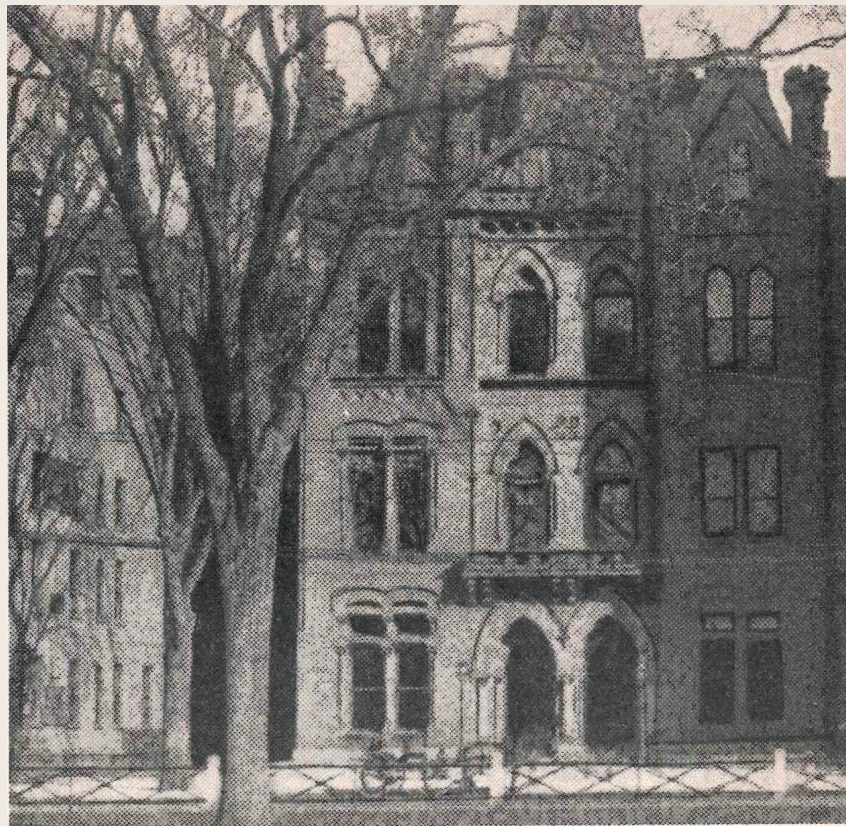


# STRIVING FOR THE GOLDEN AGE



## A HISTORICAL LOOK AT YALE LAW SCHOOL

*By Erin Shanley*

200

**Guido Calabresi '58 often quotes Grant Gilmore '43**, a renowned faculty member and graduate of Yale Law School, known for saying, “The golden age of Yale Law School is never now. It was always in the past and can be again in the future if we only do a few things right. Always trying, always striving, never quite there except in memory and hope.”

This “restless spirit,” as Dean Heather K. Gerken calls it, has been the driving force for the Law School since its early beginnings. What started out as a tiny school that nearly didn’t survive, operating out of a rented room over a downtown saloon, transformed over time into a premier law school that has shaped the minds of leaders and changemakers across every sector of society.

“The Law School has shown a remarkable power to rejuvenate, even to reinvent itself,” said Anthony T. Kronman '75, who served as dean from 1994 to 2004. “This always comes with challenges and risks. The older faculty want the traditions of the School to be maintained, but the most important of our traditions is the willingness to take risks and go out on a limb, and do the wild and crazy thing.”

Former dean Harold Hongju Koh agrees that the Law School is never content to rest on its laurels. “If we didn’t globalize, we’d become provincial. If we didn’t get close to the profession, we’d be too ivory tower. If we didn’t focus on public service, we would start to feel too mercenary. And if we didn’t renew, we would become stale and, by definition, less inclusive than the times would demand.”

(opposite) The third floor of the county courthouse was the Law School’s home from 1873 to 1895.



