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David L. Robbins

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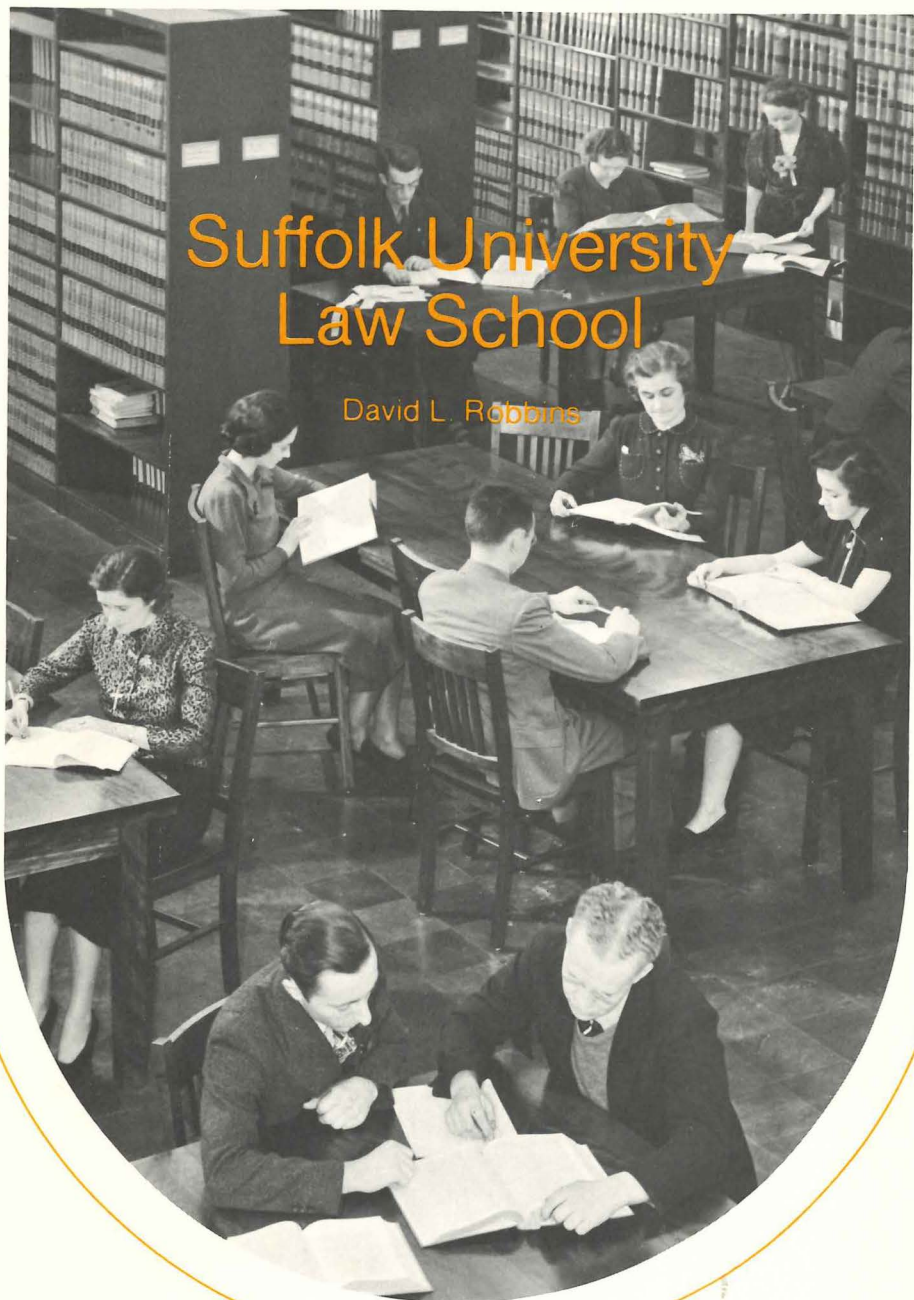
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The HERITAGE Series



Suffolk University Law School

David L. Robbins

SUFFOLK
UNIVERSITY

A Suffolk University Heritage Publication



Suffolk University Law School

David L. Robbins



Suffolk University
Beacon Hill, Boston, Massachusetts 02114
1981

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Introduction

Gleason L. Archer founded Suffolk Law School to be an "open door of opportunity"¹ for immigrant and American-born workingmen. For years, he fought efforts by the American Bar Association (ABA) and the Association of American Law Schools (AALS) to establish "quality control" standards for legal education through legislation or voluntary accreditation guidelines. Such "regulation," Archer feared, would drive the cost of forensic training or its prerequisites beyond the means of most Americans. His school was vilified by the professional associations as the seat of mediocrity, but Archer's opposition to exclusive standards was never opposition to educational excellence as such. He worked steadily to improve the quality of education offered at Suffolk Law School, and as high school and college instruction became widely affordable, many at Suffolk who shared his goal of educational excellence came to accept as constructive the net influence of accreditation criteria. Although considered code words for elitism and exclusivity at the height of Archer's battles with the ABA and AALS, "quality" and "excellence" were eventually accepted as watchwords at the school he had founded.

This essay aims to trace the steps, occasionally hesitant or painful, by which Suffolk Law School, Dean Archer's "haven of opportunity,"² became the Suffolk University Law School which by 1981 was proudly engaged in a "Campaign for Excellence."³

This pamphlet is the fourth in the Suffolk University Historical Pamphlet Series, and the third to be published as part of the Suffolk University Heritage Project. Our primary focus here is on the academic development of the Law School; its social history is discussed in the Heritage Series pamphlet reserved for that subject.

1. Suffolk University Law School, 1938 catalogue, p. 2. On the Law School's early history, see David L. Robbins, *Gleason L. Archer* (Boston: Suffolk University, 1980) and "Opportunity's Haven: The Ambiguous Heritage of Suffolk University Law School" (*Advocate*, 75th Anniversary Issue, 1981). Some material in the present pamphlet first appeared in that *Advocate* article.

