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HISTORY OF THE UNIVERSITY OF WYOMING COLLEGE OF LAW: The First Seventy-Five Years*

The Honorable Michael Golden

Michael Golden is Chief Justice of the Wyoming Supreme Court. He received his B.A. from the University of Wyoming in 1964 and graduated from the U.W. College of Law in 1967. Justice Golden earned an LL.M. from the University of Virginia in 1992. After graduation from law school, Justice Golden served in the U.S. Army JAG Corps for four years. He practiced law in Rawlins from 1971 to 1983, and in Casper from 1983 until 1988, when he was appointed to the Wyoming Supreme Court. He has served as Chief Justice since 1994.

The Law School was honored to have Justice Golden as the keynote speaker of the 75th Anniversary Celebration of the Law School on October 14, 1995. His speech, reprinted below, captures the color and character of the key players in the seventy-five year history of our College.

Emerson thought that the history of an institution was reducible to "the lengthened shadow of one man." The history of our law school belies that thought. The lengthened shadows of at least seven individuals, and inarguably more, tell a substantial part of that history, as we shall see. You know their names: Thurman Arnold, Carl Arnold, Robert R. Hamilton, Frank J. Trelease, E. George Rudolph, Peter C. Maxfield, and Arthur Gaudio. Then, too, there are faculty members, past and present, most of whom were formally educated beyond our state's borders. And,

*. The information in this piece was drawn from a variety of sources, including Proceedings of the State Bar (published in individual bound volumes from 1920 to 1945, in the WYOMING LAW JOURNAL from 1946 to 1965, and in the LAND AND WATER LAW REVIEW from 1966 to date); the LAW SCHOOL NEWS (published from April 1956 until May 1977); contemporary reports of the deans; school bulletins; and various newspaper articles and personal reminiscences.

Those interested in the early years of the University will find rich sources of information in Wilson O. Clough's A HISTORY OF THE UNIVERSITY OF WYOMING, 1887-1964 (1965) and Deborah Hardy's WYOMING UNIVERSITY: THE FIRST 100 YEARS, 1886-1986 (1986).

of course, there are alumni, all of you and more, whose numbers have grown from a mere few in the early years to about two thousand today.

From the Wyoming territorial period of 1869 through 1889, and from statehood in 1890 into the first decades of the twentieth century, Wyoming law was in the hands of men who had been born, raised, and educated elsewhere—mostly in the midwestern and eastern part of this country. Some, like Chief Justice Charles N. Potter, District Judge Volney J. Tidball, lawyer Albert W. McCollough, and lawyer Thurman W. Arnold, had graduated from law schools. Others, like Justice Fred H. Blume, had “read the law” in a lawyer’s office. Blume had done so in Theodore Myers’ office in Audubon, Iowa, in 1898.

Thurman Arnold believed that the state bar association should have taken the lead in moving for the establishment of a law school for Wyoming students. But that did not happen. Instead, in January 1920, several students attending the University of Wyoming filed a petition with the Board of Trustees, calling for the creation of a law school. To its credit, the Board was receptive and soon plans were laid to begin the school. On September 21, 1920, the law school opened its doors to a small band of eager, perhaps nervous, students. We have the names of those pioneers. They included Forrest Kelly Dukes, Edward C. Madden, and Michael M. Wind of the Class of 1923. To lead the law school, the Board of Trustees appointed Harrison C. Dale as acting director. Dale was a political science professor and a Harvard graduate. Dale apparently served but a brief time, as the record reflects that L.H. Van Houten and Henry J. Peterson also served that first year as acting directors. Teaching commercial law subjects was E. Deane Hunton, also a Harvard graduate. Assisting these professors that first year were Thurman Arnold and Albert W. McCollough, both Laramie lawyers.

At the state bar association’s annual meeting in 1921, Arnold sought support for the law school. He told the members:

The new generation of lawyers . . . will either have to be born in this state, or they will have to come here from beyond our borders, where they will not be versed in the traditions and in the peculiar conditions which surround the practice of law in this state. That is a condition which is of great interest to this bar, and that is a condition which fortunately has now been changed by the introduction of our new law school.

As most of you know, Arnold was born in Laramie in 1891, had received his B.A. from Princeton, and was awarded his law degree from

Harvard. Although he practiced for a short time in Chicago, he had served twice under arms when his national guard unit had been called up for active duty. Under General Pershing, his artillery battery pursued the colorful Pancho Villa around the Texas-Mexican border. Later, Arnold was in France before the Armistice in late 1918. Instead of returning to Chicago after the war's end, he chose to join his father, C.P., in his Laramie law practice in 1919.

At that 1921 state bar meeting, Arnold sounded a theme that has remained constant for seventy-five years:

It is only just and fair that in this State we allow our own rising generation of attorneys, who will naturally be recruited from our own people, a chance to study the law that they are going to practice, in a state where they are going to practice, and to become acquainted with the attorneys they are going to practice with.

Arnold and Albert McCollough gave lectures to those first law students. McCollough was a University of Chicago law graduate, having received his law degree there in 1911. He was known to the students as "Torchy" because of his blazing red hair. He was in law partnership with Nellis E. Corthell and his son, Morris, both of whom also occasionally lectured the law students. The Corthell and McCollough firm and the Arnold firm made their libraries available for the fourteen students who comprised the first three classes in 1920, 1921, and 1922.

Like C.P. Arnold, who had acquired and enlarged Millbrook Ranch outside Laramie, McCullough was landed gentry. He acquired a 640-acre homestead, with a log cabin, on the eastern edge of the Big Hollow, on land that is now on the west boundary of Brees Field. Before buying a physician's big Maxwell Touring car, he traveled to town on his Indian motorcycle. McCollough had a distinguished career in the law. He served five terms, from 1923 to 1933, in the Wyoming House of Representatives, being Speaker in 1927. He represented Wyoming for eleven years on the Commission on Uniform State Laws. He served as city attorney for Laramie from 1917 to 1923; in that capacity, it fell to him to visit all the local saloons on the night of January 6, 1920, to make sure they closed at midnight when the Eighteenth Amendment and the Volstead Act ushered in Prohibition.

