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First 100 Years: The Centennial History of Loyola University Chicago School of Law, The

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The First 100 Years: The Centennial History of Loyola University Chicago School of Law

*Thomas M. Haney**

This article is derived from the author's book, *The First 100 Years: The Centennial History of Loyola University Chicago School of Law* (2009), which was an illustrated volume written primarily for an audience that was composed mostly of graduates of the law school and for whom many of the names of individuals and places would be familiar. While the text of that book has been abridged, updated and annotated for this article, an effort was made to preserve the character of the book.

I. INTRODUCTION TO THE BOOK

This book is not truly a history of Loyola's law school. The real history of the school is the people—the women and men who, as students and faculty and graduates, give life to the law school community. Their stories—individual, personal, unique—are not conveyed in this volume. They exist in the anecdotes, even the legends, that get told and retold whenever and wherever those individuals gather to reminisce about their days at the law school.

This book, I expect, will trigger recollections and bring back memories of the ever-exciting and ever-challenging life at the school. It will, I hope, draw the law school community even closer together.

The law school's story over the past century is engaging, filled with interesting and significant people, events, activities, and adventures. All of us in the law school community have been a part of that story and have contributed to its fascinating mosaic. We all look forward to helping take the law school into its next century.

* Professor, Loyola University Chicago School of Law. In addition to those others whose assistance I recognized in the book from which this article is derived, I want particularly to thank Kathy Young, Loyola University Chicago's archivist, and her associate Rebecca Hyman. I would also like to thank Brian Foy (J.D. expected 2010), who assisted me in converting the book into this article. The collections of the University archives are the repository and source of most of the documents cited in this article.

II. THE FOUNDING OF THE LAW SCHOOL

On a cold day in 1906, five remarkable Chicago lawyers took the initiative to propose to Loyola's predecessor, St. Ignatius College, that it establish a law department—thus setting in motion the process that led to the creation of what today is Loyola University Chicago School of Law.

Those five lawyers—William Dillon, Michael V. Kannally, Judge Marcus Kavanagh, Patrick H. O'Donnell, and Howard O. Sprogle—wrote to Henry J. Dumbach, S.J., president of St. Ignatius College, on January 13, to urge the creation of the law school. In part, that letter stated:

We, the undersigned, after considerable reflection on the matter, beg leave to request you and the trustees of St. Ignatius College, to consider the advisability of opening a law department in connection with St. Ignatius College.

We are of the opinion that a law school, conducted under the auspices of a Catholic college or university, and situated in Chicago, the great metropolis of the middle west, would succeed.

The undersigned desire to offer their services in the organization of the proposed law school, in case you wish to accept them. Whatever we can do, we shall do cheerfully and willingly, in the hope that a law school worthy of the city, and worthy of St. Ignatius College, may be established in the City of Chicago.¹

The letter emphasizes at least two themes that run through the entire history of Loyola's law school: the placing of the law school under Catholic patronage and the school's location in Chicago, "the great metropolis of the middle west."² Certainly the student body would not be composed exclusively of Catholics; in fact, not all of the men involved in the founding and initial operation of the school were Catholic.³ But the Catholic identity of the school was a paramount concern to the founders.

A. *The Founding Fathers*

The five men whose tenacity and vision established Loyola's School of Law brought a diverse range of experiences and interests to the new

1. Letter from Wm. Dillon, P. H. O'Donnell, Judge Cavanaugh (sic), Howard Sprogle, & M. Kannally, to Reverend Henry J. Dumbach, President, St. Ignatius College (Jan. 13, 1906) (on file with the author) [hereinafter Letter from founders to Dumbach].

2. *Id.*

3. Sprogle, for example, was said to have been "Mason (32°, Shriner)." *THE BOOK OF CHICAGOANS* 637 (Albert Nelson Marquis ed., 1911).

venture.

William Dillon, who later became the first dean, was American-born but had been taken back to his parents' Ireland, where he became a barrister in both Ireland and England.⁴ He returned to the land of his birth as a young man. After several years in Colorado, where he lived on a ranch and later practiced law, he moved to Chicago. At the invitation of the Catholic Archbishop of Chicago, he became the editor of a local Catholic newspaper, *The New World*,⁵ a position that he held for eight years⁶ before returning to the full-time practice of law and, ultimately, the deanship at Loyola.⁷ He was memorialized as a "fearless and courageous advocate, a sound logician, a learned lawyer, a genial personality" and "always a tireless student of history and government, as well as the law," and it was said that he was "known widely as a master of Latin and Greek, a profound scholar."⁸

Patrick H. O'Donnell, a graduate of Georgetown, was admitted to the bar in 1895. He was a practicing lawyer, "one of the most widely known and eloquent members of the Chicago bar."⁹ He was said to have been one of the first to advocate the establishment of a Department of Law by St. Ignatius College and that he "worked earnestly and persistently to make the school a success."¹⁰ He recruited others, including his partner Marcus Kavanagh, to join him in promoting the proposed law school.¹¹

4. Dillon's father, a member of the Young Irelander group, had been convicted of high treason and sentenced to death after an abortive rebellion against British rule in 1848. After his sentence was commuted to exile in Tasmania, he managed to escape to the United States with his wife. Their son William was born in 1850 in Brooklyn. In 1856 the elder Dillon was pardoned, and the family returned to Ireland. Thomas Haney, *Pioneering Spirit*, LOY. LAW (Loy. U. Chi. Sch. of L., Chi., Ill.), Fall 2008, at 24, 26.

5. The *New World* newspaper on March 10, 1894, listed William Dillon as the editor. There is a "Special Announcement" of a change in editorial management with this issue. "The new editor bespeaks the indulgence of the readers . . . and asks them to remember that a new editor . . . cannot at once do all he would like to do." William Dillon, *Special Announcement*, THE NEW WORLD, Mar. 10, 1894, at 1.

6. The *New World*, on August 16, 1902, contained a short article on "Mr. Dillon's Resignation." It says: "Mr. Dillon's law practice has reached such proportions that he found it hard to attend to both. . . . During [his eight and a half years] his deep learning, good literary taste and sound judgment made him hosts of friends." *Mr. Dillon's Resignation*, THE NEW WORLD, Aug. 16, 1902 (on file with author).

7. Some of the information in this paragraph is taken from *The Lincoln College of Law*. Arnold McMahon, *The Lincoln College of Law*, THE ST. IGNATIUS COLLEGIAN, July 1908, VII No. 4, at 3. For a more extended biography of Dillon, see *Memorials: William Dillon*, 17 CHI. BAR REC. 52, 80 (1935) [hereinafter *Dillon*].

8. *Dillon*, *supra* note 7, at 80.

9. McMahon, *supra* note 7, at 5.

10. *Id.*

11. ELLEN SKERRETT, BORN IN CHICAGO: A HISTORY OF CHICAGO'S JESUIT UNIVERSITY 78

Judge Marcus Kavanagh was born in Des Moines, Iowa in 1859 and held an LL.B. degree from Iowa State University. He practiced in Des Moines, where he was elected twice as city attorney (the first time at age twenty-one) and later served for three years as a district judge in the state courts. He moved to Chicago in 1889 and practiced law in the firm that became Gibbons, Kavanagh & O'Donnell. In 1898 he was appointed to fill a vacancy on the Superior Court and was later reelected to that office several times; he served on that court for thirty-seven years, until the end of 1935.¹²

Michael V. Kannally, an 1894 graduate of St. Ignatius College, was admitted to the bar in 1910 and became a member of the law firm of Burton & Kannally. It was said that he “contributed much valuable aid and [gave] largely of his time in the formation and organization”¹³ of the proposed law school.¹⁴

Howard O. Sprogle was born in Franklin, Pennsylvania in 1855. He was a member of the first class at St. Ignatius College in 1870 and studied law at the University of Pennsylvania. He practiced law in Colorado (for three years as assistant district attorney in Denver) and Virginia. He came to Chicago by 1890, where he was an assistant state's attorney of Cook County from 1896 to 1903. In 1907 he became an attorney for the Civil Service Commission, a position he held for most of the rest of his life.¹⁵

B. Turn-of-the-Century Chicago and the Law

Chicago in 1900 was a bustling, vibrant city, with a diverse population settling into enclaves scattered throughout the city. Indeed, it was the fastest growing city in America the last three decades of the 19th century and into the 20th.¹⁶ The population explosion was fueled

(2008). In her book, Skerrett states that O'Donnell “led the campaign” to establish the law school. *Id.*

12. *Memorial: Judge Marcus A. Kavanagh*, 19 CHI. BAR REC. 236, 261 (1938).

13. McMahon, *supra* note 7, at 4.

14. He later became the “Loyola attorney.” SKERRETT, *supra* note 11, at 128.

15. Obituary, *Howard O. Sprogle*, CHI. LEG. NEWS, Dec. 27, 1917, at 173.

16. The University of Chicago Library, *Chicago in the 1890's*, <http://www.lib.uchicago.edu/e/su/maps/chi1890/> (last visited Mar. 5, 2010).

The 1890s were an extraordinary decade for Chicago, perhaps the only period in the city's history when its status as a ‘world city’ would be disputed by few. . . .—It is often said that Chicago grew more quickly in the second half of the 19th century than any large city in the modern history of the Western world. In the 1890s alone its population increased by 600,000. In 1900, with 1.7 million people, Chicago was, by some measures, (briefly) the fifth or sixth largest city in the world.

Id.

by immigration, primarily from Europe, from the end of the Civil War until the end of World War I, and the later migration of African Americans from the South, mainly beginning in 1910.¹⁷

Meanwhile, the city's legal community in the early 20th century was a picture of order slowly emerging out of chaos. For decades, unlicensed men had been representing clients as attorneys, many with little formal education.¹⁸ Even though women were admitted to the state bar at the end of the 19th century, the number of women in the profession remained very small.¹⁹

About the same time, the state adopted a rule mandating that new attorneys be admitted to practice only with secondary education, three years of study at a law school or with a practicing attorney, and successful completion of a written examination.²⁰ Despite these new requirements, the number of attorneys practicing in Chicago continued to rise rapidly, exceeding 4,000 by 1900 and nearly 5,000 just three years later.

Law schools, like the lawyers, were essentially unregulated at that time. A large number of law schools, mostly unaffiliated with any academic institution, sprouted up, but the quality they offered varied greatly.²¹ Many in the legal profession were rightly concerned about the services that their graduates could offer to an unsuspecting public. Other lawyers, however, based their opposition to new law schools on a dislike of working-class and/or ethnic individuals entering the legal profession.²²

17. RAYMOND J. HEISLER, *ST. IGNATIUS COLLEGE PREP: 125 YEARS OF JESUIT EDUCATION* 7 (1994); see also James Grossman, *Great Migration*, in *ENCYCLOPEDIA OF CHICAGO* (2004), available at <http://www.encyclopedia.chicagohistory.org/pages/545.html> (discussing migration into Chicago throughout the 20th Century).

18. This was a nationwide phenomenon. LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW* 564–66 (1973).

19. R. Ben Brown, *Law*, in *ENCYCLOPEDIA OF CHICAGO* (2004), available at <http://www.encyclopedia.chicagohistory.org/pages/729.html>; see also Women's Bar Association of Illinois, *History: First Women Lawyers in Illinois*, <http://www.wbailinois.org/wbai/about/lawyers> (last modified Jan. 10, 2010) (providing a history of the first female lawyers in Illinois).

20. The state supreme court's decision to extend the required study from two to three years was announced at the end of 1897. *To Test Legal Lore*, *CHI. DAILY TRIB.*, Nov. 5, 1897, at 12; see also Robert A. Sprecher, *Admission to Practice Law in Illinois*, 46 *ILL. L. REV.* 811, 839 (1952) (discussing the history of requirements to practice law in Illinois). The rule requiring a written examination came that same year with the establishment of a permanent central examining board, and the reform included the first requirement for prior education. *Id.* at 818, 822, 842.

21. FRIEDMAN, *supra* note 18, at 537–38.

22. "Bigotry and prejudice permeated the established bar and law school world. There clearly was egregious discrimination against African-Americans, Jews, Catholics, and immigrants from places other than Northern Europe." SUSAN K. BOYD, *THE ABA'S FIRST SECTION: ASSURING A*

Chicago was thus ripe for a new Jesuit-affiliated law school focused on an urban population.

C. St. Ignatius College

St. Ignatius College, Loyola University Chicago's predecessor and the institution at which the School of Law was conceived, had been established in 1870 by a Jesuit priest, Arnold Damen, S.J., who had been recruited in his native Holland to become a missionary in the United States.²³

Father Damen rejected offers of existing churches and embarked on setting up his own parish on the southwest side of the central city. The area was not promising, but land was cheap. The present Holy Family parish was thus begun in the area of 12th Street (now Roosevelt Road) at Racine Avenue. As Damen had envisioned, a growing number of Irish immigrants settled in the prairie around the church, and the parish rapidly grew.

Father Damen was a master of fundraising; in addition to raising what he could in Chicago, he traveled across the country giving parish missions and devoting his stipends to a project to establish a Jesuit college. He began construction of St. Ignatius College in 1867.

St. Ignatius College opened in 1870 and immediately prospered. It entered its second year with sixty-one boys enrolled. But, on October 8, 1871, the Great Chicago Fire began at Jefferson and DeKoven streets, just five blocks from the college. Fortunately, the direction of the wind kept the fire away from the school and church. When the fire was finally over, St. Ignatius College was one of the few buildings in the area that had been spared, and so it became a relief center and shelter for less fortunate Chicagoans.

The modern concept of "college" had not yet been achieved. In fact, St. Ignatius College offered an education ranging from junior high school through a bachelor's degree.²⁴ In 1906, when the college received the proposal to establish a law department from William Dillon and his colleagues, it was ready for expansion.

D. A School Born of Persistence

The administration of St. Ignatius College was soon persuaded that a law school would fit nicely into its expansion plans. Alumni of the

QUALIFIED BAR 16 (1993).

23. HEISLER, *supra* note 17, at 79 (providing background on Arnold Damen and his founding of St. Ignatius College); SKERRETT, *supra* note 11, at 2-32.

24. HEISLER, *supra* note 17, at 10.

college expressed great enthusiasm for the idea at their annual banquet in 1906, when the proposal was first publicly disclosed.²⁵

The five founders had written in their original letter:

We would beg leave to suggest that steps be taken immediately to organize the school, as it is very desirable to open it next Fall, and several months of painstaking work will be necessary to secure the faculty, to advertise the school properly, and to make all necessary arrangements, so that the school may be successful from the very beginning.²⁶

Unfortunately, approval did not come in time to permit classes to begin in the fall of 1906, as the Dillon group had hoped.

The alumni of the college lobbied intensively for the proposal to form a Department of Law. These graduates were convinced, prophetically, that the law school would be the first of a number of “graduate schools in the . . . learned professions” to be established at St. Ignatius College.²⁷

By early 1907, these efforts had begun to bear fruit. Dillon, Arnold D. McMahon, and Judge Edward F. Dunne (the former mayor of Chicago and later governor of Illinois), among others, met at the college to make plans for the new school.²⁸

On May 18, 1908, the organization of the school was completed at “an informal dinner” hosted by the St. Ignatius faculty.²⁹ The new president of the college, Alexander Burrowes, S.J., endorsed the proposal for the “first law school to be conducted under Catholic auspices in Chicago.”³⁰

St. Ignatius College had not yet completed the process of becoming a university, so the new law school was not initially to be a part of that body. Instead, the school would be called the Lincoln College of Law, the first law school in the United States to be named after Abraham

25. McMahon, *supra* note 7, at 2.

26. Letter from founders to Dumbach, *supra* note 1, at 2.

27. McMahon, *supra* note 7, at 2.

28. *The School of Law – An Historical Sketch*, DIAMOND JUBILEE (Loy. U. Chi. Sch. of Law, Chi., Ill.), May 1, 1984 at 2 [hereinafter DIAMOND JUBILEE]. This brochure was published anonymously. *Id.* The text was largely taken from another anonymous brochure prepared for the law school’s 50th anniversary celebration on April 29, 1958. According to the law student newspaper, *Blackacre*, the 1958 brochure had been written by Dean John C. Hayes and the 1984 brochure by Dean Charles R. Purcell. Charles R. Purcell, *75 Years of Excellence: Historical View*, BLACKACRE (Loy. U. Chi. Sch. of Law, Chi., Ill.), Apr. 30, 1984, Supp. at 5.

29. McMahon, *supra* note 7, at 2.

30. SKERRETT, *supra* note 11, at 88. Burrowes had succeeded “the ailing Father Dumbach” in February 1908. *Id.* at 85.

Lincoln.³¹

Dillon was named dean of the law faculty, and McMahon the secretary and registrar.³²

E. Doors Open at Loop Location

Classes began on Monday, September 14, 1908. The school was located in a building known as the Ashland Block at Clark and Randolph streets in Chicago's Loop.³³ This was a prestigious address for many lawyers of the day, including Dean Dillon, Kavanagh, and O'Donnell.³⁴ The building, designed by the influential Chicago architecture firm of Burnham and Root,³⁵ was located across the street from the Cook County Courthouse and City Hall. The law school occupied nearly the entire twelfth floor of that building.

A key purpose of establishing the school was to fill a gap in Chicago legal education for working people—a goal that continued throughout the school's history.³⁶ As McMahon wrote:

It will be the aim of the Lincoln College of Law to afford to those who must support themselves while preparing for the profession an opportunity to obtain a thorough training in all branches of the law. To this end it has been determined to hold the class sessions in the evening from 6:30 to 9:00 p.m. The classes will be conducted by men actively engaged in the profession, who have been chosen with great care from the leading practitioners of the Chicago bar.³⁷

So the law school began its existence solely as an evening school, with a mostly adjunct faculty drawn from the practicing bar.

III. THE EARLY YEARS: 1908 TO 1919

Thirty students, all men, enrolled for the first session of the new law school in the fall of 1908.³⁸ Some of these students had been given advanced standing, having begun their study of law at other

31. McMahon, *supra* note 7, at 2.

32. *Law School Is Organized by St. Ignatius College*, CHI. DAILY TRIB., May 19, 1908, at 10.

33. McMahon, *supra* note 7, at 2.

34. SKERRETT, *supra* note 11, at 79.

35. *See, e.g.*, Old Chicago, Ashland Block, <http://www.patsabin.com/illinois/ashland.htm> (last visited Mar. 2, 2010) (including a photograph of the Ashland Block building).

36. "The class sessions of the [Law] Department are held in the evening . . . thus making it possible for young men employed in law offices to unite the advantages of regular, scientific course in the law under experienced instructors with the practical training afforded by their daily work." *Advantages*, LOY. U. CHI., SCH. L. BULL. 1910-1911, at 5.

37. McMahon, *supra* note 7, at 2-3.

38. Vincent F. Vitullo, *Loyola University School of Law - Chicago*, 7 CATH. LAW. 305, 305 (1961).

institutions.³⁹ Regular courses were scheduled from Monday through Thursday evenings.⁴⁰

A. A Complete Curriculum from the Beginning

Since some of the students had been enrolled with advanced standing, a full curriculum had to be provided from the start. The school did not have the luxury of phasing in upper-level courses as first-year students moved into their second year. The entire curriculum was required. There were no elective courses in law in the early years.

The first-year curriculum consisted of nine courses.⁴¹ The four most fundamental courses were Contracts, Torts, Crimes and Criminal Procedure, and Constitutional Law.⁴² The other five first-year courses were Agency, Property, Bailments and Carriers, Persons and Domestic Relations, and Sales of Personalty.

The upper-level curriculum contained most basic law courses, with some unusual (in modern terms) additions such as Abstracts and Conveyancing, and Guaranty and Suretyship. Third-year students were to take a “lecture course” in Legal Ethics—a topic that has remained a core part of Loyola’s mission—for a total of eight hours, as well as a review course for “[a]pproximately 70 hours.”⁴³

Central to the curriculum was a solid grounding in practice skills. An emphasis on developing advocacy skills has been a hallmark of Loyola’s law school. In the school’s first years, third-year students were required to complete an extensive Practice Court program to provide them with experience in a litigation-oriented practice of law. Students in other classes had the opportunity to “take advantage of the training afforded by the course . . . as their progress in the law warrants.”⁴⁴

The Practice Court involved students conducting a trial according to the rules of the Circuit Court of Cook County. The trials were normally civil cases in law or in equity, although occasionally criminal work was assigned. Before graduation, every student had to take a case on appeal; presumably this included the oral argument, although the 1909–1910 catalog refers merely to “remov[ing] a case from the Practice Court to

39. *Candidates for Advanced Standing*, LINCOLN C. L. BULL. 1908, at 4.

40. *Class Sessions—Course of Studies*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 8.

41. *Id.* at 9.

42. Interestingly, these courses extended over different durations, from ten to fourteen weeks each. *Id.*

43. *Third Year*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 11.

44. *Practice Court*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 11.

an Appellate Tribunal” and “preparing the record, abstract, and briefs substantially as required by the rules of practice in the Appellate Court of Illinois.”⁴⁵

Students of all class years acted as officers of the Practice Court: clerk, bailiff, and stenographers. As with today’s advocacy program, the participation of the Chicago legal community was crucial: judges of various courts and other lawyers delivered special lectures on court-related subjects from time to time as a part of the program.⁴⁶

Thus the law school’s focus on advocacy was a key component of the curriculum from its earliest days.