## THE NEW HAVEN LAW SCHOOL

The founding year of Yale Law School is formally recognized as 1824, when former U.S. Sen. David Daggett joined Samuel J. Hitchcock as co-proprietor of the New Haven Law School; however, the School's origins can be traced back even further. There is debate over the singular date of founding the school. Its anniversaries have been celebrated in relation to 1824, and that measurement continues.

It was originally started by Seth Perkins Staples — one of the defense lawyers for the 1839 *Amistad* case — who, like many lawyers of his time, taught out of his law office. Before the formation of law schools, aspiring lawyers gained expertise through apprentice clerkships with established lawyers. Hitchcock, one of Staples' former students, would eventually become a partner in his firm and join him in establishing the school. Later, Hitchcock would purchase a portion of Staples' sought-after law library for his school with Daggett.

Dean Gerken asked faculty and researchers to closely examine the history of the founders in 2017. The Lillian Goldman Law Library created an exhibit on the founders of the Law School in 2022, which explores the role of slavery in the lives of these three men and two law cases in antebellum America: the trial of Prudence Crandall and the *Amistad* case. In following the work of Daggett, Staples, and Hitchcock through these two cases and their consequences, the exhibition helps tell a more complete story behind the earliest days of the Law School.

"It was important to me that the Law School conduct a comprehensive exploration of our past so that we can be clear-eyed as we shape our future," explained Gerken.

The New Haven Law School's affiliation with Yale evolved over time. In 1824, the Yale College catalogue began recognizing its emerging school with a separate listing of "law students," and in 1826 it included a description of "The Law School," the same year that Daggett received a joint appointment as Professor of Law in Yale College, further cementing a relationship with the University. But it wasn't until 1843 that students would be given Yale degrees upon graduation. According to Michael Sansbury '01 in the student paper "When Was the Yale Law School Really Founded?," the incorporation of the Law School was not fully complete until after Hitchcock's death in 1845 and the Yale Corporation's purchase of his library the following year. Eight days after the purchase, the Yale Corporation officially established a "Law Department" in Yale College.

## A NEW APPROACH TO LAW

The Law School's first full-time professor, Francis Wayland, was hired in 1871. Two years later, Wayland was named the first full-time dean of Yale Law School, a position he would hold for the next 30 years. His deanship oversaw major institutional changes for the School, which for years had been barely staying afloat. These included the organization of the law library, the establishment of the *Yale Law Journal*, and the exploration of graduate law programs, to name a few.



Professor Simeon E. Baldwin played a significant role in establishing Yale Law School's interdisciplinary approach.



Edwin Archer Randolph, the first Black graduate of the School





Yale Law School Classes of 1866 and 1867

In an address marking the 50th anniversary of the School in 1874, Yale President Theodore D. Woolsey brought forth the idea of incorporating humanities and social sciences into the School's curriculum in the hopes of creating a fleet of well-rounded legal scholars.

"Let the school, then, be regarded no longer as simply the place for training men to plead causes, to give advice to clients, to defend criminals; but let it be regarded as the place of instruction in all sound learning relating to the foundations of justice, the doctrine of government, to all those branches of knowledge which the most finished statesman and legislator ought to know," Woolsey said in his address.

This interdisciplinary approach would take decades to fully integrate but would become a hallmark of a Yale Law School education. Professor Simeon E. Baldwin, who led the faculty during Wayland's deanship, played a significant role in establishing this interdisciplinary practice and would allow law students to attend courses at other Yale graduate schools. In addition to teaching at the Law School for 50 years and serving as its longtime treasurer, Baldwin was the leading railroad lawyer of his day and served as governor of Connecticut and chief justice of the Connecticut Supreme Court. In 1878, he was a key founder of the American Bar Association.

