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The Law School 1944-1950

Nagel T. Miner

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The
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Story

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NAGEL T. MINER

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Chapter Sixteen

The Law School

1944-1950

As we have seen, the Law School survived the war, although only 61 students were attending the four-year course in the fall of 1944. The enrollment picked up to 69 in the spring, and reached 102 by the fall of 1945. Paul Jordan, attorney and faculty member, had become the dean in 1944. Messrs. Pearce, Gorfinkel, and Paul had resumed teaching by 1947, determined, as before, to build a good reputation for the school. All law schools began to experience exploding enrollments with the return of veterans. The enrollment at Golden Gate climbed to 146 in the fall of 1946, to 190 in 1947, and to 221 by the fall of 1948.

Over a three-year period (1944 to 1948), the accreditation requirement of the State Bar moved up from 45% to 55% of the students passing for the first time. The bar examination statistics show that the four San Francisco law schools—Golden Gate, San Francisco Law, University of San Francisco Law, and Hastings College of the Law—had remained above the required percentage for accreditation. They were not far apart in the examinations. Golden Gate was holding its own, not only with the evening law schools, but with the University of San Francisco (day and evening) and with Hastings, the day law school, as well.

| Three Year Period: | Required Percentage | Golden Gate | San Fran. Law Sch. | Univ. of Hastings San Fran. | Coll. of Law |
|-----------------------|------------------------|----------------|--------------------------|-----------------------------------|--------------------|
| Oct. '44-Apr. '46 | 45% | 80% | 66.7% | 70% | 82.4% ¹ |
| Oct. '44-Oct. '46 | 45% | 85.7% | 64.2% | 52.9% | 82.6% ² |
| Oct. '45-Apr. '47 | 50% | 90% | 63.6% | 51.5% | 92.3% ³ |

| Three Year Period: | Required Percentage | Golden Gate | San Fran. Law Sch. | Univ. of San Fran. | Hastings Coll. of Law |
|-----------------------|------------------------|----------------|--------------------------|--------------------------|-----------------------------|
| Oct. '45-Oct. '47 | 50% | 87.5% | 73.3% | 60.7% | 87.0% ⁴ |
| Apr. '46-Apr. '48 | 55% | 90% | 77.8% | 67.6% | 76.5% ⁵ |
| Apr. '46-Oct. '48 | 55% | 68.8% | 80% | 71.6% | 72.8% ⁶ |

In 1948 the accreditation rule of 1937 had been in effect for ten years. There were six California law schools still unaccredited. Perhaps there was disappointment that some of these schools had not disappeared. A Special Survey Board of out-of-state authorities was employed to make a survey of all law schools in California and report back in 1949.

The Director of the Special Survey Board on Legal Education and Admissions to the State Bar of California was Sidney Post Simpson, a practicing attorney and professor of law at New York University Law School, and a former professor of law at Harvard University Law School. The Chairman of the Board was Joseph A. McClain, Jr., General Counsel of the Wabash Railroad Company and Chairman of the Section on Legal Education and Admission to the Bar of the American Bar Association. They were assisted by Mr. Thomas F. McDonald, a St. Louis attorney, who had been Secretary of the Missouri State Board of Law Examiners since 1932.

The Survey Board was at the college for several days and visited all of our classes in session. The school was rated on admission standards, scholarship standards, breadth of curriculum, teaching ability of the faculty, usefulness of the library, adequacy of facilities, expenditure per student for faculty and library, and results in the bar examinations. Golden Gate College was ranked ninth in excellence among the 15 law schools in California. The University of San Francisco was seventh and San Francisco Law School was eighth. Our lowest ratings were in facilities, library, and our practice of admitting more than 10% of the applicants as special students. Our highest rating was in the teaching ability of the faculty. On this subject, the survey said:

Ranking the law schools of California in order of faculty quality is a difficult undertaking and must rest in part on opinion. However,

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data for an informed judgment have been secured by the Special Survey Board, and the problem has been considered in the light of all the factors involved. The result is given in chart 23. In preparing this chart, use has been made of composite index numbers measuring comparative excellence of classroom teaching in each law school, arriving at a rating... from A (weighted at 100) to F (weighted at 45), combining the weighted figures for the faculty as a whole, and reducing the combined figure to the scale of 100.⁷

In the schools approved by the American Bar Association and in Golden Gate College and the San Francisco Law School substantially all the teaching met acceptable minimum standards and some of it was excellent to superior... in some instances, part-time teachers were found who ranked in the excellent to superior group, and who were considered better than some full-time teachers in other law schools.⁸

Finding Golden Gate ranked third in order of faculty quality and San Francisco Law School a very close fourth among the fifteen law schools in California was both a surprise and a thrill. John Gorfinkel, who became Assistant Dean in 1952, said, "That was our finest hour." It seemed to us that, if a school can be outstanding in only one regard, it should be in the teaching ability of its faculty.

