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TWENTY-FIVE YEARS AT UDSL: FROM CELLAR TO VAHALLA

*Dennis J. Turner**

Perhaps someone should have reminded Professor Cooley Howarth¹ about the adage “Be careful what you wish for” when he asked me to write a reminiscence about my twenty-five years at the University of Dayton School of Law. His “wish” triggered a flood of memories that is a kaleidoscope of characters, images and stories, and, knowing Professor Howarth’s penchant for tight well-crafted prose, I doubted whether this memoir would have any chance of meeting his high standards. I take great comfort in the fact, however, that “he asked for it.”

One of my earliest exposures to UDSL was walking into a certain professor’s adjoining cubical to introduce myself. In trying to make conversation, I commented about an interesting photo of a partially clad woman hanging on his wall. He told me it was his wife. I knew then that I was not in Kansas. I backed out of his office muttering something about “having to prepare for class.”

I thought I might actually be in Kansas when I first experienced Room Number 2.² It was located in the Northeast corner of the Roesch Library basement and looked very much like a tornado shelter. There was a very low ceiling, no windows, and a ventilation system designed for a room full of dusty books, not eighty bodies. Fortunately, I had the first class at 9:00 a.m., so the air was still breathable.

I had the honor of teaching the first class taught in the “new law school.”³ Needless to say, it was difficult to determine who was more nervous, my students or me. Most of the students were my age or older. One in particular was quite intimidating, Father Vincent Vasey. He was a Marianist priest, about sixty years old, and he had so many advanced degrees, including one in Cannon Law, that all the letters after his name could not fit on the single line provided in the UDSL application. Fortunately, Father Vasey was not interested in embarrassing me and eventually I garnered enough courage to call on him for a case recitation. Three years later, Father Vasey had added the initials JD to his long list and became a member of our faculty.

During that first semester of teaching, my main concern was not to embarrass myself and yet as the semester progressed I began to experience

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¹ Professor Cooley Howarth is the advisor for the University of Dayton Law Review.

² I never did find out why it was called Room Number 2. It was the only classroom we had and there was no Room Number 1.

³ Legal Methods.

the joy of teaching. By the end of the semester, I was actually eager to see the student evaluations. I was crushed by the 2.7⁴ I received.⁵ I went to see Barth Snyder, one of the two founding fathers of UDSL, and the person who had first encouraged me to try teaching. Barth laughed at my suggestion that perhaps I was not destined to be a teacher. He said, "Don't worry about it Dennis, you *are* a teacher." Thank-you Barth. Twenty-five years later, I am still teaching and still feeling that "rush" when a class goes well or when I see a student experience that flash of insight when apparent chaos is transformed into understanding.

The students in those early years believed that they should have the primary say in how to run the law school. This attitude was understandable in light of the fact that they had a lot more at stake by throwing in their lot with a new, untested school than the faculty who could always go back to doing whatever they had been doing. The students were a bit paranoid, however. Once I was invited to a Student Bar Association meeting to "explain why I was against students' rights." I declined the offer, claiming the papers were served on the wrong person. They also went a bit berserk when a professor gave half the class "F's" on a mid-term examination.⁶ Before final exams were given, the students had successfully lobbied for a "grading curve."⁷

Although there was a lot of tension among the administration, faculty and students about academic policies, sports played a big role in reducing the anxiety. The Dean's Softball Classic and a basketball league began at that time. I was asked to play on one of the basketball teams, not for any athletic prowess, but because, I suspect, that the students wanted an opportunity to bang up a professor under the boards as a bit of a pay-back for Socratic grilling. Many times I went up for a rebound only to find myself flying out-of-bounds after a collision with a much larger body. During one game I was guarded by Ken May, a former UD basketball star. Every time I tried to shoot the ball it was crammed back in my face. I retired after two seasons.