Consistent with the law school’s origins as a component of a Catholic institution, law students had the option of taking a nonlaw elective course, one that was highly unusual for law schools of that era, on their one free evening of the week, Friday. This course, Logic, Philosophy, and Sociology, was offered by a Jesuit priest, Edward J. Gleeson, S.J.⁴⁷

The course was designed for “college graduates, advanced and special students and professional gentlemen,” although “[o]ther gentlemen, though not college graduates nor law students, are admitted to the class if their tastes and previous attainments qualify them to profit by it.”⁴⁸ Father Gleeson offered his course on Friday evening, and a majority of the early law students elected to take it, thus committing themselves to classes for five nights a week. The course was fundamentally a philosophy class with an admixture of sociology—all from a distinctly Catholic perspective. For example, the 1910–1911 catalog mentions “Properties [of marriage]: Unity and Indissolubility; hence divorce impossible by human authority” and “Civil authority in the abstract from God; hence the absurdity of the Social Contract of Rousseau.”⁴⁹

The teaching of the Logic, Philosophy and Sociology course was later assumed by Frederic J. Siedenburgh, S.J., who still later was joined by Patrick A. Mullens, S.J., the University-appointed regent of the Department of Law.⁵⁰ The course shifted into a two-year sequence,

45. *Id.*

46. *Id.*

47. *Course of Logic, Philosophy and Sociology*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 12.

48. *Id.*

49. *Id.* at 14.

50. Siedenburgh was listed as the teacher by about 1913. LOY. U. CHI., SCH. L. BULL. 1913–1914, at 14. Mullens joined him a year later. LOY. U. CHI., SCH. L. BULL. 1915, at 21. The regent, always a Jesuit priest, was the official liaison between a professional school and the university president.

with sections on issues such as “the woman problem,” which included “[W]oman’s place in society . . . Suffrage and reform. Woman in industry and domestic service.”⁵¹ There were also lectures on moral philosophy and on legal ethics. The course disappeared from the law school catalog in the early 1920s.

B. A Full-Time Faculty of Two

In the early years, the faculty consisted of “men actively engaged in the profession, who have been chosen with great care from the leading practitioners of the Chicago bar.”⁵² Only two were employed full time: Dillon, the dean, and McMahon, the secretary and registrar. Thus the great majority of the curriculum was taught by “lecturers,” part-time faculty members, many of whom served for years and became an integral part of the school. In the first catalog of the Loyola Department of Law (1909–1910) there were seventeen of these lecturers, many teaching more than one course throughout the year.⁵³

Dillon taught two courses, both in the third-year curriculum: Private Corporations and Public Corporations.⁵⁴ He continued to practice law to some extent while serving as dean.⁵⁵

McMahon, on the other hand, had a remarkable teaching load: he taught Contracts and Agency in the first-year curriculum, as well as Damages in the second-year curriculum, for a total of as many as ten hours a week; he was also the teacher of the review course for third-year students.⁵⁶ His mix of courses, like that of Dean Dillon, changed over the years.⁵⁷

C. The Monday Evening Lectures

The Monday evening lectures were a fixed part of the law school’s program in the early years. A regular schedule of the lectures was published at the beginning of each term. The school attracted very prominent members of the bar and bench to lecture on a variety of

51. LOY. U. CHI., SCH. L. BULL. 1915, at 22.

52. McMahon, *supra* note 7, at 3.

53. LOY. U. CHI., SCH. L. BULL. 1909–1910.

54. *Third Year*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 10.

55. “In 1902 he [Dillon] became a member of the firm of O’Donnell, Dillon & Toolen, with which he was associated up to 1911. For some years he was a master in chancery of the circuit court. In 1911 he was appointed assistant Corporation Counsel for the City of Chicago and served in that capacity until 1915.” *Dillon*, *supra* note 7, at 80.

56. *Class Sessions—Course of Studies*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 9–11.

57. By 1914, Dillon was listed as teaching Constitutional Law and Conflict of Laws; McMahon was credited with teaching Wills and Administration as well as Property. LOY. U. CHI., SCH. L. BULL. 1914, at 2.

subjects, supplementing the students' regular classroom education.

During the school's first year, the winter/spring 1909 lecture program included presentations by Justice Orrin N. Carter of the Illinois Supreme Court on the jury system; Chief Judge Harry Olson of the Municipal Court on civil and criminal practice in that court and on preparation for trial in criminal cases; and Edward F. Dunne, the former mayor of the City of Chicago (and later governor of the State of Illinois) who had been involved in the school's founding, on habeas corpus.⁵⁸

D. Part-time Legal Education at Loyola

The officially articulated aim of the law school was "to give its students a thorough training, both theoretical and practical, in all branches of the law."⁵⁹ The 1910–1911 Bulletin of the Department of Law describes the specific "advantages" of enrollment there: the evening hours enabled "young men" employed in law offices, as well as those "engaged in clerical and commercial positions," to attend law school while continuing their current occupations; the downtown location in Chicago ("the commercial and financial center of the West") offered job opportunities, proximity to local and federal courts, and access to various libraries.⁶⁰

In addition, the Bulletin bragged:

The Department enjoys . . . the distinction of being the only evening law school in Chicago maintained and supported by a University. Members of the learned profession . . . are continually pointing out the desirability of having professional schools placed under the control of literary [sic] institutions Worthy young men, whose circumstances do not permit them to give the entire day to the study of law, may here secure their professional training and receive their law degrees from a University of recognized standing."⁶¹

E. The Law School and the University

While the new Lincoln College of Law was beginning its educational program, St. Ignatius College was transforming itself into a university.⁶² Dumbach had stepped down as president in early 1908 and was

58. *Faculty of Law Department*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 4.

59. *Aim—Method of Instruction*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 6.

60. "The location of the [Law] Department in Chicago, the commercial and financial center of the West, presents opportunities which are unequalled elsewhere to those who must support themselves whilst pursuing their legal studies." *Advantages*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 5.

61. *Id.* at 6.

62. *New University Born in Chicago*, CHI. TRIB., Oct. 18, 1909, at 2.

succeeded by Burrowes. In 1909, the trustees of the college reorganized the institution into Loyola University, spurred by the establishment of the law school as the first professional school (followed later that year by an affiliation with Bennett Medical College, which later became the University's medical school) and the opening of the first building, later named Dumbach Hall, on the new north side campus in the Rogers Park area of Chicago.⁶³

Lincoln College of Law thus became the Loyola University Department of Law in 1909,⁶⁴ a name that it retained until the 1920s, when it became the School of Law.⁶⁵

F. Life in the Law School

Education in a private law school has never been free. The annual tuition in Loyola's first years was \$75 a year, payable quarterly. In addition, there was a one-time nonrefundable \$5 matriculation fee payable at the time of first registration (that is, after application and admission), as well as a \$10 "diploma fee" upon graduation.⁶⁶

The students in the new law school may have been eager for their study of law, but it appears that not all of them exhibited the same degree of commitment. It soon became necessary to remind the students that the Practice Court was "a regular course of the Department" and that "regular and punctual attendance . . . [wa]s a prerequisite to graduation"⁶⁷ Strict attendance records were kept by the clerk of the court, and students missing without an excused absence would be charged with a demerit. Students were also reminded that "courtesy demands that they remain for the Lectures delivered on Monday evenings; the Lecturers are men of eminence in the profession and their kindness in aiding students should be reciprocated."⁶⁸

McMahon issued a statement that he "regret[ed] very much that he [wa]s obliged"⁶⁹ to remind the students not to congregate in the halls of the building: the college leased only its specific rooms and shared the

63. SKERRETT, *supra* note 11, at 88–90.

64. The initial bulletin of 1908 describing the new Lincoln College of Law added "Law Department, St. Ignatius College" to the title page. LINCOLN C. L. BULL. 1908.

65. The 1921–1922 catalog refers to Loyola University School of Law, apparently the first use of that name on the title page of a catalog. LOY. U. CHI., SCH. L. BULL. 1921–1922.

66. The initial bulletin referred to an annual tuition of eighty dollars per year, but subsequent catalogs listed tuition as seventy-five dollars per year. *Fees and Expenses*, LINCOLN C. L. BULL. 1908; *Fees and Expenses*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 7.

67. *Notice*, with handwritten annotation: "Arnold D. McMahon, Ashland Block, Lincoln College of Law, Oct. 1909" (on file with author).

68. *Id.*

69. *Id.*

hallways with other tenants only for ingress and egress. His statement said, in part:

Complaint has been made by tenants and janitors that students run, shout and act in a boisterous and unbecoming manner in the halls, and even litter them after they have been cleaned; while the Secretary believes that all students of the College are gentlemen, and would not intentionally be guilty of such misbehavior, he can enter no denial of the charges so long as they continue to loiter in the hall.

. . . I sincerely hope that it will not be necessary to post another notice of this character

While it is not desired or intended to make any threats, because they are entirely unnecessary, or to be unduly severe in treatment of the students, it is only fair to notify them that the College will summarily dismiss any student who persistently ignores its rules or whose misconduct tends to bring criticism on the student body.⁷⁰

Students will be students, even when they are studying law, but having fun need not distract them from their serious academic pursuits. There is no record of any students being “summarily dismiss[ed]” from the school for infractions of the rules.

G. Developments in the First Decade

The law school soon moved from the twelfth to the sixth floor of the Ashland Block to accommodate the growing number of students.⁷¹ The catalog refers to “a commodious and quiet suite” for the school.⁷² By the second year of the school’s operation, student enrollment had grown to sixty, and by 1911 it was ninety-five.⁷³

Since “some of the original students had entered with advanced standing, the first graduates of the new [Law] School received their law degrees in 1910.”⁷⁴

When the school’s enrollment jumped to 115 for the 1914 class, Henry S. Spalding, S.J., the regent for the law school, helped the school expand into even larger quarters on the sixth floor of the Ashland Block.⁷⁵

Dillon retired in 1916 and returned to Colorado.⁷⁶ Arnold Damen

70. *Id.*

71. *History of Law School*, THE LOYOLAN 87 (1924) (the Loyolan is the university yearbook).

72. *Foundation*, LOY. U. CHI., SCH. L. BULL. 1911–1912, at 5. The 1911–1912 catalog added “and quiet” to the description of the facilities for the first time. *Id.*

73. *History of Law School*, *supra* note 71, at 87.

74. Vitullo, *supra* note 38, at 305.

75. *History of Law School*, *supra* note 71, at 87.

76. *Dillon*, *supra* note 7, at 80.

McMahon, who had been involved in the formation of the school and had served as its secretary and registrar since it opened in 1908, was appointed acting dean by the president of the University, John B. Furay, S.J. Named for Arnold Damen, S.J., the founder of St. Ignatius College, where he got his undergraduate degree, McMahon had received his law degree from the Union College of Law.⁷⁷ He was later named dean, a position that he held until 1925.⁷⁸

H. World War I and the End of the First Decade

The school remained open during World War I, although enrollment fell off sharply.⁷⁹ At the June 1918 graduation, two of the sixteen graduates were footnoted as being “in service.”⁸⁰ The class roster for 1918–1919 indicates that about a third of the enrolled students were also in service.⁸¹ There were only eleven graduates in 1919, although the “in service” designation was dropped.⁸²

IV. TRANSFORMATION: 1920S AND 1930S

When the 1920s opened, the law school was regaining enrollment after World War I. The decade saw a remarkable transformation of the school: the establishment of a day division, an expanded full-time faculty, new facilities, a graduate studies program, and significant diversity in the student body. These developments were inspired by Father Siedenburg, who was appointed regent of the school by the University president in 1921.⁸³

A full-time day division with a three-year course of study was established in 1921, and the evening division course was expanded to four years. The “morning school” met five days a week from 9 a.m. to noon, with three successive one-hour classes each day.⁸⁴ The “evening school” continued to meet four nights a week for a total of ten class

77. McMahon was an active member of the St. Ignatius College graduating class of 1900. SKERRETT, *supra* note 11, at 54. Information about McMahon, some of it inaccurate, appeared in his obituary. A. J. McMahon, *Former Loyola Law Dean, Dies*, CHI. TRIB., June 5, 1955, at 41.

78. A. J. McMahon, *Former Loyola Law Dean, Dies*, *supra* note 77, at 41.

79. The 1917 catalog lists 114 students. *Register of Students*, LOY. U. CHI., SCH. L. BULL. 1917, at 24–26. The 1920 catalog lists only 58 students (with an additional name handwritten in the archival copy). *Register of Students*, LOY. U. CHI., SCH. L. BULL. 1920, at 13.

80. LOY. U. CHI., SCH. L. BULL. 1918, at 8.

81. *Id.* at 23.

82. LOY. U. CHI., SCH. L. BULL. 1919, at 173.

83. Siedenburg played a significant and often undervalued role in the development of the law school, and was a remarkable figure in the university as a whole. Robert C. Hartnett, S.J., *The Siedenburg Years: A History*, LOY. TODAY, Spring 1978, at 10.

84. LOY. U. CHI., SCH. L. BULL. 1921–1922, at 10–11.

hours.⁸⁵

The law school was changed in the 1920s by a significant diversification of the student body. For the first time, the law school was positioned to embrace gender and ethnic diversity.⁸⁶ Women were admitted, as were students from minority groups.⁸⁷

It took some time before the law school achieved the number of graduates that it had prior to World War I. The number of law degrees thereafter rose steadily for several years, reaching fifty-two in 1928.⁸⁸ In subsequent years the number was lower, probably a result of the Depression as well as intensified faculty scrutiny of student achievement and a willingness to dismiss students who were not performing well academically. By 1930, the law school was awarding degrees not only at a commencement in June but also in August and January; the mid-year graduation continued until the school closed for World War II.⁸⁹

In 1924 the law school began to award two different law degrees: the Juris Doctor (J.D.) and the Bachelor of Laws (LL.B.). The former was awarded to those graduates who already held an undergraduate degree, whereas the latter was given to those who entered law school after the requisite number of years in college without having received a degree.⁹⁰

In 1923⁹¹ and again in 1925, additional rooms were acquired in the Ashland Block as the student body increased. By 1925, the school controlled “five large classrooms, five executive offices, and a completely equipped [law] library of six thousand volumes.”⁹²

85. *Id.* at 1214.

86. There was some ethnic diversity even in the school’s first decade. For example, the Register of Students in 1917 included two students with Hispanic names in the third year class. LOY. U. CHI., SCH. L. BULL. 1917, at 24.

87. Gail Mansfield, *Equal Opportunity: Celebrating 85 Years of Diversity in Loyola’s Law Classrooms*, LOY. U. CHI., SCH. L. BULL. Spring 1993, at 2. She noted that “Loyola’s female law students scored a major victory when the law school’s first ladies’ room was installed in 1923.” *Id.* at 3–4.

88. LOY. U. CHI., SCH. L. BULL. 1929–1930, at 19.

89. LOY. U. CHI., SCH. L. BULL. 1931–1932, at 19. The 1947 catalog lists graduations in February, June and December 1942, March and December 1943, June 1944 and June 1945, with the notation that “[f]rom June 1942 onward a number of degrees were granted in *absentia* to graduates already in military service.” LOY. U. CHI., SCH. L. BULL. 1947, at 21–22.

90. The 1923–1924 Bulletin lists the graduates of both June 1923 (LL.B. only) and June 1924 (both J.D. and LL.B.). *Graduates—June 1923*, LOY. U. CHI., SCH. L. BULL. 1923–1924, at 20; *Graduates—June, 1924*, LOY. U. CHI., SCH. L. BULL. 1923–1924, at 20.

91. *History of Law School*, *supra* note 71, at 87 (“Adjacent rooms on the same floor were taken over in September, 1923, and converted into another class room, three administrative offices, a ladies’ rest room and another library.”).

92. Martin J. Lane, *Some History of the Loyola School of Law 3* (July 20, 2006) (unpublished manuscript, on file with the author).

In 1924, the law school was admitted to membership in the Association of American Law Schools (AALS).⁹³

In 1925, the ABA placed Loyola's law school on its list of approved law schools.⁹⁴ The ABA had begun to approve law schools only in 1923, following the adoption of Standards for Legal Education by the ABA in 1921.⁹⁵ Those standards included a minimum of two years of study in a college before entering law school and a three-year program of full-time law study leading to the law degree. Loyola had adopted those requirements.⁹⁶

One perennially contentious issue for the ABA was the status of "mixed" or dual-division law schools—those that offered both full-time and part-time legal education. The ABA had legitimate concerns about the quality of some evening law schools, although many of its members demonstrated an elitist idea that would preclude from law school those individuals who needed to hold full-time employment. These ABA discussions continued to implicate Loyola and other Jesuit law schools. The first list of approved law schools in 1923 included thirty-nine schools, all of which were full-time single-division schools. In 1924, six additional law schools were approved; of this group, three were part of Catholic universities (all Jesuit sponsored): Creighton, Georgetown, and St. Louis. The 1925 list comprised fourteen additional law schools. In this group were five more Catholic institutions, including two with Jesuit affiliations: Loyola University of Chicago and Marquette.⁹⁷

By the spring of 1926, the ABA and AALS had been able to sort out their differing approaches to the supervision of law schools, and in that year they produced a list of sixty-two law schools, all of which met the standards of both organizations.⁹⁸ Of that group, fifty-six were "high-entrance, full-time" schools, and six were "mixed" schools with separate full-time and part-time divisions; among the latter was Loyola.⁹⁹ At that time, there were 108 additional law schools in the United States that did not appear on that combined list.¹⁰⁰

By the early part of the decade Loyola had three full-time faculty members in addition to Dean McMahon: John V. McCormick, Francis

93. *Id.*

94. BOYD, *supra* note 22, at 139.

95. *Id.* at 21–29.

96. *Id.* at 31.

97. *Id.* at 139.

98. *Id.* at 27.

99. *Id.*

100. *Id.*

J. Rooney, and Sherman Steele.¹⁰¹ These men were to devote a major part of their professional lives to Loyola. McCormick would serve as dean from 1925 to 1937 and later return as a part-time teacher until the mid-1960s; Rooney would remain at Loyola into the mid-1950s, serving as assistant dean and as law librarian and keeping the school operating through most of World War II; and Steele taught until the school closed for World War II, publishing a casebook on equity jurisprudence in 1927.

With so few full-time faculty, at no time in the law school's history has it been without part-time faculty. Some of those adjunct teachers have maintained an unusually long-term relationship with the school.

A. Administrative Developments

In 1925, the Law School Alumni Association "began as a separate unit of the [University's] general alumni association."¹⁰² It was organized to provide a structure to link Loyola's law graduates to one another and to the law school.

McMahon resigned to enter the practice of law and was replaced in 1925 by Professor McCormick. McCormick, a graduate of the University of Wisconsin with a J.D. degree from the University of Chicago, was in the private practice of law until he joined the faculty in 1924.¹⁰³

A few years later, McCormick recruited John Cushing Fitzgerald, a recent graduate of Harvard Law School, to join the full-time faculty of the law school. Fitzgerald would turn out to be a pivotal figure in the subsequent history of the law school, spanning thirty years in which he became dean and led the school through the turmoil of World War II and into the modern era.

B. Loyolans Battle the Ku Klux Klan

The Ku Klux Klan (KKK) became strong in the 1920s, with perhaps as many as 50,000 members in Chicago alone.¹⁰⁴ The Klan began to

101. McCormick and Rooney first appear in the faculty list in 1923–1924. *Officers and Faculty*, LOY. U. CHI., SCH. L. BULL. 1923–1924, at 3. Steele was included a few years earlier. *Officers and Faculty*, LOY. U. CHI., SCH. L. BULL. 1921–1922, at 3.

102. Lane, *supra* note 92, at 6. The Law Alumni Association did not hold its first formal organizational meeting until 1928, however. *The Loyola University School of Law: An Historical Sketch*, undated (apparently 1958, for the law school's 50th anniversary).

103. *Veteran G.O.P. Judges Lose in City Landslide*, CHI. DAILY TRIB., Nov. 5, 1936, at 7.

104. Estimates of its membership vary widely. See, e.g., Kenneth T. Jackson, *Ku Klux Klan*, in ENCYCLOPEDIA OF CHICAGO (2004), available at <http://www.encyclopedia.chicagohistory.org/pages/696.html>.

increase its presence in Chicago about 1921 and attracted a large number of adherents to its principles of white supremacy, anti-Catholicism, and anti-Semitism.¹⁰⁵ Chicago's large immigrant populations, competing for jobs and influence, were a natural target for the KKK.

One of the most aggressive and vociferous opponents of the Klan was Patrick H. O'Donnell, one of the founders of the law school. He formed and led the American Unity League (AUL), and he used its magazine, *Tolerance*, in a unique campaign to dissuade Klan membership: he published the names of members.¹⁰⁶ While this strategy eventually proved to be effective, the policy elicited lawsuits from those who claimed to have been wrongfully named. Among those suing was William Wrigley, the millionaire founder of the chewing gum empire. O'Donnell, realizing that Wrigley had indeed been named in error, had to issue an apology.¹⁰⁷

O'Donnell recruited law students to help him in his campaign. Among them was Joseph A. Gauer, a recent graduate who "developed a reputation for fiery anti-KKK speeches at local Catholic parishes."¹⁰⁸ Largely as a result of O'Donnell and the AUL, the Klan suffered a rapid demise in Chicago, and by 1925 its influence had largely disappeared from the city.¹⁰⁹

C. Graduate Legal Programs

In 1925 the law school began admitting lawyers to a graduate program leading to a Master of Laws (LL.M.) degree.¹¹⁰ Most of the students who enrolled held law degrees from Chicago-area law schools.¹¹¹ The law school also awarded a Juris Utriusque Doctor (J.U.D.) degree, a classical doctoral degree. The graduate curriculum included courses in Roman, canon and international law.¹¹² The graduate program offered Loyola a distinct opportunity for diversity; the

105. *Id.*

106. *Id.*; see also SKERRETT, *supra* note 11, at 118.