From 1920 to 1923, the law school was located in the Science Hall, which was the Geology Building, built in 1902. From that building, Samuel "Doc" Knight ran a world-class geology department.

With respect to instruction, the law faculty used lecture and the case book method. Additionally, the students received pleading and trial practice instruction from Judge Tidball. Born in Bozeman, Montana, in 1883, Tidball had attended public schools in Sheridan, graduating from high school there. He received his B.A. from Wyoming in 1905, and his law degree from Michigan in 1908. He practiced law from 1908 through 1912 with the Downey law firm in Laramie. In 1913, he was appointed district judge, a position he enjoyed for thirty-six years until his death in October 1949. He unsuccessfully opposed Justice Blume in 1922 for a seat on the Supreme Court.

In Thurman Arnold's report to the Bar in 1921, he noted the importance of acquiring a true law school dean and assured the bar association one would be in place for the school's second year. One was. He was E.F. Albertsworth who, like Arnold, had received his law degree from Harvard. Albertsworth had practiced a short time in Washington, D.C. Arriving in Laramie to begin his duties, he commented:

While the law school is small at present, when compared with the larger schools of the East, nevertheless we shall grow in time and be as strong as any other state law school. . . . With the fine climate of Laramie, opportunity should be taken to capitalize on it more than has been done, and thus attract students this way. Then with first class technical equipment and a strong teaching staff, the law school will secure recognition.

Albertsworth would teach evidence, civil procedure, equity and trusts; Tidball, bills and notes, in addition to pleading and trial practice; McCollough, criminal law and agency; Arnold, torts and real property; and Hunton, contracts.

Although the students still used Corthell's and Arnold's libraries, Albertsworth began developing the school's own. Chief Justice Potter donated forty volumes; the University appropriated money for the purchase of the complete National Reporter System, which would give the school more than 2,000 volumes; law reviews were acquired, as were standard textbooks. The seeds were planted—the library would grow.

Dean Albertsworth remained but one year. In his own words, written in May 1965, he reflected:

I have often wondered whether my life's theme song should have been, "Why, oh Why, Did I Ever Leave Wyoming?" I did enjoy my all-too-brief year as the Law School's first dean.

But higher salaries and opportunity for personal advancement . . . prompted my leaving the state. Then, too, the high altitude was rather rugged on my wife's health. . . . But I still preserve a niche in my heart for the University and its loyal sons and daughters in Wyoming.

Albertsworth, who had been paid an annual salary of about \$3,000, was enticed to Western Reserve Law School in Cleveland, Ohio, by an annual salary of about \$6,000. The Board of Trustees replaced him with Harold Shepherd as acting dean for a year. Serving with him on faculty was Charles Haglund, "a reclusive and taciturn man of Scandinavian origin," according to Clarence Morris who joined the law faculty in 1926 and later developed a national reputation in the field of tort law.

In 1921, during the school's second year, under Thurman Arnold's guidance, the students established the Potter Law Club. The purposes of the club were to promote and foster esprit in the law school, to assist the moot court program, and to invite lawyers and judges to speak at student gatherings. The club was named in honor of Chief Justice Potter, an enthusiastic supporter of the law school. Like the national pastime, Potter had been born in Cooperstown, New York. At the age of twenty one, he earned his bachelor of laws degree from the University of Michigan. He practiced law in Grand Rapids, Michigan, until 1876, when he came to Cheyenne, Wyoming Territory. As was, and still is, typical of ambitious young lawyers, Potter sought and won public office, serving as city attorney from 1878 to 1881, and again in 1889. He also was county attorney for two years. Potter was a Laramie County delegate to the state constitutional convention in September 1889. Not surprisingly, he was a leader of that body, as the journal record clearly reveals. From 1891 to 1895, he served as attorney general. In January 1895, he took his seat on the Supreme Court. Re-elected to three successive eight-year terms, Potter served nearly thirty-three years on the court before his death in December 1927.

In 1923, the school moved to new quarters, the recently constructed Library Building—known to all as Aven Nelson. Sharing the building with the English and History Departments, the law school occupied part of the third floor. The University's library staff tended the growing collection of the law library. It would not be until the law school moved into its own law school building on Ivinson Avenue thirty years later, in 1953, that the school would have its very own law librarian.

In addition to moving into the Library Building in 1923, the law school in December received official notice that it had been admitted to membership as a Class A school in the Association of American Law

Schools. Of the country's 148 law schools, only thirty-nine were ranked as Class A schools, including the likes of Harvard, Michigan, and other "name" schools.

In August 1923, the Board of Trustees, upon President Crane's recommendation, appointed J. Gerald Driscoll as dean, replacing acting dean Shepherd. Having received his undergraduate and law degrees from Stanford, Driscoll had taught three years at the University of Washington Law School. He held the dean's post three years until his resignation in March 1926.

The law library continued to expand its holdings, increasing to over 6,000 volumes in mid-decade. Using the books were the three-man classes of 1923, 1924, and 1925. The Class of 1926 swelled to five, including James G. McClintock, Archie McClintock's older brother, and Carl F. Arnold, Thurman Arnold's younger brother. George Guy was in the class of 1927. Each class for the remaining years of the decade graduated four persons. I say "persons" because in the Class of 1928 was to be found the first woman graduate, Hazel Bowman Kerper. Her legal career was to be in academe, first at Florida State University and later at Sam Houston State University as a professor of criminal justice. She died on February 7, 1975, in Houston.

