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The University of Maine School of Law: An Archival History of Its Founding and Accreditation

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THE UNIVERSITY OF MAINE SCHOOL OF LAW: AN ARCHIVAL HISTORY OF ITS FOUNDING AND ACCREDITATION

I. INTRODUCTION

When University Trustees appointed Edward S. Godfrey Dean of the new University of Maine School of Law on January 16, 1962,¹ they did so with the expectation that he would lead the school to accreditation by the American Bar Association (ABA) as quickly as possible.² Dean Godfrey proceeded with the complete support of University of Maine President Lloyd H. Elliott and senior administrative officials. By the spring of 1962 the new Dean had begun to staff and equip the school. His efforts were well-rewarded. The ABA House of Delegates provisionally approved the School of Law in February 1964. The speed with which the Maine Law School achieved full approval, four years from inception to accreditation, was highly unusual for the time.

This Comment is a tribute to Dean Godfrey and to his work in helping to make the University of Maine School of Law a valued influence on the law. Edward Godfrey accepted the deanery of the School with an ambition to make it a place of learning that would contribute to the common good by providing quality legal education at an affordable cost and would emphasize the use of the law in the honorable and effective service of society.³ This Comment details the history of the founding of the Maine Law School and Dean Godfrey's role in guiding the School to rapid ABA accreditation.

II. DOES MAINE REALLY NEED A LAW SCHOOL?

At a joint meeting on November 15, 1960, the Trustees of the University of Maine and of Portland University voted unanimously to support a merger of the two schools.⁴ Under the merger agreement the University of Maine agreed to continue to operate the institutions of Portland University⁵ including the unaccredited Portland

1. Minutes of Board of Trustees, University of Maine (Jan. 16, 1962). An incomplete collection of the minutes of the University of Maine Board of Trustees is kept in the Archives Department of the University of Southern Maine Library [hereinafter USM Library]. A complete set of the minutes from 1865 to the present is kept in the Special Collections Department of the Fogler Library at the University of Maine at Orono.

2. Annual Report of Portland University app. (1959-1960) (on file at USM Library).

3. Me. S. Bar Ass'n Proc. 16 (Aug. 29, 1962).

4. Minutes of Board of Trustees, Portland University (Nov. 15, 1960).

5. Letter from Lloyd H. Elliott, President, University of Maine, to members of the Education Committee of the 100th Legislature of Maine 2 (Feb. 15, 1961) (on file at USM Library). The resolution adopted by the two boards declared:

University Law School.⁶ Because the plan needed the approval of the Maine State Legislature, administrators of the two universities soon were busy garnering support for their proposal. The administrators met with significant opposition, however, from those who questioned the necessity of a state-funded law school.⁷

While school administrators worked to make their case before the legislature, Robert C. Robinson placed before the Maine State Bar Association a resolution endorsing the proposed merger of the two universities.⁸ On January 19, 1961, when the resolution was considered, major objections came from David A. Nichols, a Maine mem-

[T]he University of Maine will, upon authorization of the Legislature of the State of Maine, . . . assume the care, control, and disposition of said property of Portland University, together with all its duties and legal obligations and the management of its former affairs.

Id.

6. Portland University also operated a School of Business Administration, a two-year evening division, and special interest courses. The University itself was first incorporated in 1921. In 1925, however, its programs became dormant and remained so until 1945, when it was reorganized and chartered as a non-profit charitable and educational corporation. At this time the Law School was founded. Two years later the Maine Board of Bar Examiners approved its law program and accepted Portland University graduates as candidates for the Maine Bar Examination. In 1949 the Maine State Legislature enlarged Portland University's charter by granting it authority to confer LL.B. degrees. See P. & S.L. 1949, ch. 40, § 2. In 1953 the Maine State Legislature enlarged the degree-granting authority of Portland University, giving it the power to "confer educational, literary and academic degrees, honors, and certificates of proficiency as are usually conferred by like institutions of higher learning." P. & S.L. 1953, ch. 2, § 4 (amending P. & S.L. 1951, ch. 136, § 4). Under this additional authority Portland University began operating its college of business administration.

7. Although the question of public legal education seemed a novel issue at the time, the University of Maine had in fact operated a College of Law in Bangor as early as 1898. Under the initial deanery of George E. Gardner, succeeded by William E. Walz in 1902, the Bangor school quickly grew in stature and prestige, offering such courses as Roman Law, International Law, Medico-Legal Relations, and Admiralty Law. But the school had its hard times as well. On April 30, 1911, a devastating fire swept through Bangor, wiping out the school's entire library except for five charred books. Two law students were injured in the fire trying to rescue books from the burning library. With the outbreak of World War I in 1917 student enrollment figures declined significantly. A student accused Dean Walz, who was of German descent, of pro-German sympathy and of urging students not to fight in the United States Army. University of Maine President Aley and a committee of the University Board of Trustees met privately and concluded they should ask Dean Walz to resign. The Board of Trustees agreed. Dean Walz refused to resign and was replaced involuntarily by the Board. The College of Law moved to a new campus in Orono shortly thereafter. In 1920 the University of Maine Board of Trustees closed the doors of the law school. For a brief discussion of the history of the University of Maine College of Law, see MERRITT C. FERNALD, HISTORY OF THE MAINE STATE COLLEGE AND THE UNIVERSITY OF MAINE 307-19 (1916) [hereinafter FERNALD]. See also Tape of Edward S. Godfrey, Address at the University of Maine School of Law (Fall 1987) (on file with the Assistant Dean, University of Maine School of Law) [hereinafter Godfrey Tape].

