

Introduction to the Oral History of
RICHARD C. MAXWELL

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It is of course impossible to recapitulate or summarize in a few pages what Richard C. Maxwell accomplished in his eleven years as dean of the UCLA School of Law. His was a truly prodigious performance. The limitations of the printed page being what they are, I shall try to convey some feeling for what he wrought by comparing briefly the state of the law school when he became its dean with its condition when he left office, and by trying in a few words to describe the personal attributes that in my view made it possible for him to effect the changes.

I regret that my account is inadequate. The story should some day be writ large and *in extenso*.

When Richard C. Maxwell became its acting dean in 1958, the UCLA Law School was nine years old. Those early years had been marked by difficulties that transcended the normal growing pains of a new institution. By 1958 the school had not only stopped growing but had been in a state of administrative receivership for several years. There were but nine regular faculty members the preceding year; the arrival of three new members (of which I was one) in fall

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1958 increased the roster by one-third. Of the 432 students in the law school, 182 were in the first-year class, which met in one section.

The educational policy of the school was revealed in the architecture of the building, which had been completed in 1952. The educational facilities consisted of three classrooms of decreasing size, for the first-, second-, and third-year classes (in that order), and a handsome courtroom, used primarily for a Practice Court course taught by a federal judge or practitioner on Saturday mornings.

Only third-year students had any choices in the courses they took, and those choices were few and far between. Nor was student life greatly enriched by extracurricular activities. A handful, at most, of prospective employers interviewed the top ten percent of the senior class (on law review, as well) for the few jobs available upon graduation. The school had no formal relationship with the academic life of the rest of the university, and there were few contacts with the external professional world. In the view of the national law school community, UCLA had not met the expectations raised when it was created as the first major new law school of the post-World War II era. It was widely regarded as a school in deep trouble.

The appointment of Richard C. Maxwell as dean did not come easily. Those internal difficulties that had resulted in the creation of the administrative receivership of the law school also produced a great reluctance on the part of important members of the University of California Board of Regents — a body in which echoes of the loyalty-oath fight between regents and faculty still reverberated — to approve an “insider” as dean. Indeed, in his first year as chief administrator, the title was *acting dean*; it was not until the next year that the regents were willing to confirm him as dean.

Richard Maxwell’s deanship lasted from 1958 through 1969, eleven years of change and expansion. Although the passage of another fourteen years or so since 1969 scarcely affords a sufficient retrospective to appreciate all the accomplishments of his leadership — and statistics alone cannot possibly convey them — it may be instructive to describe the law school when he left office in 1969, for comparison with the institution in 1958 when he took office.

By 1969 the student body numbered 727; the faculty some 37. The administrative staff had increased, although for its size the school had one of the smallest administrative staffs in the country. In 1969 the school became the first in the country to undertake a substantial minority-student admissions

program (in 1958 it was almost entirely white with a small number of women students). The school was one of the few to have a woman on its faculty, and in 1969 one of the few to have appointed several minority law professors.

The instructional program had loosened and expanded. Only the first-year courses were required, and all were divided into sections; all courses in the second and third years became optional, with several sections for the larger courses. The optional part of the curriculum took on meaning as some ninety courses and sixteen seminars were offered in 1968–69.

The increase in the number of students (mandated by the Board of Regents in light of the growing pressure for law school admission) was made possible by an addition to the building in 1966. The building of that addition in turn made possible the reconstruction of the existing classrooms to provide smaller ones, seminar rooms and facilities for special programs. The law school's architecture no longer assumed — or required — a high rate of student attrition.

The law school moved into the university. When it became part of the Academic Senate, its faculty served with the faculty from other departments on that body's many committees. Law school faculty held such positions as director of the UCLA Institute of Industrial Relations, director of the African Studies Center, chairman of the Chancellor's Advisory Committee for International and Comparative Studies, associate director of the Latin American Center, and associate director of the Institute for Government and Public Affairs.

As the reputation of the school grew, so did the opportunities available to its graduates. UCLA became one of the regular stops for the increasing number of firms and institutions that regularly recruited at law schools.

