

UFLC 47

Interviewee: Henry A. Fenn

Interviewer: Samuel Proctor

Date: May 1, 1989

Henry A. Fenn was the dean of the University of Florida College of Law from 1948 to 1958. This interview is part of a series of interviews with law school personalities in order to capture the history of the law school.

Henry Anderson Fenn was born in St. Joseph, Missouri, on August 12, 1909. His father was general secretary for the Young Men's Christian Association, where he dealt with finances and was their general contact person, and his mother was a teacher. Due to his father's work, much of his childhood was spent living in different cities across the United States, including several years in Fuchow, China.

Fenn graduated from high school in Norfolk, Virginia, and went on to Phillips Academy in Andover, Massachusetts. After that, he enrolled at Yale, where he earned an A.B. in English with a strong minor in history. He continued on to Yale's law school and completed an LL.B. Extracurricular activities included basketball at Phillips (because of his height) and crew at Yale. In the interview, he talks about the faculty, students, and program at Yale, which is noteworthy because he was there immediately after World War II.

Fenn then entered law practice with Larkin, Rathbone & Perry in New York City where he worked with estates and trusts. Preferring to teach and not wanting to raise his children in New York, he spent a summer teaching at Vanderbilt University in Nashville, Tennessee. He then came to the University of Florida as dean of the College of Law.

Still feeling the effects of post-World War II and its boom in student population, Fenn's goals for the UF law school were to decrease class size, employ more faculty, and upgrade the curriculum. He did away with five-hour classes in favor of two- and three-hour classes, thus broadening the course of study and exposing the students to more faculty. The combination programs where the senior year of college could be taken as the first year of law school was also done away with. Space was added for classrooms and the library, and he discusses the new faculty who were brought in. A seminar in legal ethics was inaugurated wherein bar association attorneys came from around the state to present ethical problems for the students; the class met in Fenn's home. Because he closely monitored day-to-day life at the law school, posters appeared around the area jokingly warning that "Tall Brother Is Watching." He discusses how desegregation was handled, particularly in the case of Virgil Hawkins. Fenn is especially proud of the fact that the college was granted a chapter of Order of the Coif. He has been active in the American Bar Association and the Association of American Law Schools. Fenn stepped down as dean to devote more time to teaching, research, students, and family.

S: This is Denise Stobbie with former dean of the College of Law Henry Fenn. We are at his Gainesville home, and today is May 1, 1989. Please state your full

name.

F: Henry A. Fenn. My middle name is Anderson, although I do not use Anderson frequently.

S: When and where were you born?

F: I was born in St. Joseph, Missouri on August 12, 1909.

S: Missouri. Had your parents lived there long?

F: No. Dad was a YMCA [Young Men's Christian Association] secretary, and he had taken a position as general secretary about two years before I was born. Before that time they had lived in Virginia. My mother was from Virginia, and they met there and were married there.

S: Was your father also from Virginia?

F: No, he was from Michigan.

S: How long had they been in Missouri?

F: You have me there; I honestly do not know. I think it was a year or two.

S: Did they have other children?

F: No, I was the only one.

S: You were their only child.

F: Yes.

S: Your dad was working for the YMCA. Was he running the program there?

F: He was the general secretary, which was, I suppose, the equivalent of the dean of a school. He handled all of the financial problems and was the general contact person. It was divided in many ways, but the more usual one was that they had a boys secretary and a physical secretary, and then they had a general secretary who synchronized the whole operation. They may have had a special secretary, depending on if they needed one.

S: Was your mother also employed?

S: Yes, she was teaching after the turn of the century, around 1907, I guess. They

were married in 1904.

S: What about education? Had your parents attended college?

F: No. Dad attended (I think it was) George Williams College, which was a YMCA college for training in YMCA work. Mother had gone through a finishing school in Virginia. You have to go back in time to understand what those schools were; they were a combination of boarding school and day school. There were a few boarding students who lived too far to travel from home for the day, and then they had several students from close by who would come every day. The school took them through what we would call high school now.

S: Were you raised in Missouri?

F: No. We moved from Missouri when I was two and one-half and went to China. Dad went there for four years to build a YMCA building in Fuchow, China.

S: Then where did you go?

