

DEAN FORDHAM AND THE LAW SCHOOL

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To think of Jefferson Fordham the person—so handsome, so dashing, so visibly a man of panache—and then to think of his doings, as I have been specially privileged to know them, is an upsetting experience to preconceived notions. One does not usually expect massive accomplishment from utterly charming people. But then—here is Jeff.

I find him in many places and in numerous roles. As one deeply concerned with civil rights, I have found in this urbane Southerner an early and devoted civil rights leader of striking effectiveness. As a member of the House of Delegates, I had the opportunity to support his creative proposal less than three years ago for the American Bar Association's newest Section of Individual Rights and Responsibilities, of which he was inevitably and justly elected the first chairman. As one involved with the critical and urgent problems of our cities, I have discovered in this professor of local government law, *inter alia*, a creative thinker and doer who more than two decades ago recognized the urban crisis which was developing and the need to deal realistically and compassionately with the vast challenges which conditions of housing, services, environment, and the other blights in our cities posed. As one convinced of the need to reorganize legal education to enable it to meet the call of our time upon the legal profession, I see in Jeff a pioneer leader of great originality and effectiveness, who in assuming the presidency of the Association of American Law Schools now rightly becomes the recognized leader of his profession. And I have lately had the happiness of joining in the special recognition of Jeff's outstanding contributions to the organization—and reorganization—of the materials of the law signaled by his election to the Council of the American Law Institute.

But I hardly need dwell on this theme. The collection of articles in this issue of the *Review* sufficiently reflects the variety and breadth of his concerns and abilities. The collection also establishes the basic point that he is not a man to whom it is merely given to have broad interests. For him, to have an interest is to be active about it, and to be active is to be effective.

My happy assignment is to write of Jefferson Fordham and the Law School, and this I can do with particular conviction, for as a member of the law board of the trustees I have had a specially close

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view of his plans, his methods, and his accomplishments as dean. From this vantage point I have formed the firm opinion that Jeff Fordham has set his imprint as solidly and effectively on this School as any other man in his time could have done. If anyone were inclined to doubt it, I would invite a simple comparison of the School before his accession as dean, and the School of today, in every department—its buildings and facilities, the quality of its faculty and students, the support of its alumni, its relation and relevance to the courts, the bar, and the whole community, and finally the enthusiasm that runs through the institution and touches everyone associated with it. These eighteen years of his deanship, during which this institution assumed its proud position as one of the nation's most eminent law schools, will surely be remembered always as the Jefferson Fordham Era.

How has he done it? By starting in the first instance, I believe, with a total dedication to objectives of the highest quality—but only starting there. For Jeff's particular genius has been his unflagging zeal and his continuous, effective activism in pursuit of projects which his large vision has laid before him.

His dazzling building program provides a conspicuous example. On becoming dean in 1952, Jeff inherited a noble Georgian pile dating from the turn of the century; one of the notable buildings then on the campus, and enshrined in the memory of generations of alumni, but grown hopelessly archaic. There were no dormitories, no dining hall, none of the community facilities essential to a well-equipped modern school. The classrooms were outmoded. Library space had long ago become inadequate.

Jeff promptly made plans. Few deans would have had the hardihood, even after some years of tenure, to launch in one fell swoop such a breathtaking proposal. But shortly after settling down in office, Jeff boldly announced a detailed three-phase program for complete re-development of the physical plant. And then he went unswervingly to work to accomplish it.

Spearheading fund-raising efforts on a scale no dean before him remotely approached, Jeff saw Phase I, a million-dollar dormitory and cafeteria complex, completed in 1957, just five years after he had taken office. A few years later, Phase II was completed, adding the new classrooms and administration space. And finally, just last year, came the completion of Phase III, the remarkably beautiful and graceful restoration of the old building, still abundantly useful with its new library, faculty offices, student study rooms, law review quarters, and moot court room. A greater display of vigor and precision in planning and accomplishment could hardly be imagined. And yet perhaps the

most striking thing apparent in Jeff's bold building program is the gracious balance that is equally characteristic of this unusual man.

The new school is certainly thoroughly Jeff's house. But the noble old building on Thirty-fourth Street, the edifice of his predecessors, remaining majestically undisturbed and graciously and beautifully embellished, dominates the scene for its second half-century, while his fine new establishment rises quietly and unpretentiously behind. This sensitivity, too, is part and typical of Jeff Fordham, and goes a long way to explain the response he has evoked in faculty and students, and in the devoted friends he has made both in and out of the profession.

But Jeff would certainly be among the first to insist that the finest plant can provide no more than an adequate container for a law school. The first essential to a great school must be its faculty, and here Jeff again has scored outstanding success. Penn has had fine faculties before. A school that can remember a Bohlen, a Mikell, a Bikle, a Goodrich, and a Dickinson, not to mention many more, can boast a proud past. Yet I have never known a time at which, in my opinion, the Penn law faculty as a whole was at a higher level than it is today, if indeed it has ever been as high. It was in the last third of Jeff's tenure that Mr. Justice Frankfurter was asked which law school he would recommend, assuming Harvard to be disqualified. That admirably informed ex-educator, after adjusting to the notion that Harvard could ever be disqualified even by way of assumption, unhesitatingly chose the University of Pennsylvania Law School, adding simply: "There are more men on its faculty that I would like to see at Harvard than there are at any other law school in the Country."