2. Suffolk University Law School, 1939 catalogue, p. 6.

3. Suffolk University's 1980-81 capital funds drive was designated the "Campaign for Excellence."

Suffolk University Law School

When Gleason L. Archer resigned as Dean of Suffolk University Law School in 1942, he had occupied that position since founding the school thirty-six years earlier. Archer's institution, like urban evening schools across the country, served native and immigrant workingmen who could not afford the time or money for a traditional legal education, or who would be excluded from older law schools by barriers of socio-economic prejudice. Since nearly all Archer's students worked full-time during the day, evening classes allowed them to retain their jobs. The school was open only three nights a week; and each course met only once weekly, giving students time to assimilate course material. A part-time faculty and a minimal administrative staff kept salary costs down and tuition low; after 1915, a free employment bureau helped students to find the jobs necessary for continued attendance. Gleason Archer was determined to keep his law school financially accessible to any ambitious working man, of any age or background.⁴

He was also determined that potential students should not be barred for their educational deficiencies, as they were from many conventional legal programs. Throughout the period of explosive growth at Suffolk Law School (1909-30), Dean Archer maintained a policy of open admissions. There were no entrance requirements; every man was offered an opportunity to study law. A person who lacked the high school education required before he could take the Massachusetts bar examination could obtain it by attending Suffolk's Summer Preparatory Department (established in 1910) during each summer of his law school career.⁵ He could thus earn a law degree and the equivalent of a high school diploma concurrently. Clearly, problems could arise from this attempt to combine high school training with a legal education; and there was, understandably, a high attrition rate among Archer's students. Only about thirty percent of those entering the law school went on to

4. Dean Archer experimented briefly with a full-time day program between September 1911 and May 1915; daytime classes were reinaugurated in September 1924 and have been offered continuously (excluding the war years 1942-45) ever since.

5. High school equivalency was required by the Massachusetts bar examiners after March 1910; in 1916, attendance at the Summer Preparatory Department was required by Dean Archer of all Suffolk Law students who lacked a high school diploma.

graduate; but these included many impecunious young men who might otherwise have been denied access to the legal profession.⁶

Archer's approach proved so attractive that by 1924 he could claim Suffolk Law School was the world's largest. Between 1909 and 1930, enrollments increased from 114 to 2207; the faculty expanded from nine to 34, but the number of students grew seven times faster. Such growth was overwhelming; it forced Archer to improvise a series of ingenious operational adjustments. In many ways, he was simply evolving a methodology to accommodate the effects of his *laissez-faire* educational philosophy, according to which no one should be excluded and, consequently, no enrollment limits set. The procedures he adopted, however, accelerated Suffolk Law School's divergence from the ABA and the AALS, while also providing prime targets for external, and later internal, criticism of Archer's administration.

Classroom monitors became necessary to preserve decorum, and accurate record-keeping could only be maintained through the introduction of class admission tickets. The flood of registrants forced Archer to abandon moot court exercises and to replace them with a lecture course on "Practice and Pleading."⁷ It also ended any thoughts entertained by Archer of a dalliance with the "case" method of teaching law, and definitively wedding him to the "black-letter" approach.

The Socratic "case" technique was rapidly displacing "black-letter" methodology in leading law schools; nevertheless, Dean Archer concluded that the "case" method, unless substantially modified, was unsuitable for the instruction of part-time students. Developed by Dean Langdell of Harvard in 1870, it stressed reading of "landmark" cases and independent evolution by each student of the legal principles embodied in them. Such an approach required expensive casebooks and extensive time

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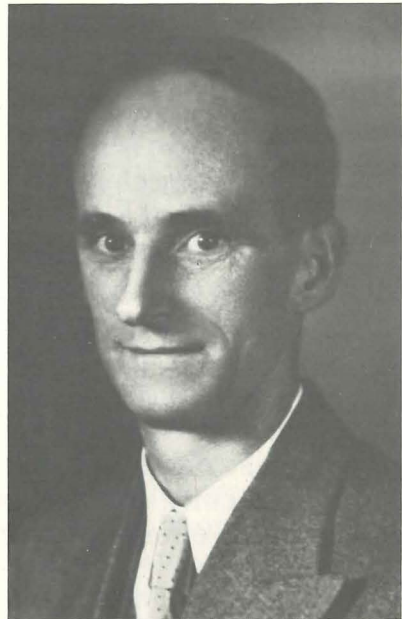
6. Many students came to Suffolk not to become lawyers, but to acquaint themselves with certain areas of law for business careers; they attended only until their needs, or curiosity, had been satisfied, and then dropped out — thereby swelling the attrition rate to a misleading level. Between September 1906 and June 1937, 10,600 students attended Suffolk Law; of these, 2887 (or 27.2%) received degrees.

7. A moot court program was instituted in September 1907; it was discontinued in 1914.

outside class for reading and reflection. The case method, Archer asserted, forced students to “disregard the accumulated wisdom of the past” and thus was “a pitiful waste of human effort.”⁸ He was convinced that students with full-time jobs had neither the time nor the energy to “reinvent the wheel” in each aspect of law. Dean Archer considered more efficient, and therefore retained, the older “black-letter” method, which relied on lectures and textbooks where the law was reduced to a set of rules, and which stressed memorization rather than inductive reasoning. In his judgment, however, the final nail in the case method’s coffin was a practical one; the Socratic classroom dialogue required by the case method was impracticable at Suffolk given the Law School’s very high student-teacher ratio (and reduction of that ratio would have meant an unacceptable increase in educational costs). Thus, though the case method was becoming standard in university law schools during the 1920s, black-letter law was entrenched at Suffolk Law School.

For his rejection of entrance requirements and the case method, Gleason Archer’s ABA and AALS enemies labeled him a “reactionary”; but the Dean’s embattled relations with outside accrediting agencies certainly did not mean that he was unconcerned with quality education in his own school. As early as 1913, prizes were being awarded at Suffolk for student academic achievement; during the prosperous 1920s, the awards increased steadily in number, and scholarship funds were attached to them.

