

# THE UCLA SCHOOL OF LAW — *Origin, Conflict, and Growth*

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The eventful early history of the UCLA School of Law is the principal theme of this volume of *California Legal History*. The school's first years are of unusual historical interest — and, by reason of the available source materials, are uniquely suited to historical inquiry.<sup>1</sup>

This volume presents a number of previously unpublished documents related to the opening of the law school in 1949 and the story of its early development. The principal figures are, on the one hand, the founding dean of the law school and, on the other, the faculty members he recruited.

His colleagues state repeatedly that the dean's model for a law school of the 1950s was the law school of prior decades in which the dean held sole authority. They contend that the dean was determined to exclude from his new law school both the content of the then-prevailing theory of legal liberalism and the accompanying model of shared law school governance. We learn that he rejected the authority of the UCLA Academic Senate and

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<sup>1</sup> For a general account of the early history of the law school and of its initial law librarian in particular, see Renee Y. Rastorfer, "Thomas S. Dabagh and the Institutional Beginnings of the UCLA Law Library: A Cautionary Tale," *Law Library Journal* 95:3 (Summer 2003): 347–368.

of any equivalent faculty group within the law school. In his own words, the dean decried the eventual imposition of a “constitution and bylaws of the law school whereby the dean has no authority to make appointments to the faculty” nor “any say about the curriculum of the law school.”

## SECTION 1: UCLA LAW HISTORICAL DOCUMENTS

We are fortunate to have the manifesto of the dissident faculty members, presented in the form of a Memorandum to the UCLA chancellor in September 1955. None but the most cloistered of legal historians could read the list of grievances and failed demands for redress — commencing with the words, “it becomes necessary to call the circumstances to the attention of the Chancellor” — without calling to mind the familiar (and more eloquent) phrase, “that they should declare the causes which impel them . . . ,” from the American Declaration of Independence. Where the signers of the Declaration pledged their lives, fortunes, and sacred honor, the dissenting faculty members risked their families’ financial security and their future academic careers.<sup>2</sup> A half-century later they were praised by former UCLA Law Dean Susan Prager, as “the courageous faculty who called for change in the governance of the school.”<sup>3</sup>

We are similarly fortunate to have the report of the committee appointed by the UCLA chancellor to investigate the faculty’s charges. The committee’s findings take the apparently unprecedented course of withholding the deference customarily accorded to deans and of overturning the established order. They reject the dean’s claim that to put matters right, “all that was needed was the assurance to him and his faculty that the Administration backed him without reservation.” They find, instead, that the dean’s conduct had led to a “loss of confidence . . . based on substantial and reasonable grounds,” that “is irretrievable, in the sense that future changes

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<sup>2</sup> [Memorandum from UCLA Law Faculty to Raymond B. Allen, UCLA Chancellor (Sept. 21, 1955)] University of California, Office of the President records, circa 1885–1975. CU-5, Series 3, Box 17:22, 101 Status of L. Dale Coffman 1948–1957; photocopy available at UCLA Law Library.

<sup>3</sup> “Professor Emeritus James D. Sumner,” *UCLA Law* 26:1 (Winter 2004): 27, available at [https://law.ucla.edu/~media/Files/UCLA/Law/Component%20Data/Magazines/NEW\\_PUB\\_UCLALawMag\\_Winter2004.ashx](https://law.ucla.edu/~media/Files/UCLA/Law/Component%20Data/Magazines/NEW_PUB_UCLALawMag_Winter2004.ashx).

of conduct by [the dean], which appear unlikely in any event, would not restore that harmonious faculty teamwork which is necessary to the efficient operation and future development of the Law School.”<sup>4</sup>

## SECTION 2: UCLA LAW ORAL HISTORIES

Soon after the first dean’s replacement, the UCLA School of Law became, and remains, the youngest top-ranked law school in the country. Its early period is unique for the study of legal history because it is the only leading law school in California or the nation that is old enough to be the subject of historical inquiry well past the lifetimes of its founders — and also young enough to have captured the thoughts of its founders through the medium of oral history.

Oral history is among the most recent of the historian’s tools. As is well known, portable recording machines with long recording times become widely available only after World War II. The later emergence of portable tape recorders led to the widespread practice of oral history as a specialized calling only in the 1960s and ’70s. As is also well known, oral history has at times held a less-favored position as a tool for historical research by reason of the difficulty of verifying or correlating participants’ statements. But here, too, the UCLA School of Law enjoys a fortunate position. The law school created an oral history series on the subject of its own early history, which it conducted during the early to mid-1980s. We therefore have access to multiple accounts of events from participants of varying perspectives and loyalties, from which readers may draw their own conclusions.

Seven oral histories in the UCLA collections offer substantial recollections of the school’s early years. Not only do they discuss the crisis of the deanship, they offer a rare internal view of the professional concerns and personal lives that animate the life of a law school but are seldom visible to the students and larger community. The relevant portions of these seven

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<sup>4</sup> [Findings of the Committee (May 24, 1956)] University of California, Office of the President records, circa 1885–1975. CU-5, Series 3, Box 17:22, 101 Status of L. Dale Coffman 1948–1957; photocopy available at UCLA Law Library.

oral histories are published here for the first time.<sup>5</sup> They include the oral histories of the following persons:

*William Rosenthal*, who, as a member of the California State Assembly, initiated and carried to passage the bill to create the School of Law at UCLA in 1947, and later served for many years as a judge of the Superior Court.<sup>6</sup>