This account of Richard Maxwell's administration does not adequately communicate the magnitude of his accomplishment. The story is not just one of the incremental development of an educational institution, with the usual problems of assimilation of today's policies, programs, and personnel, even as tomorrow's are being proposed and implemented. (Consider the problems associated with expanding a faculty from twelve to forty in a decade.) The UCLA story of 1958–69 is truly one of a metamorphosis. To put it in general terms: in 1958 Richard Maxwell became dean of a law school whose academic and professional training models were the traditional law schools of the 1930s and 1940s, a law school that fell far short of being first-rate when measured

against them. When he left the deanship in 1969, the school had not only achieved distinction according to traditional criteria but had also become one of the most innovative schools in the country.

How did this unassuming Midwesterner bring this about? Intelligence and a capacity for hard work — which he possesses in the fullest measure — are necessary but hardly sufficient conditions. In my view — from the vantage point of close observation over the entire course of his deanship — the other attributes were near-boundless enthusiasm coupled with infinite patience, willingness to engage the administration or anyone in fierce battle on behalf of the law school, insistence upon emphasizing the strengths of those he led, ignoring their weaknesses, and an unusually high receptivity to innovation.

Although I shall not embarrass him by elaboration (this is a eulogy not an elegy), I will state, by way of illustration, that when I reviewed the years I have known and worked closely with him, it was hard to recall a single occasion on which, in public or private, he spoke negatively about another human being (and this includes more than one who in my view had given him ample reason to call the wrath of heaven down upon their heads).

While my assignment has been to recount his accomplishments as dean, I think it fitting to point out that he is also the holder of the one law school chair at UCLA, the Connell Professorship of Law, and a distinguished scholar.

He has been the winner of one of the coveted UCLA Distinguished Teaching Awards and has been chosen Professor of the Year by the senior class. He has continued to be one of those faculty members to whom students and colleagues alike turn for advice and support. Shortly after he retired from the deanship, he was elected president of the Association of American Law Schools, a recognition that comes to one law professor in the entire country per year. It was an accolade that recognized not only his accomplishments at UCLA (and derivatively the law school itself) but also his qualities as a human being.

There is an apocryphal report that Alexander the Great wept after he conquered Persia because he then had no more worlds to conquer. Unlike Alexander, Richard C. Maxwell has decided that there are other worlds to conquer; the time has not yet come for him to weep for want of a new challenge. But for us to compliment his character or praise his achievements is not necessarily to accept with equanimity his decision to leave UCLA. For his departure causes us to weep.

From the Oral History of
RICHARD C. MAXWELL

RICHARD C. MAXWELL (1919–2016) 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. He served as professor of law at UCLA from 1953 until his retirement as Michael J. Connell Distinguished Professor of Law in 1981 and thereafter at Duke University as Harry R. Chadwick, Sr. Professor of Law.¹



RICHARD C. MAXWELL

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THOMAS BERTONNEAU (UCLA ORAL HISTORY INTERVIEWER): Dean Maxwell, it is the usual style to begin these oral histories by finding out a little of the interviewee's biography. I would like to ask you to describe the circumstances of your childhood. Tell me a little bit about your family and how you got started out in life.

¹ For further information, see the Editor-in-Chief's introduction on page 1 of this volume: 11 CAL. LEGAL HIST. 1 (2016).

MAXWELL: Let's see, I was born in Minneapolis, Minnesota, in 1919. My father was at the time a Presbyterian minister; I believe that at the time of my birth he was overseas with the United States armed forces as a chaplain. I grew up in Minneapolis, and it happened that my mother and father were divorced when I was at a fairly early age. So I was raised during most of my life in the home of my grandfather, where my mother also resided. It was, in those days, a kind of extended family that probably doesn't exist anymore — a constant going and coming of uncles and aunts and cousins. It was a big old house in South Minneapolis, about a half a block from Minnehaha Creek. It was about as pleasant a place to grow up as you can imagine.

BERTONNEAU: Sounds a little bit like a Mark Twain story, or maybe a small-town America —

MAXWELL: Well, Minneapolis is not a small town, but actually that part of Minneapolis in those days was lovely.

BERTONNEAU: Let's find out the names of your father and your mother and this grandfather that seems to be important.

MAXWELL: My grandfather was Sherman Wesley Callender; that's on my mother's side. My father was born in Russia and emigrated when he was quite young. His name was Bertram Wayburn Maxwell. My mother's name was Blossom Callender. This is the spelling that we use, although you can find the name spelled in a variety of ways. The Callenders have been in this country for a very long time.