8. Me. S. Bar Ass'n Proc. 37 (Jan. 19, 1961). The resolution declared:

ber of the Board of Governors of the American Bar Association (ABA), and from John Easton of Winterport, a member of the Maine State Bar Association. Nichols's dissent was no surprise. In a letter dated December 20, 1960, he had written to President Elliott expressing a clear desire that the law school be discontinued after the merger of the universities.⁹ His concern was echoed at the Maine bar meeting by Easton, who wondered aloud what effect the potential cost of the merger would have on an already struggling Maine economy. Easton suggested that perhaps any available monies the legislature could provide should be spent to improve existing educational institutions.¹⁰ He asked the members of the bar association:

Would we not be better off and would we not be serving the public much better if this money was spent in improving our existing educational system from sub-primary up through at least high school and going on from there? Are we not sort of requesting our frosting before the cake batter is mixed? . . . Should we not for the moment forget that we are lawyers and remember that we are parents and taxpayers?¹¹

Easton's concern for elementary and secondary education in Maine was well taken. Maine ranked 49th among states in its percent of college-aged students actually attending college.¹² If the

That the Maine State Bar Association whose interests are to preserve and perpetuate the highest standards in the legal profession and to that end is equally concerned with the creation and development of schools for the training of future lawyers, heartily endorses the expressed intention of the respective Boards of Trustees of the University of Maine and Portland University to wit: That the University of Maine will operate an accredited Law School in Portland.

Id. It was later amended to add, "to be accredited by the American Bar Association." *Id.* at 41.

9. See Letter from David A. Nichols, Maine Member of the Board of Governors of the American Bar Association, to Lloyd H. Elliott, President, University of Maine (Dec. 20, 1960) (on file at USM Library). Nichols expressed concern that the number of students who actually would seek a legal education in Maine if the merger were approved would be diminutive. He wrote, "When it is realized that only about thirty students are seeking a legal education there, a question arises as to whether Maine taxpayers should be asked to provide the funds essential to enlist a full-time law faculty and to acquire an adequate law library." *Id.* Nichols' apprehension proved groundless, as the School of Law graduated 1840 students from 1962 to 1994, 1264 of whom remained to practice in Maine. Interview with Joan Amerling, Director of Development and Alumni Relations, University of Maine School of Law, in Portland, Me. (Feb. 1995).

10. Me. S. Bar Ass'n Proc. 40 (Jan. 19, 1961).

11. *Id.*

12. See Letter from Lloyd H. Elliott, President, University of Maine, to Erwin N. Griswold, Dean, Harvard Law School 2 (July 14, 1961) (on file at the University of Maine School of Law) [hereinafter Maine Law School].

proposed university merger were approved by the Legislature, it of course would require substantial public funding.¹³

Sidney W. Thaxter, a trustee of Portland University, gave the winning argument in support of the merger. He plainly stated that "there are many Maine students that simply cannot afford to go outside of the State to law school"¹⁴ This was enough to convince the Maine Bar Association, and on January 19, 1961, a majority voted in favor of the resolution and endorsed the proposed merger.¹⁵ The significance of the bar association vote was not lost on John Blake, Dean of the Portland University Law School. In a letter to President Elliott he wrote, "A 'no vote' could have been very difficult to explain to the Legislature."¹⁶ But as President Elliott astutely predicted in his response, "[F]urther sparks will . . . fly before the merger is completed."¹⁷ Elliott's prediction proved true.

Soon after the Maine Bar Association endorsed the proposed university merger President Elliott wrote to the Committee on Education of the 100th Maine Legislature to garner support: "[A] fully accredited law school in Maine would: 1) Fulfill the need for legally trained personnel for the State in the years ahead; 2) Offer another professional outlet for qualified Maine youth; [and] 3) Encourage more students to continue their education."¹⁸ Echoing this sentiment in a personal letter, Dean Blake wrote:

Without an approved Law school in Maine, the legal profession relies upon others to present a systematic body of knowledge of Maine law and leaves to others the task of developing the skills and application of the laws of our State. It seems to me necessary to state that the people of Maine ought to have an intellectual center for the practice of Law, and that it is impossible to advance and to disseminate legal education unless it is to be done by all of the people through their State university.¹⁹

13. In his letter to the members of the Education Committee of the 100th Legislature of Maine, University of Maine President Elliott wrote that the estimated cost of "operating a fully-accredited law school for a maximum of 100 students would require an annual appropriation of \$100,000 to \$150,000." *See supra* note 5, at 3.

14. Me. S. Bar Ass'n Proc. 39 (Jan. 19, 1961).

15. *Id.* at 41. Dean Blake, who was in attendance as a spectator, observed that the vote appeared to be "about 60% 'for' and 40% 'against' the motion." Letter from John M. Blake, Dean, Portland University, to Lloyd H. Elliott, President, University of Maine (Jan. 21, 1961) (on file at USM Library) [hereinafter Letter from Blake to Elliott].

16. Letter from Blake to Elliott, *supra* note 15.

17. Letter from Lloyd H. Elliott, President, University of Maine, to John M. Blake, Dean, Portland University (Jan. 26, 1961) (on file at USM Library).

18. Letter from Lloyd H. Elliott to Members of the Education Committee of the 100th Legislature of Maine, *supra* note 5, at 3.

19. Letter from John M. Blake, Dean, Portland University, to Israel Bernstein, Esq., part-time Professor, Portland University Law School 1-2 (Feb. 6, 1961) (on file at USM Library).

No majority of the Committee on Education was persuaded. The Committee vote was a tie, causing both President Elliott and Dean Blake to be skeptical about the merger bill's chances for approval.²⁰

When discussion of the merger began on the floor of the Maine State Legislature on May 18, 1961,²¹ the issue was debated fully. The substance of legislative opposition to the merger echoed the position expressed by the minority at the Maine Bar Association meeting. Senator Bates of Penobscot argued that "[t]he University of Maine already has enough on its hands in the expansion and improvement of existing schools and so have the state taxpayers."²² Senator Mayo of Sagadahoc declared that "we are creating a two-headed monster by this piece of legislation. . . . [C]an we as taxpayers of the State afford two universities in the State of Maine?"²³ And Senator Philbrick from Bangor asked rhetorically, "Is there a shortage of attorneys at this particular time?"²⁴

The countering argument in support of the bill found its roots in both state pride and provincialism. Too often, so the argument went, students would leave the State of Maine to pursue a higher education and would return, if at all, only to settle in retirement. Representative Pike from Lubec made exactly that point when he said:

I think most of us recognize . . . that when we send these boys or they go on their own steam out of the state to either medical or law schools, the chances are we have lost them for good or lost them until that time they come doddering home to what they call retirement. A law school in the state, and a good law school in the state, will supply what we very badly need, . . . quite a good supply of good lawyers.²⁵

20. See, e.g., Letter from Lloyd H. Elliott, President, University of Maine, to John M. Blake, Dean, Portland University (May 15, 1961) (on file at USM Library). President Elliott wrote, "Frankly, I am very discouraged at the prospects and have resigned myself to the task of trying to pick up the pieces after adjournment. . . . Sorry to be so pessimistic." *Id.* See also Minutes from Board of Trustees, Portland University (May 17, 1961). John M. Blake, Clerk for the Board of Trustees, reported, "The Legislative action concerning the merger of the University of Maine and Portland University was discussed in view of the expectation that the Legislature would not at this time approve the merger." *Id.*

21. 2 Legis. Rec. 2209 (1961) (debating L.D. 407, "An Act Merging Portland University with the University of Maine").

22. *Id.* at 2211 (statement of Sen. Bates).

23. *Id.* at 2212 (statement of Sen. Mayo). Senator Mayo was referring to the University of Maine in Portland that was established in 1957 when the University of Maine merged with the former Portland Junior College. See P. & S.L. 1957, ch. 176.

24. 2 Legis. Rec. 2479 (1961) (statement of Rep. Philbrick).

25. *Id.* at 2481 (statement of Rep. Pike). Representative Haughn from Bridgton said:

I am afraid you are going to really lose some good qualified students because once they go out of state to learn, they get a taste of other goodies of

This statement begged the question: Did Maine really need more lawyers?²⁶ Representative Berry from Portland answered directly: Yes, Maine did need more lawyers.²⁷ He cited a study conducted in December of 1960 that made two findings: 1) Law schools in the United States were graduating approximately ten thousand students each year and 2) twenty-five thousand lawyers would be needed each year by 1970 in order to meet the growing demands of professional practices.²⁸ Approval of the merger, Mr. Berry said, would "fulfill the legal training and professional need in the state in the years ahead. It would offer other professional outlets for qualified Maine youth and encourage more students to continue their education in the state."²⁹

The legislative debate lasted more than two weeks. On June 2, 1961, the 100th session of the Maine State Legislature approved the university merger and its continuation of the law school, with sixty-one legislators voting in favor of the bill, fifty-one opposed, and thirty-eight absent.³⁰ The University of Maine was authorized to operate a law school in Portland.

III. INITIAL STEPS—HIRING A DEAN, FACULTY, AND LIBRARIANS

ABA approval was a prime concern of the new University of Maine School of Law. Because Portland University had operated its law school with only part-time faculty and without its own library, it had not met ABA standards for accreditation. To accomplish accreditation for the new law school, President Elliott sought to hire a dean willing to give up the security of a position at an established

other states beyond what we have, and they are going to stay there and not come back. We want to keep those young people in Maine.

Id. at 2393 (statement of Rep. Haughn).

26. *See, e.g.*, Annual Report of Portland University 1 (1958-59) (on file at USM Library). The report stated that 28 students were enrolled in 1956-57, 30 in 1957-58, and 28 in 1958-59. *Id.* The fact that Portland University Law School was not accredited by the ABA, however, may have affected student interest in the school.

Bangor's Representative Minsky cited admissions figures in his argument against the merger. *See* 2 Legis. Rec. 2638 (1961) (statement of Rep. Minsky). In 1956, 24 students were admitted to the Maine Bar; in 1957, 24 students were admitted; in 1958, 23 students were admitted; in 1959, 30 students were admitted; and in 1960, 24 students were admitted. *Id.* Mr. Minsky said of these statistics:

I would question whether all of the Maine students would go to [the University of Maine School of Law] or whether or not there would still be a desire to go where their fathers went or to Harvard or to Boston University or outside schools as they are now doing in large numbers.

Id.

27. *See* 2 Legis. Rec. 2640 (1961) (statement of Rep. Berry).

28. *See id.* at 2640.

29. *Id.* at 2640-41.

30. *See id.* at 2849.

law school to accept the challenge of guiding a nascent institution to compliance with ABA standards.

In a letter to President Elliott dated July 12, 1961, Dean Erwin N. Griswold of Harvard Law School expressed serious doubt as to the success Elliott would have in finding such a man.³¹ Griswold cautioned that “[b]y and large, there is little transferability from an unapproved to an approved law school, and many teachers are likely to regard the post at an unapproved school as a sort of deadend street.”³² Griswold concluded by asking the question that had been debated at length in the Maine State Legislature: “Is it wholly clear to all concerned that it is desirable for the University of Maine to be operating a law school in Portland?”³³ Dean Griswold’s caution, offered from the vantage point of an established lawyer-training institution, did not dissuade President Elliott. Although he understood the difficulties that faced him, he and the rest of the university remained “determined to move along just as rapidly as possible.”³⁴

In August 1961 Dr. Austin Peck, Vice President for Academic Affairs at the University of Maine, wrote to Edward Godfrey and explained that his name was one of several mentioned during discussions concerning the hiring of a dean.³⁵ Godfrey had been recommended to Dr. Peck by Karl Llewellyn, for whom Godfrey had done some work on the Uniform Commercial Code when Llewellyn was Commissioner on Uniform State Laws of New York State.³⁶ At the time Godfrey received the inquiry from Dr. Peck, he was a full-time professor at the Albany Law School. Undaunted by fears of a “deadend” position, Godfrey entered discussions with the University of Maine regarding the deanery of the Law School. During Thanksgiving weekend 1961, Godfrey met with University President Elliott in Orono. Elliott made it clear to Godfrey that he and senior administrative officials would give all possible support to the new law school and to its dean.³⁷ Godfrey left the meeting impressed, but two weeks passed before President Elliott contacted him again. During his second conversation with President Elliott, Godfrey explained that if the University of Maine were interested in seeing a full-time law faculty hired by the summer of 1962 it must select the law school dean before the annual meeting of the Association of American Law Schools (AALS) took place in late December

31. Letter from Erwin N. Griswold, Dean, Harvard Law School, to Lloyd H. Elliott, President, University of Maine (July 12, 1961) (on file at the University of Maine School of Law).