As burgeoning enrollments made it difficult to give individual attention to students, the Dean modified accepted black-letter procedure to provide it. The result was what



Hiram J. Archer

Archer dubbed the "Suffolk method." To the customary combination of explanatory lectures, regular in-class review, and the Dean's black-letter texts, it added a new element — the work of the Research and Review Department. This body, originally called the Department of Problems and Quizzes, was created in 1915 by Gleason Archer, who appointed his brother Hiram to be its head.⁹ The Department prepared monthly quizzes, final examinations, and homework problems upon which students were required to formulate written legal opinions. Hiram Archer and his staff then graded the responses not only for content, but for grammar and spelling as well, since difficulties with written and spoken English were not uncommon among Suffolk students. Corrected exercises were returned, accompanied by a model for comparison; thus, every student received regular criticism on both his writing and his legal analysis. The Dean's predilection for black-letter law gave his students an advantage on bar examinations that stressed memorization over inductive reasoning; but it was the unique personal review component in the "Suffolk method" that permitted the sharpening of individual skills at an institution bursting with students. The result was that a larger number (if not a higher percentage) of candidates from Suffolk passed the Massachusetts bar exam in the 1920s than from any of the four other Boston-area law schools.¹⁰

When immigration curbs and economic stagnation stemmed the enrollment flood after 1929, Archer seized the opportunity to undertake organizational and methodological innovations. The Dean's original teaching staff of Boston University graduates¹¹ had given way by that time to one on which Suffolk Law School graduates¹² predominated; these alumni professors formed the nucleus of Archer's faculty until the Second World War, and they joined in his efforts to improve educational conditions at

9. Director Hiram J. Archer thus became the first full-time member of Suffolk's instructional staff; until 1943, the school's only full-time faculty members (a maximum of four) were Research and Review Department personnel.

10. Suffolk's competitors were Harvard Law (founded 1819), B.U. Law (1872), the YMCA (later Northeastern) Law School (1898), and Portia Law School (1908); B.C. Law was founded in 1929.

11. Arthur W. McLean (1907-22), Webster A. Chandler (1907-18), Frederick O. Downes (1907-31), A. Chesley York (1907-41), Thomas R.P. Gibb (1909-18), Wilmot R. Evans (1911-13, 1923-35), Walter R. Meins (1911-18), and Leon R. Eyles (1912-17).

Suffolk with a zeal which only those who had passed through the system themselves could muster.

The alumni insisted, and Archer acknowledged, that while the individual criticism available from the Research and Review Department was welcome, it was not enough. There was general agreement that, as enrollments fell, the Law School's previously overextended resources could at last be concentrated to provide more personal attention for Suffolk Law students. To this end, a Resident Counsellor for first-year students (Kenneth B. Williams) was appointed in 1929. That same year, Dean Archer took a second step to adapt the "Suffolk method" to a smaller student body; although he by no means abandoned his insistence on the primacy of black-letter law for his students, he began a series of simplified, economical casebooks to supplement his texts. To accommodate more discussion, class length was increased in 1932 from 1½ to 2 hours. Eight years later, a period was formally set aside in each class for discussion work, including cases; and in 1941 classes were extended from three days a week to four.

In 1931, Archer ended open admissions at Suffolk, as he had ended black-letter law's monopoly two years before; again, he acted on the advice of his alumni professors. The Dean abolished the Summer Preparatory Department, and required that all applicants be high school graduates. He justified this requirement by citing the dramatically increased access to free high schools. Not only was a high school diploma required, a college degree was urged — and the inducement was a 20% tuition discount for any law student who was a college graduate. To provide a high school background for those who aspired to become Suffolk students, Archer contracted with the Wheeler Preparatory School; by the fall of 1931, it was officially the "preparatory department of Suffolk Law School," located in one of Archer's properties at 59 Hancock Street. Beginning in 1932, the space vacated by elimination of the Summer Preparatory Department was employed to house a law

12. George A. Douglas '09 (1910-25), Karl G. Baker '16 (1918-27), Joseph A. Parks '17 (1915-41), Leo Wyman '18 (1921-41, 1953-59), John L. Hurley '18 (1919-45, 1951-57), William H. Henchey '21 (1921-38), George H. Spillane '21 (1921-34), Arthur V. Getchell '22 (1922-62), Harry Bloomberg '25 (1926-35), Thomas J. Finnegan '26 (1927-41), and Kenneth B. Williams '27 (1929-59).

summer session comprised solely of make-up work for those who had performed unsatisfactorily during the school year.

Archer's acceptance of a high school requirement for law school admission was quickly followed by state imposition of a college requirement. Since 1921, both the ABA and the AALS had urged passage of a law requiring two years of college training for bar admission. Archer fought this requirement; when it was enacted, he believed that it posed a severe threat to Suffolk's traditional constituency and to the school itself. To counter this threat, the Dean founded the Suffolk College of Liberal Arts.¹³ It opened in September 1934, just three months after passage of the objectionable regulation. The part-time, low-tuition College kept access to legal training open to Suffolk's historic clientele; it also provided Suffolk Law students with better pre-legal preparation than ever before. Under these circumstances, Archer's hostility to the college requirement evaporated. In the early 1920s, no argument could have reconciled the Dean to ABA desiderata for "quality" legal education; a decade later, time and altered conditions had, in several instances, accomplished that feat.

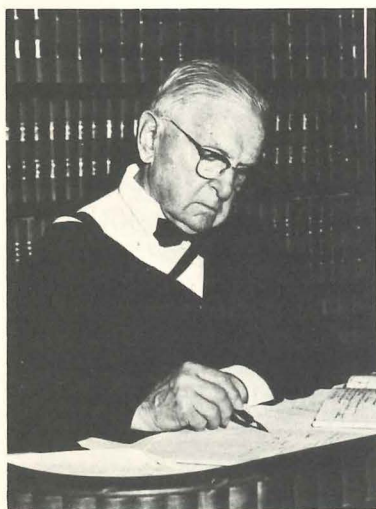
In February 1935, Suffolk College received degree-granting powers from the Massachusetts General Court; the same legislation also authorized Suffolk Law School to award the Master of Laws (LLM) degree. The Law Alumni Association had offered post-graduate lecture courses at its 73 Hancock Street Clubhouse since November 1927; in the fall of 1935, the lectures became part of the LLM program offered by the newly-founded Suffolk Graduate School of Law. The graduate department never attracted more than a hundred students at a time into its two-year program, but, in the Dean's eyes, it represented another step toward "respectability."