In 1926, Charles H. Kinnane came on faculty; in 1927, Clarence Morris arrived. Kinnane had earned his Bachelor of Laws degree from Illinois, his S.J.D. from Yale. Morris took his initial law degree from Colorado and his masters at Columbia the spring before arriving in Laramie.

Given the brief tenure of the law school's first four deans, from director Dale through Dean Driscoll, one is tempted to describe the Wyoming law school deanship of those early days in a Hobbesian phrase, "solitary, poor, nasty, brutish, and short." That would change when the Board of Trustees appointed Kinnane to that position in March 1926 upon Driscoll's resignation. Kinnane would hold the post nearly seven years until 1933.

Clarence Morris had been working in his father's Denver law office in the summer of 1927 when President Crane, who had made inquiries at Columbia, invited him to Laramie for an interview. As Morris later recalled:

I was offered an assistant professorship at \$2,700 per annum for nine months and was delighted to accept. My father could not believe that any one would pay me \$300 a month. I joined my

two full time colleagues with high hopes. Laramie was hospitable and always to my liking during the next thirteen years.

Although 1927 was a happy year for Clarence Morris, it was not for others. In August, perhaps because he had placed fourth in the four-man primary in the county attorney's race in 1924 or had tired of being almost the only Democrat in Wyoming politics or had realized his destiny lay elsewhere, Thurman Arnold announced he had been offered and was accepting the deanship of the law school at the University of West Virginia. As told by one historian:

After a series of seemingly unending farewell picnics, bar association dinners and private parties, the Arnold family tumbled into their Dodge and headed east over Sherman Hill. Thurman later described the scene, "I packed my family in our car and drove away, never to return except for casual visits. How we hated to leave that wonderful combination of rolling plains and blue, snow-capped mountains that we knew as Wyoming. My wife wept continuously for the first thirty miles, and the children looked as if they thought I was selling them down the river into slavery."¹

Arnold served for a few years as dean of the West Virginia Law School, but then was drawn in 1930 to a faculty position at Yale Law School. There, among the many friendships he formed, he became a close friend of William O. Douglas. Leaving Yale in 1938, Arnold became an assistant attorney general and a "trust buster" in the Department of Justice. Appointed in 1943 by F.D.R. to the federal Court of Appeals for the District of Columbia, he found that not to his liking after two years and resigned. He and Paul Porter then formed the prestigious firm that still bears their names in the nation's capital. Despite his rise to national celebrity, Arnold never forgot Wyoming. Writing to Justice Blume in September 1960, Arnold spoke glowingly of a recent trip to Wyoming to address the State Bar. He said:

I enjoyed coming into contact with lawyers who represent individual clients with personal law suits. That is what I miss in my present practice which makes it seem a business rather than a profession. Because of this, it seemed to me that the Wyoming

1. GENE GRESSLEY, *VOLTAIRE AND THE COWBOY—THE LETTERS OF THURMAN ARNOLD* 25 (1977).

lawyers were so much more human, so much more a part of their communities, that it was more pleasant to visit with them than with the stuffed shirts at an American Bar Association convention.

. . . .

I felt when I attended the Wyoming Bar Association meeting that I was among lawyers and not businessmen. That's what made me enjoy it so much. I intend to come out next year and every other year that I can, and certainly when I retire I will come back to Wyoming.²

Arnold died in Washington on November 7, 1969. He came back to Laramie three days later. He rests eternally a short distance from us tonight. Perhaps he hears our words, perhaps he knows of our deep appreciation for the part he played in the law school's founding; we can be sure he is proud of his law school.

Four months after the Arnold family left for West Virginia, on December 20, 1927, the law school lost another strong supporter when Chief Justice Potter died in Cheyenne.

In 1928, Carl Arnold, Thurman's younger brother, returned to Laramie to join the law school faculty. After graduating in 1926 from our College of Law, he had taken post-graduate law courses at Yale for a year. For several years after his return he divided his time between the law school and the political science department. According to Clarence Morris,

Carl was much needed in the law school for public law—constitutional law in particular in which he gave outstanding, original and imaginative instruction. Black Friday in 1929 and President Hoover's attempts to deal with economic crises in various ways stimulated Public Law discussion in legal circles and increased Carl's local stature.

Among Morris's and Arnold's students in 1929 were Winston Howard, Bard Farrell, and Al Pence. Morris described the law school's physical setup where these students learned the law:

[T]he law school occupied the eastern two thirds of the third floor of the . . . library building. Three class rooms ran across the east side, and each of us officed in one of these class rooms. When it was time to teach any class our students came to their teacher's

2. *Id.* at 438.

office-classroom. Our part-time teachers usually taught in one of our three rooms from eight to eight fifty a.m., enabling them to arrive at their downtown offices at nine. The teacher whose room was so used would gather up his work before class and work in the law library-moot courtroom. When Carl Arnold became a full time teacher in the law school the arrangement could no longer be followed. My classroom on the northeast corner was divided into four offices and a reception room. Three cubby hole offices spanned the north side of the room. The dean's office was about twice as large and its windows faced east. The inner walls of all of these offices had glass sections running for some three feet from the ceiling, so that the inner reception room got daylight. Our cubby holes allowed room for our knee-hole flat top desk, the teacher's chair and a chair for one visitor. The dean's office was big enough for a law faculty meeting of the four of us. Our physical and social arrangement allowed close rapport among us.

In 1929, the Board of Trustees hired a new faculty member to replace Charles G. Haglund, "the reclusive and taciturn man of Scandinavian origin." Thus began for Robert R. Hamilton the first year of his thirty-one active years at the law school. Reportedly born in a log cabin in southern Illinois on November 12, 1894, he lived a farm boy's life until at age 18 he began to teach country school. Since school was in session only in the fall and winter, he spent the spring and summer each year attending what became Southern Illinois University. He served on active duty as a Chief Petty Officer in the U.S. Navy from 1917 to 1919. By 1922 he had earned a two-year diploma at S.I.U. He entered the University of Illinois, again alternating college attendance with working as a school administrator. In 1927, he received his B.S. in Education. Two years later he earned his J.D. from that university. During his final year at law school, he had taught Business Law in the College of Commerce.