32. *Id.* at 1.

33. *Id.* at 2.

34. See Letter from Elliott to Griswold, *supra* note 12, at 2.

35. See Godfrey Tape, *supra* note 7.

36. *Id.*

37. *Id.*

1961.³⁸ Godfrey described the AALS meeting to Elliott as the "slave market for professors," warning that it would be difficult to hire people for the coming year once the meeting passed.

On December 15, 1961, Vice President Peck assured Godfrey that although nothing was official, there was little doubt that Godfrey would be hired as dean and that he should attend the meeting of the AALS with the selection of teachers for the new Maine Law School in mind. Godfrey went. At the meeting, he met Harry P. Glassman, Cornelius F. Murphy, Jr., and G. Graham Waite. Glassman, a graduate of the University of California Law School, had spent nine years practicing in San Francisco before becoming a part-time faculty member at the University of Virginia Law School while studying for his master of laws degree. Glassman impressed Godfrey with his qualifications and his "reckless spirit . . . about coming up here."³⁹ Godfrey hired Glassman before mid-January. Glassman soon was joined on the faculty by Cornelius Murphy, who had received his bachelor of laws degree from Boston College. Murphy had served in private practice for two years, had clerked for Judge Day of the United States District Court for the District of Rhode Island, and had taught for two years in a teaching fellowship program at the University of Virginia. The third member of the new faculty, Graham Waite, had completed his law degree at the University of Wisconsin, worked in private practice for two years in Iowa, and served as an attorney in the Atomic Energy Commission and in the U.S. Navy Department. Waite had taught law for two years at Catholic University and for three years at the University of Buffalo. By the time Godfrey himself was officially announced as the new dean of the University of Maine Law School on January 16, 1962,⁴⁰ he already had established the Maine Law School's first full-time faculty.

With the hiring of initial faculty completed, Godfrey's next goal was to find a librarian capable of building a library quickly in order to achieve early ABA accreditation. John G. Hervey, Advisor to the ABA Section of Legal Education and Admissions to the Bar, suggested that Godfrey contact Dr. Arthur C. Pulling, who had been director of the law libraries of Minnesota and Harvard before going to the Villanova Law Library, from which he was retiring.⁴¹ After

38. *Id.*

39. *Id.*

40. See Minutes of Board of Trustees, *supra* note 1.

41. See Godfrey Tape, *supra* note 7. Dr. Pulling was the first person ever presented with a recognition certificate by the Harvard Law School Association. See Letter from Dr. Arthur C. Pulling, Director, Villanova University Law Library, to Edward Godfrey, Dean, University of Maine School of Law 2 (Feb. 20, 1962) (on file at the University of Maine School of Law). The certificate, presented to Dr. Pulling on August 26, 1953, proclaims, "His professional skill has preserved and expanded the treasury of learning which has been his charge; his ingenuity has made

some discussion in February 1962, Dr. Pulling agreed to come out of retirement and accept the challenge of developing a law library for the University of Maine Law School.

Dr. Pulling's hiring was a major accomplishment and a boon to the future of the school. Dean Godfrey later would describe Dr. Pulling as being "the greatest acquisitions librarian the world has ever known."⁴² As Godfrey explained, "[H]e had chits all over the place and he was absolutely unscrupulous about calling them in."⁴³ An experienced horse trader, Dr. Pulling never was ashamed to ask for books that might be lying in someone's attic. On a larger scale he persuaded the librarian of the New York State Library to donate books that were taking up too much space in the library of the Appellate Division of the Third Department. As a result the Maine Law School became the beneficiary of nine thousand books of New York material.

The same qualities that defined Dr. Pulling's excellence also proved to be the source of some embarrassment to Dean Godfrey. Dr. Pulling obtained permission to sort through the books stored in the basement of the Harvard Law Library on the condition that he set aside books he would like to take so that someone from the Harvard Law School could review his selections and either give or refuse consent for each book's removal. Dr. Pulling went through the books, taking what he wanted and storing them in boxes he had brought down to the basement. By the time he was finished the books were stored and packed in so many boxes that they were not easily accessible, making it difficult for the librarian of the Harvard Law Library to discern which books were important and which were not. Dean Griswold of the Harvard Law School called Dean Godfrey and expressed his concern. Dean Godfrey conveyed his embarrassment and, after consulting with Dr. Pulling, told Dean Griswold that he certainly did not want to take any books the Harvard Law librarian did not wish to lose and that the Harvard Law librarian should go through all the boxes before shipping them to Maine. A month passed. No one from Harvard took the time to undo all of Dr. Pulling's boxes to see what they contained. Dean Griswold ultimately told Dean Godfrey that the Maine Law School simply could take all of the books. Maine became the beneficiary of a second great collection of books, including a nearly complete set of the *Yale Law Journals*, an important addition to the library.