Almost necessarily, the next step was development of the Law Library. There had never been a full-time Librarian at Suffolk before 1936, when Archer recruited M. Esther Newsome. At first, she was in charge only of the College

13. The new College was co-educational; in 1937, the Law School formally opened its doors to women as well. In 1938, a combined degree (BA/LLB) program was instituted, which allowed Suffolk College upperclassmen to satisfy their last year of BA requirements with the first year of Suffolk Law School credits.

Library at 59 Hancock Street; but in 1937, when the two collections were combined after reconstruction of the 20 Derne Street building, she became University Librarian. Under her supervision, the law collection grew from seven thousand volumes to over ten thousand in 1941. The new Library, located where the College Library is currently situated, could hold forty-five thousand books and had a seating capacity of almost three hundred.

Many members of the Suffolk Law School community supported Dean Archer's rapprochement with "respectability"; indeed, some proved rather more enthusiastic about it than the Dean. As enrollments fell during the 1930s to half the 1927 level, there was increased pressure on Archer to conform to the recommended policies and practices of the professional associations. His colleagues and his alumni alike expressed growing concern about the character — and even the fate — of a law school repeatedly denounced by the ABA.



Frank J. Donahue

Hiram Archer became his brother's severest critic. He found an ally in one of the school's most influential alumni, Frank J. Donahue, recently appointed to the Superior Court bench. When the University charter of 1937 raised the number of Trustees from seven to eighteen, the pair saw their opportunity.¹⁴ Many of the Board's added members lacked the docility of Gleason Archer's hand-picked incumbents; under Hiram's leadership, the new Trustees subjected President Archer's management to unprecedented scrutiny, which became more insistent as conditions deteriorated.

14. The Law School, the College of Liberal Arts, the College of Journalism (1936), and the College of Business Administration (1937) were chartered as Suffolk University on April 29, 1937; the next day, Gleason Archer became the University's first President, while also retaining (to the consternation of many) the Deanship of the Law School.

The dissidents demanded the standardization of Suffolk legal education with that given at "quality" law schools, normalization of relations with the ABA, and early ABA accreditation. Under the circumstances, the President was forced to compromise with them. His statements on the case method became steadily more measured, and his rejection of ABA accreditation standards less and less strident. In the 1940 Law School catalogue, he even went so far as to claim that, except for its insufficiency of full-time faculty members, Suffolk Law School satisfied all ABA accreditation requirements.

To a growing number of Trustees, however, Gleason Archer's progress toward accreditation seemed too slow. Archer, on his side, could not convince himself of the ABA's good faith, and, because of their long-standing mutual antagonism, ABA officials were equally distrustful of Archer. Many Board members viewed the Law School as the nucleus of the University, and, as financial conditions worsened, they became increasingly impatient with President Archer's belief that the future of the University lay with the Colleges. Each election after 1941 brought a new Law School advocate to the Board; in 1945, Judge Donahue himself became a Trustee.

To save his authority as President and Treasurer, Gleason Archer capitulated to demands by Law School adherents on and off the Board: he resigned as Dean of the Law School. In September 1942, he was replaced by Frank L. Simpson. The President and the Board both approved of Simpson's appointment, and both also agreed on his mandate to obtain ABA accreditation for Suffolk University Law School.

Frank Simpson was Archer's old friend and contemporary; he was a graduate of Boston University Law School, and he had begun a thirty-seven year teaching career there during Gleason Archer's last year as a student. The new Dean came to Suffolk as a critic of the case method, but he very quickly fell under the influence of Hiram Archer and Frank Donahue. With their advice and cooperation, Simpson had carried out a revolution by 1948.

In September 1943, Suffolk became a full-time day law school.¹⁵ Hiram Archer remained a faculty stalwart, and he was joined in devoting his time exclusively to teaching by three other professors. Among these were two whose long-term contributions have left indelible marks on Suffolk Law School: future Dean Donald R. Simpson, a B.U. graduate like his father Frank Simpson; and the venerable Raymond T. Parke, a Harvard alumnus who for two decades served as Suffolk's self-appointed arbiter of quality. One of several part-time instructors recruited by Frank Simpson was Mary Frances Pray, a Portia Law School graduate with an LLM from Suffolk, who thus became the first woman to serve on the Law School's teaching staff.¹⁶ After a lapse of thirty years, a moot court was reestablished¹⁷; an office apprenticeship course was begun under Pray's direction; and an office laboratory was set up. Seminars were introduced, while fundamental courses were lengthened by a semester to provide time for collateral reading and reflection. Monitors and class admission tickets were phased out. The summer make-up classes of the pre-war period were replaced by a full-fledged law summer session. This new summer program offered



Frank L. Simpson

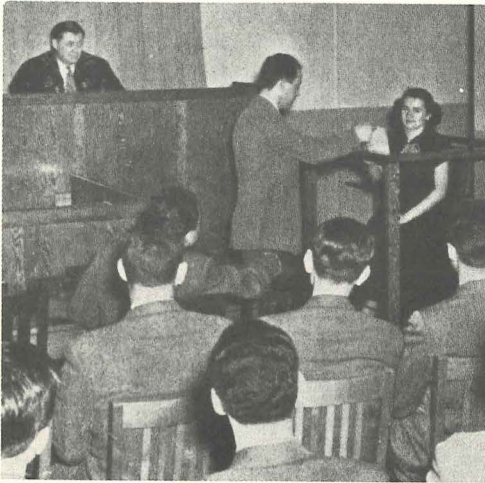
Suffolk Law School's first elective courses since 1915; they constituted less than 20% of any student's program, but even this provided a marked contrast to Dean Archer's compulsory curriculum. The Research and Review Department was abolished; orthodox casebooks replaced the

15. Suffolk Law offered both day and evening students only a four-year (part-time) program until 1943. Evening classes for the part-time program continued throughout the war; day classes, however, were suspended in September 1942 to make room for wartime WAACS training. When the expected WAACS contract fell through, a full-time program of day classes was begun, and day classes for the part-time program were restored, in September 1943.