107. DAVID JOSEPH GOLDBERG, *DISCONTENTED AMERICA: THE UNITED STATES IN THE 1920S*, at 135 (1999).

108. SKERRETT, *supra* note 11, at 118.

109. Jackson, *supra* note 104.

110. *Loyola Starts Loop Graduate Law School*, CHI. DAILY TRIB., Sept. 18, 1925, at 25. The first publication devoted to the program appears to be the 1926-1927 Graduate Law Bulletin. LOY. U. CHI., SCH. L. GRADUATE SCH. BULL. 1926-1927 [hereinafter GRADUATE SCHOOL BULL.].

111. The 1926-1927 Bulletin was the first to list "Post Graduates" in the roster of students. LOY. U. CHI., SCH. L. BULL. 1926-1927, at 18.

112. GRADUATE SCHOOL BULL., *supra* note 110.

degree recipients included a number of women and minorities. As early as 1927, an African American woman, Edith S. Sampson, became the first woman to earn an LL.M. degree at Loyola,¹¹³ and she was said to have been the first African American woman in the country to earn an LL.M.¹¹⁴

Another participant in the graduate law program was William J. Campbell who at age thirty-five became the youngest federal judge ever appointed. President Roosevelt named him to the District Court in 1940.¹¹⁵

In June 1926, the first year of the graduate program, the law school awarded eighteen LL.M. degrees, with three J.U.D. degrees.¹¹⁶ The number of LL.M. recipients dwindled thereafter, again probably due to the Depression. In 1933, only one was awarded, and that was the last.¹¹⁷ It would be more than a half a century until the law school again offered a graduate degree in law.¹¹⁸

D. *The School's Second Home*

In the 1926–1927 school year, the law school moved out of its original home in the Ashland Block, relocating to 28 North Franklin Street, where it shared the building with Loyola's downtown Liberal

113. Letter from John Cornelius Hayes, Dean of the Law Sch., to Mrs. Edith S. Sampson (Nov. 5, 1962) (on file with the author) (clarifying that, while she was the first woman to earn an LL.M., she was the second woman to earn a graduate law degree at Loyola: Alice O'Kane McShane had received a J.U.D. degree in the prior year, 1926).

114. LOY. LAW (Spring/Summer 1998), at 1 (referring to Sampson's portrait on the cover of that issue); see also American National Biography Online, <http://www.anb.org/articles/11/11-01005.html> (last visited Apr. 20, 2010) (biography of Edith Spurlock Sampson). In 1949, on a world tour with twenty-six prominent Americans, she was asked in India whether Negroes had equal rights in this country; her reply, "I would rather be a Negro in America than a citizen in any other land," was said to have earned the praise of Supreme Court Justice William O. Douglas. *Id.* As a result of this tour, President Truman appointed her as an alternate U.S. delegate to the United Nations (UN) in 1950. *Id.* Under President Eisenhower, she was a member of the U.S. Commission for UNESCO. *Id.* In 1961 and 1962, she became the first African American representative to NATO. *Id.*

115. William Joseph Campbell, LAW LIBRARY – AMERICAN LAW AND LEGAL INFORMATION, <http://law.jrank.org/pages/4984/Campbell-William-Joseph.html> (last visited Mar. 2, 2010); see also *Judge William J. Campbell*, NORTHERN DISTRICT OF ILLINOIS COURT HISTORICAL ASSOCIATION, <http://www.ilndhistory.uscourts.gov/WJCampbell.html>. Campbell formed the Young Democrats for Roosevelt in 1932 when Roosevelt was a presidential candidate. *Id.* Roosevelt repaid Campbell's efforts by naming him U.S. Attorney for the Northern District of Illinois in 1938. *Id.* Two years later, Campbell was named to the District Court, and in 1959, he was named chief judge of that court. *Id.*

116. One of the J.U.D. degrees was awarded to a woman, Alice O'Kane McShane. LOY. U. CHI., SCH. L. BULL. 1927–1928, at 19.

117. LOY. U. CHI., SCH. L. BULL. 1934–1935, at 19.

118. See *infra* notes 308–47.

Arts and Social Service schools, the Graduate School, and the School of Commerce.¹¹⁹ The law school used the facility every morning and several nights a week.

E. Assessing Student Achievement

Student achievement became a significant subject of discussion in this era. It was no longer sufficient to offer a program to students with full-time employment elsewhere who were looking to improve their circumstances. The ABA and the AALS had begun their efforts to improve the state of legal education, and the bar examiners in the states began to play an active role in ensuring the quality of lawyers who served the public.¹²⁰

In the early years of the century, a college degree was not a prerequisite for admission at most law schools, and Loyola was no exception. Students were chosen on their perceived ability to complete the program successfully. Encouraged by Father Siedenburg, the faculty endeavored to improve the quality of the law school's program and its students. Admissions standards were strengthened in the early 1920s by requiring that entering students complete two years of college study prior to entering law school.¹²¹ Later, in the fall of 1936, that requirement would be raised to three years.¹²²

Throughout the 1920s and 1930s, the faculty devoted most of its meetings to discussing individual applicants and students.¹²³ Members of the part-time faculty usually joined these deliberations, given the limited number of full-time teachers. At the monthly meetings, the faculty pored over applicant and student files, continually assessing candidates' and students' progress and likelihood of graduation. The faculty did not hesitate to reject applicants or dismiss students who were not considered able.

119. The title page of the 1927 Bulletin contains a photo of the building, the first use of a photo in a law school catalog. LOY. U. CHI., SCH. L. BULL. 1927-1928, at 2.

120. BOYD, *supra* note 22, at 37-43.

121. *Requirements for Admission*, LOY. U. CHI., SCH. L. BULL. 1921-1922, at 7. This requirement applied only to students in the Morning Division. *Id.* Applicants to the Evening Division needed only the completion of a four-year high school course. *Id.* at 7-8.

122. Abridged Minutes of the May 1935 Meeting of the Academic Council of Loyola University 2. "Regent Noonan moved that a three-year college requirement for entrance to the Law School be announced before the end of this school year, to go into effect in September, 1936 Dean Warth seconded the motion and it was carried." *Id.*

123. Minutes of faculty meetings were taken and transcribed throughout this period. *See id.* Prof. Rooney, then the Secretary of the faculty, regularly sent copies of the minutes to the president of the university. *See id.* Review of these minutes in the presidents' archived files indicates the continual discussion of individual students at faculty meetings. *See id.*

At the same time, the faculty began to recognize those students who had distinguished themselves in their courses. In 1933, some recipients of both the J.D. and LL.B. degrees began to receive their degrees *cum laude*, denoting the achievement of at least a cumulative average of 90 or above, whereas an average of only 77 was normally required for graduation.¹²⁴

F. A Changing Curriculum

When McCormick assumed the deanship in 1925, the curriculum changed immediately. For first-year, full-time students, some of the basic courses were retained: Contracts, Torts, Criminal Law (known as Crimes until then), et al. Some previous courses disappeared completely (Elementary Law and Logic and Public Speaking, for example), and another moved into the upper-level curriculum. In their place were Real Property, Personal Property, and Common-Law Pleading. The upper-level curriculum was enriched with a variety of new courses, including Labor Law, Mortgages, Rights in Land, Future Interests, Quasi-Contracts, and others.¹²⁵

McCormick also expanded the opportunities available for law students to acquire their legal education. He began a Summer School program in 1927.¹²⁶ He also instituted law classes in the afternoon in 1927, as well as those in the morning and evening; this was another part-time program providing an alternative schedule for students.¹²⁷

G. The Roles of Students

While law school tuition had originally been \$75 a year, it began the 1920s at \$100 for the evening program; the new day program tuition was \$140 a year.¹²⁸ By 1925, tuition was \$180 for the "morning school" and \$130 for the evening.¹²⁹ This gradually increased even further so that, by 1929, tuition was \$240 for the day program and \$180 for the evening.¹³⁰ This same tuition continued throughout the 1930s,

124. The 1934–1935 Bulletin lists the June 1933 graduates. This was the first mention of *cum laude* degrees. LOY. U. CHI., SCH. L. BULL. 1934–1935, at 19.

125. LOY. U. CHI., SCH. L. BULL. 1924–1925, at 111–12.

126. *Summer School—1927*, LOY. U. CHI., SCH. L. BULL. 1927 (a three-page brochure describing the new program).

127. The 1926–1927 Bulletin discussed "Two Schools of Instruction" (Day School and Evening School). LOY. U. CHI., SCH. L. BULL. 1926–1927, at 8–9. The next Bulletin, however, discussed "Three Schools of Instruction," which included the new afternoon program. LOY. U. CHI., SCH. L. BULL. 1927–1928, at 9.

128. *Fees and Expenses*, LOY. U. CHI., SCH. L. BULL. 1921–1922, at 9.

129. LOY. U. CHI., SCH. L. BULL. 1925–1926, at 13.

130. LOY. U. CHI., SCH. L. BULL. 1929–1930, at 12.

despite the Depression, and lasted until the law school closed for World War II.¹³¹

Enrollment in the school peaked in the early 1930s. Aside from students in the graduate program, there were 319 students enrolled in 1931–1932.¹³² By 1939–1940, that number had dropped to 177.¹³³ At least part of the decline was attributed to the three-year college requirement that had been adopted in 1935, as well as to the greater scrutiny of applicants and enrolled students that the faculty applied during this period.

In those days, students' religious affiliations were asked on the school's questionnaire, and the results were tabulated. In 1931, for example, 74% of the students were Catholic, 18% were Protestant, and 8% were Jewish.¹³⁴ By 1940, those percentages were 67%, 30%, and 3%, respectively.¹³⁵

Students at this time developed both academic and social activities to enhance their formal legal education. In the mid-1930s, they began writing "Current Case Comments," student notes on recent cases of significance. These "Comments," as well as articles of broader scope, were published in the Law Corner section of *Loyola Quarterly*, a University publication. This provided students with the opportunity to research and publish legal commentary, and it provided practicing lawyers with information on recent judicial decisions. In 1936, a Student Legal Publications Board was formed to oversee these publications.

From the start, Loyola committed itself to giving students both a solid academic grounding in the law and the opportunity to acquire practice skills—a tradition that continues today. The Practice Court, providing both trial and appellate experience for the students, had been an integral part of the law school from its founding. In 1933, Professor Fitzgerald, with the assistance of that year's senior class, organized the Brandeis Law Club Competition to give students direct experience in researching, writing, and arguing appellate cases.¹³⁶ The competition was named after Justice Louis D. Brandeis of the U.S. Supreme Court,

131. *Announcements*, LOY. U. CHI., SCH. L. BULL. 1940–1941, at 14. This appears to have been the last catalog until the school reopened after the war.

132. LOY. U. CHI., SCH. L. BULL. 1932–1933, at 20–23.

133. *Announcements*, LOY. U. CHI., SCH. L. BULL. 1939–1940, at 22–25.

134. See F. J. Rooney, Secretary, Loyola University School of Law, Answers to Questionnaire Regarding Catholics and Non-Catholics in Attendance (Feb. 25, 1931) (unpublished manuscript, on file with the author) (there were 251 Catholics, 26 Jews, 61 Protestants).

135. *Composition of Student Body*, LOY. U. CHI., SCH. L. BULL. 1940–1941, at 24.

136. THE LOYOLAN 112 (1934) (yearbook).

who had authorized the use of his name.¹³⁷

The program evolved over the next few years. In its final phase, a small group of students were organized into law clubs in their first year. Participation in the clubs continued for the students' full law school education. Each club had a name—the Blackstone Club, the Butler Club, the Cardozo Club, the Frederic R. De Young Club, the Holmes Club, the Lord Holt Club, the Lord Reading Club, the Sherman Steele Club (named after the faculty member), and the Wilson Club. Students competed within their own club initially, then eventually against other clubs. The final two clubs each year competed against each other at the final senior argument and were eligible to represent Loyola in the Illinois Moot Court Competition the following year (and later in the nationwide competition sponsored by the ABA).

Reflecting mores of the times, the contemporary brochure from the competition's final round, describing the program, speaks of the "men" who serve on the Brandeis board to supervise it and of the "men" in the various clubs.¹³⁸ Yet Evelyn C. McIntyre was one of the two students on the winning Sherman Steele Club in 1935–1936.¹³⁹ Similarly, one of the students on the 1938–1939 Loyola team, which competed in the 1939 interschool Moot Court Competition, was Eva M. Charles.¹⁴⁰ So, even if not reflected in the official language of the time, women could and did participate fully in the program. The success of McIntyre and Charles was all the more remarkable because of their partners. McIntyre's partner was Ulysses Keys, one of the few African American students at that time.¹⁴¹ One of Charles's partners was William L. Lamey, who would join the faculty and later become the dean of the law school.

"The Thirteen Club of Loyola" was an informal organization founded

137. LOY. U. CHI., SCH. L. BULL. 1934–1935, at 13 ("The school is indebted to Hon. Louis D. Brandeis, Associate Justice of the Federal Supreme Court, who authorized the use of his name in the Competition.").

138. BRANDEIS LAW CLUB COMPETITION PROGRAM (1937), available at <http://content.library.luc.edu/cdm4/document.php?CISOROOT=/law&CISOPTR=45&REC=6>.

139. THE LOYOLAN 91–92 (1936) (yearbook).

140. THE LOYOLAN 52, 122–23 (1939) (yearbook).

141. According to SKERRETT, *supra* note 11, at 153, there was a dark side to this achievement. Despite the admission of women to most of Loyola's professional schools, a directive from Rome forbade their photos being used in any advertisement or in any university publication. *Id.* The university president, Samuel K. Wilson, S.J., allowed women's photos in news stories in the school newspaper. *Id.* Nonetheless, when McIntyre and Keys won the Brandeis competition in 1936, their victory was reported, but without photos. *Id.* According to Skerrett, McIntyre "did not find employment as a lawyer following her marriage" to the Loyola debate coach; Keys, however, went on to become a prominent lawyer in Chicago, also "help[ing] novelist Richard Wright with research for his novel *Native Son*." *Id.* at 153–54.

by thirteen law students in 1922. In 1925, that organization became the Joseph McKenna Senate of Delta Theta Phi legal fraternity, which had been founded in 1913.¹⁴² A decade later, Phi Alpha Delta legal fraternity appeared at Loyola. This national organization, evolving from its predecessor Lambda Epsilon, had been founded in 1902. The Daniel Webster Chapter of the fraternity was organized at the Chicago College of Law, but in 1934–1935 that chapter was transferred as a unit to Loyola.¹⁴³

A “Junior Bar Association” was established at Loyola in 1932 as a unit of the Illinois State Bar Association. It later became known as the Student Bar Association (SBA).¹⁴⁴ For a while, there was also a Student Council at the law school, sharing student government responsibilities with the Junior Bar Association.¹⁴⁵ The SBA soon became the sole student governing body and has continued to be so to the present day.

H. The Beginning of the Fitzgerald Era

McCormick stepped down as dean in 1937 when he was elected a judge of the Municipal Court.¹⁴⁶ He was replaced by Professor Fitzgerald, said to be the youngest law dean in the country at age thirty-four.¹⁴⁷ McCormick was later elected to the Illinois Appellate Court,¹⁴⁸ although he continued to teach part-time at the law school for decades.¹⁴⁹

John Cushing Fitzgerald was a remarkable man who shaped the destiny of Loyola’s law school throughout the middle of the 20th century. Born in Boston and educated at Boston College (A.B. 1925) and Harvard (LL.B. 1928), Fitzgerald was recruited to the Loyola law

142. THE LOYOLAN 136 (1935) (yearbook).

143. THE LOYOLAN 138 (1935) (yearbook).

144. THE LOYOLAN 96 (1933) (yearbook) (“The first unit of the Illinois Junior Bar Association . . . was organized at the Loyola Law School.”).

145. *The Student Council*, THE LOYOLAN 106 (1935) (yearbook) (“Student government at the Law School is a new problem. . . . T]here are two independent student governing units for the Law School. . . .”).

146. McCormick was elected judge at the end of 1936. *Veteran G.O.P. Judges Lose in City Landslide*, CHI. DAILY TRIB., Nov. 5, 1936, at 7. When he assumed the bench in 1937, Fitzgerald became the acting dean for a year until McCormick formally retired. *Judge M’Cormick to Retire as Law Dean at Loyola*, CHI. DAILY TRIB., Sept. 4, 1938, at 5.

147. *Law Dean on Leave*, THE LOYOLA ALUMNUS, Dec. 1959, at 9.

148. *McCormick of Appellate Court Resigns*, CHI. TRIB., Sept. 21, 1971, at A10. When McCormick retired from the Appellate Court, he was succeeded by John C. Hayes, who had also served as McCormick’s successor as dean of the law school in the 1960s. *Prof. at Loyola Named a Judge*, CHI. TRIB., Sept. 23, 1972, at 5.

149. *In Memoriam: Judge John V. McCormick*, 3 LOY. U. CHI. L.J. iii (1972).

school faculty in 1929. He was to remain there for thirty years until he left in 1959 to become the deputy court administrator for Cook County, a position to which he was appointed by the Illinois Supreme Court.¹⁵⁰ He served as dean from 1937 to 1959, including leading the school during the tumultuous years of World War II. During his tenure, he vigorously struggled to secure appropriate financing for the law school from the University, to continue to raise the academic quality of the program and the qualifications and achievements of the student body, and to defend dual-division law schools (those with both day and evening divisions) within the ABA.

Also in 1937 and 1938, the full-time faculty was expanded with two new hires, bringing the total number to seven, supported by a number of part-time teachers. Both of the new hires were recent alumni of the law school: John J. Waldron¹⁵¹ and John Cornelius Hayes.¹⁵² They would both eventually serve long careers at the law school and influence generations of law students.

The Illinois State Board of Law Examiners had begun to release bar applicants' results on the bar examination to their law schools only in 1934.¹⁵³ For the first time, schools had a factual basis for assessing their graduates' performance. They thus had to begin to concern themselves directly with their own success in providing an appropriate legal education.

In 1937 the State Board released a tabulation of the cumulative results of the bar exam from July 1934 to March 1937.¹⁵⁴ Loyola's results were disappointing. Fitzgerald passed these figures on to

150. *Law Dean on Leave*, *supra* note 147, at 8-9.

151. Letter from John P. Noonan, S.J., Regent, Loyola Univ. Chi., and John C. Fitzgerald, Acting Dean, Loyola Univ. Chi. Sch. of Law, to *Alumnus* (Apr. 7, 1938) (on file with author); Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (June 20, 1942) (on file with the author).

152. Letter from John Cornelius Hayes, Professor, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (June 2, 1938) (on file with the author); Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (June 20, 1942) (on file with the author) (accepting the offer of a full-time position).

153. The release of the results on the March 1934 bar examination prompted the law school to convene a faculty meeting on a Saturday in May 1934. This meeting was followed by similar discussions at subsequent faculty meetings, as well as letters to and from the dean, the regent and the president, all with a view toward improving the quality of the students. Minutes of the May 12, 1934, Faculty Meeting.

154. The Loyola Archives contain a one-page document, untitled and undated, listing the combined results of ten law schools (including Harvard and the University of Michigan) on the "last eight [Illinois] bar examinations, from July 1934 to March 1937" (on file with the author).

Samuel K. Wilson, S.J., the University president.¹⁵⁵ Wilson, in a somber reply, urged the law school to better control its applicants (“weed out undesirables” before they were admitted) and to improve its curriculum and teaching. He made his expectations clear: “I am sure that you will proceed to this task vigorously and that within a year or two the results will be evident.”¹⁵⁶

Fitzgerald and his faculty colleagues determined to transform the law school, building on the attention to academic quality they had pursued in recent years. They emphasized the history and the tradition of the legal profession.¹⁵⁷ Fitzgerald, as he did on frequent occasions, emphasized a higher dimension to the law. “The school realizes that by recognition and application of the natural law to the positive civil law, human society can approach the ideal and objective order intended for all human beings.”¹⁵⁸ As was written about the faculty of this period for the law school’s Diamond Jubilee in 1984, “both by classroom teaching and personal example, they gave life and meaning to the social, moral and ethical values implicated in the practice of the law.”¹⁵⁹

The ABA’s focus on dual-division schools had not disappeared. In 1937, Fitzgerald, who took a vigorous stance in defending Loyola and similarly situated dual-division schools, attended the annual ABA convention in Kansas City, Missouri. The chairman of the ABA Section of Legal Education had noted that year that he found night school particularly troubling:

[He] doubted that even a fine night school could produce the same results as full-time day school because of lack of contact with its students and it would have, therefore, little influence on their professional pride and ethical standards. Part-time students also had the distractions of families, jobs and finances.¹⁶⁰

The ABA’s ostensible concern about the quality of legal services provided to the public belied its continued elitism since, during the Great Depression, “jobs and finances” were indeed of great concern to many aspiring lawyers.

