THE UCLA LAW SCHOOL —

Reminiscences from Its Second Decade

NORMAN ABRAMS*

I.

The UCLA Law School was founded in 1949. I, along with several others, joined the faculty in the summer of 1959, just as the school's second decade began. It was still a very small school with a faculty of twelve (prior to our arrival), but it was already on its way to becoming the newest major law school in the country. In the almost six decades since, the school has undergone remarkable changes — in number of faculty, the physical plant, the curriculum, the size and makeup of the student body, the number and kinds of programs, projects and centers, and above all else, in its stature as one of the top-ranked law schools in the country. But some things have not changed.

I arrived in August, along with three other new faculty (Bill Warren, Bob Jordan, and Bill Cohen). We referred to ourselves as the "class" of '59. Herb Morris also effectively joined the law school that year. (He had been a junior member of the Philosophy Department faculty doing some teaching

* Distinguished Professor of Law Emeritus, UCLA. For further information, see the Editor-in-Chief's introduction on page 1 of this volume: 11 Cal. Legal Hist. 1 (2016).

in the law school, but around that time he began to make the law school his primary academic home.) The core faculty then was a mixture of some distinguished middle and senior faculty enticed from other institutions and a couple of very junior academics at the beginning of their teaching careers.

In its first decade, the school had suffered from some internal problems — culminating in a successful rebellion by the faculty against the then dean; this period of turmoil caused some faculty to leave and, overall, made the law school a somewhat less attractive place for new faculty than it might otherwise have been. By the time the class of '59 arrived, however, the internal problems had all been resolved, and a new interim dean, Dick Maxwell, had been appointed, soon to be confirmed as dean. Our "class" was the first set of appointments entirely post-turmoil, and probably the largest number of new hires in a single year to that point. The future of the school was very bright; its trajectory upward and without limit. And that has been the situation ever since.

I mention those early internal problems, but forgo developing the details. While the fact of that early turmoil helps to explain certain characteristics of the law school, the specific details are not important. (It is also the case that I have no firsthand knowledge of the matter; I only knew of it through the lunchtime stories of my early colleagues.) This history, I believe, contributed to shaping the legal/political structures governing the internal operations of the school, and also to its culture — large impacts on the character of the school that have continued ever since.

What were these impacts? First, most law schools during that era functioned under a strong dean system. Faculty democracy tended to be very limited. The effect of that early history, by the time the class of '59 arrived, was to reverse the then-common relationship between dean and faculty. Ours was a faculty for which faculty democracy was an important value; accordingly, the faculty democratically resolved most issues of academic policy and, often, many of the implementing details. Of course, it is cumbersome to have the faculty trying to exercise a large amount of essentially executive authority, and over the years, the faculty has learned to delegate some of this authority, but it is fair to say that faculty democracy is still one of the strengths of the school.

Even more importantly, out of that period of turmoil, civility grew as a faculty value; a very strong sense of a shared community and getting along

with one's colleagues also became and have remained hallmarks of the school. This is not the case at many law schools or in academic departments generally. There is an impersonal, everybody-going-their-own way quality at many schools, and some actually descend into periods of backbiting, jealousies, and extreme conflict. With one or two minor lapses, our faculty has managed to avoid such internal conflicts, and we have, I believe, a well-deserved strong reputation for being a positive community of scholars and a very special place to hang one's academic hat. We read and comment on each other's scholarly papers. We collaborate in joint work. We respect each other — all of this despite the fact that we have grown to be a diverse faculty, with many differences among ourselves, and with, for example, political views that span the spectrum. The traditions and culture of community have been handed down from senior to junior faculty now through a number of generations. It is a character trait in which we justly take pride.

II.

During the early years of the '60s decade, we hired new faculty slowly, and consequently, remained for some time a small but dedicated band. Small size had consequences: it meant, for example, that faculty meetings were not large gatherings and, with the exception of admissions and faculty hiring committees, we mainly functioned as a committee of the whole.

Faculty meetings were memorable, though. One of the first important issues addressed after I joined the faculty was whether to continue to have fixed and required courses in the second year of the three-year law school curriculum — an issue that seems almost quaint today, but it loomed large at the time. There was little disagreement about the first-year curriculum. The courses were all basic, important as foundational courses, and traditionally required and taught in the first year — courses which included Contracts, Torts, Property, and Criminal Law. The second-year required courses included Business Associations, Evidence, and Constitutional Law. Were these courses important enough that every student should be required to take them? Was there value in giving students a choice whether to take these courses and if so, whether, in the second or the third year?

