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Golden Gate University  
Story

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## Chapter Twenty

# The Law School

1951-1958

Following the war, returning veterans enrolled in colleges and universities in large numbers, taking advantage of the veterans' educational benefits. Enrollments increased 400% in two years at Golden Gate. By 1950, however, many veterans were completing or nearing the end of their programs. Only half as many entered the day program as in the previous year. The enrollment for the college as a whole decreased 26% between the fall of 1949 and the fall of 1950. The decline in the Law School veteran population was 32%. The number of non-veteran students declined 25% as well; overall, there was a 29% decline of enrollments in the Law School, as reported in the Trustees' Minutes of October 5, 1950.

Trustees and administrators had anticipated the situation, and now realized that the time for retrenchment was at hand. We knew the readjustment would be difficult; Golden Gate had accumulated a substantial surplus to cushion the descent, but for several years the Trustees would welcome any plan for cutting expenses and would look with concern, if not with great alarm, on any situation that called for increased costs. In the year, July 1, 1950, to June 30, 1951, the College ran a deficit of \$61,292, which reduced the reserve from \$126,328 to \$65,936. We had taken several steps to cut expenses, but it took time to put economies into operation, and the full effect would take several months.

### *Second Accreditation Rule—1951*

It was at this time, November 30, 1951, that the State Bar announced a new accreditation rule for California law schools. Briefly stated, the new basis for accreditation would require (1) that at least 90% of each

entering class consist of students with two years of college credit (60 semester units); (2) that the law library contain a minimum of 7500 well-selected volumes; and (3) that the faculty include at least three full-time instructors, one of whom should serve as dean. Law schools which did not meet the new requirements by January 1, 1952, would lose their accreditation. In the Bay Area, San Francisco Law School and Golden Gate College, both accredited under the old rule, would be affected by the new rule. To change a school to meet the new rule would require many months.

The College Trustees met on December 13 and directed the President and Dean to request an extension of time, determine how the law school could comply by the next fall, and estimate the additional cost that would be involved.

The State Bar extended the time until June to all schools accredited under the former rule, and beyond that to October, for any school which gave notice by June of its intention to comply. Dean Jordan reported the results of our study to the Trustees on April 3:

- (1) Golden Gate was in compliance with the admission standard adopted in 1947.
- (2) The Library would need 1,000 additional books. We had 6,500 volumes that would count. The additional cost was estimated at \$6,000; deferred payment was available, and the law alumni were ready to start a drive for a library fund. The budget for library acquisitions would need to be increased by \$500 a month.
- (3) The requirement of three full-time instructors would be a major financial problem. Part-time teachers of law earn their living primarily by their law practices, but the full-time instructor would need to subsist on his law school salary. Dean Jordan thought a retired law professor might be found for one position, that one member of the present faculty might be willing to teach and do administrative work full-time for a year or two, and that the third position could be filled by a recent law graduate who had not begun the practice of law. The cost was estimated as \$10,000 above the present annual budget for instruction.

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No estimate had been made for office space for the three instructors or for the loss of one classroom, which would be needed for the expansion of the library. The Trustees authorized us to notify the State Bar that we intended to meet the new requirements by the fall term. Tuition was increased for all schools of the College from \$11.50 to \$13.00 per unit.

The more we thought about it, the more reluctant we became to turn over a large portion of the teaching to strangers. The thought of finding a distinguished retired law professor to teach did not materialize. A solution was found when John Gorfinkel and James Smith of our faculty agreed to give up their private practices for a time and become full-time instructors. I fear that this was a considerable financial sacrifice to them. John Gorfinkel became Associate Dean in the summer of 1952 and took over some of Dean Jordan's responsibilities. Mr. Jay Shavelson, a graduate of the University of California Law School, was completing work for an advanced degree and was willing to become our third full-time instructor at a meager salary. Later, Jay Shavelson became a Deputy Attorney General for the State of California, and had a notable career in government service.

Looking back, the decision to comply with the new rule can be viewed as a logical and important step in the future development of the Law School—a sound investment. At the time, however, it took considerable courage by the Trustees to decide to accept the responsibility for the additional cost. Half of the reserves of the College had been swept away by a deficit in the previous year, and the first three months of 1952 had run a deficit of \$12,436. Yet the Trustees gave unanimous approval without debate. It was a momentous decision to make at a time of financial crisis; it had far-reaching effects on the future of the Law School.

### *Application For A.B.A. Approval*

For several years, we had been looking forward to the day when the Law School might secure approval from the American Bar Association. Now that we were going to meet the new requirements of the California State Bar, we wondered how much more it would cost to satisfy the A.B.A. requirements. I went East in March, 1952, to see how colleges and universities were adjusting to the rapid decline

in veteran and non-veteran enrollments and how evening law schools were qualifying for A.B.A. approval. I wrote to Dean Nobel Lee of John Marshall Law School in Chicago; I had met him on a previous trip and knew his school was applying for approval. He invited me to a luncheon meeting with his faculty, and I found myself sitting across the table from Dean John Hervey, the man who made the investigation of law schools seeking approval of the A.B.A. Before the luncheon was over, Dean Hervey had offered to make an unofficial call at Golden Gate College the next time he was in the Bay Area, and to tell us what, in his opinion, would be needed to qualify for approval.