155. Letter from Samuel K. Wilson, S.J., President, Loyola Univ. Chi., to John C. Fitzgerald, Acting Dean, Loyola Univ. Chi. Sch. of Law (Sept. 8, 1937) (on file with the author). Fitzgerald’s transmittal letter is not in the archives; it was presumably sent in early September 1937. *See id.* (referencing the transmission of the figures).

156. Letter from Samuel K. Wilson, S.J., President, Loyola Univ. Chi., to John C. Fitzgerald, Acting Dean, Loyola Univ. Chi. Sch. of Law (Sept. 8, 1937) (on file with the author).

157. DIAMOND JUBILEE, *supra* note 28, at 5.

158. Dick Griffin, *Law School Merits Excellent Rating*, 30 LOY. NEWS, no. 16, at 5 (Mar. 1, 1951).

159. DIAMOND JUBILEE, *supra* note 28, at 5.

160. BOYD, *supra* note 22, at 40.

Fitzgerald noted that “Urban Evening Law Schools” were again (or still) in the sights of the organization.¹⁶¹ The problem, Fitzgerald told Wilson, “has not been settled,” and the “attitude of the [ABA] on this point is not clear.”¹⁶² He warned: “[I]f the legal profession gives way to the pressure to limit the number of those engaged in the practice of Law the ‘Urban Evening Law Schools’ will very probably be the first point of attack.”¹⁶³

Back at home, Fitzgerald continued his efforts to insure that Loyola’s academic program was as sound as possible and that its graduates were completely prepared to enter the practice as competent and ethical professionals.

Prefiguring the law school’s modern specializations in health law and trial practice, the school offered a special course in Medical Jurisprudence as early as 1925, as part of the graduate program.¹⁶⁴ The course was taught by William C. Woodward, a physician, member of the Illinois bar, and executive secretary of the American Medical Association’s bureau of legal medicine and legislation.¹⁶⁵ Woodward’s course covered an introduction to anatomy, physiology, and pathology and discussed a broad range of medical topics. The importance of these subjects for lawyers was stressed in the promotional marketing:

More than ever before, it is necessary for the lawyer to have some understanding of medical and surgical matters so as to be able accurately to evaluate his client’s statement of his case, to arrange his medical evidence in a way that will bring the best results, and to catch instantly the drift of the expert evidence given by his own witnesses and by those for the other side so as to be able to lead it on or to combat.¹⁶⁶

161. Letter from John C. Fitzgerald, Acting Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Sept. 11, 1937) (on file with the author).

162. *Id.*

163. *Id.* Fitzgerald’s advocacy for “urban evening law schools” continued throughout his deanship, although the focus of his advocacy shifted to include the AALS as it came to involve itself in the oversight of law schools. *Id.* A legendary anecdote at the law school recounts Fitzgerald using his advocacy skills on a long train ride to an AALS convention to persuade delegates to support urban evening law schools, an activity that achieved success at the convention. SKERRETT, *supra* note 11, at 180 (stating that the incident occurred in December 1957). The anecdote was also recounted in *Judge Fitzgerald dead; saved law school after WWII*, 10 LOY. WORLD, no. 21 (Nov. 21, 1999), at 9, where it is reported that the incident occurred in the late 1940s.

164. LOY. U. CHI., SCH. L. GRADUATE SCH. BULL., Sept. 1925, at 3.

165. *Id.* Detailed information about the course and the instructor was provided in a one-page insert in the Graduate School Bulletin entitled “Medical Jurisprudence.” *Id.*

166. *Id.*

I. The First Loyola Lawyer to Join the Illinois Supreme Court

The first graduate of the law school to serve on the Supreme Court of Illinois, James A. Dooley, joined the state's highest court in 1976 and served until his death in 1978.¹⁶⁷ After graduating from law school in 1937, Dooley became the "dean, without peer, of personal injury trial lawyers" in Chicago.¹⁶⁸

J. Successes and Setbacks

At the beginning of the 1938–1939 school year, Fitzgerald was able to tell the University president that recent results on the Illinois bar examination were encouraging and that the faculty unanimously believed that the entering day division class that fall was "far superior in quality" to those of recent years.¹⁶⁹ Over the next two years, Loyola graduates' performance on the bar examination did increase substantially.¹⁷⁰

One problem Fitzgerald was not able to resolve successfully was that of the law school's facilities. The quarters in the Franklin Street building were inadequate. As early as July 1935, the law school's regent, John P. Noonan, S.J., referred to this matter in a letter to the University president saying that "our physical set-up [wa]s very nearly the worst of all the Association [AALS law schools] in the country."¹⁷¹ Some improvements were made to the existing building for the law school, but no broader steps were taken. In early 1939, Fitzgerald made a plea to the University to rent space for the law school on the vacant third floor of the Morton Building at Washington and Wells streets in

167. *James A. Dooley*, THE THIRD BRANCH – A CHRONICLE OF THE ILLINOIS SUPREME COURT, http://www.state.il.us/court/supremecourt/JusticeArchive/Bio_Dooley.asp (last visited Jan. 10, 2010).

168. *The Genesis of Corboy & Demetrio*, CORBOY & DEMETRIO, <http://www.corboydemetrio.com/f-2.html> (last visited Mar. 2, 2010). Dooley was later to hire Philip H. Corboy as an associate; Corboy, then having graduated from Loyola only a year earlier and serving as an assistant corporation counsel of Chicago, was later to assume Dooley's mantle as Chicago's top plaintiff personal injury litigator. *Id.*

169. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Oct. 19, 1938) (on file with the author).

170. "[W]e have made satisfactory progress indeed. I hope that this progress will be continued even at an increased tempo within the next two or three years. After all, we cannot expect results immediately and I shall be satisfied if, during my administration . . . the standards are raised as rapidly as is consistent with our financial condition." Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Apr. 3, 1940) (on file with the author).

171. Letter from John P. Noonan, S.J., Regent, Loyola Univ. Chic., to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (July 25, 1935) (on file with the author).

downtown Chicago.¹⁷² Even though the space was bargained down to seventy-five cents a square foot, the total annual expense for the space would be close to \$15,000.¹⁷³ As a result, the Board of Trustees rejected the proposal, and the law school continued to operate in its existing facilities.¹⁷⁴

K. The Dawn of a New Era

Hoping to prove the merits of a dual-division school to the ABA and driven by personal conviction, Fitzgerald and his faculty adopted a rigorous curriculum, no longer local in focus, designed to assure that every Loyola law graduate would be prepared to practice with distinction in any jurisdiction “where the Anglo-American system of law [wa]s in effect.”¹⁷⁵

They instituted a comprehensive examination system that proved to be extremely demanding of the students. Each June, full-time students undertook more than thirty hours of examinations covering all of their course work for the year, and they received a single, comprehensive grade for that year. The system worked well; in time, as was noted for the school’s 75th anniversary, “the legal community came to recognize that a Loyola law degree really did mean something special.”¹⁷⁶

The new emphasis on student achievement prompted the law school to promote and recognize student scholarship. In 1938, two graduation awards were established. One, named the Chief Justice Roger G. Taney Scholarship Award,¹⁷⁷ recognized the graduating senior who had achieved the highest cumulative average in the day division. The other, named the Chief Justice Edward D. White Scholarship Award, recognized the graduating senior who had achieved the highest cumulative average in the evening division. In 1940, the law school established the Judge John V. McCormick Scholarship Award, presented to the graduating senior who had attained the highest average in the day division during his or her first year.

The system of comprehensive exams was established in 1939. Unfortunately, it had little opportunity to mature into a Loyola tradition

172. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Feb. 15, 1939) (on file with the author).

173. Letter from Henry T. Chamberlain, Comptroller, Loyola Univ. Chi., to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Feb. 20, 1939) (on file with the author).

174. Letter from Samuel K. Wilson, S.J., President, Loyola Univ. Chi., to John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law (Feb. 23, 1939) (on file with the author).

175. *DIAMOND JUBILEE*, *supra* note 28, at 5.

176. *Id.* at 5–6.

177. This award was renamed the Founders Award in the early 2000s.

at that time.¹⁷⁸ Storm clouds were already developing over Europe. The coming conflict was to have a profound impact on the law school.

V. WORLD WAR II

Even before Pearl Harbor, the specter of another world war was looming large for the United States. Anti-war sentiments were prevalent in this country, and the popular press made European events seem far away. But public opinion began to acknowledge the serious nature of the conflicts in Europe and to swing toward this country's taking steps to endure a foreign war. Congress passed the Selective Training and Service Act, which became law on September 16, 1940—establishing the country's first peacetime draft.¹⁷⁹ Men aged twenty-one to thirty-five were obliged to register; they might be called up for active duty for twelve months of training and service.¹⁸⁰

The new conscription law engendered considerable discussion at the law school in the 1940–1941 school year.¹⁸¹ The overwhelming majority of Loyola's law students, like those at other schools, were still male. By the end of that school year, Fitzgerald reported to the faculty that, at a meeting of some twenty law school deans with the president of the AALS, “the consensus of opinion was that law school enrollment would drop 50% and that there would be almost no incoming freshmen.”¹⁸²

Fitzgerald also reported that the Illinois State Selective Service Commission had recommended to local draft boards that they defer all law students graduating in June 1941 until after the bar examination in September and that all senior law students of the Class of 1942 be deferred until after the March 1942 bar examination.¹⁸³

At the start of the 1941–1942 school year, however, the impact of the war had become clear: total enrollment had fallen over 26% (from 152 to 112), and first-year enrollment had declined 31.5% (from 54 to 37).¹⁸⁴ At another meeting two days later, the faculty agreed to study a

178. The initial three-year experiment concluded in 1942. “The faculty judgment as to the desirability of this plan has been supported . . . by the exceptional results attained in the various bar examinations by those who studied under this system.” *Exam Systems Approved*, LOY. ALUMNI NEWS (June 1942).

179. The Good War and Those Who Refused to Fight It, http://www.pbs.org/itvs/thegoodwar/timeline_01.html (last visited Mar. 2, 2010).

180. Selective Training and Service Act of 1940, Pub. L. No. 76-783, 54 Stat. 885 (1940).

181. *See supra* note 123 (discussing the minutes of faculty meetings).

182. Minutes of the May 13, 1941, Faculty Meeting.

183. *Id.*

184. Minutes of the Sept. 23, 1941, Faculty Meeting.

proposal to forward the faculty's copies of advance sheets, preliminary versions of significant judicial decisions, to Loyola's graduates in military service to help maintain their legal knowledge in preparation for the eventual completion of their legal education.¹⁸⁵

The attack on Pearl Harbor on December 7, 1941, altered the situation dramatically.

In June 1942, Fitzgerald authored a note published in the *Loyola Alumni News*. In it, he thoughtfully outlined the impact of the war on the law school and carefully made the alumni aware of its implications for the future of the school:

Law, in a sense, is a substitute for war and this is reflected in the sharply diminishing student enrollment in the law schools of the United States [W]ar will very probably reduce enrollment to a point where continuation of [financial] support [from Loyola University] will not be justified when considered in relation to the few students to be benefitted thereby.

The Law School faculty and the University are determined not to deviate from those academic standards which are necessary to maintain the value of a Loyola Law degree

The Law School will not . . . reduce standards in a futile attempt to blind itself to the fact that prospective law students are in an age bracket now relied upon by this Nation in its struggle for existence. If this policy ultimately leads to the suspension of the Law School for the duration of the war, it will be, in the midst of a world revolution, a mild sacrifice to principle.¹⁸⁶

The admission of new students was stopped after Pearl Harbor, but classes continued for those who were already enrolled.¹⁸⁷ Faculty as well as students left to contribute to the war effort. Fitzgerald became a member of the attorney general's Alien Enemy Hearing Board as early as December 1941.¹⁸⁸

No new students were admitted to the 1942 class or thereafter. Professor Rooney assumed responsibility for a large portion of the

185. Minutes of the Sept. 25, 1941, Faculty Meeting.

186. *The Law School in the War*, LOY. ALUMNI NEWS (June 1942). The issue of relaxing standards for admission, retention and graduation in law schools concerned the ABA generally. BOYD, *supra* note 22, at 45-47.

187. *The School of Law During the War*, LOY. U. CHI., SCH. L. BULL. 1947, at 20.

188. *Special Board Named to Hear Enemy Aliens*, CHI. DAILY TRIB., Dec. 18, 1941, at 11. In June 1942 Fitzgerald requested and received permission to take a leave of absence on short notice, effective immediately. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chicago (June 20, 1942) (on file with the author) (expressing gratitude: "[N]o Dean of any Law School ever received more assistance, more cooperation and more effective direction than the Dean of Loyola Law School received during the past five years.").

classroom teaching for the few students who remained.¹⁸⁹ When those students graduated in June 1944, the law school suspended its operation, with no assurance that it would ever reopen.¹⁹⁰

In July 1943, as the law school was winding down its operations, Rooney wrote to Joseph M. Egan, S.J., the university president, on behalf of the faculty to summarize what the school had achieved in its thirty-five years of existence.

The consensus of opinion of our [faculty] group was that our decision to discontinue classes for the duration of the war was a wise one

The most important factor in coming to this decision was . . . that we had so developed our individual courses that the proper Christian philosophical and ethical principles were being taught alonw (*sic*) with the purely technical points of law. . . . It is . . . highly important that schools which are really Catholic in their instruction prepare our Catholic lawyers for their profession. (Loyola's student body has been predominantly Catholic, usually 75% to 80%).¹⁹¹

The war in Europe ended in May 1945, the war in the Pacific not until August. As the war wound down, Fitzgerald immediately began an effort to revive the law school. Disappointed that the school would not operate in the 1945–1946 year, he wrote to James T. Hussey, S.J., the new president of Loyola, on September 28, 1945:

[A]lthough little damage may have resulted from not reopening the school this September, not to reopen in February or at least to announce in the near future that classes will resume next September, would be subject to but one interpretation . . . Unnecessary delay from V-J Day on will be, of course, progressively damaging.¹⁹²

Fitzgerald went on to lobby the president not only for the reopening of the school but also for its appropriate funding, presumably recalling the inadequacy of the Franklin Street facility. He reminded the president of the unique quality of the legal education that Loyola, unlike its competitors, provided: “an insight into those principles of jurisprudence which today are being put to the test on an international

189. *The School of Law During the War*, *supra* note 187.

190. By September 1944, law school enrollments across the United States had decreased by 83% since 1936, and ten law schools had closed. BOYD, *supra* note 22, at 48.

191. Letter from Francis J. Rooney, Professor, Loyola Univ. Chi. Sch. of Law, to Joseph M. Egan, S.J., President, Loyola Univ. Chi. (July 10, 1943) (on file with the author).

192. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to James T. Hussey, S.J., President, Loyola Univ. Chi. (letterhead of “Office of Alien Property Custodian, Washington 25”), (Sept. 28, 1945), at 1 (on file with the author). This four-page letter was apparently intended to be made public, and in fact the president reproduced and distributed it with financial statements. *Id.*

scale, principles which they are unlikely to encounter—except by facetious reference—in some of the competing institutions.”¹⁹³

The University acceded to his pleas, and the law school reopened in September 1946.¹⁹⁴

In the November 1946 Dean’s Report to the Alumni, Fitzgerald, who had resumed the deanship with the reopening of the law school, explicated the reasons for the reactivation of the school:

The most compelling reason for the reopening of the School may be stated very simply. There was persuasive evidence of the worthwhileness of reopening a school whose purpose is to provide a legal education based upon the principles of the natural law.

The School has many objectives common to all worthy law schools; it has one objective common to few: to offer to students the opportunity of studying law in an institution whose every activity is guided by the natural law. The concepts of limited State sovereignty and of inherent personal rights are not mere empty phrases to its faculty and its students. There is, fortunately, increasing recognition of today’s urgent need for law schools so guided The School intends by every effort to meet that challenge, for it believes that the ultimate sovereignty of God leads to freedom; that the ultimate sovereignty of man leads to slavery.¹⁹⁵

These words not only echoed the perennial discussion within the law school community about the purpose of a legal education within a Catholic-oriented university. They also had a particular resonance for an audience that had just survived years of war and sacrifice, brought about by totalitarian governments which extolled the sovereignty of a leader over moral principles. The enormity of the Holocaust was beginning to be fully comprehended as evidence from the death camps surfaced (and the horrors of the Soviet system were yet to be appreciated). Fitzgerald’s words presumably had a powerful impact on their readers.

VI. THE REACTIVATED LAW SCHOOL: 1940S THROUGH 1960S

The law school reopened in September 1946, with great promise and expectation.

Initially, students were admitted into only the first and second years of the day division, and into the first year of the evening division. This

193. *Id.* at 3.

194. Professor Rooney took notes at the AALS meeting at the Edgewater Beach Hotel in Chicago in December 1945, which he transmitted to Hussey. The notes stated that “schools which do not reopen before Dec. 31, 1946 [would] be dropped from the Association.”

195. REPORT OF THE DEAN TO THE ALUMNI 2–3 (Nov. 1946).

arrangement allowed for a more limited faculty and curriculum, a necessity given the short notice that Dean Fitzgerald had for reestablishing the school. As those classes later advanced, the faculty and curriculum were expanded.

Through the efforts of Fitzgerald, the prewar faculty was mostly reconstituted. Professors Hayes, Rooney, and Waldron returned immediately.¹⁹⁶ Sherman Steele had died during the war.¹⁹⁷ William L. Lamey joined the faculty for the first time.¹⁹⁸ Some of the part-time faculty also returned to teaching.¹⁹⁹

The law school was given a new home on the ninth floor in the Tower Court building at Michigan Avenue and Pearson Street, which had been constructed in 1926 for the Illinois Women's Athletic Club.²⁰⁰ The building later became the home of the Illinois Club for Catholic Women (ICCW) but had been taken over by the Navy during the war.²⁰¹ Frank J. Lewis, a local businessman, acquired the building, now renamed Lewis Towers, and gave the first nine floors of it to Loyola University, with the ICCW remaining on the upper floors.²⁰²

In moving out of the Loop, the law school surrendered its easy access to law offices and the courts, but left behind the inadequate facilities in the Franklin Street building.²⁰³ At that time, Michigan Avenue was not

196. REPORT OF THE DEAN TO THE ALUMNI, *supra* note 195, at 3–4. Professor Rooney, who had remained the sole teacher and administrator at the law school before its wartime closing, was in fact rehired by the university, perhaps reluctantly and as an accommodation, for the 1945–1946 school year, as an assistant university registrar. Letter from James T. Hussey, S.J., President, Loyola Univ. Chi., to Francis J. Rooney, Assistant Registrar, Loyola Univ. Chi. Sch. of Law (Aug. 21, 1945) (on file with the author).

197. REPORT OF THE DEAN TO THE ALUMNI, *supra* note 195, at 3–5. Steele had been in poor health before he retired from the faculty in 1942. *Sherman Steele Retires*, LOY. ALUMNI NEWS (June 1942).

198. REPORT OF THE DEAN TO THE ALUMNI, *supra* note 195, at 3.

199. *Id.*

200. JOHN W. STAMPER, CHICAGO'S NORTH MICHIGAN AVENUE: PLANNING AND DEVELOPMENT, 1900–1930, at 133 (1991).

201. *Id.*

202. SKERRETT, *supra* note 11, at 164–66; *see also* Ruth Logan, *Loyola Rushes Conversion of New Building*, CHI. TRIB., July 28, 1946, at N2.

203. “Life in the ‘warehouse’ at 28 North Franklin was at best an emotionally hazardous undertaking for an occupant but how many prospective students did not enter its portals because of the unfavorable aspect of life therein will never be known.” Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to James T. Hussey, S.J., President, Loyola Univ. Chi. (letterhead of “Office of Alien Property Custodian, Washington 25”) (Jan. 3, 1946) (on file with the author). Fitzgerald also explored getting a surplus ship for the housing of students, to be docked at Navy Pier. Letter from Daniel F. Cleary, Department of Labor, Retraining and Reemployment, to John C. Fitzgerald, Dean, Loyola University Chicago School of Law (June 20, 1946) (on file with the author). This suggestion was rejected because it would have been too expensive and involve too much red tape.

the premier shopping street it was later to become, but the area was home to a few notable structures such as the historic Water Tower and not far from the wealthy area known as the Gold Coast.

A. *Plea for More Resources*

Throughout the period of the school's revival, Fitzgerald was continually concerned with the University providing sufficient resources. His prewar experience of the inadequate facilities in the Franklin Street building fueled his desire to avoid that situation now, although he acknowledged that, for several years before the war, the law school had run at a deficit, which the University had had to bear.²⁰⁴

He had pleaded his case to Father Hussey in a long letter in September 1945.²⁰⁵ His first argument concerned the students who chose to enroll: "Are they not entitled to what they seek: a sound preparation for a professional life; a preparation known to the community to be sound so that the doors of opportunity are—on the basis of the reputation of the school—opened gladly to them"²⁰⁶ His second argument raised the specter that professional regulatory bodies would increasingly focus in the direction of the quality of law schools and not on mere statistics:

[A] university today does not have an absolutely free choice between . . . a dynamic school, adequately equipped, happily founded on the unqualified moral support of its university, intimately aware of competitive needs . . . and, on the other hand, a lackadaisical enterprise casually complying with minimum standards of adequacy.²⁰⁷

Fitzgerald's search for support was focused not only on the University. In November 1945, a dinner at the Blackstone Hotel brought the school's alumni and supporters together to help relaunch the institution. A year later, he appealed to the alumni for support now that the school was beginning to operate again: "[The law school] is in operation. It has a student body. It has a faculty. It has a purpose. And it has needs. It is totally without endowment."²⁰⁸

204. REPORT OF THE DEAN TO THE ALUMNI, *supra* note 195, at 2.

205. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to James T. Hussey, S.J., President, Loyola Univ. Chi. (letterhead of "Office of Alien Property Custodian, Washington 25") (Sept. 28, 1945) (on file with the author).