As the law school entered the second decade of its life in 1930, enrollment grew from the three- to four-person classes that marked the first decade to an amazing twelve students in 1930. According to Clarence Morris, the influx of such a large number

was unpopular with the Wyoming Bar. There were about four hundred lawyers on the roster of the bar, but, as I remember it, only two hundred or so were in active practice. Nearly all Wyoming graduates had come to us from Wyoming homes and intended to practice in the state. The bar was not happy about the prospect of such an increase of competition.

In late 1930 and early 1931, the legal community was buzzing about Governor Emerson's decision not to recommend an appropriation for the state board of law examiners at the upcoming legislative session. The annual sum of \$1,500 was used to defray the board's expenses for administration of the bar examinations and investigations of professional misconduct allegations. Despite the Governor's reasoning to place the board on a self-sustaining basis by having the board's expenses defrayed by increased fees paid by the examinees, bar leaders warned that if the Governor's recommendation prevailed, then it might mean the abolition of the law school. Of course, this did not happen.

In 1933, Dean Kinnane resigned from the law school's deanship and was succeeded by Carl F. Arnold. Thus, Carl Arnold became not only the first Wyoming law school graduate to teach at the school, but also the only Wyoming law school graduate ever to serve as dean of the school.

While serving as dean, Carl Arnold took several leaves of absence. In the summers of 1929 and 1931, he taught at the West Virginia Law School headed by his brother Thurman. From 1935 to 1937, he was assistant general counsel for the Federal Communications Commission in Washington. He taught in the summer of 1940 at the University of Texas Law School where Clarence Morris held forth. And, in 1941, he was assistant counsel for the United States Maritime Commission.

The enrollments in the later classes of the 1930s never exceeded the whopping twelve claimed by the Class of 1930. Included in that large class were such notables as Winston Howard; John McGowan, who later served on faculty; and Arthur Oeland, whose daughter Elizabeth would graduate from the law school in 1959, serve as a district court judge for twelve years, and serve as a member of the University's Board of Trustees. Harold Johnson, who divides his time between Rawlins, where he practiced almost sixty years, and Sun City, where he keeps an active eye on his small stable of race horses, was one of the nine students in the Class of 1931 as was Rodney Guthrie, a future state district judge and supreme court justice. Seven students comprised the Class of 1932; eight, the Class of 1933. In the Class of 1934, leading the ten graduates were John Bugas, later of FBI and Ford Motor Company fame; J.J. Hickey, later a Governor, U.S. Senator, and a federal court of appeals judge; Glenn Parker, later a distinguished member of both the state district court and the state supreme court; and Joseph B. Sullivan, later a distinguished leader of the bar and the father of Michael J. Sullivan, Class of 1964, who governed the state for two terms from 1986 to 1994.

In 1935, according to Wilson Clough, who has written the definitive history of the University, the Potter Law Club "added a sartorial note to

the campus by adopting derbies as headgear.” One wonders whether derbies were donned by Archie McClintock and Joseph Spangler in the Class of 1935; William H. Brown, Jerry Housel, and John Raper in the Class of 1936; George Millett and Vincent Vehar in the Class of 1937; and Vernon G. Bentley and John Ilsley and Jim Zaring in the Class of 1939. In 1938, the Potter Law Club sponsored the first Homecoming Queen at the University. Clough reports that “some complaints at the method of selection” were heard.

The law library continued to expand in the 1930s until at decade’s end it stood at 12,500 volumes. The students in those days, just as the students over the decades and those of today, used the library well. Clarence Morris remembered in these words:

Nearly all of our students spent nearly all of their week nights in the law library. The evenings were usually orderly enough for study and also provided fellowship and fun. They were unsupervised except insofar as a paid student signed out books and received those returned. When I had occasion to work at night, I sometimes felt a twinge of envy.

Becoming firmly established in the law teaching profession during his thirteen years on faculty at Laramie, Morris left after 1939, stopping briefly at the University of Texas Law School and then completing his distinguished career at the University of Pennsylvania Law School. In 1980, he reminisced about our campus:

In my early days the campus lights were turned off each night at about 11 p.m. If I worked on past that time, all the students would be gone and the campus would be left in total darkness. On occasion when I departed, I would step out of the library building into an invisible herd of wild horses grazing on the lawn east of Old Main. My breach of their solitude would startle them into sudden and noisy flight. If they were startled you can imagine what I was.

As the law school entered the third decade of its life, the 1940s, it faced an uncertain future. The war in Europe loomed large and threatening and, at home, worry increased about Japanese intentions in Asia and the Pacific. Professor Hamilton acted as dean since Dean Arnold had taken a leave of absence to serve as an attorney with the Maritime Commission in Washington, D.C. Although no doubt Hamilton was concerned about the state of national and world affairs, he also had to deal with

troublesome local issues. Once such issue arose in April 1940, when the newspaper carried the story that Governor Nels Smith had "instructed" President Crane in a letter to withhold the contracts of eleven faculty members, including those of Carl Arnold, Arthur Himbert, and A.W. McCollough, of the law school. Governor Smith's stated grounds were that these faculty members were teaching as little as two or three hours a week, having only one to six students in a class. Some believed, however, that "politics" was raising its ugly head since Arnold had gone east from time to time to perform legal work in the Democratic administration and Himbert had served a year in Washington as special assistant to U.S. Senator Joseph C. O'Mahoney. The University's biographer, Wilson Clough, writes that President Crane and the Board of Trustees were surprised at the Governor's involvement, especially since the Board had already informed the President of its customary approval of these continuing contracts. After a number of meetings and discussion, the storm passed with the contracts receiving final approval and the Board acknowledging merit in some of the Governor's suggestions.

