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Jack Hyman's Law School Without Borders

THOMAS E. HEADRICK†

I am one of the many deans who followed after Jack Hyman and pursued the path that he had laid down for us. Jack Hyman was a dear friend of mine, an advisor and mentor, a loyal, indeed passionate supporter of the Law School and its leadership through the years. As Nils has indicated, to the alumni whom I had the good fortune of knowing and working with over the years, he was always "Dean Hyman." It is upon "Dean Hyman" that I wish to dwell for my few moments on this occasion.

Jack became Dean in 1953 following George Stevens' brief stint, which Al Mugal used to describe as the "train stop deanship," Stevens staying only long enough for the train to refuel and then be on his way. Because of the Second World War, and other factors, UB had had a series of short-term deanships. It was badly in need of the stability and continuity that Jack provided as he moved the school forward over the next eleven years. When Jack took the helm, the school faced very stormy times. The full-time faculty was small in number, poorly paid. The GI Bill boom had disappeared; enrollments were sinking, as well as applicant quality. And many students divided their study time with full-time jobs essential to support themselves and often their families.

Jack recounted all of this to UB Chancellor McConnell in his first annual report. What was striking about that report was not its recitation of problems; however, it was its expansive conception of what changes were needed in legal education and how UB should and could innovate and offer leadership. As mentioned in the program, Jack knew, respected, revered his faculty colleagues and predecessors—the likes of David Riesman, Mark DeWolfe Howe, Louis Jaffe, Ernest Brown, Philip Halpern—whose far reaching talents, interests, and teaching spread well beyond the bounds of traditional legal education. They set a tone for UB, created a culture of challenge to the established law school order. Jack took up those themes in his report. He

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questioned the usefulness of the case method as the exclusive law school pedagogical tool and its emphasis on common law tradition and doctrine. He saw and foresaw the vast burgeoning of legal topics built around new public policies and laws that were not adaptable to the old pedagogy. He emphasized the changing roles of lawyers as shapers of these policies and their legal implementation.

For Jack, no one exemplified this more than the famed UB law graduate, John Lord O'Brian. Jack argued that in order to develop lawyers who would follow the path of the John Lord O'Brian's of this world, legal education had to incorporate the understandings of the social sciences and other disciplines. He looked carefully at the actual work of lawyers and noted that close case analysis was only one skill among the many required for successful and ethical law practice, that lawyers help resolve social, economic, political problems, and conflicts through negotiation, persuasion, and careful drafting, as well as through adversarial processes, and that law schools had an obligation to merge their theoretical approaches with some practical orientation. To do this, the Law School had to grow, had to invent new courses, had to bring in the understandings of other disciplines.

Reality has a way of pinching the visions of a dean especially in a struggling, private, comprehensive and over-stretched university. But despite those constraints, Jack was able to recruit faculty who shared his vision, who brought at the time non-traditional subjects and teaching to the curriculum—Saul Touster, Tom Buergenthal, Herman Schwartz, Wade Newhouse, Lou DelCotto, Bob Fleming, Joe Laufer. The school added courses that blended the theoretical and the practical, foreshadowing the extensive clinical programs that have set this school apart from many others. To support these initiatives, he laid the foundation for alumni financial support by creating the Annual Fund for Legal Education. And he organized the Alumni Association to build a stronger connection between the school and its natural supporters. Most importantly, when the opportunity presented itself for UB to join the State University, he put his talents and acumen behind the move. Again, he saw more clearly than many did at the time what this would mean not only for UB, but for the whole community.

Most law schools have a culture, a set of shared desires and beliefs, though often difficult to describe or articulate,

that has shaped their development and place in legal education. The UB Law School today has courses, programs, clinics, and community involvement that could not have been imagined in Dean Hyman's time. Its faculty members have been and are engaged in scholarship that pushes the conception and boundaries of law well beyond its disciplinary turf and into the whole range of investigations that help us understand how people, groups, movements, even nations act and how legal and social structures shape, foster and impede those actions. This Law School stands alone, or perhaps with only a few others, as one that sees and studies and teaches law without borders. That is the best way I can capture in words UB Law's culture.

Going back to Dean Hyman's first annual report and to his vision for change, we see a clear expression of the culture that, as it was imbibed from his mentors and predecessors, developed by his own experience, and passed on to his many successors, is now inculcated in its choices of faculty and seizure of opportunities by-passed by other law schools. The school has integrated other academic territories in its social environment. It is dedicated to the exploration of the vast social tapestry into which law is inextricably woven. UB Law today is Dean Hyman's law school, much larger, more expansive, better financed, but still not sufficiently so (once a dean, always a dean) than the one he led in the 1950s and 1960s. It is the law school of his vision, with the culture of the unconventional, of the borderless understanding of law. His spirit inhabits its very essence. It sits at its very core.

The Jack Hyman I knew was of course much more than "The Dean." He was a gracious, gentle, humane, principled man, blessed with a subtle and acute intelligence, fully engaged in worlds both near and far, fun and challenging for his friends, helpful and instructive to all around him. I could go on, but there are others here today who will fill out that portrait.

Thank you for the opportunity to share my love and my admiration for my dear friend.