206. *Id.* at 3.

207. *Id.*

208. REPORT OF THE DEAN TO THE ALUMNI, *supra* note 195, at 4.

B. Operations of the Revived Law School

Beginning its second life in 1946 with a limited faculty and a limited curriculum, the law school was inspected that fall by the AALS, which later commented on the high teaching load of the faculty: the average teacher taught almost eleven class hours a week; the “recommended load” was eight hours a week. Fitzgerald noted this to the president of the University in his annual report in June 1947, making a clear but not explicit request for additional faculty positions.²⁰⁹

The dean lamented in his report that the facilities in Lewis Towers were “adequate but naked.”²¹⁰ He indicated his intention to raise funds from the alumni for decorations both religious and law-related: “May we not symbolize the legal traditions of ‘Bologna, Paris, and Salamanca’ on our walls as well as impart them in the classrooms?”²¹¹

Fitzgerald noted the difficulty for the first-year students in “the absence of upperclassmen, from whom, under normal conditions, entering students learn proper attitudes, methods, and habits of work.”²¹² This problem would of course be rectified as additional classes were enrolled.

Fitzgerald made one prediction in his report that turned out to be not quite accurate, although it presaged a development in legal education that Loyola would later embrace. He wrote: “[O]ne of the changes [in course content and teaching methodology] will be the termination of the traditional casebook system after the second year of work and the substitution therefore of a third year consisting principally of clinical and seminar work.”²¹³ He was prophetic since he was writing well before law schools began to experiment with legal clinics in the 1960s.²¹⁴

The initial class in 1946 was composed primarily of veterans who were returning to civilian life and their careers after the interruptions of the war. To accommodate this group, the law school offered an accelerated year-round program that made it possible for them to graduate in two years. Thus the first postwar class received their degrees in June 1947.²¹⁵ It was not until 1950 that the largest

209. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to James T. Hussey, S.J., President, Loyola Univ. Chi. (June 4, 1947), at 2 [hereinafter Fitzgerald 1947 Letter] (on file with author).

210. *Id.* at 5.

211. *Id.*

212. *Id.* at 1.

213. *Id.* at 2.

214. See *infra* text and accompanying notes 274–82.

215. *Announcements—1948–1949*, LOY. U. CHI., SCH. L. CATALOG 1947–1948, at 23.

graduating classes were again those in June.²¹⁶

C. The Postwar Classes

It is difficult, more than sixty years later, to appreciate the pent-up enthusiasm that men and women who had served in World War II brought back for civilian life. They sought to return to family and loved ones and to reestablish themselves in society. To many, the G.I. Bill offered the opportunity to pursue a career in law. Loyola's newly reborn law school welcomed this group, many of whom had started their legal education before the war intervened. They threw themselves into their studies and, when they graduated, into the practice of law. The immediate postwar classes produced a remarkable number of graduates who excelled in their endeavors and who remained loyal to their law school throughout their careers.

Tuition at the reopened school was set at \$300 a year for the day school and \$225 for the evening.²¹⁷

By the second year of the school's operation, with the first student class moving into upper-level courses, the full-time faculty began to expand. Additional prewar part-time teachers such as former dean McCormick also returned as their courses reentered the curriculum.

D. Balancing Academics with Real-World Experience

Fitzgerald argued skillfully and ably to the University president in March 1946 that there was a great value in allowing faculty to consult in appropriate areas of law for limited periods of time. This would not be a reversion to a mainly part-time faculty; on the contrary, since the teacher's "dominant interest and substantially all of his working time [would] be devoted to strictly law school activity . . . [It] moves us in the direction of improving full-time teaching activity." Fitzgerald argued, correctly: "Effective law school teaching today requires more than mere familiarity with available written materials; it requires some degree of continuing contact with law-operation." Eloquently he concluded: "In brief, one of the major purposes of the development is to drag a legal cadaver into a law classroom laboratory." Fitzgerald was consistent in his desire for academic rigor with an appropriate measure of real-life exposure.²¹⁸

The faculty slowly expanded as the enrollment grew. By the late

216. *Announcements—1950–1951*, LOY. U. CHI., SCH. L. CATALOG 1949–1950, at 27.

217. *Announcements—1946–1947*, LOY. U. CHI., SCH. L. CATALOG 1941–1946, at 15.

218. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to James T. Hussey, S.J., President, Loyola Univ. Chi. (Mar. 29, 1946) (emphasis in original).

1940s, Anne Leonard became the first woman to serve on the full-time faculty. With degrees from the University of Chicago, she was initially hired as a “special lecturer” on legal writing. Leonard soon joined the regular full-time faculty, where she remained until 1955, teaching first-year courses in Legal Research and Public Law.²¹⁹ In 1958, another woman, Mary Jane Lynch (later Mrs. John V. Coleman), joined the part-time faculty, also teaching Legal Research;²²⁰ she taught through the early 1960s, at which time women disappeared from the faculty list for the time being.

Consistent with the law school’s tradition of placing emphasis on advocacy skills, a “litigation clinic” was established.²²¹ The clinic was not a facility with live clients but rather a program of simulations providing students with experience in pretrial, motion, and trial practice. The clinic’s program culminated each year in a day-long mock trial. The clinic was conducted by Professor O’Shaughnessy, an experienced trial lawyer.

At the same time, the school also sponsored an annual intraschool moot court competition for appellate advocacy skills.²²² This was a successor to the pre-war Brandeis Competition, without the Law Clubs. Winning students represented Loyola in the National Moot Court Competition. O’Shaughnessy was also the advisor for this activity; he was later succeeded by Professor Forkins.

Just as a course in Logic, Philosophy, and Sociology had been made available to law students at the very start of the school in 1908 to acquaint them with broader themes in the study of the law, after the war the law school moved to reinstate a comparable course. The law school took advantage of being part of a Jesuit university to have the course taught by a Jesuit priest. Within a few years of the law school’s reopening after World War II, various lecturers were hired to give a course in Jurisprudence, scheduled to be offered only in alternate years. By 1952, however, the course became a regular part of the curriculum when Paul A. Woelfl, S.J., a member of the University’s political science department, was hired to teach it.²²³ He taught this course at the law school until 1957. Jurisprudence was later taught by William J. Kenealy, S.J., a leading advocate in postwar America for civil justice

219. Leonard first appeared in the law school catalog in 1949. *Announcements—1949–1950*, LOY. U. CHI., SCH. L. CATALOG 1948–1949, at 6.

220. *Announcements—1959–1960*, LOY. U. CHI., SCH. L. CATALOG 1958–1959, at 8.

221. Vitullo, *supra* note 38, at 306.

222. *Announcements—1949–1950*, LOY. U. CHI., SCH. L. CATALOG 1948–1949, at 18.

223. *Announcements—1952–1953*, LOY. U. CHI., SCH. L. CATALOG 1951–1952, at 6, 27.

and desegregation,²²⁴ and Robert C. Hartnett, S.J.²²⁵

The experiment in giving students a comprehensive exam at the end of the school year, which had begun before World War II, was revived. The law school took pride in this rather unique method of evaluating students' learning.²²⁶ Students did not take exams in their year-long courses throughout the regular school year, and did not receive credit for those courses. Credit and grades were based solely on the single comprehensive exam, which covered the year's work in the courses taken.

E. Rebuilding Student Life

The law school moved quickly to reestablish student life as it had been before the war. By January of 1947, the Student Bar Association (SBA) had been reactivated.²²⁷ In 1954, the SBA established a publication for students called *Res Ipsa Loquitur*, a weekly one-page mimeographed newsheet. The paper ended its run during the 1959–1960 school year.

While the “Current Case Comments” section of the *Loyola Quarterly* was not revived after the war, another vehicle for student legal commentary was established. In February 1949, Loyola law students began editing the “Recent Decisions” section of the *Illinois Bar Journal*.²²⁸ This academic activity continued for two decades. Professor Hayes was the faculty advisor for the students in this endeavor.

The academic graduation awards that had been instituted prior to the war were again awarded. In the meantime, a new graduation award, the Thomas L. Owens Scholarship Award, had been established to recognize the student who attained the highest average in the day division during the second year.

F. The New Law School Building

The facilities in Lewis Towers, which Fitzgerald in 1947 called

224. *A Jesuit Attorney and Legal Scholar Views Segregation*, THE LOYOLA REPORT: THE JESUITS OF LOYOLA.

225. The course appears to have dropped out of the curriculum in the late 1960s, at which time it no longer appears in the law school catalog.

226. DIAMOND JUBILEE, *supra* note 28, at 5–6.

227. *Announcements—1949–1950*, LOY. U. CHI., SCH. L. CATALOG 1948–1949, at 17.

228. Loyola law students began editing “Recent Decisions” in February 1949. 37 ILL. B.J. 231, 267 (Feb. 1949) (“With this issue of the Illinois Bar Journal, Loyola university law school, Chicago, assumes responsibility for the department on Recent Decisions . . .”). They edited it through June 1968, when the journal dropped the department. 56 ILL. B.J. 895 (June 1968).

“adequate,”²²⁹ proved to be considerably less so, particularly as the school’s enrollment increased. Within less than a decade, that home for the law school proved to be “wholly too small and inadequate,”²³⁰ in the words of Martin J. McNally, who had been president of the Law Alumni Association in 1952–1953 and who became the general chairman of a campaign to raise funds for a new building. The ninth floor could not house the library and classrooms that the law school and its students needed, and the rest of the building was thoroughly occupied.

The University had recently acquired the three-story Career Institute building at 41 East Pearson Street, a half block away from Lewis Towers. The building, then five years old, had housed several educational operations.²³¹ Father Hussey, the university president, offered to turn the building over to the law school if the law alumni could raise \$250,000 toward the building’s cost before the school’s 50th anniversary in 1958. The alumni committed themselves to do so and undertook a pledge drive to raise the promised funds.²³² As a result, the law school was able to move into the building in 1954–1955. The projected five-year fundraising drive was completed in three years.²³³

In addition to classrooms and offices, there was a greatly expanded Law Library located on the third floor of the building, with additional shelving and storage on the lower level. Other law school facilities occupied other parts of the building, although the University itself maintained some areas for uses not related to the law school. Despite the school’s continuing emphasis on advocacy training, which remained an integral part of the curriculum, there was no courtroom in the building until 1958.²³⁴

G. Leadership in Transition

In 1959, Fitzgerald took a two-year leave of absence to become the deputy court administrator for Cook County, a newly created position;

229. Fitzgerald 1947 Letter, *supra* note 209, at 5.

230. *The Law School of a Great University*, in an undated fundraising brochure entitled MEMORIAL AND NAMED UNITS IN THE NEW LAW SCHOOL BUILDING.

231. SKERRETT, *supra* note 11, at 173.

232. “Time was of the essence The whole of the Law Alumni could not be circularized for pledges. So, the few of us who met with Father Hussey gave our assurance that the Law Alumni *would* contribute at least \$250,000.00.” *The Law School of a Great University*, *supra* note 230 (emphasis in original).

233. THE NEW WORLD, Jan. 18, 1957, at 19 (photo caption).

234. A general description of the facility appears in Vitullo, *supra* note 38, at 306.

he resigned as dean and faculty member two years later.²³⁵

John Cornelius Hayes, who had joined the full-time faculty soon after receiving his J.D. *cum laude* from Loyola in 1937, became acting dean during Fitzgerald's leave of absence.²³⁶ In 1961, when Fitzgerald decided to step down from the deanship and from the faculty, Hayes became dean.²³⁷ Hayes resigned the deanship in 1967 to return to full-time teaching.²³⁸ Throughout his long career of teaching at Loyola, he taught primarily Property, Wills, and Negotiable Instruments.

In 1967, William L. Lamey became dean when Hayes resigned.²³⁹ Lamey, a 1939 graduate of Loyola's law school, had been recruited to the faculty from private practice when the law school reopened in 1946 after World War II. He taught many courses in his long career at Loyola, including Torts, Sales, and Criminal Law, with Commercial Law being his specialty; he was one of the first to teach a course on the Uniform Commercial Code. He resigned the deanship in 1970 to return to full-time teaching.²⁴⁰

H. *Becoming a Modern Law School*

During the Hayes and Lamey deanships in the 1960s, the law school began to develop many of its modern characteristics. In recognition that an undergraduate degree was now required for admission, Loyola, in common with other law schools in the country, decided to award only the J.D., abandoning the LL.B. degree entirely.²⁴¹

The elective curriculum expanded, reflecting the increased complexity of the law and the beginnings of specialization in legal

235. *Law Dean on Leave*, *supra* note 147. Fitzgerald remained in public service, becoming director of the Administrative Office of Illinois Courts in 1964. Later that year he was elected to the Circuit Court, a position he held until he retired in 1976. He passed away in 1991.

236. *Name Hayes Acting Dean*, THE LOYOLA ALUMNUS, Dec. 1959, at 9.

237. *John C. Hayes Appointed Dean of the School of Law*, LOY. WORLD, Apr. 1961, at 2. Active in Catholic organizations throughout his life, Hayes was elected president of the National Council of Catholic Men in 1959. *Elect Loyola Professor to Head National Group*, CHI. TRIB., Apr. 6, 1959, at B14.

238. In 1972, he was appointed to the Illinois Appellate Court, ironically filling the vacancy caused by the retirement of former dean, John V. McCormick. *Prof. at Loyola Named a Judge*, note 148, at 5.

239. *Lamey Named Dean of Loyola Law School*, CHI. TRIB., Dec. 2, 1967, at 3.

240. A later dean, Charles R. Purcell, would say that Lamey's "legacy to Loyola is the many hundreds of lawyers he helped to educate. He was a great teacher and had great respect for his students." CHI. SUN-TIMES, Dec. 30, 1998, at 68.

241. "[F]or the first time in the history of the School all of its June [1968] graduates received J.D. degrees." ANNUAL REPORT OF THE SCHOOL OF LAW 8 (1967-1968). The first Bulletin to list only the J.D. degree was the 1970-1972 Bulletin. LOY. U. CHI., SCH. L. BULL. 1970-1972, at 27-28.

practice.²⁴² As the students took advantage of these elective courses, it became more difficult to continue the comprehensive exam system, which was soon abandoned in favor of exams in individual courses.

At the same time, a number of new co-curricular activities, including various moot court competitions, became available. The most significant of these opportunities was the birth of the *Loyola Law Journal* in 1969, the first academic publication edited exclusively by Loyola law students. Professor Richard A. Michael, who had joined the full-time faculty in 1967, shepherded the founding of this journal and served as its faculty advisor for many years.

In addition to this academic journal, students undertook to produce informal publications of news and commentary. The *Loyola Law Times*, established in 1960, lasted for about a decade. In the 1967–1968 school year, a newspaper called *Blackacre* made its first appearance. It lasted only one year, but it was to be revived in 1971. For a few years in the late 1960s there was also a newspaper by and for evening students, called *Lex Nocturnalis*.

Loyola's Daniel Webster Chapter of Phi Alpha Delta was revived in the mid-1950s and continued to function at Loyola.²⁴³ For a brief while at the end of the 1960s, a chapter of a legal sorority, Kappa Beta Pi, reappeared at Loyola; it had been established at the law school in the 1920s.²⁴⁴ For several years at the end of the 1960s and into the 1970s, there was an organization of Loyola Law Wives, organized by the spouses of male students.²⁴⁵

Despite the fact that the elective curriculum and co-curricular activities were expanding, the enrollment of the school actually declined somewhat during the early part of this decade.²⁴⁶ This decline was probably a product of the low birth rates of the Depression years, as well perhaps as the national shift in emphasis from subjects like law to the sciences, induced by the Soviet Union's Sputnik in 1957. By the end of the 1960s, however, applications began to increase rapidly as the

242. "Commencing with the academic year 1969–70, only the First Year Day Division program . . . will consist of a . . . required curriculum; thereafter the student's entire program is elective; and the course offerings have been considerably expanded . . ." ANNUAL REPORT OF THE SCHOOL OF LAW 1–2 (1968–1969).

243. Phi Alpha Delta first appeared in the law school catalog in 1966. *Announcements—1966–1967*, LOY. U. CHI., SCH. L. CATALOG 1964–1966, at 14.

244. *Legal Fraternity to Be Installed at Loyola*, CHI. DAILY TRIB., Dec. 13, 1924, at 15. Kappa Beta Pi first reappeared in the law school catalog in 1966. *Announcements—1966–1967*, LOY. U. CHI., SCH. L. CATALOG 1964–1966, at 14.

245. Loyola Law Wives first appeared in the law school catalog in 1970. LOY. U. CHI., SCH. L. BULL. 1970–1972, at 13.

246. DIAMOND JUBILEE, *supra* note 28, at 8.

Baby Boom generation began to reach law school age. In an abrupt transition, “overcapacity in legal education became undercapacity, and admissions work was transformed from recruiting to winnowing.”²⁴⁷

With the increasing demand for legal education came greater student demand for higher levels of service within the law school. To accommodate the larger numbers of students, the full-time faculty numbers grew from seven to fourteen during the decade, assisted by part-time teachers, former deans, professors emeriti, and others.²⁴⁸ The size of the Law Library and the staff grew accordingly. The law school began a Placement Service to assist its students with finding legal positions.²⁴⁹

The consequence of these developments was greatly increased pressure on the limited space available to the school in the 41 East Pearson Street building—an unfortunate legacy for the next dean.

VII. TURMOIL AND PROGRESS: THE 1970S TO THE EARLY 1980S

In 1970, Professor Charles R. Purcell, an alumnus who had served as assistant dean under Dean Hayes and later as associate dean at the University of Missouri-Kansas City law school, was chosen as dean of the law school when Lamey stepped down.²⁵⁰ He inherited a school that was poised on the edge of significant growth and development, with all the problems associated with those rapid changes.

In the first half of the 1970s, Purcell added a number of new full-time faculty, while at the same time broadening its composition.²⁵¹ While graduates of Loyola were still welcomed to the faculty, he also began to search for faculty nationally, traveling around the country to recruit prospective teachers.

247. *Id.* at 9.

248. *Announcements—1961–1962*, LOY. U. CHI., SCH. L. CATALOG 1960–1961, at 8 (listing seven “resident professors,” one of whom was a visiting professor); *see also* LOY. U. CHI., SCH. L. BULL. 1970–1972, at 7 (listing fourteen full-time faculty members).

249. In November 1938, Fitzgerald had written to Wilson about establishing a placement bureau, suggesting that Professor Rooney, who “ha[d] for some time been operating a placement bureau on an informal and limited basis,” receive a lighter teaching load to undertake a more formal project. Wilson agreed, provided that no new teacher (“man”) be hired full-time or part-time as a result. Letter from John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law, to Samuel K. Wilson, S.J., President, Loyola Univ. Chi. (Nov. 17, 1938) (on file with the author); Letter from Samuel K. Wilson, S.J., President, Loyola Univ., to John C. Fitzgerald, Dean, Loyola Univ. Chi. Sch. of Law (Nov. 19, 1938) (on file with the author).

250. DIAMOND JUBILEE, *supra* note 28, at 9.

251. The 1971–1973 Bulletin listed fourteen full-time faculty members, excluding professors emeriti and adjuncts. *The Faculty*, LOY. U. CHI., SCH. L. BULL. 1971–1973, at 6. By the Bulletin of 1976–1978, the full-time faculty had risen to twenty-three. *Law School Administration*, LOY. U. CHI., SCH. L. BULL. 1976–1978, at 8–9.

He also returned women to the faculty, after their brief appearance in prior decades. Jean Appleman joined the faculty and taught subjects such as Insurance Law for several years.²⁵² In 1973, Purcell hired Nina S. Appel to teach Torts, Evidence, and Administrative Law;²⁵³ she was later to become the first woman dean of the institution.

Student enrollment continued to increase significantly through the early 1970s. The entering class in 1969 was more than double that of the prior year, and that trend accelerated in the early years of the next decade.²⁵⁴ For the first time, the entering class was divided into two sections for its classes.²⁵⁵

One of the most remarkable phenomena of the early 1970s was the large influx of women into law school. Loyola's law school had accepted women as law students from the early 1920s, and women enrolled in significant numbers for the next decade or so. When the law school was reborn after World War II, there were few women in the immediate postwar classes as the school struggled to satisfy the pent-up demand from men returning from years of military service and aided by the G.I. Bill. Even then women were not excluded or completely absent.

As women began to demand and assume new roles in society in the late 1960s, the enrollment of women in law schools began to increase.²⁵⁶ Loyola experienced this trend in the early 1970s. With the class that began in the fall of 1971, the number of students sharply escalated,²⁵⁷ and the percentage of women among them also increased significantly. That trend has continued to the present time, with women constituting a majority of the entering class from 1986 through 2008.

252. *The Faculty*, LOY. U. CHI., SCH. L. BULL. 1971–1973, at 6.

253. Appel first appeared in the law school catalog several years later because of the infrequency of revised catalogs. *Full-time Faculty*, LOY. U. CHI., SCH. L. BULL. 1976–1978, at 8.