Faculty and staff now had been assembled for the first year of Maine Law School's operation. At this juncture Dr. Pulling recom-

the resources of scholarship increasingly accessible to those in search of knowledge; his tact has made the mechanism of a great library the helpful instrument of education." *Id.*

42. See Godfrey Tape, *supra* note 7.

43. *Id.*

mended to Dean Godfrey that he hire as an assistant librarian Donald Garbrecht, who was finishing a master's degree in the School of Library Science at the University of Minnesota. Dean Godfrey liked Garbrecht on sight. He officially was hired following an authorization phone call to Orono. The hiring of an assistant librarian signalled to the Maine legal community that the University of Maine Law School was serious about its intention to be a distinguished place of learning. As Dean Godfrey said in an address before the Maine State Bar Association:

There are some fairly respectable law schools in the United States that are operated without an assistant librarian, but such an arrangement is not conducive to sound library administration. The appointment here of a trained assistant librarian made a strong impression on some educators who had doubted the determination of the University of Maine to run a law school of high quality.⁴⁴

A group of six men led by Dean Godfrey now undertook the responsibility of preparing the Maine Law School to meet the accreditation standards of the ABA. Dean Godfrey said of his five colleagues at the new law school, "I am proud of our first wave of resident faculty It took courage to come on the faculty of an as-yet-unapproved law school when other, safer choices were open. They felt the challenge of the assignment and responded to it in a gallant manner."⁴⁵

IV. GETTING READY FOR THE FIRST ACADEMIC YEAR

The ABA defines the minimum standards a law school must satisfy before it can be accredited. In 1963 an accredited law library was required to shelve at least 12,500 usable volumes in specific categories.⁴⁶ In 1964 that requirement was raised to 15,000.⁴⁷ Furthermore a minimum faculty of three full-time teachers was required.⁴⁸ Although the Maine Law School met each of these requirements, much work remained to be done.

ABA accreditation standards also implicate admissions. Dean Godfrey was determined to raise admission standards for the new law school. The Portland University Law School had not required that students hold a college degree in order to be admitted, but Dean Godfrey intended to make a degree mandatory for admission to the University of Maine Law School except in unusual circum-

44. Me. S. Bar Ass'n Proc. 19 (Aug. 29, 1962).

45. *Id.* at 17-18.

46. *See id.* at 20.

47. *Id.*

48. *Id.*

stances.⁴⁹ Dean Godfrey also believed that scholastic standards for student performance after admission should be high.⁵⁰ Dean Godfrey explained that “[h]igh standards attract good men, and if we hold to our standards we shall attract a substantial number of good men from out of the state as well as from Maine.”⁵¹

Dean Godfrey faced a problem in attracting bright students to the Maine Law School, however, because few were aware it existed. Publicity for the school became an important issue.⁵² At a meeting of the Maine State Bar Association in August 1962, Dean Godfrey asked for help. He asked members of the Bar to mention the Maine Law School to potential students as an option for the study of law.⁵³ Such affirmation not only would provide publicity for the law school but also would serve as a message that the Maine Bar supported the school’s program. Although not a criterion for ABA accreditation, local Bar support for an unaccredited law school provides assurance to the ABA that the school is seen as dedicated to rapid improvement.

In addition to making administrative preparations for accreditation, Dean Godfrey and the other Maine Law faculty members focused on the upcoming academic year. At its first meeting, held in Washington, D.C., on May 26, 1962, the faculty of the University of Maine School of Law defined the curriculum and set course assignments, including those of the dean.⁵⁴ The group decided to institute

49. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to John G. Hervey, Advisor, Section of Legal Education and Admissions to Bar of the American Bar Association (Feb. 21, 1962) (on file at the University of Maine School of Law).

50. In fact the record indicates that final grades were relatively low for the first-year class in the first semester of the 1964-65 academic year. Only two students out of 80 scored above 80, while 12 students scored between 60 and 64. See Inspection Report of the University of Maine School of Law by John G. Hervey, Advisor to Section of Legal Education and Admissions to Bar of the American Bar Association 9 (June 30-July 1-2, 1965) (on file at the University of Maine School of Law).

51. See Me. S. Bar Ass’n Proc. 19-20 (Aug. 29, 1962).

52. In a letter to Godfrey while he was still a professor at the Albany Law School, Dr. Peck said, “I agree fully with your point that we need to get publicity which will be as extensive as possible. . . . Newspaper publicity throughout the state will also be helpful in making known the availability of the law school brochure.” Letter from Dr. H. Austin Peck, Vice President for Academic Affairs, University of Maine, to Edward S. Godfrey, Dean, University of Maine School of Law (Feb. 12, 1962) (on file at the University of Maine School of Law).

53. See Me. S. Bar Ass’n Proc. 20 (Aug. 29, 1962). Godfrey said to the Bar:

The Bar has a responsibility to call the attention of young people to the possibility of law as a career and to point out its challenges and attractions to able youngsters. This you can do continually, and in the process if you mention to them the University of Maine as a possible place for the study of law, that will be of much help to us over the long run.

Id.

54. See Minutes of faculty meeting, University of Maine School of Law (May 26, 1962) (on file with the Assistant Dean, University of Maine School of Law). Dean

a moot court program in the spring semester of the first year as part of a course in Legal Method but also decided that the school would not enter the National Moot Court Contest.⁵⁵ The faculty discussed general allocations of responsibility among school administrators; procedures for appointment, promotion, and dismissal of faculty; and the possibility of hiring another full-time faculty member the following year. They decided among other things to continue annual production of the *Maine Law Review*, begun in 1908.

Upon publication of the first edition of the modern *Law Review* Dean Godfrey explained the reasoning behind that decision to carry on the old tradition. He wrote:

After all, the establishment of a law school by the University of Maine has been itself an act of high daring in the present competitive state of American legal education. An institution designed to set an ancient wrong right does best to get on with the business and not listen too attentively to counsels of caution. The editor-in-chief of the *Review* and the associate editors who have helped him have sensed the urgency of the school's need to grow rapidly in stature and influence. This volume reflects their devotion and seriousness of purpose.⁵⁶

As Dean Godfrey emphasized, the decision to continue the *Law Review* served as a signal to the legal community of the Maine Law School's desire to make deliberate efforts to operate as any other reputable law school would despite the assured difficulties and frustrations that would accompany such high expectations. In the fall of 1962 the faculty and administration of the Maine Law School began its first full academic year.

Their initial efforts were well rewarded. One measure of the quality of a law school is the success of its graduates on the state bar examination. Each of the nine members of the graduating class of 1963 passed the Maine Bar Examination on the first attempt.⁵⁷ Fur-

Godfrey would teach Security in the fall semester and Contracts I and II if a part-time faculty member decided to give up that course. Professor Waite would teach Property I and II, Conflict of Laws in the fall, and Land Use Controls in the spring. Professor Glassman would teach Criminal Law I and II as well as Labor Law in the fall and Legal Process in the spring. The rest of the courses offered would be taught by part-time faculty. *Id.* at 3.