In mid-September 1941, all in Laramie were shocked and saddened at the news of Dean Carl Arnold's untimely death on September 13 in Washington. He was forty-five years old.

From 1940 to 1943, the law school operated efficiently as before. In addition to Dean Hamilton, those teaching included Arthur Himbert, John McGowen (Class of 1930), and Daniel Reaugh. McCollough and Judge Tidball lectured as before, as did G.R. McConnell. The library was at 13,500 volumes. Of the nine graduates of the Class of 1940, Stew Blunk, C. Thomas Morgan, Gerald McEwan, Keith Thomson, and Volney J. Tidball, Jr., come to mind. The fourteen graduates of the Class of 1941 included Bill Brimmer, David Hitchcock, James Simonton, Gerald Stack, and Robert R. Rose, Jr., who would later serve as solicitor for the Department of the Interior and as a justice and Chief Justice of the Wyoming Supreme Court. The number of graduates in 1942's class fell to eight including Jim Adachi and Richard Mullens and the Class of 1943 dwindled to six. The war was taking its toll on university enrollments across the nation.

The law school closed for two years, 1944 and 1945. Before it closed, however, Dean Hamilton hired, in March 1942, a young lawyer of somewhat unknown caliber from Colorado to join the small Laramie faculty. The new associate professor had received his B.A. from the University of Colorado in 1937 after two years of law school; in 1938, he earned his law degree from that university and was admitted to the Colorado bar. Four years of law practice in Denver followed. In 1942, he was

a law instructor at his alma mater, discovering in the process what pathway in the law he was destined to travel. After accepting his appointment to Wyoming's law faculty, Frank J. Trelease would forever more call Wyoming his home. With the temporary closing of the law school, Trelease became executive assistant to the president of an aviation company in Delaware. At war's end, he served a year as a trial examiner for the Civil Aeronautics Board before returning to Laramie in 1946 when the law school reopened.

In the meantime, Dean Hamilton spent the two year hiatus practicing anti-trust and administrative law with the Chicago law firm of Snyder, Chadwell and Fagerburg. At that firm, Dean Hamilton met a young 1943 Michigan law graduate who was an associate in the firm for six months until he entered active duty with the U.S. Army. The young associate served under arms for two years, 1943 to 1945, and received the Bronze Star for distinction as a combat infantryman in Italy. Returning to Chicago at war's end, the young lawyer longed for a small town in which to raise his family. He contacted Dean Hamilton and asked about opportunities in the law out west. Dean Hamilton invited him to Laramie for an interview. Offered a faculty appointment, Ernest George Rudolph happily accepted. For nearly a half century, he has been a solid pillar of the school.

In retrospect, Dean Hamilton's faculty appointments of Trelease and Rudolph were master strokes. In making those two appointments, he assured this school's outstanding success. Raised as a farm boy in Southern Illinois, which is quality horse country, and educated and trained as a school administrator, Dean Hamilton, one can fairly conclude, knew thoroughbred teachers when he saw them. And no two finer thoroughbreds ever existed than Trelease and Rudolph. And, when you consider that serving on faculty with them in the late 1940s was Eugene Kuntz, who later migrated to Oklahoma where he gained national prominence in the field of oil and gas law, one's admiration for Dean Hamilton's keen eye for talent increases even more.

Although the Class of 1946 contained but four graduates, including future district judge Ken Hamm, the classes of the next several years would be much larger. Returning G.I.s would swell college enrollments during the next several years. The law school had a library now of 20,000 volumes ready for their use. In Dean Hamilton's report to the state bar on the law school's activities for the 1947-48 academic year, he noted that enrollment at the opening of the fall term, 1947, was seventy-eight students. He estimated ninety to ninety-five students the following year. Our friends Elmer Nelson, Chester Jones, Dick Bostwick and Joe

Maier were in the nine-person graduating Class of 1947. The 1948 class graduated fifteen, including Ed Halsey, Charles Kepler, and future U.S. Congressman Teno Roncalio. The Class of 1949 graduated twenty-nine, including future attorney general and federal judge Jim Barrett, Don Chapin, and future governor Ed Herschler.

In 1946, the Potter Law Club again demonstrated campus leadership by reviving the Homecoming Queen tradition, after two years of neglect. That same year, the law school, under the guidance of Professor Trelease, established the *Wyoming Law Journal*. The law school's publication of a law review had been discussed twenty-one years earlier in 1925 at the annual State Bar meeting. But until Professor Trelease arrived, the project languished. In 1946, with Trelease as the ramrod, the *Wyoming Law Journal* was born. The *Wyoming Law Journal* was published from 1946 to 1966, nineteen volumes in all. The stated purposes of the law journal were to improve legal education at the university and to serve the Wyoming State Bar. After the first two years of publication, Dean Hamilton's assessment was

[w]ork by students on the *Wyoming Law Journal* has contributed to improvement in the work of such students far beyond our expectations. . . . Work on the *Journal* has proven to be an extremely valuable and effective teaching device.³

In his report on the 1947-48 academic year of the law school, Dean Hamilton informed the State Bar membership of the addition of yet another outstanding lawyer to the faculty—Professor John O. Rames, of Denver. Mr. Rames was an honor graduate of the University of Colorado Law School and practiced twelve years in Denver. As we all know, Professor Rames was like your favorite grandfather, but he graded final examinations in Evidence, Criminal Law, and Constitutional Law like an assassin. He taught until his retirement in 1972. What a genuinely warm and kind man.