It was also during this time that the University would have its first Black graduate, Edwin Archer Randolph, who graduated in 1880 and later that year was the first Black person admitted to the



Alice Rufie Jordan Blake, the Law School's first female graduate

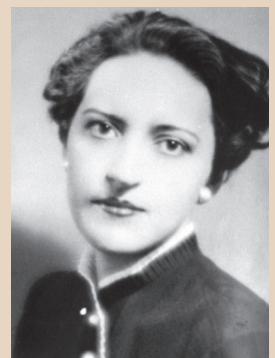
Connecticut Bar Association. Alice Rufie Jordan Blake, who gained admission to the Law School in 1885, was the School's first female graduate. Though women hadn't been granted admission prior to her enrollment, Blake argued that she should be allowed in on the basis that there was no written policy ex-

cluding women from Yale. Women wouldn't formally be allowed to enroll in the School until 1918, which was still long before their Ivy League counterparts and two years before the ratification of the 19th Amendment. (Learn more about milestones in the School's history in our timeline at [library.law.yale.edu/bicentennial-timeline](https://library.law.yale.edu/bicentennial-timeline).)

Wayland's tenure also saw the School's official move to Yale's campus with the opening of Hendrie Hall in 1895 (now part of the Yale School of Music), located around the corner from where the Sterling Law Building would eventually be built.

## LEGAL REALISM AND PEDAGOGY

The 1930s proved to be a definitive period for the Law School. The Sterling Law Building — a majestic building modeled after the Inns of Court in London — opened its doors on Wall Street in 1931, solidifying the institution's physical footprint in New Haven, occupying an entire city block. During the same year, Jane M. Bolin '31 became the Law School's first Black female graduate; she would later become the first Black female judge in the United States. The decade would also be marked by the legal realism movement, which began to flourish at Yale in the 1930s and helped the Law School



Jane M. Bolin, the Law School's first Black female graduate





Yale Law School class in Hendrie Hall

establish itself as a national institution. Legal realism considered the law in terms of empirical evidence as opposed to theoretical doctrine and played a major role in how lawyers interpret and practice laws.

During the early 1940s, the draft of World War II had an impact on enrollment that resulted in the School's increasing its number of female students. One of these students was Miriam Lashley, who became the first female editor-in-chief of the *Yale Law Journal* and graduated in 1944.

The 20th century also brought ambitious curricular reforms to the Law School. In keeping with Woolsey's vision, the School became interdisciplinary in its approach to appointing faculty, out of which blossomed a strong focus in public and international law. The small group approach to instruction was pioneered in 1955, making Yale unique from other law schools that largely had high student-faculty ratios. Both the Law School's emphasis on public interest law and the small group approach remain deeply embedded features of the modern-day Yale Law School experience.

"We decided at that time to have our own philosophy of education, which did not depend upon size and which did not involve turning out cookie-cutter students who were all perfectly socialized professionals. We, instead, encouraged originality and the kind of eccentricity and idiosyncrasy that expressed the unique talents of each student," said Robert C. Post '77, who served as dean from 2009 to 2017.

"That was the atmosphere of the place that made it distinctive," he continued. "It was small. It was a community, rather than a city. It was focused on the development of both its faculty, who were, each one, quite unique and distinctive in their own way and of its students, whose individuality it encouraged."

## THE "DARK AGES"

During the late 1960s, when college campuses across the country were experiencing an era of unrest stemming from the Civil Rights Movement and the Vietnam War, Yale Law School students were forging a rebellion of their own. Frustrated by the School's curriculum and grading system, among other grievances, students demanded institutional change and started a series of protests that consumed the Law School from 1967 to 1970 — a time that former dean Abraham Samuel Goldstein '49 would refer to as the "dark ages." Growing tired of the Socratic method, the faculty's abrasive way of teaching, and the hierarchy of the grading system, students agitated for a more democratic community that emulated the Law School of the 1930s.

These events were fueled in part by an underlying discontent among Black and female students and culminated with the Law Library fire of 1970, which was suspected to have been the work of radical undergraduates who disagreed with the School's refusal to observe May Day. May Day in 1970 was marked with a large protest rally on the New Haven Green and Yale's Old Campus to show support for the Black Panther activists who were being wrongfully tried for the murder of Alex Rackley, who in 1969 was likely killed by law enforcement officials. Students, among them Hillary Rodham '73, quickly formed a bucket brigade to put out the fire. The fire — assumed but never proven to be arson — destroyed roughly 500 books but helped restore a sense of unity among law students.