In the early years of the school, the admission process was a bit more relaxed. One year, for example, we had a walk-in arrive on the first day of orientation and wanted to be admitted to the class. Peg Doudican was the receptionist who had a rapier-like wit, honed by trading barbs with law

⁴ The highest possible rating was a 4.0.

⁵ I also picked up a few nicknames from those early classes: Truck Turner and Tailgunner Turner are the two I remember best.

⁶ The grades were not quite so draconian as they appeared. The professor told them that if they did better on the final exam, they would get the higher grade. I think he intended the grades to serve as a wake-up call, letting them know they were in the big leagues now.

⁷ It is basically the same "C" curve we have today.

students on a daily basis. Peg laughed and “explained” the impossibility of the request.⁸ The applicant was not deterred, however, and asked Peg to look at the file. Peg glanced at the Law School Admission Report and two numbers jumped out at her. There was a perfect LSAT score and over a 4.0 grade point average. Peg said, “Don’t go away,” and ran the file to the Associate Dean who immediately realized that a slot had just opened up in the class. The applicant then went on to achieve the highest grade point average in the twenty-five year history of UDSL (over 4.1) and was an Editor of the Law Review.

Although applicants with perfect LSAT scores were an aberration, those early classes had many outstanding students. Dennis Lieberman and Michael O’Laughlin were a couple of examples. As representatives of UDSL, they took inter-school Moot Court competitions by storm. They were also part of our first Mock Trial team, for which I was advisor/coach. Advising was easy, though, because Mike and Dennis did not need, or want, much advice.⁹ UDSL was a complete unknown when we arrived at Case Western Reserve School of Law for the Regional Competition. Even the hotel personnel expressed some doubts about the existence of our school and validity of the school credit card. The burning question bandied about during pre-competition conversations was “Would the two Case Western teams finish first and second, or would Case Western have to settle for just the first place slot?” Dennis and Mike had another agenda. They cut a swath through the preliminary competition like Sherman’s march through Georgia and they met Case Western’s A Team in the final round. Simply put, Case Western was blown out of the courtroom. The scoring was not even close. The post-competition question was “Who are these guys?”

Of course, it soon became clear that we could not operate a law school with only one classroom, so the University had to find a way to accommodate our growing numbers. The solution was to take over the Albert Emanuel building which was connected to our basement facility by a tunnel. Unfortunately, the Performing Visual Arts Department (“PVAD”) was occupying the same space and had to be evicted first. For the first couple of years, we shared the Albert Emanuel building with the PVAD, which led to some interesting cultural exchanges. For example, it was not unusual to conduct an Evidence class with Mozart providing mood music, or to meet artist models roaming the halls.

⁸ The odds are very good that somewhere in the explanation was included the phrase “Sure Buddy.”

⁹ There were times, however, when a choker-chain would have been useful.

There were other advantages to the “new” building too. We had offices with real walls, tiered classrooms, chalkboards and a classroom with a large section of bare wall on which I could project a not too fuzzy overhead image. We even had a “state of the art” courtroom, which included a bulletproof shield to protect the judge, or a professor hearing moot court arguments. There was also an emergency call button within judicial reach, which was connected directly to Campus Security. Moreover, the button actually worked. During a moot court argument by one student, who was already a bit wobbly in the knees, the button was accidentally pushed. A few minutes later, Campus Security officers exploded into the courtroom with guns drawn. Is there anything more frightening than seeing a campus cop with a loaded weapon in his hand?¹⁰

The law school’s proximity to the PVAD may have played a key role in our getting American Bar Association accreditation. While I was taking an ABA inspection team through the Albert Emanuel building, pointing out how the space was going to be converted to law school use, I opened the door to the room that was destined to become the faculty library. Inside was a nude model posing for an art class. The collective heads of the team turned so fast that it was a miracle they did not all suffer from whiplash. Needless to say, UDSL received its accreditation soon thereafter.