55. *Id.* at 3.

56. See Edward S. Godfrey, *The Maine Law Review*, 15 ME. L. REV. 1, 1-2 (1963). Godfrey's words echo those of Dean Walz of the University of Maine College of Law during an address he delivered after the school's decision to begin publication of the *Maine Law Review* in April, 1908. See FERNALD, *supra* note 7, at 316. Dean Walz said, "Founded by the students with a courage and faith so bold as to exceed anything attempted by other law schools many times the size of our own, the record of the *Maine Law Review* has justified the trust of its founders . . ." *Id.*

57. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to Michael H. Cardozo, Executive Director, Association of American Law Schools, Exhibit A (August 29, 1966) (on file at the University of Maine School of Law).

thermore the attrition rate of the third-year class was zero percent.⁵⁸ Because the faculty never established any grading curve or any minimum percentage of students who must receive passing grades, the success of these students was a tribute to their own diligence as well as to the high standards of performance required by the faculty. Dean Godfrey later offered at least one reason for these first students' work ethic. He said, "In a school that has been as small as this one, students have little opportunity to neglect their work undetected and uncounseled. . . . [M]ost of our classes were so small that every student could expect to participate in class discussion every day."⁵⁹

V. PROVISIONAL APPROVAL

Before a law school may be fully accredited by the ABA it must be provisionally approved. The standards for provisional approval are less strict than for full approval, but an accrediting committee's favorable report recommending provisional approval to the ABA's Council of the Section of Legal Education and Admission to the Bar is not automatic. During the course of the first year of the Maine Law School, John Hervey, Advisor to the Section, made two visits to the school.⁶⁰ Hervey was responsible for evaluating law schools and making recommendations regarding their applications for accreditation. His second visit came on July 24, 1963, following the giving and grading of examinations for the first year.⁶¹ In a letter to Dr. Peck once the inspection was over, Dean Godfrey expressed satisfaction that Hervey had not criticized the quality of the examinations or their grading and was "mildly optimistic" about the possibility of receiving provisional approval at the next Council meeting.⁶²

In order to obtain provisional approval Dean Godfrey believed it imperative that the Maine Law School hire two additional full-time faculty members, or at the minimum one more, for the 1964-65 academic year.⁶³ He believed this to be the case even though it already was planned that the faculty would increase by one with the addition of L. Kinvin Wroth as associate professor beginning January 1,

58. *Id.*

59. *Id.* at 6-7.

60. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to Dr. H. Austin Peck, Vice President for Academic Affairs, University of Maine 1 (July 26, 1963) (on file at the University of Maine School of Law).

61. *Id.*

62. *Id.*

63. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to Dr. H. Austin Peck, Vice President for Academic Affairs, University of Maine 1 (Sept. 16, 1963) (on file at the University of Maine School of Law).

1964.⁶⁴ Dean Godfrey's belief was grounded in statistics: only thirty-two of the 135 approved law schools in the United States had fewer than eight full-time teachers.⁶⁵ Further, only thirteen of those schools had as few full-time faculty as the Maine Law School would have after the hiring of Wroth.⁶⁶ Of these figures Dean Godfrey said, "In short, our limited full-time faculty strength places us in poor company."⁶⁷ Dean Godfrey also argued that for the first year too much of the curriculum had been taught by part-time teachers.⁶⁸ Although most of these teachers were capable, they were not as accessible to students as were full-time faculty, and they were hindered by outside restrictions and responsibilities. For these reasons part-time teaching was a less than desirable option. However, as Dean Godfrey explained, "The problem of excessive part-time instruction cannot be solved satisfactorily by increasing the teaching load of the full-time faculty."⁶⁹ The resident faculty already was committed fully with their assigned courses, individual research and writing projects, and work for legislative committees as well as for the Supreme Judicial Court.

Dean Godfrey asserted that although the school likely would be provisionally approved during the next meeting of the ABA House of Delegates, full approval probably would be delayed until the school increased its strength in all respects.⁷⁰ Dean Godfrey explained that "[w]ith our present faculty strength we are unable to offer an elective program."⁷¹ Perhaps more importantly, maintaining the small resident faculty at this static size would give the false impression to the ABA that the school was not committed to increasing its stature or its influence in the legal field and was prepared to operate with marginal effort and minimum quality.⁷²

Dr. Peck did not comply with Dean Godfrey's request for an enlarged faculty. In August 1963, nevertheless, the ABA Council voted to recommend the University of Maine Law School to the House of Delegates for provisional approval at their meeting in February 1964.⁷³ Dean Godfrey wrote again to Dr. Peck in an attempt to change his mind about hiring two additional resident faculty

64. L. Kinvin Wroth received his undergraduate degree from Yale University and his law degree from Harvard University. He was a teaching fellow at Dickinson School of Law and a research associate at Harvard before joining the Maine Law School resident faculty.

65. See Letter from Godfrey to Peck, *supra* note 63, at 1.

66. See *id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.* at 2.

71. *Id.*

72. *Id.*

73. See Letter from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Edward S. Godfrey,

members.⁷⁴ Godfrey stressed once more the fact that full approval by the ABA would be unlikely without a stronger resident faculty.⁷⁵ He argued as well that weakness of the resident faculty could affect student interest in the school. On this matter Dean Godfrey insisted:

[I]t is certain that we shall not increase enrollment without full support for the development of the school to the point where it is at least as strong in its attraction as Boston College and Boston University. We have strong advantages that we can exploit without increasing our faculty to the size of theirs, but we must certainly increase soon to six teachers in order to compete successfully.⁷⁶

Unexpectedly, as the law school began its second year of operation, the need for new resident faculty became more pressing. Arthur Pulling, Maine Law School's first librarian, died in September 1963. Dean Godfrey noted, "The Council will be looking for clear evidence of forward motion. Even if we replace Dr. Pulling with a full-time teacher, we shall be regarded as simply holding our own."⁷⁷ Due primarily to the pressure applied by Dean Godfrey,⁷⁸ President Elliott and the Trustees of the University of Maine approved the addition of a fifth resident teacher beginning in September 1964.⁷⁹

With the addition of Professor John Spanogle, Dean Godfrey and the resident faculty revised the curriculum so that full-time faculty would teach a higher percentage of offered courses, seventy-one percent for the 1963-64 academic year and eighty-one percent for the 1964-65 academic year.⁸⁰ By these means, a growing faculty and

Dean, University of Maine School of Law (Aug. 16, 1963) (on file at the University of Maine School of Law).