The credit again is primarily Jeff's. It was he who attracted most of this faculty, and it has been he who has held them here. And he has succeeded with this diverse and strong-spirited group of men in imposing and insisting on the highest standards, while at the same time securely maintaining each man's complete personal confidence and friendship.

A third major element in the quality of a law school must be its curriculum, and here Jefferson Fordham has been in the forefront of solidly conceived reform.

At the end of his first year as dean, he inaugurated the "Report of the Dean," a yearly essay on law school affairs, directed to the president of the University, but widely circulated among faculty, students, and alumni. In his first report, written at the end of the 1952-53 academic year, he summed up the proper nature of contemporary legal education about as well as could be done:

For lawyer training to be adequate it must be at once timely and timeless. It must take account of the law and the

work of the profession in their contemporary stage of development and in the social, political, and economic context of their own period. Thus, it would be a quaintly behind-step curriculum which, at this day, gave no attention to tax law. At the same time, there is something more to legal education than helping the student get a good grasp of today's law in action. Change in human affairs, in the law and in law practice is rapid. What the law student needs most is basic lawyer competence, which can be brought to bear effectively upon lawyer tasks in whatever form they may appear in a changing society.

In this area, as in everything else he has done, our subject has strictly carried out his announced principles.

No better instance of revitalization of curriculum could be provided than in what he has done with his own specialty. More than 20 years ago, he foresaw need of a well-developed body of law, and a trained body of lawyers, to meet the visibly accumulating problems of local and state governments, and the need of modern legal apparatus to deal with urban development, poverty, environment, and similar gathering concerns. Looking at the books, he found only an ancient and stagnant mass bearing the leaden title "Municipal Corporations," seldom taught by top teachers, if indeed it was really taught at all. From this unpromising base, Jeff has become a recognized leader in developing an invigorated and relevant body of local government law, responsive to those issues which he had long anticipated, and which we suddenly see today as utterly vital.

He has developed the concept of small group instruction, so that today many traditional courses, as well as new ones, are taught in classes of less than twenty students. In recent years, seminars have been offered in such innovative areas as charitable foundations, civil rights, community legal services, discrimination, governmental decision-making in the urban region, law and psychiatry, housing and urban development, and regulation of police practices, to name only a few.

But while introducing so much of current interest and current relevance, Jeff has never lost sight of his companion thesis, that an indispensable object of legal education must be to develop a high degree of general legal competence. He has acted to advance and sharpen the student's early experience with general legal skills, through the Moot Court program and the Trial of an Issue of Fact course, and lately has succeeded in his personal campaign to secure the right of appearance in our courts for third-year students. But his basic criterion has remained over-all legal competence.

This has been another great quality of Jefferson Fordham as dean—his ability to inspire his students, not merely those of his own

classes, but the School's student body in general. I believe he has been able to do this because the whole example of his life has been, first, a dedication to liberal purposes, but with it, a demonstration that zealous work can achieve results of the highest order. Here is a dean who does not merely preach to young people. He leads them, he inspires them, and he shows them how the end can be accomplished.

I think that Jeff has still another appeal to students—and to his faculty and others with whom he deals as well—and that is the complete faith he inspires in his own sincerity and integrity. Whether they agree or disagree with him on a given subject, his students, his faculty, members of the bench and bar, his fellow teachers, legislators, and public officials—the entire host of those with whom he has kept so busy and active—have never failed to keep their confidence in him. His cause may be controversial, but Jeff is not. For, as anyone knows who knows him well, his views are always respectful of the views of others. Any position he asserts can be counted upon to be based on careful and reasonable thought; and although sincerely and tenaciously adhered to, the position is held by a man of sufficient integrity to yield to your view and to change his when the facts warrant.

Can there be any doubt why this man has excelled as one of the great deans of his own School, has excelled in the general constructive leadership of his profession, and has made himself a citizen of the highest and most stimulating importance to his whole community?

To me as an old and close friend, and as a fellow worker who has observed over more than a decade and a half the zeal, the effectiveness, and the all-around general worth of the man, it comes as a particular gratification that at this point in his career he has been awarded the highest post in the power of legal educators to bestow, for it is in the approval of his peers and colleagues that I am sure he will derive his greatest pleasure and reward. It is a source of deep regret that he has seen fit to end his great tenure as dean, although I rejoice in the thought of the time he will have available, not to rest—for rest is not a thing for Jefferson Fordham—but to concern himself with those open fields of thought and service from which his many administrative duties have fenced him off for these long years.

Fortunately for the native state of his lovely wife, Rita, Jeff will spend the coming year on the law faculty of the University of Utah. Fortunately for us, he will then return to Pennsylvania as University Professor. But wherever his future path may lie, one thing is clear—we will always claim Jefferson Fordham as our own. For his imprint on our Law School and on us is as ineradicable as it is cherished.