The issues were strongly debated with views expressed about the value of the courses in question, especially by faculty who taught them. In the

end, the second-year courses all became electives, but nothing much really changed: the subject matters of the second-year courses were on the bar examination, so even though they were now electives, almost all students took these courses, and mostly in the second year.

Another significant issue addressed during that early period was, should we offer classes on Saturdays? At the time, the only Saturday class was Trial Practice, taught by a federal judge who was not available to teach during the week. (Note: the Trial Practice course was the curriculum's then only limited venture into the world of what we today call Clinical Legal Education. It was ten years later that the school began a full-fledged, clinical legal education program.)

The question regarding Saturday classes arose because we were running out of classroom space; the building was relatively small. (Later, over a period of twenty to thirty years, there would be three construction projects each of which would make a major addition to the original building.) In the end, the Saturday class proposal was defeated. And it is interesting to recall the discussion in the faculty meeting and the telling argument that won the day. The point was made that Orthodox Jews and Seventh Day Adventists would not be able to attend classes on those days. The rejoinder was that by then many of our classes were being taught in two sections, and we could schedule one of the sections so that it did not meet on Saturdays, and put those students who could not attend Saturday classes in the appropriate section. The sur-rejoinder was that this would require those students to declare their religious preferences in order to qualify for the no-Saturday classes section — and that, it was contended, would be an unconstitutional requirement. And so the proposal died. I was a very young junior faculty member, and the quality and integrity of that discussion had a strong impact on me.

A second consequence of the small size of the faculty in those early years was that in order to have all of the traditional or mainline courses taught, each faculty member needed to carry a heavy teaching load of such courses. For example, as a regular matter, for many years, I taught each year four mainline courses — Criminal Law, Constitutional Criminal Procedure, Administrative Law, and Evidence. Today, that would be an unheard-of course load; in that early period, it was hardly noteworthy. What this also meant was that, given the small number of faculty, the curriculum

could not be enriched with a wide range of specialized courses or seminars from which students could choose. To achieve that kind of curriculum, we needed to grow, and as the decade progressed, grow we did.

A third beneficial consequence of the small size of the faculty during that early period was that we were small enough to form a single social group. Faculty often got together socially and there developed a tradition of a faculty lunch table at the UCLA Faculty Center, which had been built the year I arrived. On any given day, there might be eight to twelve law school faculty at this table, which, while not formally reserved for us, was generally recognized as our table. Conversations ranged widely from erudite constitutional law or philosophy discussions to academic gossip or current events. Most often, some of the people at the table went after lunch to a downstairs coffee lounge and a 30–45-minute extension of the conversation. I always thought of the faculty lunch table and post-lunch coffee as a mechanism for bonding and integrating the faculty into a cohesive social group — one which was both nourished by, and contributed to, the tradition of a shared sense of community.

Alas, those halcyon days could not last. With the passage of time, the faculty grew; the student body grew and the physical plant grew. By the end of the decade of the '60s, the faculty had more than doubled in size. Today it stands doubled still again, to more than seventy, a number which makes things like a single faculty social group and a faculty lunch table effectively things of the distant past.

Before concluding, I wanted to mention two non-academic items, both of which, while very different from each other, also had a role in shaping the character of the law school. The first was the tragic Bel Air Fire of 1961, which swept across the low-lying Santa Monica Mountain range just north of the law school — and was clearly visible from the second-floor rooftop of the classroom/library wing of the building, which in turn was easily accessible from the office wing of the building.

The entire faculty gathered on the rooftop to watch the conflagration in awe and distress; the fire seemed very close; I had never seen anything like it before, or since. Several members of the faculty had homes in the path of the flames. Two faculty homes burned to the ground, I believe, and several more were barely saved. One of my colleagues was so traumatized by the loss of his home that it took years before he even began to rebuild.

All of the faculty were affected by what we had seen; we had front row seats to a massive tragedy, and some of our own had been directly affected.

The second item is a much more positive one — a tradition that began in those early days and still continues today — the dean's annual law school beginning-of-the-year party for the faculty and their families. What was noteworthy about these parties in those early days was their location. For the first ten years or so after I arrived, the party was held at Ken and Louise York's place in Topanga Canyon. It was too casual and informal to be called an estate, though we did jokingly refer to Ken as Squire York: it was on a hilltop; though they had goats and other animals, it did not seem to be a farm, but there was lots of room to wander and for kids to play. Subsequently, the location was switched to Monroe and Aimee Price's family summer place on a clifftop overlooking the Pacific, north of Malibu, with a stairway down to the beach below, so that we were able to have a multilevel beach party. Glorious. Only in Southern California.

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