In Dean Hamilton's report for the 1948-49 academic year, he noted a total student body of ninety-four students, with forty-nine first years, eighteen second years, and twenty-seven third years. He also reported on the school's policy of inviting leading lawyers and judges to speak to the students. He praised New York Court of Appeals Judge Charles S. Desmond's visit to campus that past summer for ten lectures on Civil Rights. Judge Desmond's laconic account of his Laramie

3. 3 Wyo. L.J. 48, 50 (1948).

visit spoke volumes. He said, "Like the pioneers who trained their eyes to grasp the far horizons of Wyoming, the [law] school, I think, looks far and sees clearly."

Space at the old Library Building was becoming a problem. According to Professor Rudolph, Dean Hamilton and the Board of Trustees mounted an aggressive campaign for a new building. The legislature, however, would not provide the funding. But, as Professor Rudolph remembers it,

Then the University's fiscal or budget year was changed, and there were surplus funds left in the resulting short year. These were used to build a new law [school] building on Iverson Avenue. . . . Thereafter the legislature passed a statute forbidding the University to construct a new building without prior legislative authorization. Now we had ample facilities.

On October 3, 1953, at the dedication ceremonies of the new law school building on Iverson Avenue, Dean Hamilton remarked:

Today, the College of Law finds itself at the end of one era, and at the beginning of another. The first was characterized by the struggles of a small, young school for recognition in its state and throughout the nation. Such recognition has been attained, but it has not come quickly or easily. . . . With this day a new era dawns for the College. For the first time it has a home of its own. Its new quarters are commodious and ideally designed for law school purposes. The court room makes possible expanded work in trial practice. For the first time in many years, the entire library is arranged for most convenient use by faculty and students.

Sounding a word of caution, Dean Hamilton reminded the audience that great buildings do not necessarily mean a great institution. He said:

An education institution does not consist of material things, important as they are. Rather it is made up of peoples' minds, their creative imaginations, and their devotions to ideals. Strip a campus of such people and the university ceases to exist. Magnificent buildings become empty, resounding halls. On the other hand, if a catastrophe should reduce these buildings to shapeless masses of rubble, the university would continue to exist. In final analysis, a university exists in the minds and souls of those who carry on its functions, and in the minds and souls of those who support it.

The move into the new building meant that for the first time the law school would need its own full-time librarian to manage the growing collection which now numbered around 30,000 volumes. Selected for this position was George E. Trowsdale who had been at Rutgers University Law School. Trowsdale stayed ten years until he succumbed to financial considerations and accepted an appointment as Chief Librarian of Loyola College in Montreal, Canada.

Settled into the new building, the faculty faced a new sort of crisis. Enrollment dropped dramatically. In contrast to 1949's class of twenty-nine students, only one class in the decade of the 1950s reached twenty-four and most hovered around sixteen as an average. Light enrollment would persist until the Class of 1966.

In his address to the Wyoming State Bar in 1958, American Bar Association President Ross Malone compared national law school enrollment figures in 1926-30 and 1952-55 to demonstrate the relative decrease in the number of law students. Thus, Wyoming's experience was not an anomaly. Commenting on the impact of the space age upon students' selection of a career, Malone warned of a shortage of lawyers in the years ahead. This forecast shortage stood in stark contrast to the gloomy picture painted ten years earlier by Wyoming State Bar President L.C. Sampson when he dolefully reported that there was little or no room in Wyoming practice for one-fourth of the law school enrollment.

The core faculty in this decade remained Hamilton, Trelease, Rudolph, and Rames. Joe Geraud would arrive in 1955, replacing Harold Bloomenthal, who taught from 1952 to 1955, and who would return to teach from 1960 to 1971. The lecturers who assisted the faculty were Gordon W. Davis, Judge Glenn Parker and Judge Vernon Bentley.

In April 1956, the *Law School News* published its first issue. Edited by Professor Rames, the *News* was published twice a year until its final issue in May 1977. It is a rich source of the ebb and flow of law school activities and events for that twenty-one year period. In addition to containing news on scholarships, enrollments, and faculty and student activities, the publication featured "The Chancellor's Corner," written by the Potter Law Club Chancellor in which he highlighted the club's various events.

In May 1959, an old friend of Thurman Arnold's visited the law school. On campus for a speaking engagement at the Arts and Science Auditorium, United States Supreme Court Justice William O. Douglas shared coffee, doughnuts, and conversation with faculty and students in the unforgettable "Flame Room" at the old law school on Ivinson Ave-

nue. Dean Hamilton, who more than thirty years earlier had taken graduate law studies at Yale under Justice Douglas's guidance, was justifiably proud to introduce the Justice to all.

The next spring Dean Hamilton announced his retirement from active teaching and the deanship, closing the book on his thirty-one years of faithful service to the law school. The Board of Trustees selected Professor Trelease as his successor. Thus began the Trelease Decade, an unprecedented period in which the law school would undergo incredible growth and undertake important strategic long-range planning to meet the formidable challenges of the future.

Although generous tributes to Dean Trelease appear elsewhere and we need not recount them here, words cannot be left unsaid about that particular aspect of his teaching style which many of us no doubt remember most vividly. And, in this regard, one cannot avoid the comparison between the real-life Dean Trelease and the fictitious Charles W. Kingsfield portrayed in the book, motion picture, and television series *Paper Chase*. Kingsfield taught contracts; Trelease, torts and water law. We surely hear Dean Trelease's voice when Kingsfield announces to his class of first year law students:

We use the Socratic method here. I call on you, ask you a question, and you answer it. . . . Through this method of questioning, answering, questioning, answering, we seek to develop in you the ability to analyze the vast complex of facts that constitute the relationships of members within a given society. . . . You teach yourselves the law, but I train your mind. You come in here with a skull full of mush, and you leave thinking like a lawyer.

. . . .
You are on an operating table. My little questions are the fingers probing your brain. We do brain surgery here.

