationship with China. The National Patent Office of the People’s Republic designated the Law School as its center for training in the United States. Ergo, Chinese officials have visited John Marshall on a regular basis for training in recent years.

Computer technology arrived in force. The library had subscribed to Lexis as early as the late 1970s and personal computers were made available to faculty members for word processing by the middle 1980s. A few personal computers were available to students in the library for the same purpose by the late 1980s. The major breakthrough, however, occurred in late 1992, after which a local area network served the entire John Marshall community. The advent of the network meant students, faculty, and administrative staff all had access to Lexis, Westlaw, computer-assisted legal instruction, word processing, electronic mail and the rest of the Internet in their offices or at one of the fifty “PCs” in the library. In the Law School of 1996, a Computer Policy Committee, membership of which included faculty, administrative staff, and a student representative, existed to deal with such matters as the acquisition and deployment of hardware and software. The library staff now included a head of the Computer Services Department and three full-time assistants. As of March 1, 1996, pursuant to a decision taken by the committee, as far as intra-School communications among faculty and staff were concerned, “e-mail” became the coin of the realm.

In March 1996, Dean Johnston advised the Law School by memorandum that the responsibility formerly assigned to the Assistant Dean for Students and the Directors of Admissions/Financial Aid and Career Services would be consolidated in a general way under a new position of Associate Dean for Student Affairs. William Powers, formerly of the American Bar Association, was selected for that position and he joined John Marshall’s staff in May. In the same year the Center for Informatics Law reverted to its original name: the Center for Information Technology and Privacy Law. A combined degree program, whereby a student could earn both the Juris Doctor and a master’s degree, was now offered in real estate law as well as in taxation. And the Center for Real Estate Law began sponsoring annually the Robert Kratovil Memorial Lecture, honoring a revered teacher in that field who had made his contribution to JMLS as a member of the faculty during the 1970s and 1980s.

By 1997 Jessie Grearson was a Professor of Writing and Director of the Writing Resource Center. In the latter capacity she supervised two “writing advisors.” Quasi-curricular entities were changing names: JMLS now had Centers for Tax Law and Employee Benefits, Advocacy and Dispute Resolution, and International and Comparative Studies. The last of these attended to John Marshall’s relations with institutions in China, Lithuania, and the Czech Republic. Graduate students could now earn a master’s degree in employee benefits law. The graduate program for foreign lawyers was renamed the master’s program in Comparative Law. The annual Kratovil Lecture sponsored by the Center for Real Estate Law was expanded to become the Robert Kratovil Memorial Seminar.

Finally, the Law School would get that “building” it had planned to have for decades at the site of the old Annex.
October 1996 President Biro and Dean Johnston informed the faculty and staff that the School was “in the process of acquiring the top nine floors of the 321 South Plymouth Court building, commonly referred to as the ‘CBA Building.’” They also announced that the School would undertake a capital fund-raising campaign to coincide with the celebration of its centennial in 1999. As of the academic year 1997-1998, preparations for both the centennial and the capital campaign were well advanced.
As of August 3, 1999, The John Marshall Law School will have been in existence for 100 years. Why was it ever established? What kind of law school has it been during the last ten decades? Where does it stand at the end of its “first” century?

At its founding Edward T. Lee would have said that the School should provide the man, and in those days the occasional woman, who work full-time with a fair chance to obtain a legal education. (The operative word was chance; the nineteenth century did not believe in entitlements.) More than three-quarters of a century later, Fred Herzog would say that while John Marshall would accept brilliant students from elite backgrounds, it must continue to offer opportunity to the sons and daughters of immigrants and members of minority groups. Of course the alumni of the Law School include thousands who would not fit neatly into these categories, but the fact that the categories were given pride of place by two giants in the School’s history is significant. Also significant is that at its founding the Law School was self-consciously an institution which did not discriminate against those involved with it on the bases of race, religion, or sex, a policy that has been in effect for 100 years.

Invoking the high rhetoric of Lee (the Elder) and Herzog brings to mind one sense in which John Marshall has been singularly fortunate: leadership. “In the beginning” it was Edward T. Lee, the single most formative influence on The John Marshall Law School. When the institutional historian is looking for text which captures the ideals of the founders and the founding, he need look no further than E.T. Lee. In turn, Noble Lee provided continuity, and maintained the institution as a going concern in the mid-1940s when there was a real chance that the Law School would not survive to its fiftieth year. Thereafter he reigned as an academic patriarch for three decades, the last three decades during which JMLS was still recognizable as the school it had been “in the beginning.” It was left to Fred Herzog to preside over the transformation of John Marshall from the “night school” of the Lees to the mainstream, fully accredited, academically recognized law school it is today. Under Dean Herzog, John Marshall changed a great deal in a short period of time.

John Marshall was founded in 1899 as a part-time day law school and after one experimental year became the part-time night school it would remain for more than 30 years. (Daytime classes, late in the afternoon, would not be offered again until the Depression years.) By 1909, the year in which
E.T. Lee was made Dean, the Law School had become an established institution and a significant presence within Chicago's legal profession. Lee became Dean in a world in which the Kaiser and the Czar still ruled empires; when he died, 34 years later, still on the job, the world of the late twentieth century was well along in formation.

The elder Lee had to maintain the Law School as a going concern through the Great War, the Great Depression, and the critical years of yet another world war. During the 1920s he also led the fight for the legitimacy of part-time legal education at a time when it was under potentially deadly assault from leaders of the profession's major organizations. In this he succeeded, not in the sense that he "won," but rather that reform of legal education proceeded in a manner congruent with the interests of respectable, part-time schools. A decade later he oversaw the Law School's search for, finding of, and move to a permanent home. It is fitting that his portrait hangs in a place of honor within the Law School.