F: We moved back home for a rest, and then to Shanghai. Dad had the job of general secretary of all of China. Unfortunately, mother's health broke under the strain of living there, so they came back. Then we spent one year in Atlanta, one year in Cleveland, and one year in Chicago.

S: Always because of the YMCA positions?

F: Yes. We would come back and stay with mother's family in Virginia until the next move was to be made or between the moves. I had quite a job getting my papers together for the New York bar. I attended twenty-three schools, and do not ask me what they were! I do not think I could remember the names of them.

S: So you were a well-traveled youngster.

F: I was.

S: Where did you finally graduate from high school?

F: Dad had been with the international committee, which was the reason for all of this traveling. He decided to switch to a local chapter, so he became general secretary of the Norfolk, Virginia YMCA. I was raised there from about the fifth grade on through high school. I graduated from Maury High School in Norfolk.

S: So with all of your exposure as a youngster, what were your plans then? Did you have any thoughts of what you wanted to do?

F: I do not think so. I was interested in law. My mother's twin was a lawyer in Richmond, and he was a very well-known lawyer in Richmond. He ran for governor on the Republican ticket at that time – he set aside everything to run. During the Republican days in Washington, the 1920s, he was practicing law up in Washington very frequently. That was familiar to me, and I liked the idea of being a lawyer.

S: You saw him enough to become interested in what he did?

F: Yes.

S: You are a Yaley all the way through, right? Is that where you first went to college?

F: Yes.

S: How did you decide on Yale?

F: That was a complicated situation. In the summer of 1926, Dad and I went abroad to a YMCA conference in Helsingfors (Helsinki), Finland. Mother, my uncle, and some of my other relatives took a cottage on the north shore of Massachusetts. They went over to take a look at Phillips Academy in Andover, Massachusetts, and liked it very much, as everybody does who sees the school. There is also a Phillips Exeter Academy, which is the same family but is in New Hampshire. They were the two real rivals. Then I graduated from high school, and mother said she would like for me to take a year off and do something. She thought I was too young for college at that point, so I went up to Andover with my cousin who was a couple of years behind me.

The comparison of getting into schools these days is something. At Andover, we just applied and were admitted. I studied there for a year. I favored Princeton, as I think most southerners do, of the big three [Harvard, Yale, and Princeton]. Unfortunately, Princeton refused to accept me without three years of French, and I had only two years of French at that time. Yale would take me with two years of French, so I selected Yale. A bunch of Andover students go to Yale every year, so there was a big crowd coming down from there. I liked the idea of having a lot of friends in college when I was starting college. So that is the way I got to Yale. Once I arrived, I just stayed.

S: Did you have to work at all during that time, or could your family afford for you to go to school?

F: They could afford it. The difference is that the tuition at Yale when I was there was \$800 a year. I noticed recently that it is going up to \$19,000 a year this fall. It was quite a different situation.

S: Even then that was a lot of money.

F: Yes. I worked a couple of summers as a tutor. That is how I met my wife. I was tutoring for another family that had a camp on the lake.

S: Is that while you were at Phillips, or was that before?

F: No, that was while I in college. I did a lot of part-time work as a youngster with the YMCA and things of that kind, but I never had to work while I was in school.

S: So it was no problem for your family to send you to school.

F: No.

S: What did you first study when you went to Yale?

F: Yale College, which is where I enrolled, is the old school, and it was affiliated with Sheffield Scientific School at that point. There was the college for liberal arts, and Sheff for sciences. I went into the liberal arts and just followed the program. They had a pretty well-structured program; none of us went around picking out the easy courses. I just went through and took an A.B. in English with a strong minor in history.

S: All this time were you still thinking about becoming a lawyer?

F: No, I was not very much concerned about what was going to happen.

S: Did you go straight from undergraduate into the law program?

F: Yes. Again, that was a traditional choice: you just kept on going, as long as you were doing educational work. You did not take time out.

S: Were you encouraged by your parents to continue on with your education?

F: Yes, they were perfectly willing to have me do it. When I decided that I wanted to go to law school and that I wanted to go to Yale, they backed me financially as well as encouraged me to continue professional school. Both sides of my family had professionals: my grandfather Fenn was a lawyer, there were two or three doctors on the Anderson side of the family, and there was my uncle, my mother's twin, who was a lawyer.