254. For example, Dean Lamey reported in the fall of 1969 that the law school opened “with the largest enrollment in its history . . . [T]he total number of students registered exceeds 400.” William L. Lamey, *Dean's Report*, 2 WHAT'S HAPPENING AT LOYOLA UNIVERSITY SCHOOL OF LAW, Fall 1969, at 1. Two years later, Dean Purcell reported as follows: “The very high level of demand for legal education continued during the past year. . . . Some 600 students enrolled . . . during the second week of September.” Charles R. Purcell, *Dean's Report*, 4 WHAT'S HAPPENING AT LOYOLA UNIVERSITY SCHOOL OF LAW, Fall 1971, at 1.

255. DIAMOND JUBILEE, *supra* note 28, at 9.

256. According to ABA statistics, the percentage of women entering first-year classes nationwide increased from 7.2% in 1969–1970 to 12% in 1971–1972; at the same time, the number of students in those same entering classes increased from 29,128 to 36,171. *Enrollment and Degrees Awarded 1963–2008*, <http://www.abanet.org/legaled/statistics/charts/stats%20-%201.pdf> (last visited Mar. 10, 2010).

257. *Enrollment Up: Law School Acquires Additional Space*, LOY. U. CHI., SCH. L. BULL. 1971–1973.

By 1970, tuition had risen to \$1,500 a year for the day division and \$1,100 for the evening division.²⁵⁸

A. *Outgrowing the Facilities*

As a result of the surging enrollment, the building at 41 East Pearson Street became increasingly inadequate. The law school had gradually increased its presence in that building, as the University attempted to accommodate law school needs by moving the offices and classes of other University units to different quarters on the campus, but those modest efforts did little to address the fundamental problems.

The Law Library expanded on the third floor and then also to the basement of the building, since the upper floors had not been constructed to bear the weight of too many additional books. The weight concern and the limited space resulted in a slow growth of the collection and had a negative impact on its use. The one elevator in the building was slow and inadequate. Students and faculty spent much time walking downstairs to the basement to do research and study, returning frequently to classrooms and offices on upper floors.

By 1973 student protests about the inadequate facilities in 41 East Pearson Street became more vigorous. The University appeared to be unresponsive to the increasingly vocal protests of the students and the private entreaties of the law school administration. The 1973–1974 school year was marked by public protests as well as public and private meetings with the dean.²⁵⁹

One of the most dramatic incidents in the law school's first century took place in the spring of 1974. Near the end of the school year, five students, acting on behalf of the student body, drew up a complaint charging the University with breach of contract, violation of the Universities Act (prohibiting colleges and universities from advertising facilities not actually available), consumer fraud, and unjust enrichment. What triggered headlines was the students' retaining of Philip H. Corboy, an alumnus and one of the leading trial lawyers in the city. Corboy agreed to handle the case on behalf of the students.²⁶⁰

258. *Tuition and Fees—1970–1971*, LOY. U. CHI., SCH. L. BULL. 1970–1972, at 19.

259. Purcell had begun his pleas to the university administration about the school's inadequate facilities almost as soon as he became dean. He spoke of "tolerating conditions which have an adverse impact on the ability of our faculty to teach and of our students to learn." Memorandum from Charles R. Purcell, Dean, Loyola University Chicago School of Law, to Richard A. Matre, Vice President and Dean of Faculties, Loyola University Chicago (Nov. 6, 1970) (on file with author).

260. Cindy Vukits, *Law Students Hire Attorney; May File Suit Against Loyola*, V LOYOLA PHOENIX, May 1, 1974, at 1. Cullerton, currently the President of the Illinois State Senate, later

At the end of April, Loyola President Raymond C. Baumhart, S.J., issued a statement about the future of the law school. Purcell also signed the statement. Baumhart stated: "The time for small plans and annual reviews is over. Loyola must make a thorough review of the situation and follow that with a comprehensive commitment for the future."²⁶¹ Baumhart explained, however, that alternatives were few and mostly expensive; he said, "The construction of a new building in the vicinity of the present one, whether as a library or an entirely new Law School, would require resources that at present cannot be foreseen."²⁶² He indicated that the University's Board of Trustees would consider the matter at its June 15 meeting.

The students and Corboy decided not to file the suit until that meeting. Neither the president's statement nor the potential plaintiffs' decision to withhold legal action temporarily was sufficient to satisfy many law students, however. About thirty law students picketed the offices of the president in Lewis Towers, later moving the protest to the law school building. The image of student pickets caught the attention of the local press.²⁶³

Subsequent to the trustees' meeting, Baumhart appointed a Committee for the Future of the Law School later in 1974, which began to meet the following year. Professors Appel, Michael, and Lawrence Kalevitch represented the law faculty's interests on this committee, which also included a number of law school alumni as well as a law student. The committee was charged with studying and reporting on the current and projected state of legal education in the United States and therefore on the need for new facilities for the law school.²⁶⁴

Some in the law school community perceived the committee as an opportunity for the University to defer any significant change in law school facilities. The members of the committee, however, took their task most seriously. Chaired by John F. Langdon, the University vice president for administration, the committee members worked for several years. They examined the future of legal education in the United States, the availability of competing law schools, the optimum enrollment for Loyola's law school, and the physical facilities that would be needed for

recalled and described the entire episode; *see also* SKERRETT, note 11, at 227 (*How Loyola Got a New Law School Building*).

261. *Baumhart Responds to Law School Charges*, V LOYOLA PHOENIX, May 1, 1974, at 2.

262. *Id.*

263. Mark Dembski, *Law Students Picket President's Office; Baumhart 'Merely Smiled'*, V LOYOLA PHOENIX, May 1, 1974, at 3.

264. FINAL REPORT OF THE COMMITTEE FOR THE FUTURE OF THE LAW SCHOOL 1 (1975–1976) [hereinafter FINAL REPORT].

the size and type of law school envisioned.

In the meantime, the law school continued to struggle with the 41 East Pearson Street building, which by then was given exclusively for law school use and was remodeled for its needs. The University also constructed larger and better-configured classrooms for the law school in Marquette Center, an adjoining University building. Students and faculty were able to access that building for the new classrooms through a newly constructed lower-level passage from 41 East Pearson Street.²⁶⁵

B. Development of the Curriculum

Throughout this turmoil, Purcell deftly administered the growth of law school courses and programs. A number of new courses were added to the curriculum, reflecting the increasing specialization occurring in legal practice.

Among the new offerings was the Trial Practice Program. Loyola had incorporated advocacy training into its curriculum from the very beginning of the law school, with the Practice Court program in the early years, the Brandeis Law Club Competition in the 1930s, and the Litigation Clinic in the 1950s. The modern Trial Practice Program took shape in the 1970s when Professor Leroy J. Tornquist adopted the techniques pioneered by the National Institute for Trial Advocacy (NITA) into the education of law students.²⁶⁶ This groundbreaking effort was later continued and developed by Professor James P. Carey, who remains today as the director of trial practice. He assembled a team of dedicated and highly skilled adjunct teachers from among the best litigators in the city. Those efforts were recognized in 1982 when the American College of Trial Lawyers awarded Loyola the prestigious Emil Gumpert Award for an outstanding program in trial advocacy.²⁶⁷ Today a large number of law schools have followed Loyola's lead in using the NITA methodology for teaching legal skills to their law students.

265. Charles W. Murdock, *Dean's Report*, 8 LOYOLA UNIVERSITY OF CHICAGO SCHOOL OF LAW, LAW NEWS, 1975, at 1, 3.

266. NITA began producing materials for use in law schools in 1971. NITA Taking Students from the Classroom to the Courtroom and Beyond, <http://www.nita.org/page.asp?id=32&name=From%20the%20Classroom%20to%20the%20Courtroom> (last visited Mar. 10, 2010). Tornquist is first named in the 1971–1973 law school catalog, but the description of the Trial Practice course remained unchanged from prior editions. LOY. U. CHI., SCH. L. CATALOG 1971–1973. By the next catalog in 1976–1978, the course description had been enhanced to describe two NITA-like courses, one basic and one advanced; there is also a long list of adjunct faculty members for Trial Practice as well as other clinical programs. LOY. U. CHI., SCH. L. BULL. 1976–1978, at 10, 62–63.

267. *Trial Practice*, LOY. U. CHI., SCH. L. BULL. 1984–1985, at 53.

During this time, seniors became able to earn academic credit and gain practical experience by externing in public agency offices, under supervision, pursuant to Illinois Supreme Court Rule 711.²⁶⁸ Loyola was said to be the first law school in Chicago to offer students this opportunity.

C. Dean Murdock Takes the Reins

In 1975, Purcell stepped down from the deanship to resume full-time teaching and was replaced by Charles W. “Bud” Murdock, who was then on the law school faculty at Notre Dame. Before too long, he asked Professor Appel to be his associate dean.

Under Murdock, the law faculty grew appreciably, and with even greater diversity. In 1976 the law school hired its first African American teacher when Norman C. Amaker joined the full-time faculty.²⁶⁹ Amaker taught until his untimely death in January 2000, primarily courses in Civil Rights, Civil Procedure, Federal Jurisdiction, and Constitutional Law.

In 1981 Murdock hired George Anastaplo, the prominent constitutional scholar and philosopher who had been denied admission to the Illinois bar because of his refusal to answer questions about his political affiliations, and who had argued his own case before the U.S. Supreme Court.²⁷⁰

Murdock also recruited a significant number of women to the faculty, most of whom would remain at Loyola for successive decades.

Another of Murdock’s most significant appointments was the

268. The Illinois Supreme Court adopted Rule 711 in May 1969. Michael L. Closen, *Temporary Licensing of Senior Law Students: A Survey of the Effectiveness of Supreme Court Rule 711*, 66 ILL. B.J. 662 (1978).

269. Having earned his B.A. degree cum laude in 1956 from Amherst and his J.D. degree in 1959 at Columbia, Amaker was hired by Thurgood Marshall (later to be Justice of the U.S. Supreme Court) to work for the National Association for the Advancement of Colored People (NAACP) Legal Defense & Educational Fund. He spent a decade there, serving both as staff attorney and as first assistant counsel. During the civil rights movement in the 1960s, Amaker was a lawyer for the plaintiffs in numerous civil rights cases challenging racial discrimination in public schools, public accommodations, jury selection, voting, capital punishment, and employment. He represented thousands of protest demonstrators across the South, including the late Dr. Martin Luther King Jr. in Birmingham and Selma, Alabama, and he argued scores of cases before federal and state trial and appellate courts, including the U.S. Supreme Court. Much of this information is taken from 7th Annual Norman Amaker Public Interest Law and Social Justice Retreat, *Who Is Norman Amaker?*, <http://indylaw.indiana.edu/clinics/amaker/whois.htm> (last visited Mar. 6, 2010). As a footnote to history, Professor Amaker served as the brave courier who brought out to the world Dr. King’s famous essay on law and justice, “Letter from a Birmingham Jail.”

270. *In re George Anastaplo*, 366 U.S. 82 (1961).

selection of Francis R. "Bob" Doyle as the law librarian. Under Professor Doyle, the Law Library grew in its collection, its staff, and its services for the students.

During Murdock's deanship, the curriculum continued to develop dramatically, adding a remarkable range of new courses and seminars. For the first time, courses such as Law and Medicine and Juvenile Law appeared; those particular courses presaged the later expansion of those areas of law into complete curricula and distinct programs.

Murdock supported the experiment of a summer program at the University's campus in Rome, Italy, which was destined to become a permanent and significant part of the curriculum. By the late 1970s, a few law schools, recognizing the importance of lawyers being able to handle the increasingly multinational interests of their clients, had begun offering summer programs of legal study abroad to expose their students to other legal systems.²⁷¹

Loyola had opened a campus in Rome in 1962 and had used it for more than two decades to educate United States undergraduates during the regular school year.²⁷² Professors Thomas M. Haney and Anne-Marie Rhodes secured approval to offer a program of law courses at the Rome campus in June of 1983. A small group of twenty-two students and four faculty members ventured to Rome in June. The students included eight from Loyola and the rest from other law schools across the United States and Canada. That initial program proved to be highly successful.²⁷³ More than 1,200 students have participated in the Rome program over the past twenty-six years, and the program continues today.

D. The First Legal Clinic and the Street Law Program

The clinical legal education movement begun in the 1960s encouraged law schools to establish legal clinics, both to enable students to acquire lawyering skills under the supervision of clinical faculty and to provide legal services for the poor.²⁷⁴ At Loyola, Professor Diane Geraghty urged the law school to consider establishing such a clinic and actively sought funding to bring this about. Murdock supported this effort, and in 1980 the U.S. Department of Education

271. Denise Jablonski, *Over There! Over There! Summer Law Programs Abroad*, 7 STUDENT LAW. 38 (Feb. 1979).

272. *Roman Roamin'*, LOYOLA, Winter 2009, at 75.

273. *Loyola in Rome*, 1 LOY. LAW No. 2, Apr. 1984, at 5.

274. Henry Rose, *Clinical Education at Loyola University Chicago School of Law: A Tradition in the Making*, PUB. INT. L. REP., Winter 2003, at 18.

provided the initial funding for the law school to open a clinic. In January 1981 the Loyola University Community Law Center (LUCLC) opened its doors in a storefront near Loyola's Lake Shore Campus on the north side of the city.

By 1982, the University agreed to fund the clinic. Professor Henry Rose was hired as a full-time member of the faculty to direct LUCLC. The clinic relocated to space even closer to the Lake Shore Campus. In 1984, LUCLC relocated to the fifth floor of the Catholic Charities building on the near north side of Chicago, a location more convenient for law students because of its relative proximity to the law school but also more accessible to potential clients.²⁷⁵ Additional clinical faculty members were hired from time to time to serve the clients as well as the growing numbers of law students who wanted to participate.

One of the most innovative programs begun in this period was the law school's participation in the Street Law program. Under the leadership of Professor Cynthia A. Kelly, Loyola became one of the few law schools in the country to engage law students in teaching law to high school students.²⁷⁶ With the cooperation of volunteer teachers in public and private high schools, Loyola law students organize and teach weekly classes that focus on U.S. constitutional structures, individual rights, and legal processes. The law students participate in a seminar at the law school where they discuss both issues of substantive law and teaching methodologies. The purpose of the program is not only to provide a perspective on the legal system for high school students at a time in their lives when they are becoming part of the civic community; it is also to challenge law students in their legal education by testing whether they have a sufficient understanding of the legal system and whether they can communicate their knowledge to an audience of eager young people.

During the Murdock years, tuition rose from \$2,380 (full-time) and \$1,785 (part-time) in 1976–1977²⁷⁷ to \$5,600 and \$4,200, respectively, in 1983²⁷⁸ as the country dealt with double-digit inflation and oil shortages.

275. Mike Wasserman, *Legal Clinic Relocates*, BLACKACRE (Loy. U. Chi. Sch. of Law, Chi., Ill.) Apr. 30, 1984, at 1.

276. Street Law was first described in the law school catalog in 1978. LOY. U. CHI., SCH. L. BULL. 1978–1980, at 47.

277. *Tuition, Fees and Financial Procedures*, LOY. U. CHI., SCH. L. BULL. 1976–1978, at 24.

278. *Tuition, Fees, and Financial Procedures*, LOY. U. CHI., SCH. L. BULL. 1983–1984, at 14.

E. Law School Gets its Own Building

The Committee for the Future of the Law School produced its final report in 1977.²⁷⁹ Having carefully scrutinized many options, the committee unanimously recommended that the University construct a new building for the law school. This “would result in a self-contained law school which could be designed from its origin to meet the needs of the law school for the indefinite future. . . .”²⁸⁰

After some reluctance, the University’s Board of Trustees accepted the committee’s recommendation. The University acquired land at the southeast corner of State and Pearson streets, a block west of the 41 East Pearson building, then a rather marginal neighborhood. The prominent architectural firm of Graham, Anderson, Probst & White was hired to design the new building.²⁸¹ Ground was broken in June 1978,²⁸² and the structure was topped out in December of that year. Construction continued through 1979.

Foster McGaw, founder of the American Hospital Supply Corporation, gave \$1 million anonymously to the funding campaign for the building, which cost about \$5 million. In return, McGaw asked that the new building be named for James F. Maguire, S.J., who had been president of the University from 1955 to 1970 and who remained its chancellor.²⁸³

Maguire Hall was sufficiently completed by the end of 1979. Over the Christmas break, the 80,000 volumes of the Law Library were moved into the new structure. The first classes were held there in January 1980,²⁸⁴ and the administration and faculty moved in during February. The final phases of construction continued for a while thereafter. The building was formally dedicated in May 1980.²⁸⁵

For the first time in its history, the law school was the sole occupant of a structure that had been planned and constructed for the specific

279. FINAL REPORT, *supra* note 264, at 1.

280. *Id.* at 23.

281. *New Law School Building to Be Built at Lewis Towers*, LOYOLA WORLD, Feb. 1978, at 1.

282. *Ground is Broken! Construction to Start!*, 10 LOYOLA UNIVERSITY OF CHICAGO SCHOOL OF LAW, LAW NEWS, 1978, at 1.

283. McGaw’s donation remained anonymous at least through the construction of the building. *Maguire Hall Dedicated During Ceremony on May 27*, LOYOLA WORLD, Sept. 1980, at 1. His identity was well-known within the law school community, however, and thus a few years later he could be referred to as “a somewhat anonymous donor.” DIAMOND JUBILEE, *supra* note 28, at 11; *see also* Lane, *supra* note 92, at 7 (mentioning McGaw by name).

284. Steve Walter, *Law School Building Opens for Classes*, 11 THE LOYOLA PHOENIX, Feb. 8, 1980, at 1.

285. *Maguire Hall Dedicated During Ceremony on May 27*, *supra* note 283.

needs of its educational mission and which housed all of its operations—classrooms, offices, Law Library, student study areas, and the like, with the sole exception of its legal clinic. The 60,000 square feet was more than double the space available in the previous law school building. The courtroom, with its state-of-the-art facilities and equipment, was named the Robert J. Corboy Courtroom, thanks to the generosity of alumnus Philip H. Corboy.

The completion of the building was greeted enthusiastically by the law school community. It also invoked some remarkable hyperbole:

Impossible dreams fulfilled! A cliché to be sure, but also an enduring theme of inspiration to all but the most cynical. The story of the Loyola School of Law is of this genre. Its plot is familiar: born to an environment long on spiritual values, but short on material goods, beset by crisis upon crisis, the ambitious school perseveres and, in the end, it triumphs over all adversity.²⁸⁶

Despite the euphoria that greeted the new building, it was generally recognized that budget constraints had resulted in a building that would be sufficient for the law school for only a limited time. Murdock made clear to the University his intention to maintain the total number of students at about 600, down from the recent 650–700, rather than raising enrollment to help finance the new building.²⁸⁷

F. Student Activities Blossom

Opportunities for students to acquire training in professional skills had been a hallmark of the law school from its start and had continued, in various forms, throughout the school's history. The first-year legal writing experience was explicitly divided into two semesters focusing on different skills—legal research in the fall and appellate moot court in the spring.²⁸⁸ The current format of the intraschool competition, the Appellate Advocacy Competition, began in the 1976–1977 school year. As proof of the newly expanded role of women in the school, the winners of the competition that year were two women.

Throughout the 1970s, new interschool competitions appeared regularly, and Loyola chose to participate in many, including those that tested professional skills other than the traditional appellate advocacy.

286. DIAMOND JUBILEE, *supra* note 28, at 1.

287. Even the Committee for the Future of the Law School had recognized the need to keep the school “relatively small in size but hopefully excellent in quality Therefore the Committee recommends the law school remain at or about its present size.” FINAL REPORT, *supra* note 264, at 12.

288. The first mention of a two-semester legal writing course was in LOY. U. CHI., SCH. L. BULL. 1968–1970, at 36.

The ABA sponsored a national Client Counseling Competition; Loyola began to participate in this in 1973–1974. A National Mock Trial Competition began in 1975–1976, and Loyola competed in this from the start.²⁸⁹ All of these competitions provided Loyola students with the incentive and the opportunity to develop skills that they would need in the practice of law; allowed them to engage with students from other law schools in a professional activity; and afforded them the opportunity to travel to other parts of the country, thus exposing them to a broader perspective on the legal profession.

In 1971, *Blackacre*, the student newspaper that had appeared briefly in the late 1960s, was revived. Within a few years, it had become the established vehicle for student opinion. *Blackacre* succeeded in lasting more than thirty years. It was not revived after the 2000–2001 school year; by that time, news and commentary could be dispersed through new technologies.²⁹⁰

While the Student Bar Association continued to be the primary student organization, overseeing most student activities, a number of other organizations began to flourish in the 1970s, as student enrollment increased and student interests expanded. Some of these groups were sponsored by or affiliated with national groups of either lawyers or law students; others began informally as students came together in areas of their interest.

One of the first organizations to appear in the early 1970s was the Black American Law Students Association (BALSA), later the Black Law Students Association (BLSA), which had been founded at New York University in 1968. Loyola's chapter was established in 1971–1972.²⁹¹

About that same time, women law students began to meet informally and within a few years had become the Committee on Women's Issues.²⁹² The group remained active for over a decade, until it was replaced in the mid-1980s by the Women's Law Center. This later became the Women's Law Association, the name currently used.

289. “[S]tudents . . . have participated in the new Mock Trial competition. For the past two years, a Loyola team has won the Regional Competition” LOY. U. CHI., SCH. L. BULL. 1978–1980, at 21.