No sooner had Noble Lee accepted his late father's office in 1944 then he had to deal with potentially ruinous financial problems facing the School. World War II was having its predictable impact on the size of the student body and the ability of JMLS to raise capital. There was a real chance that John Marshall would lose its home at 315 South Plymouth Court. Strong leadership and the loyalty and generosity of the organized alumni prevented this from happening. After the crisis years of 1945-1946, N.W. Lee was able to lead the Law School through nearly 30 years of slow, organic growth, years during which the School, in a somewhat different setting, remained recognizably true to its origins. This was so even after the granting of approval by the American Bar Association in 1951. Noble Lee concluded his deanship with a controversial battle with the ABA over academic standards in the late 1960s and early 1970s, reminiscent of his father's rhetorical combat concerning similar issues of a half-century earlier. As in the 1920s, so in the 1970s, the result was not so much one of victory or defeat, but of securing an outcome consistent with the survival and progressive development of reputable, part-time legal education.

The watershed year was 1974. Noble Lee resigned and "part one" of an institutional history came to an end. "Part two" continues to this day. The ABA re-inspected the School in that year, and Fred Herzog succeeded as Acting Dean. A year-and-a-half later he would become Dean in his own right, and radical change ensued. Dozens of full-time academicians largely replaced a faculty of part-time teachers who were full-time practitioners. Tenure and traditional faculty ranks were introduced. "Faculty governance" of the curriculum became the order of the day, a curriculum which now included elective courses in addition to the subjects predictably on the bar examination. "Open admissions" ended and students were selected on the bases of the Law School Admissions Test and grade-point average. The old, Draconian "attrition rate" at which new and sometimes not-so-new students failed to maintain their academic standing fell sharply. The "lawyers' school" became a mainstream law school, and even joined the Association of American Law Schools. The old wars over academic standards which had pitted the Lees, father and son, against the ABA and the AALS were at an end.

Two decades have now passed since John Marshall experienced the revolutionary changes of the mid-1970s. The mainstream law school has had time to mature. Editorial boards of John Marshall's students publish two scholarly jour-
nals. JMLS sends competitive teams to 26 moot court competitions. Computer hardware and software are ubiquitous, for students, faculty, and administrative staff. Amenities such as lounges and canteens, which would have been unthinkable in the law school of the Lees, are not merely present but taken for granted. Full-time faculty are expected to publish, and do. Students become alumni and some alumni do impressive things. The incumbent U.S. Secretary of Commerce, William M. Daley, entered the Law School during Noble Lee's final years as Dean, and received his degree in 1975 from Acting Dean Herzog. Charles E. Freeman, JMLS '62, is the first black man to serve on the Illinois Supreme Court. The alumni who have served as judges, public officials, and leaders of the bar are legion.

As the end of its first century approaches, The John Marshall Law School occupies three buildings and employs full-time about 135 people. In the externals it bears little resemblance to the law school of the elder Dean Lee. It offers courses in subjects which would not have been thought relevant to law 100 years ago. Issues are dealt with now, inside and outside of class, which in the early years of the School's history would not have been considered issues at all. Continuity, however, is there to be found. It is manifest in the School's purpose, in what it does, and in the ideals with which it defends what it does. Those ideals are present in the philosophy, concerning legal education and the role of the legal profession in a democratic polity, given expression in the early years of this century by Edward T. Lee. They continue to animate the Law School at its centennial.

A legal historian has spoken of The John Marshall Law School as "an old, proud, and stubborn place . . . a school with a mission . . . a rebel school, but a rebel with a cause."
2. Id.
3. Id. at 607.
4. Id.
5. Id. at 608-609.
7. Friedman, supra note 1, at 619-620.
10. JMLS, supra note 9, at 4.
11. Id.
12. Lee, supra note 8, at 7.
19. Id.
22. Lee, supra note 8, at 7.
23. The John Marshall Law School Record Book 124 (1899-).
25. Id. at 15.
26. Id. at 7.
27. Lee, supra note 8, at 8.
30. Lee, supra note 6, at 331.
31. Id. at 332.
32. Id.
33. Id.
35. Id. at 5.
38. Catalog 1910, at 7.
39. Id. at 10.
40. Id. at 19.
42. Id. at 29.
43. Alfred Z. Reed, Social Desirability of Evening or Part-Time Law School, 7 Am. L. Sch. Rev. 198, 205 (1931).
46. Id. at 24.
49. Stevens, supra note 44, at 175-176.
50. Boyd, supra note 45, at 33.
51. Lee, supra note 47, at 15.
52. Docket, supra note 21, at 4.
53. Lee, supra note 8, at 8.
54. Id.
56. Id.
60. Abstract 1933, at 90.
62. Id.
64. Id.
65. JMLS, supra note 9, at 4, 52.
66. City Club of Chicago (1911).
68. Catalog 1935, at 19.
70. Abstract 1937, at 87.
71. Abstract 1940, at 82.
72. Id. at 95.
75. Id.
76. Forging Ahead (1954).
77. Abstract 1940, at 98.
78. Abstract 1941, at 82
79. Id. at 84.
80. JMLS, supra note 9, at 74-75.
82. JMLS, supra note 9, at 75.
83. Forging Ahead, supra note 76.
85. Catalog 1951, at 17.
86. Catalog 1955, at 6.
88. Id.
89. Catalog 1963, at 12.
90. Id. at 7.
91. Catalog 1964, at 11.
92. Id. at 7-8.
93. Id. at 28.
95. Abstract 1967, at 43.
96. Id. at 53.
98. Id. at 2.
100. Leighton, supra note 84.
101. Boyd, supra note 45, at 73.
102. Id. at 76.
105. Id.
106. Id. at 60.
107. Id. at 58.
112. Id.
A Centennial History

of

The John Marshall Law School

William Wleklinski