S: So there were plenty of professionals in the family.

F: That is right. I came from a professional family. We were expected to do

something a little bit beyond high school. High school, of course, was the terminal school in those days for most people, but I never thought of anything except going to college. I was expected to go to college; it was that simple.

S: What were your parents' names? Let me get them on the record.

F: Laura Marks Anderson was my mother's name, and Dad's name was Burr Stoddard [Fenn]. I do not know why it is spelled with two t's; it must be a family idiosyncrasy, but I do not know the background for it.

S: Were you a studious youngster? Were you serious about your studies?

F: Yes, I think I was. I enjoyed them and always did very well. I think that moving around so much and not forming a clique of friends who played down studying caused me to like it more. I do not think it was a question of brilliance that dragged me to study. I think I just enjoyed it. We were moving around, and that was something to do.

S: What about outside activities? Were you into sports or anything like that?

F: We were always into minor sports – at least I was. I participated in organized sports in prep school and the first two years of college. After that I dropped out of active sports, but I played quite a bit of tennis and sports of that kind. I was not on any varsity squad.

S: You did not take advantage of your height and play basketball?

F: I played basketball in prep school at Andover for a year. I went out for crew at Yale; I do not know exactly why, except that it was a sport you could do sitting down. The first day I went out for basketball I sprained my ankle, so I just switched back to crew. After that, I never went back to basketball. I played a lot of basketball in high school and prep school, but none since then. Besides, 6'6" was a giant center in those days, but 6'6" now is a guard. It is quite a different game.

S: That is true. What about any military service?

F: I had none at all.

S: During law school, were you involved in any extra- or co-curricular activities?

F: No, I spent most of my time studying. There was a fraternity at Yale, the Phi Delta Phi chapter, called Corby Court. I was treasurer of Corby Court my senior year, and I lived there. Aside from that, I was not working and I tried not to do

too much. I went to New York frequently because my wife lived there, and I was courting her as best I could while I was studying law.

S: She was in New York?

F: Yes.

S: How were your grades in law school?

F: Adequate, but not top of the class.

S: When did you and Mrs. Fenn marry?

F: 1935.

S: Was that after you were finished with law school?

F: Yes. I graduated from law school in June, and we were married at the end of month.

S: You did some graduate study at Yale, too?

F: Yes. After I graduated with what was then the LL.B. (but now would be the J.D.), I practiced in New York for six years. Then I decided I did not want to raise the kids in New York. I had always had a hankering for teaching and had done a fair amount of teaching in Sunday school and other informal situations, so I decided to go back to Yale to enhance my grades so they would be more competitive with those who wanted to teach in law school. I did that in 1941. I happened to be lucky enough to get on the faculty after a year.

S: Tell me about practicing in New York. How did you like practice?

F: I enjoyed practice, but I did not think I wanted to do it for the rest of my life in New York. It is a high-pressure practice.

S: Were you in the city?

F: Yes, New York City. I was with the seventh largest law firm in the city at that time.

S: What firm was that?

F: It was Larkin, Rathbone & Perry. They are not there at all now. That is all in my vitae. I think I am in the directory of the Association of American Law

Schools.

S: What area of law did you practice?

F: I practiced in estates and trusts: settling estates, drawing up wills, probating wills, administrating trusts, and things like that.

S: Did you have any children at that time?

F: Yes, we had two children when we went to New Haven from New York. That was what really appalled me. The atmosphere in New York conflicted with what was natural to me; that is the reason I wanted to get out.

S: You wanted some open space for the children.

F: Yes.

S: So you returned to Yale then for graduate studies.

F: Yes. I became assistant dean at Yale the following year and remained in that position for five years. The last year I just returned to faculty; I got out of administrative work. Then I promptly got back into it.

S: What were your responsibilities as assistant dean?

F: There were not many responsibilities. This was during the war period, and we were a small school at that point. Those of us who were there did just about everything that needed to be done. I helped place our graduates, and that was no problem. Anybody who could show that he was not subject to the draft could get into a firm. I also taught and did some research. I do not think it was anything unique, except perhaps the ease with which the school was administered because of its small size. Yale is small enough in normal times; the student body is normally about 275, and we were in the fifties.

S: Was the atmosphere more relaxed, with the smaller student body, from when you had been there?