BERTONNEAU: Was your grandfather an educated man?

MAXWELL: Well, I think for his time he was an educated man. His father was — you mentioned Mark Twain — his father, John Callender, was actually a Mississippi riverboat captain. That, of course, goes well back into the nineteenth century; my grandfather must have been born about 1866. They came from somewhere in Massachusetts and settled in Minnesota. My grandfather was educated in the sense that he went to business school, and he was an independent, quite well-to-do businessman in Minneapolis during most of my childhood. However, during the Depression, he was much less well-to-do, and my later growing-up years, although still quite comfortable, were far from affluent.

BERTONNEAU: What kind of a milieu was it to live in? What are your early memories of that life?

MAXWELL: Early, early memories are really of wonderful winter snowfalls, of Minnehaha Creek at freshet level, with fish coming in from the lakes; early memories are of going north to the fishing lakes in Minnesota, hot summers in Minneapolis, really very good school experiences — absolutely no complaint. I worked in the sense that I had a very large and quite rigorous paper route, which I think is the source of the back problems I encountered later in life.

BERTONNEAU: I was curious when you said that your father was a Presbyterian minister: it seems to be a fairly typical part of the biographies of the first generation of administrators here at UCLA. Many of them came from clerical families.

MAXWELL: Is that right?

BERTONNEAU: Do you think that has anything to do with someone going into education or administration?

MAXWELL: I doubt it very much, although I was very close to my father, particularly in later years. He actually left the clergy and took a Ph.D. from the University of Iowa in history and political science, and was for some years a professor during the Depression at Washburn College in Topeka, Kansas, where I did not live. Then he became an editor for Macmillan and lived in New York City for — oh goodness, he must have gone there when he was fifty, and he died there at about eighty-two. So he spent a large part of his career in a metropolis.

So I can hardly claim that I had a clerical influence, although I must say that my grandfather was a typical Scottish Presbyterian — a member of the session, which is the governing board of the church — and until I was at least sixteen, I was thoroughly schooled in Presbyterian doctrine and was a regular attendant at Sunday school.

BERTONNEAU: What, in your character, would we recognize as a vestige of that time?

MAXWELL: I am really not sure how much. Well, I think you would — it is true that I probably am to some extent a victim of the American work ethic. I think that as much as anything. And also, there are certainly

vestiges of the very rigorous moral atmosphere, in at least surface terms, of that environment.

BERTONNEAU: Could you be a little bit more elaborate on that point?

MAXWELL: Well, I can recall that when, at a mature age, I began to go to movies on Sunday, I would feel a twinge of guilt. In other words, I came from an environment where in my early years the Sabbath was observed. One walked through the snow in the winter to church; one went to Sunday school and then later to church; one came back and had roast beef, mashed potatoes, gravy, and carrots.

You could then go out and engage in skiing down the sides of the gully in which Minnehaha Creek flowed, or you could read; but you did not go to the movies. You did not engage in that kind of frivolous activity. Drinking, by my immediate family, was not condoned during my earlier years, although in his later years my grandfather, though he certainly did not become a moral libertine or anything of the sort, would occasionally have a drink with my uncles on holidays.

BERTONNEAU: The society of Presbyterians has to be a rather ordered society. It's a typical Puritan kind of society in that sense, is it not?

MAXWELL: Well, yes.

BERTONNEAU: Are you an ordered sort of person?

MAXWELL: I think that I am, yes; I think that's correct. I am meticulous about a great many things — that certainly is true — and that probably is an aid to administration. I'm not sure that it's a particular aid to teaching and scholarship, although in some ways it is. I miss a class only under the most extraordinary circumstances — put it that way. [laughter] Undoubtedly that goes back to subliminal influences.

My grandfather, although his business went down the American drain with nearly everybody else's in the early thirties, . . . had become a great expert in handling railroad traffic and the shipment of produce. So he was able to work and earn a living until he was almost ninety, as a specialist in this area. So that's the kind of atmosphere in which I was raised.

BERTONNEAU: You described yourself, I suppose somewhat ironically, as a *victim* of the work ethic. What do you mean by that?