16. Parke served on the Suffolk Law faculty from 1943 until 1964; Donald R. Simpson, 1945-55 and 1959-72; Pray taught part-time at the institution until 1952.

17. A practice court had been inaugurated in the Graduate School of Law on January 29, 1940; a leading figure in the movement for its adoption was Professor John L. Hurley.

attendance was only a fifth what it had been in Archer's heyday, the pre-war pattern of masculine predominance persisted. Women constituted barely one percent of Suffolk Law students. Most of their male counterparts were veterans whose legal education was financed by G.I. Bill funds. Three times more Law School entrants came from the Suffolk Colleges than from any other undergraduate institution; and, despite the two-year college requirement for admission, only 25% of all entering students possessed bachelor's degrees.



Moot-Court, 1950



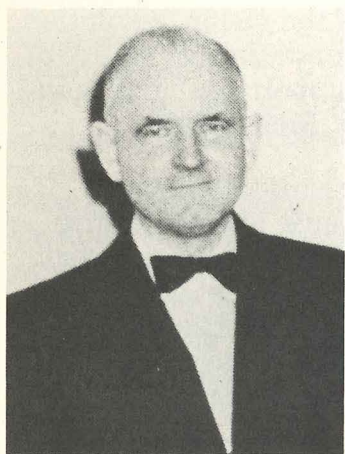
Walter M. Burse

When Dean Simpson retired in June 1952, Suffolk Law School still lacked ABA accreditation; his "standardizing" reforms, however, had brought the school to the very threshold of approval. President Walter M. Burse, aided by Acting Law Dean John O'Brien, completed Simpson's work. Since replacing Gleason Archer as President in 1948, Burse, a Harvard-trained lawyer, had worked tirelessly to get the Colleges accredited — both for their own sake and as a prerequisite to ABA sanction for the Law School. In December 1952, the New England Association of Colleges and Secondary Schools approved the Colleges, and the way was opened for ABA accreditation.

John G. Hervey, Dean of the University of Oklahoma Law School, headed the ABA accreditation program during this period. Over several years, his advice to Burse,

O'Brien, and Director of Libraries Edward G. Hartmann allowed them to bring Suffolk into conformity with ABA standards. When formal application for ABA approval was made, Hervey's advocacy of Suffolk Law School's cause helped open the way for accreditation despite pockets of residual hostility in the Section of Legal Education. The American Bar Association approved Suffolk University Law School in August 1953; Gleason Archer's old antagonist had been beaten — or, rather, joined.

The achievement, however, was slow to yield tangible rewards. The tumultuous changes of Dean Simpson's tenure, immediately succeeded by the emotional hurricane of the accreditation fight, made accurate evaluation of the school's position in their aftermath difficult. Frank Simpson's sudden departure, followed by President Burse's retirement two years later, left the Law School without a clear sense of direction. Professor O'Brien's appointment as Dean in July 1952 was, upon his own request, purely an interim one; he was to carry out a holding action until a strategy could be evolved for future development and for securing the full benefits of accreditation to Suffolk Law School.²¹ That O'Brien was asked to maintain this holding posture for four years was not his fault; but the resultant extended paralysis had consequences that nearly proved fatal to the Law School.



John F.X. O'Brien

At a time when the blessings of accreditation should have been accruing to Suffolk, Dean O'Brien's caretaker status, and his consequent inaction, allowed the Law School to drift toward crisis. Post-war law school enrollments at Suffolk (and nationwide) peaked in 1949. As the pool of those eligible for G.I. Bill assistance shrank in subsequent years, attendance plunged. In the last years of Frank Simpson's Deanship, and

21. To help him with his decisions as interim Dean, O'Brien set up a Faculty Administrative Committee (consisting of all full-time faculty members) in 1952; it was the first real organ of faculty governance in the Law School's history, and it continues to function today.

throughout Dean O'Brien's tenure, applications and admissions fell alarmingly.²² By 1956, there were fewer than three hundred students at Suffolk Law, half the 1949 figure. Only a third were enrolled full-time, while women constituted a mere four percent of total registration.

Like his predecessor, Dean O'Brien operated with only a skeletal administrative staff; therefore, as revenue dropped, he was forced to cut back in other areas. Library acquisitions fell to a trickle. Electives were cut back to compose only ten percent of the curriculum, and the summer session was discontinued entirely. The LLM program maintained only a tenuous existence. O'Brien's termination of the office apprenticeship laboratory also meant dismissal of its instructor, the school's only female faculty member. In 1956, there were no more full-time faculty members than there had been in 1943. Many instructors were elderly, and 25 out of 29 taught only part-time. Even Hiram Archer had to admit that the Law School was "deep in the red,"²³ supported only by income from the Colleges.

The world was changing around Dean O'Brien's school, and its traditional student reservoirs were evaporating. New programs and new initiatives were necessary to guarantee survival; new sources of applicants had to be tapped. The Simpson regime had laid the foundation of a university law school on the ABA pattern. Now, a new Dean was needed, one who possessed the vision, resolution, and support to build on Simpson's foundation an edifice of the quality which it was capable of supporting. That mandate fell, in July 1956, on Frederick A. McDermott.