F: Yes, I suppose it was. Then it picked up. Immediately after the war the men were starting to come back. I was there for three years after the war, from 1945 to 1948, and there was nothing relaxed about that bunch. They wanted their degrees and they wanted to get out, so they worked around the clock.

S: Was Yale affected by the post-war boom? Did their enrollment greatly exceed what was normal?

- F: Yes, it was gradually pushed up. It went back up right after the war because they had a considerable number of their second- and even third-year men back. First- and second-year men had just dropped out of law school and had come back, and that immediately put the school above the size it was before the war. Then came the pressures of added admissions. I have forgotten what the size of the school was when I came down here. I think it was around 500, which is considered large at that point.
- S: What about Yale's standards? Was it harder to get into a school like Yale law school than, say, Florida at that time?
- F: Yes, it was harder to get into some of those schools. They were determined to stay with limited classes of 125 a year, and they chose from about 3,000 applicants. That was not comparable to the University of Florida; we did not have 3,000 applicants down here. If we had had them, we probably would have tried to take them. [laughter] Thank goodness that is one problem I did not have to run into.
- S: What about shortage of faculty with this post-war influx? Was Yale having to hire additional faculty members?
- F: Yes, they were hiring additional faculty members--about three or four or five a year. Then a lot of our faculty members had gone down to Washington to work for the government during the war, and they came back to teach full-time. So the faculty had the same increase to where they had been before the war.
- S: How did your move to the University of Florida come about?
- F: Well, it was just one of those things that happens. I wanted to get out of administrative work. At the same time, I had some ideas that I wanted to try, and they obviously were not going to be tried at Yale. I was looking around trying to find someplace to settle with the children – I did not want them to go through the same kind of movement that I had gone through in my youth. A few people knew I was interested in moving. Dr. [J. Hillis] Miller had just been appointed president of the University of Florida [in 1947]. He had been with public education in New York, and he himself had just come down here the year before. He knew Dean [Russell] Niles of NYU [New York University], and he asked Dean Niles if he had any idea about law school deans. Niles gave him my name along with several others.
- S: How did you know Niles?
- F: We kept in contact at meetings in various places. There were no special contacts other than that. I had been at several meetings with him when we were

meeting during the war and so forth. I was teaching at Vanderbilt the summer of 1948; I had committed myself to a summer there. I was interested in seeing whether I could apply some of these ideas that I had to see if they worked.

S: Why could you not try those out at Yale?

F: Because there were too many others trying their own ideas at Yale. Yale, Harvard, and schools of that kind are constantly fighting to maintain first position by putting something new into their curriculum. I questioned the newness that they were installing, and I wanted to try out some less novel, more basic, administrative and teaching procedures. Dr. Miller seemed to like my ideas enough to invite me to come down here for an interview. I met with the Board of Control and told them what my plans were and what I would like to do if given the opportunity. That is about it.

After the war, there was a resurgence of interest in the University by its alumni. The Board of Control, which was the governing board similar to the Board of Regents now, was made up of seven people, four of whom were lawyers, I think. They were tremendously interested in the law school. From what I understand – this is all hearsay because I was not here – there was some sort of difficulty here: they felt that Dean [Harry R.] Trusler had been here too long. He had been dean for thirty years. They had requested, negotiated, suggested, or whatever they did, and he resigned. At any rate, Dr. [Clifford W.] Crandall was on the faculty here, and he was acting dean for a year before I came here, so there was that break. I do not know what the reasons for it were.

S: Do you know if Trusler resigned at the request of the Board of Control?

F: No, I do not. I do not know anything about what happened during that time. I do not know anyone who was there then to whom you could go to now and talk about that.

S: I do not know if there was mandatory a retirement in that day, either.

F: No, I do not think there was. There was a retirement age of seventy-five, I think, or maybe it was seventy. At any rate, they waived it. Trusler was older than whatever the age limit was, and Crandall was older than it, too; there was an old faculty here at that time. Two or three of them were over the retirement age.

Of course, that was understandable during the war and immediately after the war. For example, I reappointed Crandall twice. We had to make a request to the Board of Control to allow him to continue past retirement age, and I made that request twice. He just seemed to be the best man I could get.

S: When you first came, were you immediately charged with increasing the faculty, the number of professors?