74. See Letter from Godfrey to Peck, *supra* note 63, at 1.

75. *Id.* at 2. Dean Godfrey said, "I believe that full accreditation by February of 1965 is within the realm of possibility, but I am fairly certain that it cannot be realized with a faculty that has stopped growing at four full-time teachers." *Id.*

76. *Id.*

77. *Id.* at 1.

78. In his letter to Dr. Peck, Dean Godfrey expressed the depth of his concern in this matter when he said, "I should be unhappy at a philosophy that would block the strong development of the school at this formative stage." *Id.*

79. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association 1 (Jan. 20, 1964) (on file at the University of Maine School of Law). The newly created resident faculty position was filled by John A. Spanogle, a teacher of commercial law. Spanogle received his B.S. degree from Princeton University and his J.D. from the University of Chicago. He was an associate professor at Vanderbilt Law School for three years before accepting his position at the University of Maine School of Law.

80. See Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association 1 (June 7, 1963) (on file at the University of Maine School of Law).

a commitment to full-time instruction, the Maine Law School improved its academic stature. In February 1964 the House of Delegates of the ABA voted to give provisional approval to the Maine Law School, subject to annual inspections until the school should become fully approved.⁸¹ According to ABA rules the school would remain in provisionally approved status for at least one year before it could apply for full approval.

VI. FULL ACCREDITATION

Although receiving provisional approval so quickly constituted a major accomplishment,⁸² Dean Godfrey and the rest of the law school set out to gain full approval as soon as possible. To meet this goal they needed to continue improving every facet of the school. An early sign of strength was the increase in student enrollment. The size of the entering first-year class jumped from nine during the 1962-63 academic year to thirty-seven during 1965-66.⁸³ The graduates' success rate on the Maine Bar Examination dropped a bit from the initial year's success rate, with six out of ten of the class of 1964 and five out of seven of the class of 1965 passing.⁸⁴ However, the graduates tested perfectly again for the class of 1966, with six out of six students passing.⁸⁵ Maine Law graduates' cumulative success rate on the Maine Bar Examination by 1966 was eighty-two percent, compared to the overall success rate by all exam takers of seventy-nine percent.⁸⁶

Although the high success rate of Maine Law students on the bar exam was a major accomplishment, continued academic improvement at the law school was imperative. In a report made to the University after the start of the 1965-66 academic year, Dean Godfrey once again requested additional faculty.⁸⁷ He explained that enrollment at the school had increased beyond original expectations and that the present faculty, a dean and five professors plus four part-time teachers, was no longer sufficient. The total number of students enrolled in the school had risen from twenty-seven in 1962 to fifty-six in 1965. Dean Godfrey reported that the present faculty size would suffice if enrollment did not increase; however, based on

81. See Letter from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Edward S. Godfrey, Dean, University of Maine School of Law (Feb. 18, 1964) (on file at the University of Maine School of Law).

82. The original goal was to reach provisional approval in a time span of three to five years. See Letter from Godfrey to Peck, *supra* note 63, at 2.

83. See *supra* note 57.

84. *Id.*

85. *Id.*

86. *Id.*

87. See Report from Godfrey to the administrators of the University of Maine 1 (Fall, 1965) (on file at the University of Maine School of Law).

applications received for the following year he expected a total of eighty to ninety students to be enrolled in 1966.⁸⁸ Godfrey reiterated his position that hiring more part-time teachers would not provide an appropriate solution. He also reported that Maine Law School ranked 116th in the United States out of 132 reporting ABA-approved law schools in the size of its full-time faculty.⁸⁹

Exacerbating Godfrey's problem of faculty was the fact that Professor Murphy would be leaving the school after the 1965-66 academic year. Murphy would have to be replaced and Godfrey also needed to hire someone to teach a course on Corporations.⁹⁰ The cost of obtaining additional faculty would be high. Dean Godfrey explained that a rapid increase in enrollment in ABA-approved law schools⁹¹ had led to increased demand for faculties in many schools. Godfrey understood there to be about two hundred faculty vacancies in law schools to be filled from a pool of only about one hundred well-qualified applicants. This, he explained, resulted in an increase in costs for hiring new law teachers, and he requested an allocation to the law school budget of \$25,900 to be used for the hiring of additional faculty.⁹²

Dean Godfrey also requested an increase in faculty salaries. In a confidential report by the ABA documenting compensation in ABA-approved schools for the 1964-65 academic year, it was apparent that the Maine Law School was not competitive in providing faculty salaries.⁹³ Salaries for the Maine Law School ranged from a high of \$12,500 to a low of \$9,000, with a median salary of \$10,000 and an average of \$10,450.⁹⁴ Dean Godfrey's report to the Univer-

88. Dean Godfrey argued:

A distinctive feature of education at this law school has been the emphasis on supervised writing, through the requirement of a senior thesis, appellate advocacy with brief writing and arguing of mock appeals, case notes prepared by the juniors, and legal memoranda prepared by the first-year men. In addition, considerable faculty supervision is given to the *Maine Law Review*, and must continue to be so given until student publication is firmly established. The time of our small faculty is already taken up with student consultation to the point of endangering their potential for research. With 80 or 90 students, the burden will be intolerable.

Id.

89. *Id.*

90. *Id.* at 1-2.