The chart below lists the fifteen law schools ranked in order of faculty quality as measured by the Survey Board and recorded as weighted averages on a scale of 100. The top nine were listed as follows⁹:

| | | | |
|-----------------------------------|------|------------------|----------------------|
| Stanford University | 83.8 | An A.B.A. School | Day classes only |
| University of California | 82.3 | An A.B.A. School | Day classes only |
| Golden Gate College | 80.4 | | Evening classes only |
| San Francisco Law School | 80.0 | | Evening classes only |
| University of Southern California | 79.3 | An A.B.A. School | Day classes only |
| Hastings College of the Law | 79.1 | An A.B.A. School | Day classes only |

| | | |
|--------------------------------|------|---|
| Loyola University (L.A.) | 79.0 | An A.B.A. School Day classes only |
| University of San Francisco | 78.3 | An A.B.A. School Day & Evening classes |
| Santa Clara University | 76.9 | An A.B.A. School Day & Evening classes |

The weighted average for the other six law schools ranged downward—71.2, 67.1, 63.6, 60.0, and 51.0.

Looking back on the years of competition between Golden Gate and San Francisco Law School, I feel certain that it was good for both schools.

Professor Simpson wrote as follows regarding our admission policy:

The dean exercises careful discretion on admitting such special students and excludes applicants who do not have such business experience or educational background as, in his opinion, compensate for the lack of college credits. From 1944-45 through 1947-48, there were 445 applicants for admission. 255 or 57.3% were accepted. Applicants for admission as special students were given the Otis Intelligence Test, the Nelson-Denny Reading Comprehension Test and the Iowa Legal Aptitude Test¹⁰.

A listing of the law faculty members who were teaching at the time of the Simpson Survey in 1947-1948 may be of interest:

| | |
|---------------------------------|-----------------------------|
| Robert H. Adams, LL.B. | Stanford University |
| Robert J. Cort, LL.B. | University of San Francisco |
| Wilkie C. Courter, LL.B. | University of San Francisco |
| John A. Gorfinkel, J.D., S.J.D. | University of California |
| Maurice Harband, LL.B. | University of California |
| Paul S. Jordan, J.D. (Dean) | University of California |
| Wallace L. Kaapke, LL.B. | Yale University |
| Leonard M. Levy, LL.B. | Golden Gate College |
| David L. Luce, LL.B. | Hastings College of the Law |
| Allen R. Moltzen, LL.B. | Harvard University |
| Varnum Paul, LL.B. | University of California |
| Donald A. Pearce, J.D. | University of California |
| Edward L. Peterson, LL.B. | University of South Dakota |
| Warren H. Pillsbury, J.D. | University of California |

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| | |
|-----------------------------|-----------------------------|
| Herbert C. Pothier, LL.B. | Hastings College of the Law |
| James Smith, LL.B. | University of San Francisco |
| John F. Ward, LL.B. | Yale University |
| Caspar W. Weinberger, LL.B. | Harvard University |

Since concern had been expressed over the number of law students, law schools, and the quality of legal education, it was generally believed that the Special Survey Board would be expected to make a recommendation. The proposal made by Professor Simpson for the San Francisco Bay Area was a merger of Golden Gate College, San Francisco Law School and Hastings College of the Law. That recommendation had merit. Hastings had a modern school plant and was approved by the American Bar Association. Golden Gate and San Francisco Law School had high ratings on the teaching abilities of their faculties and could form the evening faculty of Hastings. We were not enthusiastic about losing the law school, but we felt obliged to explore the idea. Dean Jordan, Warren Pillsbury, and Varnum Paul of the faculty, with Judge Carl Allen, and Allen Charles, trustees, and John A. Sutro, an outside attorney, held four meetings with representatives of San Francisco Law School and Hastings. At the time, Dean Snodgrass of Hastings was developing his famous faculty of retired law professors, and did not believe that they should do any teaching at night. He also did not believe that the proposed combination would meet A.B.A. requirements, unless a substantial part of the instruction was given by the full-time faculty. It soon appeared that none of the schools wanted the merger. Dean Jordan commented that the proposal reminded him of a "shotgun wedding." That ended it.

There had been a great expansion of educational opportunities following the war and because of the G.I. benefits. We decided that it was time to adopt the A.B.A. standard of limiting the number of special students to ten percent of the law school enrollment. Two years of college credit and a C plus average were required for regular admission. Special students were all 25 years old or older.

The period, 1944-1950, was one of solid growth, expansion and maturity for the Law School. Many veterans with bachelor's degrees had enrolled in the program, and others, on completion of a bachelor's degree, advanced to graduate work in the Law School.