Dean McDermott's appointment promised long-term leadership toward educational excellence. He was young (not yet fifty), energetic, and academically well-connected. A graduate of Harvard Law School, he had taught for twenty years at Boston College Law School. His scholastic credentials, like those of his immediate predecessors (both B.U. Law graduates) reflected the postwar regime's

22. In 1953, the ABA (and Suffolk Law School) adopted a three-year college requirement for admission; thirteen years later, both raised requirements to call for possession of a bachelor's degree.

23. Suffolk University Board of Trustees, Minutes of the November 7, 1956 meeting.

rapprochement with the institutions Gleason Archer had denounced as parts of an "Educational Octopus." Shortly after taking office, the new Dean even opened formal relations with the once-dreaded AALS, and, with Alumni Association backing, attended the annual meeting of that organization in 1957.



Frederick A. McDermott

During McDermott's eight years as Dean, the full-time faculty grew from four to ten. Those he appointed have formed the nucleus of the Law School's teaching staff ever since; they included Malcolm M. Donahue (the Judge's son), David J. Sargent, John J. Nolan, and Alfred I. Maleson.²⁴ Catherine T. Judge had been appointed as a separate Law School Registrar in 1955; after she completed her LLM at Suffolk in 1960, Dean McDermott expanded her duties to include part-time teaching.

A Legal Internship program with the office of Middlesex County District Attorney James O'Dea (a pioneer program for the region) was instituted in February 1957, and a similar arrangement was concluded two years later with the Attorney-General of the Commonwealth. Law clerkships also became a regular feature of the Law School's program for upperclassmen. An Estate Planning Contest was introduced in 1957, and, three years later, Moot Appellate Court and National Moot Court competition began. In 1959, a Student Bar Association (SBA) was founded.

As programs were diversified and competition increased, Dean McDermott also insisted that additional scholarship support be made available. The first Law Alumni Association scholarships, twelve in number, had been awarded in 1954; a decade later, there were fifty. Law School scholarship funds doubled, from five to ten thousand dollars, during McDermott's tenure. Four special Trustee Scholarships to the Law School were established for outstanding students entering from the Colleges, and four others were

24. McDermott added Malcolm M. Donahue (1956); John J. Nolan, John E. Fenton, Jr., and David J. Sargent (1957); Alfred I. Maleson (1959); Clifford E. Elias (1962); Alvan Brody and Brian T. Callahan (1963).

made available annually (one for each school) to graduates of Dartmouth, Holy Cross, Brandeis, and Merrimack. In 1961, a Trustee Graduate Law Fellowship was added, to send one graduating Suffolk Law student yearly to the doctoral or master's program of the recipient's choice.

The LSAT examination was first required for students entering in the fall of 1961, and the part-time program was discontinued for day division students two years later. Admissions, however, grew steadily. During McDermott's Deanship, enrollment trebled, reaching 800 by 1964.²⁵ Nonetheless, full-time students constituted only a third of this figure, and women only three percent; these proportions were identical with those for 1956, when McDermott had assumed office. Now, however, B.C., B.U., and Northeastern each sent more students to Suffolk Law School than did Suffolk's Colleges (a significant change from 1956), and only three percent of Suffolk Law students still lacked a bachelor's degree (compared to thirteen percent in 1956). Even Harvard College sent several students a year to Dean McDermott's school.

When Frederick McDermott died in March 1964, he left behind him an expanding and developing law school. Under his leadership, the Library's law collection had expanded 30%, from 22,000 to 31,000 volumes. The Law School had shown a profit in each year since 1958, as enrollments continued to rise. As the generation of postwar babies came of age, Suffolk Law School appeared on the verge of a new era of explosive growth to match that of Dean Archer's halcyon days. Where to put those new students, and what impact they would have on educational quality at the school, were the questions that had to be faced by McDermott's successor, Donald R. Simpson.

Donald Simpson was the son of former Dean Frank Simpson. Like his father, the younger Simpson had received his law degree from Boston University; he taught briefly at Northeastern, then joined the Suffolk faculty after World War II. In May 1964, he was appointed Dean. During his eight years in office, the school undertook a

25. Northeastern's Law School closed in May 1956, and did not reopen until 1968; in 1965, B.C. Law terminated its evening program. These events left Suffolk with the only accredited evening law program in the Boston area.

revolutionary expansion in programs, facilities, and administrative services; faculty expansion was coupled with impressive change in both the nature and number of students.

Under Simpson's leadership, Dean McDermott's programs were maintained or enlarged, while many new options were introduced. The Legal Intern program was expanded to include the Norfolk and Plymouth County District Attorneys' offices, the Boston Corporation Counsel, Lynn Neighborhood Legal Services, and the Legal Aid Society of Greater Lawrence. During the same period, the law clerk program grew to encompass district courts in Middlesex, Essex, and Worcester counties, as well as the Municipal Court of the Roxbury District. An Indigent Defendant Clinical Program was established at the Somerville District Court in 1967. After Wilbur C. Hollingsworth was appointed in 1970²⁶ as the first coordinator of all Suffolk Law School clinical programs, the Somerville operation was extended — under the name "Suffolk Voluntary Defenders" — to the Boston Juvenile Court and to district courts in Middlesex, Norfolk, and Essex counties. At that time, the same courts also authorized foundation of a Suffolk Student Prosecutor Program.

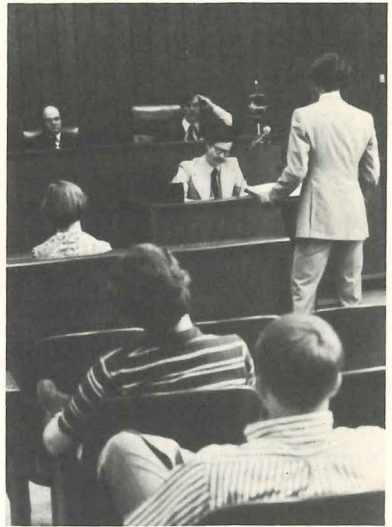


Donald R. Simpson

To provide the Defenders and the Prosecutors with trained participants, a carefully-supervised moot court program was essential. Dean Simpson therefore appointed Charles B. Garabedian as Suffolk's first full-time moot court director. Under Garabedian, the program prospered. Scholarships were awarded to the three National Moot Court team members each year after 1970; and, in 1972, scholarships were made available to the winners of the newly-founded Justice Tom C. Clark Annual Moot Court Competition — a voluntary contest for second- and third-year students, named to honor the retired Supreme Court jurist.