290. In the spring of 2010, as this article was being completed, plans were being announced for the revival of *Blackacre* in an electronic format. *Blackacre Home Page*, <http://blogs.luc.edu/blackacre/2010/03/24/welcome-to-blackacre/>.

291. The organization was not yet in existence when the 1971–1973 Bulletin was published, but it was included in LOY. U. CHI., SCH. L. BULL. 1976–1978, at 19.

292. Like BALSA, this organization too made its first appearance in LOY. U. CHI., SCH. L. BULL. 1976–1978, at 19.

G. Emphasis on Student Services

The dramatic expansion of enrollment during the 1970s compelled the law school to professionalize its administrative functions further.

The law school faculty traditionally took an active role in admitting new law students in order to assure that the school was enrolling students who would be able to complete the academic program successfully and be competent and ethical professionals. In the 1920s and 1930s, the faculty had served as a committee of the whole for this function, devoting its faculty meetings to reviewing applications for admission. By the 1970s or earlier, this faculty role was entrusted to a committee, with the process supervised by an administrator.²⁹³ By the end of Murdock's deanship, the growing surge in applications made this arrangement increasingly untenable.

By 1976, the law school had a full-time director of placement. Over time, the name of this function would change to "career services" rather than "placement," to emphasize that, while the law school would provide assistance, information, and guidance, the primary responsibility for students' careers was their own. Today the Office of Career Services remains a vital resource for students.

H. End of an Era

Confirmation of the law school's efforts to provide the best possible legal education for its well-qualified students was contained in a book, *The Making of a Public Profession*,²⁹⁴ published in 1981, which evaluated legal education based on an extensive study. The authors, Frances Zemans and Victor Rosenblum, found that Loyola law students were quite distinctive from those at other law schools. They wrote:

The average Loyola graduate is significantly more likely to report instilling respect for the judicial process as a goal of the law school attended than are graduates of any other school. In addition, on two other goals, preparation for the bar examination and providing the theoretical basis of the law, Loyola graduates stand alone: they are significantly different from both the other "local" law schools and from all others. We think that Loyola holds a unique place among Chicago's "local" law schools and that this is reflected in the responses of its graduates Loyola graduates are more likely to have selected Loyola for reasons of prestige than graduates of other

293. LOY. U. CHI., SCH. L. BULL. 1970-1972, at 7 (listing the Secretary to the Dean, Eugenia Kribales, as also being the Director of Admissions); LOY. U. CHI., SCH. L. BULL. 1976-1978, at 8 (listing Mary Boland as "Director of Admissions and Records").

294. FRANCES KAHN ZEMANS & VICTOR G. ROSENBLUM, *THE MAKING OF A PUBLIC PROFESSION* (1981).

non-national law schools in Chicago. Whether those who select Loyola differ from those who select other local law schools, or Loyola offers a different program, or a combination of both, Loyola is a special case.²⁹⁵

I. Loyolans Play Key Roles in Operation Greylord

Loyola has always emphasized to its students the importance of public service and the public interest. These goals of its educational mission were successfully illustrated in the Operation Greylord investigation in the early 1980s, in which several graduates of the law school played key roles. Under Thomas P. Sullivan, who at that time was the U.S. Attorney for the Northern District of Illinois, the FBI began a probe of allegations of widespread corruption in the Circuit Court of Cook County. Fortuitously, Terrence J. Hake, at that time a young lawyer, came forward because of his perception of corruption in the system. He offered to cooperate undercover with the investigation, at personal expense to his professional reputation. When Sullivan stepped down as the U.S. Attorney in 1981, he was replaced by another Loyola graduate, Dan K. Webb, who vigorously proceeded with the matter. The probe was revealed by a local newspaper before the investigation was complete, but enough evidence had been gathered to result in the indictment of seventeen judges, fifty lawyers, and a dozen other officials.²⁹⁶ Hake was awarded the law school's St. Robert Bellarmine Award in 1987 for his courageous efforts.

VIII. THE APPEL YEARS: 1983 TO 2004

In 1983, Associate Dean Nina S. Appel was named dean by Father Baumhart, the president of the University.²⁹⁷ She became the first woman dean in the law school's history and provided dynamic leadership for the law school for the ensuing two decades. During her term, she oversaw development in the faculty, the establishment of specialized centers and institutes, significant curriculum expansion, a renewed vibrancy in student life, enhancement of student services, and a deepened commitment to professionalism.

Throughout her deanship, Appel ensured that the law school

295. *Id.* at 59.

296. Maurice Possley, *Operation Greylord: A Federal Probe of Court Corruption Sets the Standard for Future Investigations*, CHI. TRIB., Aug. 5, 1983, available at <http://www.chicagotribune.com/news/politics/chi-chicagodays-greylord-story,0,4025843.story>.

297. Jeanette Watson, *New Dean, In Case You Didn't Know*, BLACKACRE (Loy. U. Chi. Sch. of Law, Chi., Ill.), Sept. 12, 1983, at 1; *Meeting Challenge is Dean's Routine*, 1 LOY. LAW No. 1, June 1984, at 1.

remained true to its traditional strengths—concern for the individual student, a legal education available to as many qualified applicants as possible, the primacy of professionalism, and personal integrity—while at the same time propelling Loyola into a secure position in the national legal education community.

Appel made Loyola's law school a significant part of the national legal education process. At the time of her appointment as dean, she was one of the few women deans in the country, and her more than twenty years in that position secured her a role as one of the longest-serving deans. She served as the chair of the ABA Section of Legal Education and Admissions to the Bar—the national accrediting body of law schools and the coordinator of American legal education—in its centennial year 1992–1993; she was only the second woman to hold that singular position.²⁹⁸

A. A Changing Faculty

During Appel's term, the number of full-time faculty increased moderately in keeping with university exigencies. The process of identifying potential teachers was further professionalized, with nationwide searches becoming the norm. As the curriculum deepened into emerging areas of law, the number of part-time teachers increased accordingly. Continuing Loyola's tradition of integrating the part-time faculty into the life of the law school became an established practice during this time.

Legal writing and research had long been an essential part of the first-year curriculum, but it was difficult to teach skills-oriented courses to large groups of students. As enrollments soared in the 1970s, it had become necessary to turn increasingly to part-time faculty who could teach smaller sections. One of Appel's first acts as dean was to hire a full-time director of writing programs to oversee and coordinate the various sections of the writing and research course so that all students would have a comparable educational experience.

In addition to the regular part-time faculty (judges and practicing lawyers) who teach a specialized class each semester, Appel was able to recruit several experienced lawyers who left practice to teach full-time without becoming part of the normal tenure process.

Throughout this period, not only did the faculty grow in numbers; it began to reformulate its roles. Loyola's faculty has, from the beginning of the school, focused its efforts on classroom teaching. This emphasis

298. BOYD, *supra* note 22, at 137–38 (“Chairpersons of the Section of Legal Education and Admissions to the Bar 1878–1993”).

on educating individual students, consistent with the Jesuit philosophy of concern for the individual, has produced the close student-faculty relationships that continue to characterize the school today and are responsible for much of the loyalty that the alumni demonstrate for the school. The faculty has always published in academic and professional journals, and has traditionally contributed to the bar and society by professional activities. During Appel's tenure, the faculty began to balance more evenly its commitment to the three areas of teaching, scholarship, and service, as the law school endeavored to be more recognized on the national scene.

B. Centers and Specialized Programs Expand

One of the most significant and enduring characteristics of Appel's deanship was the creation of institutes and centers to focus resources and attention on developing areas of law. Through her personal initiative and leadership, she pioneered the programs in health law and child-related law that brought Loyola into the national spotlight.

The law school's involvement in health law goes back at least to the 1930s with a course in Medical Jurisprudence. As soon as she became dean, Appel drew upon her background as a Torts teacher to address two concerns: the urgent need for the legal and medical professions to communicate better and for each to understand the unique perspective of the other, and the structural transformation that the U.S. health care system was beginning to undergo as escalating costs necessitated a rethinking of the entire provision of American health care. In 1984, she created the Center for Health Care Law.²⁹⁹ Two years later, Professor John D. Blum was hired as its director. Under his supervision, the center was renamed the Institute for Health Law.³⁰⁰

The Institute has undertaken to identify current issues in health care delivery that intersect with the law, consistently focusing on the corporate and regulatory aspects of health law. The expansion of the field in recent years has led the institute into health policy issues involving access to health care. Starting with one course in health law, offerings grew quickly and now include a sequenced curriculum that extends over the J.D. program as well as masters and doctoral programs, supplemented with lectures, symposia, and conferences. A health law clinic was being added to its programs in 2010. The full-time faculty

299. *Health Care Law Center Announced*, BLACKACRE (Loy. U. Chi. Sch. of Law, Chi., Ill.), Feb. 6, 1984, at 1. The Center was described in the law school's catalog. *Center for Health Care Law*, LOY. U. CHI., SCH. L. BULL. 1984-1985, at 10.

300. *Center for Health Law*, LOY. U. CHI., SCH. L. BULL. 1987-1988, at 10.

has been assisted by leading health law practitioners as adjunct teachers, as well as by visiting professors from the U.S. and abroad.

Professor Lawrence E. Singer was hired in 1992 for his expertise in private practice in health law. He established the Center for Health Care and Sponsorship in 1994 to provide a structure for the exploration of the legal issues involving health care institutions and their sponsorship by religious organizations.³⁰¹ Since 2003, Singer has been the director of the institute, recently renamed the Beazley Institute for Health Law and Policy as a result of the generosity of alumnus Bernard J. Beazley.³⁰² Loyola's program in health law remains consistently ranked among the top ten such programs in the country, despite increased competition as many other law schools establish programs in this important area of law.

C. A Leading Voice for Children and the Law

Although Loyola offered a course on Juvenile Law as early as the 1970s,³⁰³ it was Professor Geraghty who developed the area during the next decade. When alumnus Jeffrey D. Jacobs offered to partner with Appel to establish a program that would directly benefit children, Geraghty provided the vision of using legal education to improve the quality of representation for children and strengthen the institutions that serve them. Their collaboration led to the creation of the Civitas ChildLaw Center in 1993.³⁰⁴ Geraghty became the center's director, a position she continues to hold.

Loyola pioneered a model three-year sequenced curriculum that offers students an opportunity to develop the substantive knowledge, skills, and professional values essential to the effective representation of child clients. Loyola's childlaw curriculum is the most extensive of those available at any law school, and it is supported by one of the most extensive library collections available to legal scholars. The program has incorporated a multidisciplinary perspective, bringing together a variety of professionals who impact children's welfare. Since 1993, hundreds of Loyola's graduates have received specialized training in

301. *Sisterhood of Leadership*, LOY. LAW, Fall/Winter 1998, at 4. A description of the Center is available at Loyola University Chicago, Beazley Institute for Health Law and Policy: About the Center, http://luc.edu/healthlaw/continuing_education/catholic2/current/about.html (last visited Mar. 6, 2010).

302. Press Release, Loyola University Chicago, \$5 Million Gift to School of Law's Institute for Health Law (Jan. 31, 2006) (on file with author).

303. The course was taught by Professor Thomas A. Lockyear. LOY. U. CHI., SCH. L. BULL. 1976-1978, at 57.

304. Monica M. Walk, *Collaborating for Kids' Sake*, 8 LOY. LAW NO. 2, Spring 1994, at 2.

childlaw. More than 100 of those graduates, ChildLaw Fellows, have committed themselves to legal careers dedicated to advancing the well-being of children and families.

D. Other Specialized Programs

In the 1990s, the law school received undistributed funds from the settlement of a class action antitrust case that enabled it to establish the Institute for Consumer Antitrust Studies.³⁰⁵ The institute's mission, as its name implies, was to be not merely a think-tank on antitrust issues, but an academic institution with consumer interests as its primary focus. Professor Spencer Weber Waller was hired in 2000 to be the director of the institute. Under his leadership, the institute has established itself as an independent, nonpartisan academic center that plays a key role in shaping national and international policy issues.

With the law school receiving national prominence for its specialized programs in health law and child law, Appel undertook to balance these initiatives with renewed emphasis on a major aspect of the law school's core curriculum: business and tax law. This focus led to the establishment of the Business Law Center, the creation of advanced degree programs in these areas, and the enhancement of the J.D. curriculum. The center, currently known as the Center for Business and Corporate Governance Law, has undertaken an active program, including cooperative ventures with Loyola's Graduate School of Business.

Concurrent with the creation of these various institutes and centers came a renewed recognition of the central importance to the law school of its Trial Practice Program. In recognition of the role of alternative forms of dispute resolution (ADR) now commonly available, the Center for Advocacy was created to provide a common home and coordinated treatment for the law school's many activities in all aspects of advocacy—trial, appellate, and ADR.³⁰⁶ In 2002, Loyola established the Circle of Advocates to bring together attorneys from the city, primarily Loyola law graduates, who serve as mentors for law students in the advocacy program, host lectures, and establish scholarships for students planning careers in advocacy.

The Trial Practice Program was significantly enhanced in 1996 when

305. *Case Settlement Creates Institute for Consumer Antitrust Studies at Loyola*, 8 LOY. LAW No. 1, Fall 1993, at 13.

306. In February 2010, as this article was being completed, the law school announced that the center was being renamed the Dan K. Webb Center for Advocacy in recognition of an alumnus distinguished in trial advocacy. *Loyola Center to Be Named After Webb*, CHI. DAILY L. BULL., Feb. 5, 2010, at 3.

the Philip H. Corboy Fellowship Program was established. The program selects ten outstanding students every year and provides them with an intensive program of advocacy skills training and participation in interschool mock trial competitions.

E. Graduate Degree Programs are Reborn

Although the early graduate program was not revived when the school reopened following World War II, Appel resurrected the idea in the 1980s in connection with the centers and institutes. As a result, LL.M. programs were established in health law, child and family law, tax law, and business law.³⁰⁷ Later, the Institute for Health Law created a new doctoral program for lawyers with its Doctor of Juridical Science (S.J.D.) in health law and policy.³⁰⁸

It soon became clear that the specialized study offered by the centers and institutes was attractive not only to lawyers but also to non-lawyers who dealt with legal issues and interacted with lawyers in their own professions. Most of these individuals did not want to pursue a law degree; they wanted to gain in-depth knowledge of legal areas that intersected with their own work. In response to this perceived need, Appel took the initiative to create a new degree, the Master of Jurisprudence (M.J.), for non-lawyers.³⁰⁹ The law school currently offers M.J. programs in health law, child and family law, and business and corporate governance law.³¹⁰ The Institute for Health Law built on its own S.J.D. program for lawyers to create the first doctorate program for nonlawyers, with a Doctor of Law (D.Law) in health law and policy.³¹¹

As a result of all these graduate degree programs, the law school community now includes not only law students, but also lawyers and professionals who do not intend to become lawyers—allowing for a rich dialogue among professional colleagues.

307. Loyola University Chicago School of Law, Master of Laws (LL.M.) Degree Program, <http://luc.edu/law/academics/LLM.html> (last visited Mar. 6, 2010).

308. Loyola University Chicago School of Law, Doctor of Juridical Sciences in Health Law and Policy Program for Attorneys, <http://luc.edu/healthlaw/degrees/sjd/index.html> (last visited Mar. 6, 2010).

309. *Nation's First M.J. Degrees*, LOY. LAW, Fall/Winter 1998, at 3.

310. Loyola University Chicago School of Law, Master of Jurisprudence (M.J.) Degree, <http://luc.edu/law/academics/MJ.html> (last visited Mar. 6, 2010).

311. Loyola University Chicago School of Law, Doctor of Laws in Health Law and Policy for Health Care Professionals, <http://luc.edu/healthlaw/degrees/dlaw/index.html> (last visited Feb. 21, 2010).

F. Hands-on Legal Education

As a result of demand for more particularized experience than the Community Law Center (LUCLC) could provide, additional legal clinics, each with a specific focus, were created throughout this period. The Child and Family Law Clinic was established as an offshoot of the Civitas ChildLaw Center; students in this clinic undertake the direct representation of children in the legal system.³¹² An Elder Law Clinic established during this time³¹³ was being converted into a health law clinic in 2010.

With the assistance of the law school's tax faculty, a Federal Tax Clinic was established in the early 1990s to allow law students to represent clients with tax problems before the Internal Revenue Service and the Federal Tax Court.³¹⁴ Similarly, a Business Law Center Clinic was created to focus on the legal problems of small and/or new business enterprises.³¹⁵

In January 1996, LUCLC moved into the law school in Maguire Hall. For the first time, clinical legal education was physically incorporated into the main law school facility.

G. Lectures

Thanks to a generous donation by a Hong Kong businessman, Wing-Tat Lee, the law school established an endowment for a professorship and was able to inaugurate an annual lecture series in international and comparative law, both named in his honor.³¹⁶ The first Wing-Tat Lee lecturer in the series was Professor Thomas Buergenthal, then a judge on the Inter-American Court of Human Rights, who spoke in 1988.³¹⁷

The law school began a number of annual lecture series around this time in such areas as legal ethics and the judiciary. One series that continues today is the Martin Luther King, Jr. lecture, the first of which was delivered by Professor Amaker in 1986.

H. Law and Literature

The Jesuit philosophy of education centers on educating the whole

312. Rose, *supra* note 274, at 36.

313. *Id.*

314. Christian A. Johnson and Mary Grossman, *The Tax Law Clinic: Loyola Chicago's Decade of Experience*, 50 J. LEGAL EDUC. 376 (2000); Rose, *supra* note 274, at 20.

315. Rose, *supra* note 274, at 36.

316. *Law Gets Its First Endowed Professorship*, 1 LOY. LAW No. 1, Winter 1987, at 4.

317. Jack Crowe, *Buergenthal Launches Tat Lectures*, BLACKACRE (Loy. U. Chi. Sch. of Law, Chi., Ill.), Feb. 29, 1988, at 1.

person. Consistent with that ethic, the law school has periodically endeavored to offer its students a broader perspective. The elective course on Logic, Philosophy, and Sociology in the very early days of the school was one example of this endeavor. A focus on law and literature was exceptionally rare when, in 1955, the school offered a program of “Great Books in Law” for law students.³¹⁸ Discussions initially focused on works of Plato, Aristotle, Aquinas, and Machiavelli, later covering a broader list of readings from Thomas More to Mark Twain.

In the late 1980s, a new version of a Great Books Program was established, primarily for first-year students initially. Students and faculty voluntarily met in small groups to discuss what insights great works of literature might have for lawyers dealing with the human condition.

Through a University grant in 1990, a Law and Literature Lecture, now an annual event, was established. Judge Richard A. Posner of the Seventh Circuit delivered the first such lecture; subsequent speakers included noted authors Mortimer Adler and Garry Wills. In recent years, the lecture has become a performance of scenes from a Shakespeare play, performed by actors from the Writers’ Theatre in Glencoe, Illinois, followed by a discussion of themes related to the law.³¹⁹

I. The Core of Legal Education: The Law Library

The Law Library has been and remains the heart and soul of legal education, even though its function has changed dramatically in contemporary legal education. From being a collection of books available to students and others, the Law Library has evolved into an interactive resource with a trained professional staff able to assist all users in a digital age.

The law school’s 1910 catalog extolled the library facilities available in Chicago as “unsurpassed,” adding that the school “has a library suitable for study and research at the disposal of its students.”³²⁰ It was not until the early 1920s that a separate librarian was listed in the law school catalog.³²¹ When the law school reopened after World War II,

318. J.C.F. [presumably John C. Fitzgerald], Great Books in Law (Oct. 3, 1955) (on file with the author).

319. Information on the lecture series is available at Loyola University Chicago School of Law, Law and Literature Lecture, http://luc.edu/law/activities/opportunities/law_lit.html (last visited Mar. 6, 2010).

320. *Advantages*, LOY. U. CHI., SCH. L. BULL. 1910–1911, at 5.

321. *See Officers and Faculty*, LOY. U. CHI., SCH. L. BULL. 1921–1922, at 3 (listing M.C.

students struggled for the first month without a law library, which opened later than the rest of the school that year.³²²

After Professor Doyle was hired by Dean Murdock in 1978, the library coped with a budget that resulted in the collection failing to keep pace with the growth of legal materials. In the 1980s, however, with the active encouragement of Appel and an appropriate allocation of funds from the university, Doyle rebuilt the collection to a level that enabled students, faculty, alumni, and other users to do appropriate research. At the same time, he added professional law librarians to the staff to serve all users better. During this time, computerized legal research was introduced, and Loyola was in the forefront of this innovation.

Doyle also oversaw the move of the Law Library out of Maguire Hall in the mid-1990s into new quarters in the then-new university building at 25 East Pearson Street.³²³ This move resulted in a great expansion of the library's seating capacity, as well as space for a larger collection.

When Doyle retired in 2003, Julia Wentz was named director of the Law Library and continues to hold that position.

J. Outgrowing Facilities . . . Again

When it was inaugurated in 1980, Maguire Hall was able to satisfy the law school's immediate needs, and for the first time it gave the school its own building designed and constructed specifically for its uses. As the various programs of the law school continued to expand, however, the facilities in the building became increasingly inadequate. In the mid-1990s, when the Law Library moved to the nearby University building at 25 East Pearson Street, the two floors of Maguire Hall that were vacated by its departure were remodeled into classrooms and offices, and the Community Law Center was able to move in. A separate building across the street was acquired for the Civitas Child Law Center.³²⁴

By the early 2000s, University President Michael J. Garanzini, S.J., began exploring other space options for the law school to meet its growing needs. The law school moved to the 25 East Pearson building, where the law library was already located. That move began as Appel was leaving her deanship and was completed in the summer of 2005,

Donohue as "Registrar and Librarian" for the first time).