"The so-called dark ages were of course anything but dark," Calabresi said. "They were simply another example of the School renewing itself in response to what students and the outside world was telling it."





(clockwise from left)  
The faculty of 1939; Miriam Lashley '44 was the first female editor-in-chief of the *Yale Law Journal*; an outdoor class held in 1939



“One of the things that is distinctive about this place is we listen to our students,” said Gerken in reference to this time period. “Sometimes we change and sometimes we stay the course, but we aren’t afraid of criticism and always act in service of our larger mission.”

“In the late ’60s, early 1970s when campuses across the country were roiled by student demands for change, the difference between Yale and our peers is that we listened, reflected, and made two fundamental changes. First, we made a real commitment to support our clinics. Second, we changed our grading system. Both changes have emerged as distinctive ingredients in the Law School’s magic, and all of our peers have spent a long time trying to catch up.”

### THE MODERN ERA AND ENDURING “RESTLESS SPIRIT”

Today, Yale Law School is regarded as one of the best law schools in the world, known for its deep commitment to academic excellence, teaching, and service. The restless spirit that has always defined this institution continues to lead the charge forward in legal education

through groundbreaking initiatives that open the doors to the profession and create generations of leaders who are making an impact in a variety of careers. It also remains a deeply intellectual, intimate academic environment — a place where students can immerse themselves in big ideas and learn to question everything.

Thanks to its premier financial aid and career assistance programs, the School boasts one of the lowest debt loads for its students and makes it possible for them to pursue careers in the public sector. Its pipeline programs make law school — any law school — more accessible for students who come from disadvantaged backgrounds by facilitating a more equitable application process. Through more than two dozen faculty-led centers and clinics, the School continues to bridge the gap between theory and practice in an increasingly polarized world and lead the way in ensuring that legal education is upholding the best values of the profession.

Gerken, who became the first female dean in 2017, attributes the Law School’s success to three of its defining values.

“Ideas are the coin of the realm; we care about excellence and humanity; and this is a community. Those are the three keys to our



(from top) Registration day in 1966; A student relaxes on The Table in 1992





Eleanor Holmes Norton '64 (right, facing the camera) visited the School in 1976 as a Harper Fellow.

*“Ideas are the coin of the realm; we care about excellence and humanity;  
and this is a community. Those are the three keys to our success,  
and if those don’t endure, then we won’t endure as an institution.”*

DEAN HEATHER K. GERKEN

success, and if those don’t endure, then we won’t endure as an institution,” she said.

And it’s the last value — community — that has always stood out to Gerken, even before she came to Yale. Prior to her appointment to the faculty in 2006, she was teaching election law, constitutional law, and civil procedure at Harvard Law School, a significantly larger institution. As she carefully weighed her decision on whether to come to Yale, she vividly remembers the most compelling argument made by then dean Harold Hongju Koh.

“Harold said, ‘Heather, you should come to Yale because families beat armies.’”

“‘Families beat armies.’ Harold perfectly captured this place,” she recounts. “It’s why I came 18 years ago, and it remains one of the defining characteristics of Yale Law School.”

This small but mighty environment has made the Law School what it is today, and its “always trying, always striving” attitude has carried it through the past 200 years. Calabresi emphasized the importance of always reaching for the “golden age,” saying it “makes people work harder, think harder, and communicate with each other better in the hope of bringing it back.” Koh described how this aspect of the School “keeps our questing spirit alive.”

“The Law School is always worried, deeply worried, about whether it’s keeping up with its ideals. We all look back on our time at Yale Law School and say, ‘Oh, my teachers were so wonderful. The School was marvelous,’ and people say to me, ‘Is it still there?’” said Calabresi. “I say, ‘Well, we’ve got to keep trying.’”