F: Yes. One of my goals was to have the smallest classes we could. We had had comparatively small classes at Yale in advanced courses, but they had gone out of whack in size after the war, too. I wanted to see what a comparatively small class of twenty to twenty-five students could do throughout a legal education program. So I was out trying to increase the faculty. There were nine on the faculty when I came down here. I made a considerable number of appointments, but we were not in an advantageous position financially. For example, this routine that they are going through at the law school now would have been impossible then. There was no money for anybody to be brought here to see the school or to send faculty out to see him, so it was really the dean's job. I had to make these appointments.

S: So you had to go see the person?

F: I was the only one who had seen the person when he was appointed. The result was that I felt it was my responsibility to assure that they were as good as I had hoped or I was not going to reappointment them. Hence, we made a lot of changes. Financially we were not too bad off, and we were competitive at that time. We were high enough so that we could interest top graduates, and we got three to five top graduates straight out of law school. [Mandell] Glicksberg [professor of law] is one of them, and he is still here. Reese Smith is another one; he was president of the American Bar Association three or four years ago. Al Cone, who is well known down on the east coast around West Palm Beach, was another. They did not stay; they wanted to go into something else. But they did get us through that period when we had 500 students in the school, but no physical room and very few faculty.

S: So you looked within your own student body to fill that gap.

F: Yes. I was looking anywhere and everywhere.

S: Where did the funds come from to hire the new professors?

F: They gradually grew, like everything else. The funds grew larger as we showed need for them. As the University grew, it provided some help. I would say that, primarily, we created a number of entry-level positions instead of a few high-salary positions. Then the ones who stayed were pushed up.

S: But you were bringing people in at the entry level for teaching. You were not bringing in senior professors.

F: I brought in Bill Hunter. He had taught before, and he came down here.

S: Judge Hunter?

F: Yes, he was called that, but only because he taught our course in Practice Court. He was not a real judge.

S: Where was he?

F: He had been in the war, and I think he was doing some insurance work. I remember meeting him in New York.

S: Was he a Floridian?

F: No. We had had some contact by mail, and I met him in a restaurant in New York City. I did not want to get the faculty out of kilter financially, so I tried to make it a point not to get too many new members who required a larger salary than a group of younger professors; I wanted to put what we had into money for raises first. Theoretically, that is what I was trying to do, and as I recall I think I did pretty well.

S: That must have been quite a task to come in as a new dean and then immediately have to hire a bunch of new professors.

F: We also were working constantly on a new curriculum at that point, too. The students had virtually the same curriculum with very few electives, so we tried to expand it and get more life into it and bring it up-to-date.

S: So you were working on faculty and curriculum. Did you have a little time when you first came in to just assess the whole situation?

F: A little, but I did not have much. I came here from Vanderbilt, dropped off the family, and went directly to Miami for meetings, before I ever went to the law school. Mary and I did come down during the summer to look for a house and to meet the folks. To that extent, we had a chance to assess the faculty. I got a copy of the catalog, which made it reasonably easy to assess what they were doing, and I talked with several from the faculty and to Dr. Miller. I also talked to the Board of Control, and they had ideas of what they wanted, too.

S: What did they want? I know they had been under Trusler's leadership for more than thirty years. What were they looking for?

F: Modernization. They did not know exactly what that meant specifically, but they knew that they wanted something that was more up-to-date to give the school better standing.

S: Were some of those lawyers on the Board of Control alumni of the school?

F: All of them were.

S: So they had a vested interest.

F: Yes, they did.

S: How did you view coming from Yale to here as a career move?

F: As far as I was concerned at the time, I thought it was a good career move. I wanted to make it because I felt that there were programs that I wanted to install that I could not do at Yale. I was not at all sure that Yale was the place for me. Its stress on writing did not appeal to me very much. I do not mind writing, but I do not know why it should be the be-all-and-end-all of law teaching. I think, primarily, coming to the University of Florida was a chance to get into law school administration again where I thought I might be able to put to work some of these ideas I had. Of course, academically, I suppose, I would have to say it was not a good move – leaving Yale's reputation for Florida's reputation – but that did not bother me much. I was not sure I wanted to teach. I went back with the idea that I would try teaching, and if I liked it I would stay; otherwise I would go back to Richmond and practice. That is one of the nice things: I was in a position where I knew I was not going to starve and the children were not going to starve, because my uncle could certainly find me a position in Richmond, even if he did not want me in the firm with him.