George Gould, Class of 1973, the Dean's teaching colleague at both our law school and McGeorge School of Law in Sacramento, put it well when he said of the Dean:

He did not accept generalizations or "fuzzy" responses. The experience of a Trelease grilling could be devastating. However, . . . this was not a tactic born of meanness or ego. Frank was training lawyers and this was, he believed, the way to do it. Frank's methods reflected his belief that as lawyers his students

would find no friends in the courtroom. He felt students must learn to think and function in hostile circumstances.⁴

As Dean Trelease assumed the leadership of the law school in 1960, the school was observing its fortieth anniversary. The student body numbered fifty-one, compared to fourteen in 1920; the first year class contained twenty-eight students, compared to three in 1920. Assuring the State Bar that he did not intend to initiate any sweeping changes, Dean Trelease expressed then what remains true today:

The College of Law is an institution, not a man. . . . It will continue to train competent lawyers with a sense of professional responsibility, as it has in the past. It will continue to serve the State of Wyoming when its faculty and students can be of aid through research and study leading toward improvement of the law. It will continue to serve the Wyoming State Bar and to work in close cooperation with that group. With the help of its fine faculty, and with the continued support of the Bar and the State, I will do everything I can [to] see that it keeps abreast of the times and that it develops and grows as needs arise.⁵

During the Trelease decade, the school developed and grew, slowly at first, then terribly rapidly. Enrollments in 1961 and 1962 were fifty-nine and fifty-eight students, respectively. Then, in 1963, with a first year class of forty-seven, nearly equaling the 1960 student body size, enrollment exploded to eighty-three. A still larger explosion occurred in 1964, when the first year class mushroomed to sixty-four, bring total enrollment to one hundred and four. That number held steady for 1965; but in 1966, enrollment jumped to one hundred and twenty one. The trend continued as the decade closed, with enrollment in 1970 setting a record at one hundred and fifty, consisting of seventy-one first years, forty-four second years, and thirty-five third years.

As student enrollment tripled from 1960 to 1970, the core faculty doubled from five to ten. Joining Trelease, Rudolph, Rames, Geraud, and Bloomenthal in 1962 was Catherine E. Mealey, who replaced law librarian George E. Trowsdale, who left for Loyola College in Montreal. Mrs. Mealey held three degrees from the University of Iowa—B.A., M.A., and J.D.—and a Master of Law Librarianship from the University of Washington. She remained a dedicated member of the faculty until her retire-

4. George A. Gould, *Tribute*, 22 LAND & WATER L. REV. 287, 287-88 (1987).

5. LAW SCHOOL NEWS, Nov. 1960, at 4.

ment a few years ago. Professor Glen Shellhaas arrived on faculty in 1963 after seventeen years in successful private practice in Ohio.

Professor Stanley D. Henderson of Colorado arrived in 1964 as a visiting faculty member and, to the everlasting benefit of the students, was persuaded to remain as a permanent addition for half a dozen years before departing for the University of Virginia. In 1964, Professor Larry Averill came aboard, fresh from earning his masters from George Washington University as a teaching fellow. William J. Knudsen, with a law degree from Columbia where he was a Harlan Fiske Stone scholar and a varied legal career, joined the faculty in 1967, as did Professor Michael V. McIntire, whose law degree was from Wisconsin and whose private practice had been in corporate and real estate law.

The decade of the 1960s outside Wyoming's borders was troubled and turbulent, marked by incredible forces of change and unrest on so many fronts. Just as a youthful John Kennedy was settling in at the White House, the nation was caught off guard by the Bay of Pigs fiasco and was holding its breath during the Cuban Missile Crisis. No sooner had the University of Wyoming community come alive at President Kennedy's visit in September 1963, than that community, like the rest of the country, grieved deeply at his assassination in November. Southeast Asia became an ever-increasing focal point. Lyndon Johnson soundly beat Barry Goldwater in 1964. Important civil rights legislation was enacted into law. Martin Luther King and Robert Kennedy fell. The war in Vietnam escalated, as did anti-war protests. It was the Age of Aquarius—Hair—Hippies—Hash—Haight-Asbury—Timothy O'Leary and LSD—the Flower Children. In Laramie, the University endured the Black-14 incident.

At the law school, however, despite the incredibly expanding enrollment, peace and calm prevailed. The law library increased from around 28,000 volumes to over 40,000 volumes. Course offerings increased in number and kind. Of particular note, in 1965, a state-wide pilot project, unique in the nation, went into operation. Called the Defender Aid Program, the project provided legal assistance to indigent persons accused or convicted of crime. The first director was Professor Shellhaas, with Professor Rames serving as program consultant. The program switched from pilot to permanent in a few short years. Now thirty years old, the program has thrived under successive directors like Shellhaas, Quinn, Knudsen, and, for about twenty-five years, Professor Gerald Gallivan, who arrived in 1970 with a Notre Dame law degree and solid practice experience and who will be retiring this August. The Defender Aid Program has fulfilled its promise; it has proven to be an invaluable teaching

tool for countless students. The program also proved the value of clinical legal education, so that the law school now also conducts a successful Prosecution Assistance Program and a successful Legal Services Program, each one providing marvelous opportunities for true, real-life hands-on legal experience for our law students.

With the distribution in December 1965 of the last issue of Volume 19 of the *Wyoming Law Journal*, under the guidance of Professor Averill as faculty advisor and Greg Greenlee as student editor-in-chief, that Journal closed out nearly twenty years existence. In its place a new publication appeared, the *Land and Water Law Review*. Each issue of the *Review* would contain two sections, the Wyoming section and the Land and Water section. In the former would be published articles, comments, and case notes of particular concern to the Wyoming lawyer; in the latter, articles and materials in the specialty areas of natural resources, in order to take advantage of the national reputation established by several of the school's faculty members. The *Review* flourishes today, enjoying a well-earned national reputation.