During the early years, the administrative staff was very small and faculty took on administrative tasks in addition to a full teaching load. I was temporarily Assistant Dean in charge of Placement and Admissions. At least the position provided me with a ready response to the perennial question from the Promotion and Tenure Committee, “Why haven’t you published lately?” In some ways I actually enjoyed being Chair of the Admissions Committee. I was able to read all of those wonderful personal statements explaining “Why I want to be a lawyer,” and “Why the LSAT score did not reflect my aptitude for the study of law.” Because only a secretary and I were in charge of Admissions, we were also responsible for awarding financial aid and recruitment. Recruitment trips were the worst. UDSL was such an unknown that I might spend all day behind a table at a college and talk to one potential applicant.¹¹ Financial aid was easier because we had so little money to distribute.

Over time, UDSL’s reputation began to grow as our graduates went out into the practice of law and demonstrated that they were the equals of most, and better than many, of the graduates from the more well-known law schools. Those of us who teach at UDSL as well as all of our graduates

¹⁰ Some students might argue Professor Ralph Wolfe was more frightening. One student who was called on to recite a case stood up and promptly fainted before the first question was asked.

¹¹ Often it was someone who felt sorry for me.

owe a big debt of gratitude to those early classes who took a chance on UDSL and made the gamble pay off.

As UDSL experienced a growth of facilities, class size, faculty and reputation, we also developed traits that mirrored those of other law schools. One in particular that caused me a year of tribulation was the rapid turn-over in Deans. During the transition period between Dean Davis and Dean Conte (1986-87), the faculty asked me to assume the position of Acting Dean. After a year, I understood why Deans come and go so rapidly. It is a thankless job. One spends the whole day trying to cope with crises, real and imagined. Furthermore, everyone is sure they know how to run a law school better than you do and they enjoy taking up hours of your day sharing their wisdom. There was no one more grateful than I was when Fran Conte agreed to take on the chore. Amazingly, after fourteen years, he is still here. Thank you Dean Conte.¹²

One of the advantages of being at the same school for as long as I have been at UDSL is having the opportunity to teach a wide variety of courses and to serve the school in a number of different capacities. I especially enjoyed the year I spent as Clinic Director. It is a way of teaching that I wish all professors could experience. Professors who spend most of their time in the classroom seldom see how their teaching contributes to the transformation of a law student into a lawyer. Teaching in the Clinic enabled me to be a part of that metamorphosis. I remember one student who was so terrified about making an appearance in a hearing that she was shaking when she walked into the courtroom. I almost had to hold her up. Once she managed to get out the first question,¹³ however, the evolutionary process was dramatic. By the end of the hearing, she was cross-examining witnesses like a veteran. I felt privileged to be part of that process.

A similar experience for me was when I began the Legal Profession Program in 1990. We were attempting to introduce a clinic-like atmosphere for first year students through the use of simulations. The entire first year class was divided into law firms of fifteen students. They were introduced to their clients early in the semester and they had to manage the case from the pleadings stage, through discovery and negotiation, up to a summary judgement motion. It was a prodigious amount of work for the students and the faculty. There were many weeks I had twelve hours of class scheduled with my six law firms. The reward of seeing students emerge as junior attorneys, however, was well worth it.

¹² Dean Conte is now 11th in the country on the law school dean longevity list.

¹³ The question was "Would you please state your name for the record?"

Obviously, most of my memories are connected to life in Albert Emanuel, but eventually the School of Law outgrew the building and we moved to Keller Hall, a palatial, state of the art facility. I enjoy the view from my window and the classrooms are first-rate, but there are times I miss the intimacy of the old building. Faculty, students and staff had no choice about literally running into each other in the halls and the lobby. It is amazing how a faculty member's best teaching moments often occur during those casual encounters.

I want to thank Professor Howarth and the Law Review staff for the chance to reminisce about the history of the law school over the last twenty-five years. It gave me a chance to think about the thousands of students I have taught and how I might have made a small contribution to their development as lawyers and what a big impact they had on my life as a teacher. And now, because I have stayed at it so long, I have the privilege of teaching their sons and daughters. It is an awesome responsibility.