322. Fitzgerald 1947 Letter, *supra* note 209, at 1.

323. *Law School to Gain New, Improved Library*, 7 LOY. LAW No. 1, Fall 1992, at 15.

324. "This summer, the center was allowed to fully occupy the brownstone building at 16 E. Pearson St., across from Maguire Hall." *ChildLaw Center Forges "True Community,"* LOYOLA LAW, Fall/Winter 1999, at 5.

although its arrangements were at that time temporary, pending completion of a long-term facilities plan.

K. Students Reflect National Diversity

An indication of the changing face of legal education is the increasing representation of women. Loyola has been in the forefront of this national trend. An indication of the success of this is that the entering class in fall 1985 was the last class until 2009 in which men outnumbered women.

At the same time, the student body came to exhibit the diversity that parallels that of the nation as a whole. Loyola undertook to diversify its students in all respects—gender, race, ethnicity, religion—by the early 1920s, long before other law schools did so. Now, close to nine decades later, the tradition of welcoming all qualified applicants continues.

One of the most significant changes in legal education, its greatly increased cost, occurred during the 1980s and 1990s. In 1983 tuition was \$5,600 a year for the full-time and \$4,200 for the part-time division.³²⁵ By the time Appel stepped down in 2004, the tuition was \$26,612 and \$19,958, respectively. This unprecedented increase in tuition in two decades reflected inflation in the national economy. Law school tuitions were said to increase faster than the general cost of living, fueled in part by the student expectation for professionalized services.

A law school with limited resources like Loyola struggles to provide financial aid for its students, although it can never meet the demand. Students' indebtedness at graduation skyrocketed accordingly. Appel agonized over the seeming inconsistency of educating students about public service and then seeing those students graduate while burdened with large loans to repay.³²⁶ The law school has been able to make a modest contribution to this situation with grants to recent graduates who pursue careers in public service. In 1998 the law school began the Loan Repayment Assistance Program (LRAP),³²⁷ which, in its eleven years of existence, has awarded over half a million dollars in financial assistance to its graduates.

325. *Tuition, Fees and Financial Procedures*, LOY. U. CHI., SCH. L. BULL. 1983–1984, at 14.

326. BOYD, *supra* note 22, at 135 (“It is a bit hypocritical for deans to say to a student who may have a \$60,000 debt and family dependents, ‘I would like you to enter public interest work,’ said Nina S. Appel, 1992–1993 Section chair.”).

327. *Easing the Way into Public Service Law*, LOY. LAW, Fall 2006, at 4.

L. Student-edited Publications Thrive

The *Loyola Law Journal*, the first academic publication of the law school, continues to publish as a multi-focus student-edited journal. In the years after its founding, the law school undertook other publications devoted to specific areas of law under the initiative of students, faculty, or the administration.³²⁸

The journal currently known as the *Consumer Law Review* had its origins in 1977–1978, when a group of women began publishing the *Women's Law Reporter*. In 1986–1987 it was replaced by the *Loyola Quarterly of Public Issues and the Law* and, two years later, that publication was replaced by the *Loyola Consumer Law Reporter*, the change reflecting a further broadening of focus. The current name was adopted in 1997–1998 to signal a deepening of its legal analysis of consumer-related issues.

In 1991–1992 the Institute for Health Law began the publication of the *Annals of Health Law*. Similarly, the Civitas ChildLaw Center undertook the publication of the *Children's Legal Rights Journal* for the ABA Center on Children and the Law in 1996–1997.³²⁹ In that same year, the *Public Interest Law Reporter* began to publish.

Students took the initiative to begin to publish an informal journal called the *Forum of International Law* in 1993–1994 to provide a vehicle for student writing in this area of law. A decade later, that informal publication was reintroduced as the *Loyola University Chicago International Law Review*.

In the mid-1990s, the law school experimented with having its students publish in or edit the publications of various national organizations: *The Bar Examiner* of the National Conference of Bar Examiners;³³⁰ *The Business Lawyer* of the ABA Section of Business Law;³³¹ and *The Health Lawyer* of the ABA Health Law Forum.³³²

328. Monica M. Walk, *The Legal Type: School of Law Students Who Publish Without Perishing*, 4 LOY. LAW No. 2, Spring 1990, at 2.

329. Loyola law students began editing this journal with 17 CHILD. LEGAL RTS. J. 3 (Summer 1997).

330. *NCBE and Loyola University Join in a Collaborative Writing Effort*, 62 BAR EXAMINER 7 (May 1993). Loyola law students published articles in that publication through 64 BAR EXAMINER 3 (Aug. 1995).

331. Loyola law students began editing this journal with 44 BUS. LAW 3 (May 1989) and edited it through 46–44 BUS. LAW 4 (Aug. 1991).

332. Loyola LL.M. students began editing this journal with 8 HEALTH LAW 1 (Spring 1995) and edited it through 10 HEALTH LAW 6 (July 1998).

M. Participation in Student Competitions Multiplies

Loyola's participation in co-curricular activities such as interschool competitions expanded dramatically during these years. One striking example is provided by the Thomas Tang Moot Court Competition, sponsored by the National Asian Pacific American Bar Association since 1992–1993. In 1994, students on Loyola's first team in this national competition not only won the regional round in Chicago but went on to win the national competition. Loyola teams went on to win the Tang national competition in 1996, 1997, 1999, 2000, 2001, 2003, 2006, and 2007. This record is truly remarkable: a Loyola team winning eleven of the last fourteen regional rounds, with both top slots going to Loyola in seven of those years, and winning the national competition in nine of the fourteen years.

As part of the developing trial advocacy program, Loyola's teams competed successfully in a growing number of mock trial competitions. One demonstration of the success of the program's efforts has been its student teams in the National Mock Trial Competition, sponsored since 1976 by the Texas Young Lawyers Association. By the competition's second year and for seven consecutive years thereafter, at least one Loyola team won the regional round and competed in the national round in Texas. In four of those eight years, both teams from the Midwest region were from Loyola. A Loyola team won the national competition in Houston in March 1996.

Reflecting the importance of other lawyering skills, Loyola continues to participate in the Client Counseling Competition as well as in competitions focusing on mediation and negotiation. In 2000, Loyola started to compete in the Willem Vis International Arbitration Moot in Vienna, Austria, and in 2004 it began to enter the Vis (East) Moot in Hong Kong.

N. Student Organizations Reflect Growing Variety of Interests

Since the 1920s, student-led organizations have constituted an important component of the school's co-curriculum. As student interests have broadened over the years, the number of such organizations has expanded greatly—now to almost forty.

The Student Bar Association (SBA) remains the umbrella organization representing all students. From its origins in the Junior Bar Association established in 1929, the SBA continues to coordinate student activities and provide social occasions for the law school community. Its annual Hunger Week activities in the fall, capped by the talent (or, as it is now billed, the “no talent”) show, and the spring

Barristers Ball remain highlights of its programming.

Some student organizations focus on particular areas of law, such as the International Law Society, Health Law Society, and Intellectual Property Society. Other groups provide opportunities based primarily on religious affiliations, such as the Catholic Lawyers Guild, Jewish Law Student Association (Decalogue Society), and Muslim Law Students Association. Yet other groups bring together law students from specific backgrounds, such as the Black Law Students Association, Asian Pacific American Law Students Association, and Latino American Law Students Association, as well as OUTLaw, the LGBT (lesbian, gay, bisexual, transgender) student organization.

One of the most active student groups each year is the Public Interest Law Society (PILS). Its most notable achievement is the annual PILS Auction, which raises funds to support law students in unpaid summer jobs in the public interest area.

O. The Human Dimension of Legal Education

Appel made it a particular focus of her administration to insure that every student was acquainted with the complete range of lawyers' professional responsibility. This concern was reflected not only in the growth and development of the legal clinics but also in a wide variety of activities in public interest.

Loyola was one of five law schools across the country chosen in 1988 by the Young Lawyers Section (YLS) of the ABA to participate in a pilot project to deepen law students' understanding of professionalism as defined by professional ethics, lawyer competence, professional courtesy, and public service. At the end of that year, Loyola's assessment was said by the ABA/YLS to have been the best of the five, reflecting the effort and energy that the law school directed to making that program successful.

One of the most notable manifestations of Appel's concern is the Public Interest Convocation, an annual event begun in 1989 at which lawyers are recognized for their activities in helping the underrepresented, either by full-time public service or by active pro bono work. Students are encouraged to attend the convocation to ensure that they not only appreciate the problem of the underrepresented in our society but also recognize the various ways in which lawyers can contribute to addressing that problem.

Concurrent with the administration's focus on public interest, students took the initiative to establish the Public Interest Law Society (PILS) and to publish the *Public Interest Law Reporter*.

Another student-oriented focus of the administration during this period was the professionalization of services for students. The admissions process was completely restructured in 1984.³³³ The offices of the Registrar and Career Services were also enhanced to ensure that prospective and current students had available to them all of the services that accompany a modern law school. Appel also created the position of coordinator of minority relations to serve the growing numbers of student who reflected diversity in backgrounds.

Jesuit priests have played a role in the life of the law school from its beginnings. In the latter half of the 20th century, some of them with law degrees became members of the full-time faculty: William C. Cunningham, S.J., John J. Kinsella, S.J.,³³⁴ and Philip J. Grib, S.J.³³⁵ In 1980, under Dean Murdock, a nonlawyer Jesuit joined the law school in a new role, that of full-time chaplain. Keith Esenther, S.J., became an integral part of the law school community as a counselor, not just for Catholics, but for students, faculty, and staff from all backgrounds. When he left three years later, Appel ensured the position was continued. Each chaplain has continued to help make the law school experience more balanced and more humane—another example of Loyola's concern for the individual.

P. Study-abroad Programs Go Global

The summer program in Rome had proved successful in attracting a large number of students every year, from Loyola and other law schools. Another summer program was established in 1995 to introduce students to European Union and other continental legal institutions. This program combined visits to these institutions with classes in England, first at Nottingham-Trent University and later at Hertford College, Oxford. In 2008, the European Legal Institutions summer program was converted into a one-week optional add-on to the Rome Program. The law school also experimented with a small summer program in London in 1990 and 1991.

Recognizing that not all law students could afford to spend a month

333. The professionalization of the admissions process had one negative effect: it removed most of the discretion that deans previously had in determining who was admitted; a number of successful alumni had been the beneficiaries of that discretion.

334. Cunningham and Kinsella were profiled in *THE JESUITS OF LOYOLA UNIVERSITY CHICAGO* 1970; see also Kinsella: *Teacher, Scholar, Counsel*, 2 *LOY. LAW* No. 2, Spring 1988, at 5.

335. Grib: *A Greater Presence in Class*, 2 *LOY. LAW* No. 2, Spring 1988, at 5; see also Paul Hagland, *The Jesuit Spirit: Alive, Well at Loyola's Law School*, 2 *LOY. LAW* No. 2, Spring 1988, at 2.

overseas in the summer, Appel encouraged faculty and staff to explore other options for study abroad. In January 1989, Associate Dean James J. Faught began a two-week London program, which still continues, for Loyola students with a serious interest in advocacy.³³⁶ In addition to observing trials at the Old Bailey and discussing advocacy styles and techniques with English barristers and judges, the group is able to conduct meetings at the Middle Temple, one of the four traditional Inns of Court, where coincidentally the law school's first dean, William Dillon, had been called to the Bar.

In 2003, Professors Haney, Rhodes, and Stacey Platt established a close relationship with the law faculty at Universidad Alberto Hurtado, a Jesuit institution in Santiago, Chile. Since then a Comparative Law Seminar offers students the opportunity to travel to Chile over their spring break to conduct research, take tours of courts and other legal institutions, and visit Chile's famous wine-making region. The cooperative program between Hurtado and Loyola now also includes an annual research week at Loyola each fall by Chilean law students, as well as faculty exchanges.

Professor Geraghty has offered students a similar spring break program abroad, focused primarily on child and family law issues. Her seminar has in various years taken students to Tanzania, India, Thailand, South Africa, and Vietnam.

Q. Law Alumni Association

The Law Alumni Association was created in 1925, distinguishing itself from the general alumni association of the university. Ever since then, Loyola's law graduates have been a significant part of the law school community. They have served as adjunct members of the faculty, as guest lecturers in classes and at special events, as coaches and judges of interschool competition teams, as advisors to student organizations, as mentors to students, as consultants to the deans, as benefactors to the school, and in a wide variety of other capacities. Enrollment in Loyola's law school is the beginning of a lifelong relationship.

Under the leadership of its officers and Board of Governors, the Law Alumni Association has sponsored a number of activities throughout the decades, providing occasions for graduates to meet and renew their friendships with each other and with the school.

336. *Law Students Say 'Cheerio' to London*, 3 LOY. LAW No. 2, Spring 1989, at 11.

R. Relations with the University

During Appel's term, the university experienced severe financial setbacks. As a result, the law school's budget shrank as Loyola struggled to adjust to the changing economic climate. With the active support of and participation by the Board of Governors of the Law Alumni Association, Appel managed to maintain the curriculum, programs, and activities of the school through many difficult years until the university was able to stabilize and reinvigorate itself under its new president, Father Garanzini.

During this period, a small group of the school's graduates proposed to Appel that the law school prepare a strategic plan to focus its development. These graduates worked with Appel and the faculty on a multiyear project to create such a strategic plan. In addition to the plan, the law school community for the first time adopted a mission statement to articulate the school's unique role:

Loyola University Chicago School of Law is a student-focused law center inspired by the Jesuit tradition of academic excellence, intellectual openness, and service to others. Our mission is to educate diverse, talented students to be responsible leaders in a rapidly changing, interdependent world, to prepare graduates who will be ethical advocates for justice and the rule of law, and to contribute to a deeper understanding of law and legal institutions through a commitment to research, scholarship and public service.³³⁷

The strategic plan helped steer the law school through the last years of its first century and continues to guide its development.

Appel stepped down from the deanship in 2004 to return to full-time teaching. At that time Father Garanzini gave her the distinctive honor of naming her dean emerita, a position created to mark her enduring role in the life of the law school.

IX. INTO THE NEW CENTURY

When Dean Appel stepped down in 2004, a nationwide search began for her successor. During the year of that search, Professor Geraghty served as the interim dean.

In 2005, Professor David Yellen, formerly the dean of Hofstra Law School, was inaugurated as the 10th dean of Loyola School of Law. Yellen was introduced to the distinctive world of Loyola's law school community in a unique way: when he became dean, his four immediate predecessors—Deans Purcell, Murdock and Appel, and Interim Dean

337. Loyola University Chicago, Mission, <http://www.luc.edu/law/about/mission.html> (last visited Mar. 21, 2010). This mission statement was adopted by the law faculty in 2002.

Geraghty—were all still part of the full-time faculty!

His deanship has so far been marked by a remarkable number of achievements such as endowed faculty chairs, an increased number of faculty members, and expanded facilities.

A. Faculty Emphasizes Research

The faculty had committed itself to a new emphasis on scholarly writing, while preserving the school's traditional excellence in classroom teaching. This renewed focus on scholarship as well as teaching accelerated under Yellen. The result of this has been a significantly increased output of academic publications as well as visibility of the faculty in lectures and other speaking engagements around the country and world.

Thanks to the generosity of its supporters, the law school has in recent years established several distinguished academic chairs in areas of law that are particularly significant for the school. This growth in endowed chairs enhances the law school's growing reputation in serious academic scholarship.

The Wing-Tat Lee Chair in International and Comparative Law was established by Wing-Tat Lee, the Hong Kong businessman who also endowed the lecture series named for him. The law school is currently conducting an extensive search for the next holder of that chair.

A gift from the Helen V. Brach Foundation established the Raymond and Mary Simon Chair in Constitutional Law in honor of alumnus Raymond F. Simon. Professor John E. Nowak, the author of the leading casebook in constitutional law and a recognized scholar in the area, was selected as the initial holder of this chair in 2008.

Also in 2008, alumnus Bernard J. Beazley established the A. Kathleen Beazley Chair in ChildLaw in honor of his wife. Professor Geraghty was recognized for her national prominence in the area of child law when she was named to this distinguished chair. Beazley has also pledged to establish a Beazley Chair in Health Law. His contributions in this area of law have resulted in the naming of the Beazley Institute for Health Law and Policy.

In early 2009, Barry Sullivan, of the Jenner & Block law firm, was named the inaugural holder of the Cooney & Conway Chair in Advocacy, which was established by alumni Kevin J. Conway, Robert J. Cooney, and John D. Cooney. Sullivan is a nationally prominent litigator, scholar, and teacher.

The law faculty was enhanced when the university selected the first holder of the John Courtney Murray, S.J. University Chair to be Robert

John Araujo, S.J., who became a member of the law school faculty.

The director of the Business Law Center Clinic, Joseph L. Stone, was recently named the Randy L. and Melvin R. Berlin Clinical Professor of Business Law, thanks to a donation by alumna Randy L. Berlin and her husband.

In addition to the endowed chairs, a number of younger scholars have been recruited to the full-time faculty in recent years. A large number of visiting professors from other law schools and from practice have joined the faculty in recent years for a semester or a full academic year.

From the very start of the law school in 1908, the faculty has been augmented by men and women from the practicing bar and the bench who serve as adjunct faculty members. This continues to be true today. These adjunct faculty, many of whom are Loyola graduates, give their time to share their wisdom and their experience with Loyola law students, enriching the curriculum and the educational process in incalculable ways.

B. Continued Commitment to Public Service

The law school's commitment to public service, vigorously fostered by Dean Appel, has continued to thrive. For the first time, the position of director of public service programs was created to coordinate and encourage all of the school's various programs and activities in public interest.

C. Study in China Added to International Program

A new summer abroad program was inaugurated in 2008 at the University's new facility in Beijing, China to acquaint students with aspects of Chinese law and to have them experience firsthand one of the fastest-growing economic powers in the world. The students in that initial year also had the opportunity to experience the preparations for the Summer Olympic Games there. This program has continued in subsequent years.

D. Facilities Undergoing Expansion, Remodeling

With the encouragement and support of University President Garanzini, the university building at 25 East Pearson Street, renamed the Philip H. Corboy Law Center in late 2009, is being completely remodeled for the school.³³⁸ Construction on the first phase of this

338. The building was renamed as a result of "the largest single gift ever to Loyola University Chicago School of Law" by alumnus Philip H. Corboy and his wife Mary A. Dempsey. Kristen Mack, *Loyola Law School Building Will Be Named After Personal Injury Lawyer Philip H.*

project was completed in January 2009. This phase included the completion of a large two-story courtroom, now named the Power Rogers & Smith Ceremonial Courtroom.³³⁹ Completion of the programmatic and office phases of the project is scheduled for 2012, with the renovation of the Law Library to follow.

E. Embracing Emerging Technology

Emerging technologies continue to challenge legal education. It was in the early 1980s that the law school made its first ventures into providing computers for student use in research and writing. Since then, the Law Library has incorporated online databases and web-based resources into its expanding purview, and electronic research is a fundamental part of the legal research and writing program. Loyola's law students now consider a laptop to be as necessary in a classroom as a pen for taking notes, and they regularly write their final examinations on those laptops. The law school is incorporating state-of-the-art technology into the construction of its new facilities, and it anticipates that one day it will confront and address the sharing of law-related information through cell phones, iPods, and other devices not yet invented.

The Beazley Institute for Health Law and Policy made a breakthrough in 2009 when it began to offer its Master of Jurisprudence in Health Law degree for non-lawyers online. This innovative program allows students around the country (and elsewhere in the world) to take their required and elective courses wherever they are, coming to the law school in person only twice during their two years of study: once midway through for an immersion weekend, and once at the end to present their thesis and attend their commencement.

F. Centennial Celebration

Yellen presided over a year-long celebration of the law school's 100th anniversary in 2008–2009. The vision of its founders has enabled the school to endure the tumultuous events of the 20th century and to emerge as a leader in legal education, focused on the future but with keen appreciation of century-long traditions.

The law school's first hundred years have experienced a remarkable

Corboy, CHI. TRIB., Sept. 14, 2009.

339. The naming of the courtroom was the result of a donation of "more than \$2 million" from alumni Joseph A. Power Jr. and Todd A. Smith on behalf of their law firm. Jerry Crimmins, *Loyola Continues to Rake in Donations: Plaintiff Attorneys Contribute \$2 Million*, 155 CHI. DAILY L. BULL., Sept. 28, 2009, at 189.

consistency in themes and values, although those themes and values have manifested themselves in various ways, reflecting the different circumstances of each era:

- a Jesuit Catholic law school welcoming persons of all traditions and backgrounds;
- part-time students enjoying access to all that accompanies legal education for full-time students;
- a faculty of full-time members dedicated to teaching and to scholarship, and drawing on the expertise and skills of Chicago's legal community for its adjunct members;
- a deep and abiding commitment to the values of the legal profession;
- close relationships among all members of the law school community—students, faculty, staff, and graduates.

As the law school community confidently looks forward to the future, it can look back and take great satisfaction in reviewing the panorama of persons, events, activities, and occasions that have made the School of Law of Loyola University Chicago what it is today and what is likely to become in the years ahead.