In January 1971, Dean Trelease announced his resignation from the deanship effective in the summer of 1971. He would remain on faculty for another six years. The Board of Trustees had no difficulty in naming George Rudolph to lead the law school into the future. From 1971 to 1979, Dean Rudolph deftly guided the law school into a new era. Although his career accomplishments are many and he too has elsewhere received well-deserved tribute, a crowning achievement of Dean Rudolph's administration was the successful drive to a desperately needed new law school building in 1977. As noted earlier, enrollment had reached a record high in 1970, with one hundred and fifty students. In the fall of 1971, that record was shattered when two hundred and twelve full-time law students packed the modest-sized building on Ivinson. The first year class alone totaled one hundred and ten. Although some argued that an addition to the existing building was the answer, Dean Rudolph championed the better solution—a new building. Happily, in the spring of 1974, he was able to report that a new law school building would be constructed and ready for occupancy by the fall of 1977. The new structure would be triple the size of the 1953 building and would accommodate three hundred students, a faculty of twenty, and a library of 125,000 volumes.

In the meantime, coping with the law student enrollment phenomenon, Dean Rudolph and University officials implemented a new admissions policy. Beginning in 1972, the entering class would be limited to

seventy-five students with admission based upon a combination of undergraduate grade point average and Law School Admission Test score.

The law school enrollment phenomenon included an interesting feature—the percentage of women attending law schools was increasing. About ten percent of the student body in 1971 was made up of women. The Class of 1974, entering in the fall of 1971, included fourteen women, a record number for the law school. By fall of 1975, women law students numbered forty-six, or twenty-eight percent of the student body. The Class of 1976 set a record when ten women graduated. Over the next twenty years the trend continued, with the 1992 enrollment showing fifty-two percent women and forty-eight percent men. The face of the faculty is decidedly more feminine as well. Eight of our nineteen faculty members are women.

Recognition must be given to Martha J. Sweeney who was the first woman editor-in-chief of the law review in the 1973-74 academic year. Hazel Kerper Bowman is smiling broadly.

In May 1972, Professor Rames retired; five years later, Professor Trelease did too. In the 1970s, younger faculty members arrived to begin their careers. One of those new faculty members was George Arnold, Thurman's son and Carl's nephew. New students, new faculty, a new school—the ever replenishing cycle.

The new school was ready in 1977 and the move was made. In two years' time, Dean Rudolph decided he had completed his mission and resigned the deanship. He remained active in teaching until retirement in 1988, after forty-one years of labor at the law. Named as his successor was Peter C. Maxfield, born in Nebraska but raised in Torrington and ubiquitously educated. Campuses he has known included Georgetown University, the University of Grenoble, Regis College from which he received his B.A., the University of Denver, which awarded him his J.D., and Harvard, where he earned his masters. Dean Maxfield had joined the faculty ten years earlier. He would serve as dean from 1979 to 1987. Succeeding him would be Dean Richard Morgan, who served two years before accepting the deanship at Arizona State University Law School. Our present dean, Arthur Gaudio, was appointed in 1990 and has ably guided the school through the relatively recent George W. Hopper Library addition and William H. Brown Seminar Room and Wing addition.

Today, enrollment exceeds two hundred; the library collection exceeds 150,000 volumes and is well managed by Professor Tim Kearley and his excellent assistants. Our core faculty numbers fourteen scholars. Course offerings for the first year classes still closely resemble those of-

ferred Ted Madden, Michael Wind, and Kelly Dukes in 1920; a rich variety of courses for the second and third year classes, however, reflect the law's growth and diversity in seventy-five years. There are tensions now in other jurisdictions about the mission of a law school—whether it is to educate and train lawyers who will try cases and advise clients or to teach theory and provide a larger perspective about a dynamically changing society to the aspiring academic lawyers. I do not know if that tension is here in our law school.

Professor Stan Henderson, always one of my favorites, has this to say from Jefferson's academic village in Charlottesville:

In the end, as always, the current theory v. practice debate comes back to a question of values, values informed by a function and a tradition. Despite the many changes in legal education, the fundamental purpose of a law school—professional training for a life as a lawyer—is unchanged. The teaching mission of law schools is simply different from the teaching mission of the social science graduate departments. It is counter-factual, not intuitive, to believe that law teachers' intellectual interests can venture far, or long, from law and lawyering.⁶

Seventy-five years ago Wyoming law was shaped by men who were educated outside this state's borders. Today, of course, that is not the case. It has not been the case for many years now. For many years, the great majority of our practicing bar has learned the law at this proud law school. For many years now, the courts of the state have been served by judicial officers who, in the main, learned the law at this proud law school. For many years, lawyers from this law school have served as citizen legislators to shape the statutory law which governs so much of our citizens' daily lives. Several of our governors and several of our federal legislators claim the law school as their own. J.J. Hickey, Keith Thomson, Ed Herschler, Mike Sullivan, Teno Roncalio, and Al Simpson share our proud tradition.

The vision of Thurman Arnold so clearly expressed seventy-five years ago has been realized: The new generations of lawyers are from and of Wyoming, versed in the traditions and in the peculiar conditions which surround the practice of law in this state. Today, more than ever before, Wyoming law is in the hands of men and women who graduate from this great College of Law.

6. Stanley D. Henderson, *On Teaching Law*, 7 VIRGINIA LAW SCHOOL REPORT 12 (1990).

As you leave the student union tonight, brimming with warm friendship for and happy memories of classmates who shared that unique three-year span of time in your life and bursting with renewed commitment to our law school, look west to the lawn—Prexy's Pasture. If you look hard enough, you may see Clarence Morris's invisible herd of grazing wild horses. Be careful not to disturb their solitude.