*J. A. C. “Cliff” Grant*, professor of Political Science at UCLA from 1930 to 1969, who chaired the committee to select the first law school dean and also created the law library (and of whom I have kind memories as my professor during the years 1937–39, when I was a Political Science major at UCLA long before the creation of the School of Law).<sup>7</sup>

*Edgar A. (“Ted”) Jones, Jr.*, a professor at the UCLA School of Law from 1951 until he retired in 1991, who was one of the eight dissident faculty members who petitioned the UCLA administration for removal of the first dean.<sup>8</sup>

*L. Dale Coffman*, who served as the first dean of the UCLA School of Law from 1949 to 1956 (having served previously as dean of the Vanderbilt University Law School) and continued as professor of law until his retirement in 1973.<sup>9</sup>

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<sup>5</sup> Oral histories (and photos, except where noted otherwise) are published by permission of the UCLA Copyright Licensing Office. Each original oral history transcript prepared by the Oral History Program of the UCLA Department of Special Collections provides detailed information about the interviewee, interviewer, and interview history. Copies are available at the UCLA Law Library and Young Research Library Special Collections. In addition to the original editing undertaken by the interviewee and interviewer, minor additional copyediting has been provided for publication. Prior, and current, edits are in the form of insertions indicated by square brackets. For reasons of space, material on topics other than the early history of the UCLA School of Law has generally been omitted from the published version, as have secondary topics and minor redundancies.

<sup>6</sup> *Father of the UCLA Law School*, oral history transcript / William Rosenthal; interviewed by Bernard Galm [1985], 1986.

<sup>7</sup> *Comparative Constitutional Law at UCLA*, oral history transcript / James A. C. Grant; interviewed by Steven J. Novak [1986–87], 1989.

<sup>8</sup> *The Law, Arbitration, and the Media*, oral history transcript / Edgar A. Jones, Jr.; interviewed by Bernard Galm and Thomas J. Connors [1987–1989], 1990.

<sup>9</sup> *“The Godfather of UCLA”: Regent Edward A. Dickson*, oral history transcript / Ann Sumner, Wilhelmina Dickson, Edward H. Dickson, Vern Knudsen, Gustave Arlt, Elmer Belt, Stafford Warren, and L. Dale Coffman; interviewed by Winston Wutkee [1970 and 1971], 1983.

*Harold E. Verrall*, brought by Dean Coffman from Vanderbilt to UCLA in 1949, who was one of the two faculty members who supported him against the dissident faculty members, serving until his retirement in 1970.<sup>10</sup>

*Richard C. Maxwell*, who served as the second dean of the UCLA School of Law from 1958 to 1969 and is credited with bringing the school to national prominence, retiring from UCLA in 1981.<sup>11</sup>

*Frances McGann McQuade*, who commenced work at the new UCLA School of Law in 1949 as secretary to the dean and retired in 1982 as assistant dean for administration.<sup>12</sup>

### SECTION 3: UCLA LAW PERSONAL REMINISCENCES

To complement the earlier historical materials, this section offers newly-written reminiscences of all periods of the school's history, contributed by more than a dozen distinguished emeritus faculty and alumni. Included are judges of the U.S. Court of Appeals for the Ninth Circuit and the California Court of Appeal, and current and former law school professors.

Were these papers not presented in alphabetical order, it would nonetheless be necessary to begin with the essay by Norman Abrams, which begins with his appointment to the faculty in 1959. His discussion provides the essential bridge that traces the influence of the school's early history on its continuing and present-day character — which he identifies as both democratic and collegial.

That character is further described from the faculty perspective in the essays by Michael Asimow, Paul Bergman, James E. Krier, and Daniel H. Lowenstein. The terms “civility,” “mutual supportiveness,” “collegiality,” “warm and friendly environment,” and “positive community of scholars,” are the motifs that animate their accounts of teaching at the UCLA School of Law.

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<sup>10</sup> *Fifty Years of Property Law*, oral history transcript / Harold Verrall; interviewed by Bernard Galm [1985], 1987.

<sup>11</sup> *Law School Modernizer*, oral history transcript / Richard C. Maxwell; interviewed by Thomas Bertonneau [1981], 1983.

<sup>12</sup> *A Career in Law School Administration*, oral history transcript / Frances McQuade; interviewed by Bernard Galm [1984 and 1985], 1986.

Substantive programs created at the school are discussed in two other faculty essays: David Binder and Paul Bergman together present the origin, aims, and achievements of their path-breaking Clinical Legal Education Program. Charlie Firestone outlines the history and accomplishments of the former Communications Law Program.

Rounding out the faculty perspective are two humorous offerings: The history of the UCLAW Musical is discussed by its creator, Kenneth Graham, who organized this annual student–faculty–staff “musical comedy parody” that ran from 1982 to 2002. His account is introduced by a brief remembrance by George Abele, a student participant in the 1988 production and current president of the California Supreme Court Historical Society. The more personal irreverence of a single professor is the subject of Paul Bergman’s “Pranks for the Memories.”

The student perspective is provided by five appellate judges whose legal careers began at UCLA: Dorothy W. Nelson and Elwood Lui each provide personal accounts of their years at UCLA Law — Nelson as one of the first women, and Lui as one of the first Asians — and the lasting effects of their experiences on their lives and careers. Alex Kozinski creates a close-up portrait of a favorite professor, and Norman Epstein and Steven Z. Perren each conduct wide-ranging tours of their memorable professors and fellow students.

A word of thanks is due to each of these professors and graduates for sharing their experiences with the readers of *California Legal History*. A special thank-you is due to Scott Dewey, formerly of the UCLA Law Library (and now research specialist at the University of Minnesota Law Library), for soliciting on behalf of the journal a number of these personal reminiscences of UCLA Law.

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