S: What was it like coming into a school that had had the same dean for thirty years? I imagine everybody would have been very settled in their ways. You must have been fairly young at the time.

F: I was thirty-nine.

S: So that was quite a challenge. Did you feel you were readily accepted by the faculty?

F: I think I was probably naive about that, as is anyone going into a new job. I had no idea how difficult it would be, but I was not the least bit concerned. I felt I was going to be accepted. If I was not, well, that was all right, too. As I look back on it, I was really completely naive about it. I knew the administration from the point of view of the curriculum, I knew the point of view of working with the students, I had done some teaching, but I really did not know what I was getting into. I suppose I had no difficulties that I knew about. I suspect that there was a good deal more antagonism among the faculty than I knew about, but it was just as well that I did not know. I always had very pleasant relationships with all the members of the faculty. The wives still talk about the good old days when

we had weekly or monthly get-togethers of one sort or another with the faculty families. Now you cannot even know the names of all of them over there. But we were in a situation where we could get together with members of the faculty and also with the students. The students were a problem here because they were older and in a very big hurry. They wanted to move through as rapidly as they could; and there were so many of them that it was almost impossible to get to know all of them the way I wanted.

S: Did you hold regular meetings with the students or anything like that?

F: They could see me any time they wanted to. I made some very good friends among the students. They were closer to my age then than they were shortly after that. I was teaching a couple of major generals and a brigadier general in the air force. I have a very close friend over in Jacksonville who is now an admiral, and I think he was a captain – he may have been a rear admiral – when he got out of law school.

S: So that was a mature student body.

F: Oh, yes, it was.

S: When you first came in, how did you organize your administration? You said that you wanted to upgrade the curriculum, provide more electives, and build upon the faculty. What other things did you want to do and set out to do?

F: I guess that was about all. We had faculty meetings once a week and spent most of the time talking about curriculum. I appointed subcommittees to make recommendations for certain parts. The first thing I did was break up the idea of these five-hour-a-week classes; to me they were appalling. That had been done out of necessity because they did not have enough faculty at the time, but I do not think it makes any sense to put beginning students – whose life turns on that first year in many respects – in with three five-hour courses. That is all they did. I remember going over to Professor [James Westbay] Day and meeting with two or three members of the faculty there, and we drew up a rough draft and implemented it almost immediately to move to two- and three-hour courses. I am still convinced that that is a better choice. Perhaps not two hours, necessarily, but at least anything along the three-hour courses. It seems to me that five-hour courses gives one faculty member too much control over the lives of the students.

S: How were those five-hour courses set up? Were they meeting with that one professor five times a week for an hour?

F: Yes.

- S: And the students had only three courses?
- F: Three courses. The students objected to the new curriculum because it had so many more exams, but they objected to the old curriculum because they could not go back over all the material because they had so much to review.
- S: So there were objections either way.
- F: Sure. That much I knew when I came down here. I knew that there were going to be objections one way or the other.
- S: After you broke them up into two- and three-hour classes, the students wound up having more classes, right? They would take more courses in a semester?
- F: Yes, they had either four or five courses in a semester.
- S: So they were exposed to a much broader curriculum.
- F: That is right. And they were also exposed to more faculty people. We had continuation courses – we had Contracts I and Contracts II – but they got a different instructor in Contracts II than in Contracts I.
- S: Was it not that way before, with the continuation courses?
- F: No. Usually the continuation courses were taught by the same people. But you do not have many continuation courses when you start with a five-hour course. I think it was successful.
- S: Well, it is still done that way today, so it must have been. Is that more along the lines of how Yale's curriculum was set up?
- F: Yes. Any law school that has a sizable faculty, or a reasonably-sized faculty, will offer a variety of courses. That means that you will have the students taking smaller courses that are spread out more.
- S: You talked a minute ago about how many of the professors were past the retirement age. When I interviewed Chesterfield Smith as part of this project – he graduated in 1948 – he said that he felt that many of the professors were past their prime when he was in law school. I just wondered if that was a problem for you, coming in with a lot of old-timers.
- F: It was. Most of them, obviously, had tenure. I examined the work of the ones who did not have tenure as closely as I could. At least in one case I refused to

recommend his reappointment. But there was nothing to do until you employed a faculty that was better than the older ones were. You could not do anything about it. They gradually either retired or died off.

