

WILLIAM DRAPER LEWIS

By AUGUSTUS N. HAND †

I first met Dr. Lewis in connection with the American Law Institute and never knew him intimately until about fifteen years ago when I joined the group of Advisers who were then working with Professor Bohlen on the *Restatement of the Law of Torts*. Long before the days of the Law Institute, however, Lewis had won a wide reputation as a teacher of law, Dean of the Law School of the University of Pennsylvania, writer of legal essays, and disinterested public-spirited citizen. But I believe his work as Director of the Law Institute was the most important achievement of his life. The plan to restate the common law as it had developed under the divergent decisions of the American courts was largely his own conception and it is no exaggeration to say that it was principally his faith and zeal that finally resulted in enlisting Senator Elihu Root, George W. Wickersham, James Byrne and many other distinguished lawyers, as well as numerous judges and teachers of the law, in the enterprise and in obtaining the financial support for it of the Carnegie Corporation.

The American Law Institute under the leadership of Dr. Lewis performed a great service for bench and bar. Not only did the work involve a discussion by groups of legal scholars of the rules of law obtaining in the various courts and an inevitable broadening of perspective, but the judges as well as the law teachers were participants in the discussions, so that the product had the aid of the practical administrators of our legal systems as well as of great scholars who were teaching and writing in the schools.

In addition to the restatement of many branches of the common law, the Law Institute entered upon a study of the rules of evidence and of commercial law and engaged in preparing model codes, among others a code of criminal procedure called the *Youth Authority*, dealing with young delinquents. The *Youth Authority* was the last, and perhaps the most, cherished effort of Dr. Lewis. It has been substantially enacted in California, Massachusetts and some other states, and after five years' use in California has shown an amazing effect in so dealing with young offenders that they ceased their lawless ways and did not become habitual criminals. Lewis was the head and

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front of all the things I have mentioned and I know of no one else who possessed the determination necessary to marshal the forces which carried out the work of the Institute. It was not, however, the restatements and codes and the *Youth Authority* which were his only or perhaps his greatest achievements. He brought the courts, the bar and the law schools together in a national sense. Eager, devoted men from widely separated areas, who had never met before, became well acquainted through attending the different groups working for the Institute. They labored in concert, fought out their various contentions under the wise leadership of Lewis, felt the impact of each other's ideas, and learned to look at their profession in a larger way than before. The law professors who had been regarded at times as impractical theorists were found to be sound philosophers, at whose feet bench and bar would sit as grateful listeners. Nothing ever did as much as the Law Institute to dignify the teaching profession and to render the instructors in law schools recognized by judges and lawyers as important factors in the development of jurisprudence.

For years the profession saw the kindly, faithful Lewis directing the Institute and bringing to it such inspiring scholars in the law as Williston, Corbin, Beale, Morgan, Scott, Goodrich, Bohlen, Shulman and Richard Powell, great judges like Cardozo and lawyers like George Wharton Pepper, John W. Davis, George W. Wickersham, William D. Mitchell and many others. Only a man as selfless and consecrated to his life's work as was William Draper Lewis could have accomplished the task. It has been a privilege to know and work with such a good man and to know his superior family. I shall always count their friendship as one of the blessings of my life.

To no one are the words which the old Elizabethan poet, Henry Wotton, used to describe a happy life more directly applicable:

How happy is he born and taught
That serveth not another's will;
Whose armour is his honest thought
And simple truth his utmost skill .

Whose passions not his masters are
Whose soul is still prepared for death
Untied unto the world by care
Of public fame or private breath

* * *

This man is freed from servile bands
Of hope to rise or fear to fall
Lord of himself though not of lands
And having nothing, yet hath all.