

## MEMORIES OF LONG AGO:

### *My Years at UCLA School of Law*

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It seems so long ago, probably because it is. I graduated from UCLA with a BA in the spring of 1955, entered the School of Law there that fall, and graduated with the Class of 1958. Look at it this way: if the speaker when I graduated from law school had received his or her (more likely “his” in those days) degree, as long before then as my time since then, he or she would have been admitted to practice at about the turn of the century (the one before this one). I’ve been asked to assemble some memories of my three years in law school, and what follows are a few of them. They stand out, mostly, because they seemed odd or startling at the time. And, looking back, they still do.

First let me set the scene. The three outstanding qualities I remember about the UCLA School of Law are that it was good, it was new, and it was free.

I’ll start with the last: it was free. Or nearly so. There was no tuition for California residents, and the only thing we had to pay to the university was an “incidental fee.” That was not tuition, but payment for various benefits

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that went with being a student, such as tickets for varsity games. The fee, as I recall it, was about \$37 a semester. I already was the beneficiary of a free education as an undergraduate at UCLA. I was treated to a full, free public school education by the citizens of Los Angeles for twelve years, and then by the citizens of California for another seven. They gave me a profession and a life, and I'll always be grateful.

The school was relatively new then, in its first decade. The building was almost spanking new. Walking through it, the first thing we noticed was that there were three large classrooms, one for each of the three years. Each classroom was progressively smaller than the last, with the third-year classroom being about half the size of the classroom for first-year students. The message was subtle, but we all understood it.

And the school was good. The founding dean, L. Dale Coffman, had come from Vanderbilt, at about the same time and from the same place as the then-new UCLA head football coach, Red Sanders. Dean Coffman assembled a remarkably able faculty for the new school, including Roscoe Pound, the renowned former dean of Harvard Law School. They delivered a first-rate education in the law.

Two of the faculty are among the finest persons I have ever known. Arvo Van Alstyne taught Constitutional Law and several other courses. He was a brilliant teacher and a wonderful person. I enrolled in or audited every course he taught at UCLA. He eventually moved to Utah where he held an executive academic position and, I believe, was an elder in the Mormon Church. He died of cancer, far too young.

The other was Richard Maxwell, a renowned scholar and national expert on the law of oil and gas. He taught Property and several other courses. After Dean Coffman was obliged to step down as dean, and after the service of an interim dean, Dick Maxwell became the dean and guided the school into what some have described as its greatest years. Certainly so, up to then. He retired from the faculty and began a new career in legal education at Duke University school of law.

Dean Coffman taught one of the two sections in Torts, a first-year course. We were divided by alphabet, the first half being assigned to Dean Coffman's section and the other to Professor Allan McCoid. I recall vividly and with horror the day we reached the renowned *Palsgraf* case (*Palsgraf v. Long Island Railroad Co.* (1928) 248 N.Y. 339). We all knew we had to

have some grasp of that case (it's still a conundrum), or else. And many were petrified over the prospect of being called on to recite or explain it. Professor Coffman announced the case, then began to scan the classroom, moving his gaze slowly from left to right. When he got to the middle it was as though an electric eye contact had been made. The student upon whom he had then fixed his gaze thought he had been called on to recite the case, and proceeded to do so. He had it wrong, and all of us agonized dying for him, but no rescue was possible. (I don't believe that student was among the second-year class.)

I recall something almost as untoward in the final round of the Roscoe Pound Moot Court Competition. The four of us, two students on each side, were before a hypothetical supreme court made up of three federal judges. The presiding judge interrupted my argument and asked me to turn to page whatever of our brief, then to a particular paragraph and line, then pointed out that we had misspelled a word. I suppose the idea was to see if we could maintain composure. I think I mumbled an apology for the error and went on with my argument. One of the other judges asked only a single question during the entire ninety-minute argument. I've committed the question to rote memory. He turned to the PJ and asked, "Isn't it time for lunch?" Perhaps there was some wisdom that I missed. But the question did make an impression. (My partner and I managed to win the competition.)

At the time, the Office of Legislative Counsel had a program under which it brought in a second-year law student from each of the five major California law schools for a (paid) summer clerkship. I was fortunate to have the appointment from UCLA. I learned most of what I know about the legislative process and working with statutes during that summer. The legislative counsel, the first to hold that position, was Ralph N. Kleps. He was a renowned scholar and had written the definitive article on judicial review of administrative adjudication. (The article is *Certiorarified Mandamus: Court Review of California Administrative Decisions (1939-1949)*, 2 STAN. L. REV. 285.) He later became the first director of the Administrative Office of the Courts, serving under the Chief Justice and the Judicial Council.

He shared a story with me about his time as a student at Cornell. He was president of the Young Democrats, which had invited the First Lady of New York, Eleanor Roosevelt, to come to Ithaca and give an address.

Kleps had an opportunity to speak with Mrs. Roosevelt privately. He asked her what advice she would give to a young man (meaning himself) interested in a career in politics. She looked directly at him and responded, “be born rich.” He obviously never forgot it, but he evidently did forget about a career in politics.

During my final year, when thoughts turned to finding a job, the only one I was interested in was with the state attorney general. I was interviewed for the position by Frank Mackin, the assistant attorney general in charge of the Los Angeles office. His office was on the 6th floor of the old state building (on First Street, between Spring and Broadway, now razed), and my interview was at noon. It was 1958, an election year. We were about five minutes into the interview when the phone rang. The conversation lasted about fifteen minutes. I tried not to pay attention, but it seemed obvious that he was speaking to the then-attorney general, Pat Brown, who was running for governor. I always suspected that I got the job because by the time the conversation ended, I had heard too much.

Finally, I end this reminiscence where it began, at the law school. The fall bar exam was held there, in the first-year classroom. The only question I recall from the exam was from the first session. It was a mixed tort/property problem, positing two neighbors who had a party wall on their property line. After a hard rain the wall collapsed, damaging the property and causing someone to be injured. There were several of us huddled in the hall after the session, going over what the question was about. One of the group announced that he had figured out what the exam author wanted us to discuss: water rights. According to him, we were supposed to discuss various theories about getting rid of the rain runoff. My first thought was, good grief, I missed it entirely. My second thought followed: that this guy had. (I don’t know how this fellow did on the bar exam.)

The exam itself was given in July, and it was hot. The air conditioning, such as it was, was not working. So, the doors of the classroom were open. The mass of sweating humanity packed inside the classroom seemed to attract every flying insect in Westwood, and they assembled there in plenary session, to attack us helpless prey. Somehow, we all got through it; I don’t know about the insects.

One final story about the bar exam: The Supreme Court clerk’s office was on the top floor of the state building, near the coffee shop. One morning

the clerk walked over to several of us at the coffee shop on that floor. He told us the bar results were out and we all had passed, except one of our group, Phil Griffin. We all trooped down to the State Bar office which was in the Rowan Building. Phil got up to the window to verify how he did; he was told that his name was not on the list of successful candidates. We returned to the office in a funk. Then Phil got a call from his wife. The mail had just arrived and he had passed. Turns out the list of names had been mis-alphabetized. So, we did what any recent law student would do: theorized about what torts the bar people may have committed in causing this emotional distress. (Phil went on to a long and distinguished career in the AG's office.)

As it has for so many others, the law school has been an important part of my life. And most of the memories are good ones. I have been privileged to be a part of the school family ever since.

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