IN APPRECIATION OF PAUL W. BRUTON

JEFFERSON B. FORDHAM†

I am pleased indeed to have the opportunity to share in richly merited expressions of appreciation of the character and professional contribution of Paul W. Bruton.

During my third year in law school I decided to pursue graduate study beyond the first degree in law. I was particularly attracted to the Yale Law School by force of summer school converse with the late Professor Wesley Sturges and the opportunities I perceived at Yale for relatively great one-to-one association with Mr. Sturges and other stimulating faculty members. The wisdom of decision to go to Yale was confirmed by the rich fulfillment of my expectations. Working under the supervision of men like William O. Douglas and Carroll Shanks was very rewarding indeed.

Intellectual association with one's peers was hardly less enlivening. An outstanding member of the graduate student group was a dignified Californian named Paul W. Bruton.

The late great judge, Charles E. Clark, had assumed the deanship of the Yale Law School shortly before the advent of our graduate group in September 1929. He found that to do justice to his decanal responsibilities he needed relief from the teaching of his course in Evidence. He drew very wisely upon the talents of Paul Bruton, who, on short notice, conducted the course while pursuing the full graduate program. Part of my "education" at Yale was talking Evidence with Paul Bruton across a library table—to the annoyance, no doubt, of our confreres.

Professional demands of graduate study bespoke the maintenance of good physical condition. Thus, during the cold months, several of our group, along with some LL.B. candidates, went often to the Yale gym. Our most favored medium was basketball. The trouble was that our rough and ready approach was something more appropriate for the gridiron. I testify that Paul Bruton pushed, shoved and tackled with the most outrageous of us, all in robust fun, to be sure. A first-year law student named Henry Fowler (who in later years served as Secretary of the Treasury) had been a varsity player at Roanoke

† Professor of Law, University of Utah, Dean Emeritus, University of Pennsylvania Law School. A.B. 1926, J.D. 1929, M.A. 1929, University of North Carolina; J.S.D. 1930, Yale University. Member, North Carolina, New York, Ohio and Pennsylvania Bars.
College. He let us know what he thought of our dubious methods but did not eschew the business. Not so some others. I recall a Yale varsity man who would have no part of the rough stuff.

At New Haven in the autumn of 1929 we felt earth tremors that we identified as a junior grade earthquake. But that was hardly of the force of a zephyr breeze compared with the late October stock market crash, which heralded descent into the depths of economic depression.

Paul Bruton came to Pennsylvania in 1937. When he retires at the end of the 1973-74 academic year he will have completed thirty-seven years of service. Thus, his work will have spanned half of the century to that point and over one-third of the full one-hundred year period. The significance of such tenure by a scholar of great moral and intellectual stature is not to be measured simply in terms of his formal teaching and scholarly output. It must be perceived, as well, in terms of the strength and continuity of the commitment of the institution to excellence in the ongoing enterprise. The imprint of the mind and character of Paul Bruton upon the University of Pennsylvania Law School is deep and clear and enduring.

As Acting Dean of the Law School during the academic year 1951-52, Professor Bruton kept the ship truly on course. It was a matter of particular felicity to me to follow this long-time friend in the decanal office and to continue to work with him throughout the eighteen years of my tenure.

Paul Bruton merits a special accolade for his quiet, thoughtful, persistent and extremely fruitful service as chairman of the faculty building committee. In the early 1950's the needs of the School for major renovation and expansion of its primary plant and for student housing and amenity were conspicuously in evidence. The fund-raising stretched out over a period of years. So did the work of the Bruton committee. The financial factor dictated development in stages. The sound work of that committee contributed in an essential way to the ultimate achievement of a well-conceived and integrated physical plant. I should like to verbalize one memory of those days.

The Law School projected a dining hall for all its people. We of the faculty easily perceived a nexus with the central educational enterprise. Mr. Bruton and I encountered opposition in the University administration to the operation of a relatively small unit of that nature. We spent the better part of a day in "high level" negotiations and finally prevailed.
Some law teachers are able to carry their full share of the instructional load, contribute notably to their fields of scholarship and have an active hand in community affairs as well. So it has been with Paul Bruton. He was the first chairman of the Tax Review Board under the Philadelphia Home Rule Charter of 1951. He bore this responsibility for a number of years during which he set a sterling example for anyone who might follow. More recently he was engaged with others in a studied reexamination of tax policy at the state level in Pennsylvania.

In the larger life of the University, he has performed any number of assignments. I recall particularly his chairmanship of the committee concerned with the future of the School of Social Work, which functioned within the framework of a major University-wide self-study project. The report of that committee provided a fresh “gleam” for the subject school.

Paul Bruton has exerted an active hand in the associated efforts of the law-teaching “fraternity.” I think of his participation in the work of the Association of American Law Schools. I recall particularly his service as chairman of the Association committee concerned with relations with Canadian law schools and teachers. He had staked out common ground with many Canadian law teachers through service as a visiting professor at McGill University and his interest in Canadian constitutional developments.

I have no doubt that the University of Pennsylvania Law School has meant a great deal to Paul Bruton. With no less assurance I record the boundless thanks of an old friend and colleague for the privilege of having worked with him in so worthy and inspiring an educational enterprise.