In 1953, Dean Hervey made his unofficial inspection. We would need to raise our admission standard for regular students to three years, or 90 semester units of college or university credit (up from 60 units), and limit the acceptance of special students with fewer than 90 units to 10% of the entering class of the previous two years. The library requirements would be somewhat greater than those the state required. Faculty salaries for full-time instructors would have to be increased to equal the median salary paid by the A.B.A. law schools. Dean Hervey recognized the deficiencies in the building facilities. Improvements would be expected if provisional approval was granted. He was impressed with the compliment given the faculty by the Simpson Survey in 1948 and by our three-year cumulative record in the bar examinations of 1951-1953:

Cumulative record of law schools accredited by the State Bar  
in San Francisco Bar Examinations, 1951-1953.<sup>1</sup>

	<i>Graduates and Non-graduates</i>		
	Number taking	Number passed	Percent passed
Golden Gate	62	39	62.9%
San Francisco Law School	26	13	50.0%
University of San Francisco	211	103	48.8%
Hastings	396	237	59.8%

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In addition to having the highest percentage in San Francisco in the three-year period, Golden Gate was the third highest in Northern California, Stanford being first and the University of California second. Although the required percentage had been raised to 60%, a new rule provided that accreditation would be continued for a school which could show that a good standard was being maintained. The results cited included the October, 1951, examination, called the "Big Flunk" by the newspapers. As a result of considerable publicity and outcry, a legislative committee hearing was held before Alameda Assemblyman, Randall F. Dickey. A new ruling, made by the Board of Governors of the State Bar in December, 1952, repealed some provisions of the previous rules. Full-time instructors were no longer required, and 30% of the beginning class could be special students. Golden Gate and San Francisco Law School were given full accreditation. Golden Gate had employed three full-time instructors who had been teaching since September. We were not about to step back. Our eyes were fixed on the next goal.

Howard J. Taubenfeld, A.B., LL.B., replaced Jay Shavelson as the third full-time law instructor. Four years later, Taubenfeld received a Ph.D. Degree from Columbia University. Both Taubenfeld and Gorfinkel were honored by appointment as visiting lecturers at other universities: Taubenfeld at Stanford Law School, and Gorfinkel at Boalt Hall, University of California.

In 1954 the State Bar employed the Hon. Edwin J. Owens, Judge of the Superior Court of Santa Clara County, and a former dean of Santa Clara University Law School, to survey the evening law schools. Here is a quotation from his report:

Golden Gate College School of Law is doing a good job in providing a legal education for those persons who find themselves unable to attend a full-time day law school. It has a good faculty, excellent administrators (Dean Jordan and Associate Dean Gorfinkel), and maintains satisfactory scholastic standards. There is a reasonable probability that in the foreseeable future it will attain approval by the American Bar Association. It meets fully all of the requirements of the Section of the Rules Regulating Admission to Practice Law in California and is deserving of full accreditation by the Committee of Bar Examiners.<sup>2</sup>

Encouraged by Judge Owens and the improved law enrollments, we adhered to the A.B.A. admission standards in the spring of 1955, and arranged for an official visit by Dean Hervey as Adviser to the Committee on Legal Education of the A.B.A. in April, 1955. After completing his visit, Dean Hervey said that he would present our application at the next meeting of the A.B.A. in August. We were disappointed to learn that pressure of business had prevented consideration of our application and that it would be taken up at the next meeting, in February, 1956, in Philadelphia. We had counted on the prestige and publicity of becoming an A.B.A. law school to improve the enrollment and thus help to offset the higher operating cost under the A.B.A. rules. Now, we would have to operate with those higher costs and without the approval for another year.

Two representatives of the Section on Legal Education, who were practicing in California, decided to take advantage of the delay to visit the school. Mr. Homer D. Crotty of Los Angeles and Mr. Herbert W. Clark of San Francisco looked us over. We hoped it would be helpful to have these Californians know the school when our application came up in February.

Misfortune continued. An unusually heavy snow storm and blizzard in Philadelphia at the time of the meeting caused it to be cancelled, and our application went forward to the next August meeting. Consequently, we could not state that we were an approved A.B.A. school in the law school bulletin for 1956-1957. Most applicants for admission to a law school make application weeks, if not months, in advance of the opening of the fall term.

The good news of our provisional approval by the A.B.A. came late in August, 1956, two weeks before the beginning of the fall semester, and too late to be of any real value in the enrollment. Even with the higher admission standards, however, the first year class was larger than that of the previous year, and the total enrollment of the law school was 116, as compared with 92 a year before. Dean Paul Jordan reported that of the 116 students, 73 were college graduates; of these, 7 held Master's degrees and one had a Doctor's degree. He noted also that the special students had higher educational qualifications than those previously admitted, and the percentage of students entering advanced courses was increasing.<sup>3</sup>

It was thus that the Law School of Golden Gate College became

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the first exclusively part-time evening school west of St. Paul, Minnesota, to receive approval by the American Bar Association. The University of San Francisco had built a new and beautiful building for their day and evening law school, but the structure was nearly two miles from the financial center, which left Golden Gate as the only A.B.A.-approved evening law school downtown.

On March 27, 1958 the tuition in the Law School was increased to \$17.50 per unit, to equal the new rate being adopted for evening classes by other law schools.

No story of the Law School would be complete without some mention of the St. Andrews Society. Traditionally this Scottish organization would hold an annual celebration at Central YMCA. It always came during examination week at the end of the spring semester. A group of Scottish bag-pipers assembled in the lobby just before the examinations began. The shrill notes of the bag-pipes sounded and vibrated throughout the building for fifteen minutes or longer as the members of the St. Andrews Society gathered—an exasperating and long-remembered experience by the law graduates. Oh well, it gave them something to tell their grandchildren.