26. Hollingsworth served on the full-time faculty until 1975.

In the spring of 1967, the first issue of the *Suffolk University Law Review* appeared. Three years later, scholarships were granted to the editorial staff, while the editor-in-chief was accredited — along with the SBA's President and Evening Division Chairman — to the Law School Committee of the Trustees. The *Advocate*, a legal magazine and journal, published its initial number in the fall of 1968; like the *Law Review*, it was edited by Suffolk Law students and funded by the school.²⁷



Moot Court in the Donahue Building

Many of these new programs were housed in the 41 Temple Street building, the University's first new construction in thirty years. Expansion had been made imperative by rising enrollments, and was financed by increased income from them. Opened in 1966, the new building was named for Judge Donahue in 1971.

The new structure housed, for the first time since consolidation with the College facility in 1937, a separate Law School Library. For three decades, the University Librarians — M. Esther Newsome, succeeded by Dr. Edward G. Hartmann and then Richard J. Sullivan — had been charged with the responsibility of keeping both College and Law School holdings comprehensive and up-to-date. Since Dr. Hartmann's time, however, the real supervisor of the law collection had been Patricia I. "Pat" Brown. A Suffolk Law graduate and bar member, Pat carried out the gigantic task of cataloguing the Library's legal resources. When John W. Lynch was appointed the first separate Law Librarian in 1967, she became the principal "working librarian" on his staff, and played a major role in

27. The *Law Review*'s first advisor was John E. Fenton, Jr.; he was succeeded by Alexander J. Cella. Charles P. Kindregan has been the *Advocate*'s advisor since its inception. Previous Suffolk Law School review publications had included the *Suffolk Law School Register* (1915-21) and the *Jurist*.

organizing his new bailiwick. Pat Brown received official designation as Assistant Law Librarian in 1972; by that time, the thirty thousand volumes of 1967 had grown to sixty thousand, necessitating the addition of a full-time Reference Librarian.²⁸

Additional space provided by the new building also allowed Dean Simpson to add separate Law Placement and Law Admissions officers — Anthony J. DeVico and John C. Deliso, respectively. At his retirement in May 1972, Simpson's professional administrative staff had eight members, four times more than when he assumed the Deanship.

As enrollments and space expanded, Dean Simpson's instructional staff also increased — from a total of 31 in 1964 to 50 by 1972. The full-time faculty, which numbered ten at the time of Dean McDermott's death, had doubled when McDermott's successor left office.²⁹ Simpson's appointments included four Suffolk Law alumni, while Catherine Judge, another Suffolk graduate, gave up her position as part-time Law Registrar in 1967 to be appointed the Law School's first full-time female teacher. Five years later, she became the first woman at Suffolk Law School to attain the rank of full professor. Upon vacating her old post in 1967, Judge was replaced by Doris R. Pote, the school's first full-time Law Registrar.

An enlarged faculty brought an increased choice of courses for students. Under Dean McDermott, less than ten percent of a student's program was composed of elective courses; by the end of Donald Simpson's Deanship, the proportion had been expanded to 25% for day students and 17% for their evening counterparts. To help fill the new scheduling space, and to serve an increasingly diverse student body, elective courses were introduced which focused

28. Newsome served 1936-48; Hartmann, 1948-58. Sullivan had authority over the law collection from 1958 until 1967, when John Lynch became Law Librarian. Edward J. Bander succeeded Lynch in 1978.

29. Donald Simpson increased the number of full-time faculty members to twenty-one. Besides Hollingsworth and Garabedian, his additions included Herbert Lemelman (1965); Charles P. Kindregan and Richard G. Pizzano (1967); Richard M. Perlmutter, Richard Vacco, and Basil Yanakakis (1969); and Joseph D. Cronin (1970). Hollingsworth, Pizzano, Vacco, and Yanakakis were Suffolk Law graduates.

on conditions of legal practice in specific states outside Massachusetts.³⁰

As if to symbolize that important changes were in progress at Suffolk, the Board of Trustees voted in December 1968 to replace the Bachelor of Laws (LLB) degree, which had been awarded by the Law School since 1914, with a new one, the *Juris Doctor* (JD). In the same year, Dean Simpson received the school's first consulting visitor from the Association of American Law Schools, initiating an evaluation process that culminated nine years later in AALS membership.

Law School scholarship funds doubled during Donald Simpson's tenure as Dean, to sixty-three thousand dollars annually. From 1966 on, a federally-funded Work-Study program also allowed the Dean to expand the existing student-assistant arrangements. It was academic quality, however, and not financial opportunity, which Law School officials counted on most to attract students to Suffolk.

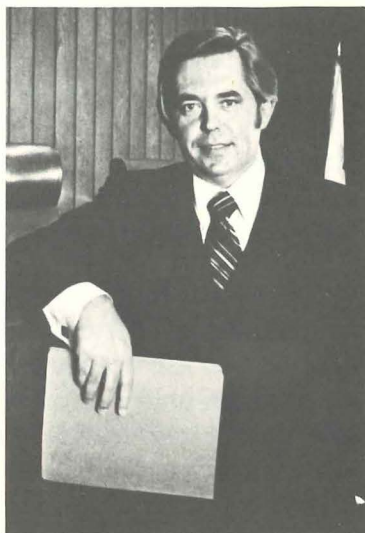
They came, in legions. Between 1964 and 1972, the Law School's enrollment increased 150%, from 800 to 2000. More than half the students attended full-time in 1972 (compared to only one-third eight years earlier), and the percentage of women was twice what it had been in 1964 (though it was still only seven percent). By the early 1970s, the University of Massachusetts joined B.C., B.U., and Northeastern in sending more students each to Suffolk Law than did the Suffolk Colleges.