91. See Memorandum from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Deans of Approved Law Schools 3 (Dec. 28, 1965) (on file at the University of Maine School of Law). For example, total enrollment in approved law schools rose from 44,805 in Fall 1962 to 59,744 in Fall 1965. *Id.*

92. See Godfrey Report, *supra* note 87, at 4.

93. See Memorandum from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Deans of Approved Law Schools (Feb. 2, 1965) (on file at the University of Maine School of Law).

94. *Id.*

sity compared these figures to the salaries of faculty in other law schools. Eighty-four schools had maximum salaries that exceeded Maine's; thirty-one schools' high salaries were lower than Maine's. Ninety-five schools had median salaries in excess of Maine Law School's; eighteen schools had a lower median salary. Eighty-seven schools enjoyed a higher average faculty salary, whereas only thirty-three schools had a lower average salary.⁹⁵ These figures reinforced Dean Godfrey's conclusion that faculty salaries at the Maine Law School needed an immediate increase lest high paying law schools or private law firms raid the Maine Law faculty. In fact each of the resident faculty at Maine Law already had received offers to work elsewhere for higher pay.⁹⁶ Dean Godfrey sought also to protect staff salaries, as well as faculty salaries, in order to prevent staff flight to law firms that could afford to pay higher wages.⁹⁷

To increase the salaries of the faculty and staff, Dean Godfrey requested an additional allocation of \$11,600 to the law school budget.⁹⁸ The University did raise overall law school salaries for the 1965-66 academic year.⁹⁹ Still, Maine fell behind in the categories of highest, median, and average salaries,¹⁰⁰ and Godfrey sought assurance from Dr. H. Austin Peck¹⁰¹ that the University of Maine was committed to a policy of competitive salaries:

[F]aculty compensation at this law school will be considerably advanced in a manner which will enable us to compete with strong law schools in holding our teachers. . . . [S]alaries in a professional school must be competitive not only with similar professional schools in other universities but also reasonably

95. See Godfrey Report, *supra* note 87, at 3.

96. See *id.* at 4. For example, Professor Glassman was offered a position at Boston College Law School for a salary of at least \$15,000. Professor Spanogle was offered \$14,000 to teach at Alabama. Professor Wroth turned down an offer of \$20,000 to be a clerk of the federal courts in Boston. Professor Garbrecht received several offers to work elsewhere for between \$13,000 and \$14,000. The reason for Professor Murphy's leaving, however, was not financial. *Id.*

97. *Id.* Dean Godfrey said, "The law school is blessed with a secretarial staff of unusual competence and devotion." *Id.*

98. *Id.*

99. See Memorandum from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Dean of School Addressed (Dec. 9, 1965) (on file at the University of Maine School of Law). Although Maine Law's highest salary remained the same, its lowest moved from \$9,000 to \$10,000. The median salary rose from \$10,000 to \$11,000, and the average salary increased from \$10,450 to \$11,250. *Id.* at 3.

100. See Memorandum from Dean Godfrey (Dec. 23, 1965) (on file at the University of Maine School of Law).

101. Letter from Dr. H. Austin Peck, Vice President for Academic Affairs, University of Maine, to Edward S. Godfrey, Dean, University of Maine School of Law (July 23, 1965) [hereinafter Letter from Peck] (on file at the University of Maine School of Law).

attractive when compared with the compensation obtainable in private practice by persons of equal competence.¹⁰²

Dr. Peck qualified his endorsement of this policy by explaining in response that the University was largely constrained by legislative appropriations and was therefore restricted in the manner in which it could achieve this desired goal.¹⁰³

Despite Godfrey's struggle on the financial front the academic development of the law school never faltered. In his 1965 inspection report of the University of Maine School of Law, ABA evaluator John Hervey wrote, "This is not just another law school. The performance to date has been excellent. It gives even greater promise for the future. The Adviser knows of no reason why the school should not be recommended for full approval at this time."¹⁰⁴ Based on Hervey's report, the Council voted during its August 1965 meeting to recommend the law school for full approval.¹⁰⁵ The recommendation subsequently was adopted by the Section of Legal Education and Admissions to the Bar and was sent to the House of Delegates for consideration. At its meeting in February 1966 the ABA voted that the University of Maine School of Law should be fully approved.¹⁰⁶

Now fully accredited by the ABA, the Maine Law School on December 28, 1966, became a member of the Association of American Law Schools (AALS), a matter of some prestige.¹⁰⁷ When the accredited Maine Law School became a member of AALS, it achieved the full status awarded by both major legal organizations in the United States, the ABA and the AALS. Godfrey and his faculty had succeeded with four years of work in seeing the University of Maine School of Law officially recognized as a prominent and influential force in Maine law.

VII. CONCLUSION

From the moment he was appointed Dean of the Maine Law School, Edward S. Godfrey was the guiding spirit behind its commit-

102. Letter from Edward S. Godfrey, Dean, University of Maine School of Law, to Dr. H. Austin Peck, Vice President for Academic Affairs, University of Maine (July 9, 1965) (on file at Maine Law School).

103. See Letter from Peck, *supra* note 101.

104. See Hervey Report, *supra* note 50, at 14.

105. See Letter from John G. Hervey, Advisor, Section of Legal Education and Admissions to the Bar of the American Bar Association, to Edward S. Godfrey, Dean, University of Maine School of Law (Aug. 17, 1965) (on file at Maine Law School).

106. Maine graduates thereafter were eligible to take the bar exam in any state.

107. See HANDBOOK—ASSOCIATION OF AMERICAN LAW SCHOOLS—1994 18 (1994). The University of Maine School of Law has a distinguished history with the AALS. The University of Maine College of Law was a charter member of the Association in 1920. *Id.*

ment to excellence. He accepted with great hope and expectations for the future the challenge to head an as-yet-unaccredited law school. For that school he secured a competent and dedicated initial full-time faculty and an experienced acquisitions librarian capable of developing a substantial law library. As a result of Dean Godfrey's leadership, the University of Maine School of Law was rewarded with early ABA accreditation and AALS membership, and the people of Maine were rewarded with a law school dedicated to the public interest.

*Michael J. Bresnick**

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