When Donald Simpson retired in July 1972, Suffolk Law School was again, as in Gleason Archer's heyday, among the world's largest law schools. Where once use of that phrase had conveyed praise, however, now it implied blame. With Suffolk Law's two thousand students in 1972, there went a student-faculty ratio of 100-1. Whether quality legal education could be given under these circumstances was problematical. To reaffirm educational standards

30. The Evening Division program was expanded in 1964 from three nights a week to five, while mid-year Evening admissions were halted entirely four years later. After 1965, the Law School's graduate program was formally divided into LLM (degree) students and Continuing Legal Education (CLE, non-degree) students; this vestigial graduate program was terminated in 1973.

required more faculty members, fewer students, or a combination of both; this, in turn, would mean increased costs and higher tuition. Difficult choices had to be made, weighing quality against economy, and a strategy had to be developed by which the two might be reconciled. That was the challenge faced by Donald Simpson's eventual successor as Law School Dean: David J. Sargent.³¹

Sargent was the first Suffolk Law graduate to assume the Deanship on a permanent basis; the Trustees' willingness to appoint an alumnus clearly indicated the school's enhanced prestige and growing sense of its own worth. Dean Sargent's educational views were representative of those shared by an expanding group of younger faculty members. As students in the turbulent late 1960s called for greater freedom of choice, more opportunities for practical involvement, and broadening of the student body itself, their demands found sympathy within the faculty. Dean Simpson had, after all, considerably augmented the proportion of full-timers who had themselves been Suffolk Law students.



David J. Sargent

By tempering traditionalism with piecemeal concessions, Donald Simpson had managed to prevent major restructuring during his tenure. Changes began, however, from the time he stepped down. Under Dean Sargent, old restrictions were swept away, and new options opened. Conservatism gave way to experimentation as the new regime strove to improve the quality of student life at Suffolk Law School.

31. Upon Dean Simpson's retirement in July 1972, the Law School Committee of the Trustees deadlocked over a replacement. One bloc backed Judge Donahue's son; the other, Judge Fenton's. For six months, Trustee Joseph A. Caulfield acted as interim Dean; when Caulfield relinquished the position in January 1973, he was replaced — also on an interim basis — by law professor David Sargent. Very shortly thereafter, the Law School Committee evolved a compromise settlement whereby both Malcolm Donahue and John Fenton, Jr., became Associate Deans, while an outsider, Francis J. Larkin, was named Dean. Larkin, 39, had served previously as associate law dean at Boston College. His term at Suffolk, however, was brief; in July 1973, he resigned to devote his full time to a judicial appointment. His departure opened the way for the immediate appointment of Professor Sargent as new Dean.

Governors. In the meantime, *Dicta*, the SBA-sponsored student newspaper founded in 1972, had already survived longer than any previous SBA publication.³⁵

As the faculty multiplied and activities expanded, Dean Sargent strove to improve the services offered to students. A law summer session was reintroduced in 1974, after a lapse of twenty years. The Law Library grew from sixty thousand volumes in 1972 to 140,000 by 1980, necessitating the addition of three new Reference Librarians. During the same period, the Library's seating capacity was increased from 650 to 830, while in June 1979, Law Librarian Edward J. Bander was able to announce the prestigious designation of his facility as a Government Printing Office Depository. A Law School Financial Aid Officer, Marjorie A. Cellar, was hired in 1973; then, two years later, an Assistant Placement Director. In 1975, the University appointed its first separate Law School Development officer. Counting his two Associate Deans, Dean Sargent's professional administrative staff in 1980 numbered fifteen — double the 1972 figure.

To accommodate this growth, the Law School required more space. Library needs combined with classroom and office shortages to create critical pressures. After the Fenton Building was opened in 1975, all College classes were shifted out of the Donahue Building, which was rededicated the next year exclusively for Law School use. Acquisition of its own building paved the way for Suffolk Law's admission to the AALS; it also provided, along with institution of a separate Law Commencement in 1974, a major stimulus to the Law School's sense of identity.

Dean Sargent's improvements in the quality of student life were dearly bought; in 1975, Law School tuition first significantly exceeded the Colleges', and within five years the difference had grown to \$1,000. To help mitigate the socio-economic impact of this dramatic increase, the Law

35. Earlier SBA newspapers had included the *Suffolk Law Reporter* (spring 1960) and the *SBA Briefcase* (March 1962-December 1967); David Sargent, as SBA advisor, was also advisor to both of these publications. The later *Suffolkate* (also SBA-published, 1971-72) was mainly inflammatory in content. An International Law Society, founded early in 1976, published the first number of its *Transnational Law Journal* (Karen Blum, advisor) later that year; Stephen C. Hicks was advisor to subsequent *TLJ* volumes.

School quintupled scholarship funds, to \$300,000, between 1972 and 1979. Special admission and scholarship programs for disadvantaged students were established during the Sargent regime's first year. At the same time, submission of the GAPS FAS (Graduate and Professional School Financial Aid Service) form became mandatory for those applying to the Law School for scholarship assistance, and by 1977 financial aid was being awarded solely on the basis of need. In 1980, fifteen percent of those enrolled received scholarships, while a Guaranteed Loan program — begun in 1977 — provided aid to half the student body. Direct tuition subsidies on such a scale were unprecedented at Suffolk Law School. The message, however, was clear, and it represented an interesting inversion: Where Dean Archer's maxim once had been that excellence for some could be afforded only if it did not undermine opportunity for many, now Dean Sargent's was that excellence for many could be afforded only if it did not undermine opportunity for some.

On December 27, 1977, Suffolk University Law School was granted full membership in the AALS; the wounds of the Archer era, on both sides, had finally healed. By 1981, Suffolk University Law School alumni served on the federal and state bench, in the United States Congress and in the Massachusetts General Court, in national, state, and local government posts. The previous year's graduating class counted members from twenty-one states. What had once been a local law school had established itself as a regional one, and was on its way to becoming national. There remained the challenge of continued development.

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