S: That is not something that you can come in and change overnight.

F: No, you could not. I wanted their help, and I think I got a considerable amount of it from several of them. One or two were opposed to me. There again, the interplay of faculty was something I was well trained in from five years at Yale.

S: You came in at an exciting time, then, for the law school. It was really a transition period.

F: That is right.

S: From the old guard to the modern age.

F: Yes, that is right.

S: You undertook curriculum changes and faculty hirings. Was there anything else on your agenda?

F: There were a number of things that were on the agenda – not that I would have necessarily put them there, but they were there. The problem of the black students was there. I had nothing to do with that. Admission to the college was done by the University registrar, and that whole problem was kept under the general registrar. It was not until we finally managed to wrest that away from the registrar that I had any input on admissions. We changed our standards of admission a little bit. Nominally, it was a four-year B.A. degree that would be required, but anybody who had been in the service could come in after two years, and there were a few applicants who had not been in the service. We had a few women who had not been in the service. Now, the University had accepted women long before I came down here, so that was nothing new.

S: Even after the war, you could get in with only two years if you had been in the military?

F: That is correct.

S: They must have had more applicants than they knew what to do with.

F: That was where we were trying to tighten up a bit. We tried to get the legislature to change the two-year requirement, but as I recall, they never really changed it. Nevertheless, we had so little space we could not take all of the students who

- were applying, so we were taking the better students.
- S: Did you have to set an enrollment cap?
- F: Not strictly, but when you only have so much space, it sets itself. We phased out the combined degree that the law school had with arts and sciences and with business administration of allowing a fourth year of college to be taken as the first year in the law school. Students involved in the old program could get their college degree at the end of their first year of law school, and if they did satisfactory work for us they were a year ahead in our curriculum. We canceled that program. We added a couple more classrooms and library space to the old building, so we could take more students at that stage.
- S: Were you having to turn away students at any point?
- F: I do not know. We set the standards, and they were applied by the registrar's office.
- S: Were there any minimum standards as far as grades?
- F: No. You had to have your degree or be in satisfactory standing as a two-year student, but I do not remember any minimums. I hope I am not steering you wrong on this, but some of these things I just do not remember.
- S: Do you remember when the LSAT [Law School Admissions Test] started to be a requirement?
- F: I do not remember the time, but I know it was about three or four years after I came here. We studied it for two years. All of the students had to take it, but it did not count on their admissions. When we studied the results, we found that it did not make a significant difference. By that time, however, the Princeton people had completely corralled law schools all over the country on the LSAT. It was a dumb thing to ask for, but by that time the students accepted it. I was never thoroughly convinced that the score on the LSAT was of great importance. It is a big help in certain instances, but it is a nuisance in most cases.
- S: As far as enrollment was concerned, if any students were being turned away, that would all have been done through the central administration? They would have just filled up the classes based on how many seats were in each class? Is that the way it worked?
- F: I cannot remember exactly how that worked.
- S: It must have been tough with that many students wanting in.

- F: It soon became obvious that many of the students who started were not going to make it. We tightened up the performance requirements considerably, and I think we were graduating less than 50 percent of the class. That does not mean that all of them left because of academic deficiencies. A lot of them just dropped out because they were not interested; other reasons were also mentioned.
- S: So they were having to maintain a certain grade point average?
- F: Yes. We tried a variety of approaches to that: what they had to do in the first year, what they had to do in the second year, and so forth. Those standards were changed back and forth, and I could not possibly remember what they were at that time. You might get that information – and I do not know why you would want to – by going back to the catalogs to see what the requirements were at that time.
- S: You were in the process of building a better law school.
- F: That is what I was trying to do. There was always an awful lot of cooperation. President [J. Hillis] Miller was very cooperative even though he was having his troubles. At that time, the big difficulty was that we had a bi-annual budget. In the first year of the bi-annual budget, it was too late to make faculty appointments for that year, and in the second year, you were told again that you were going to have to make adjustments because other departments needed funds. So it was very difficult. The best way to operate in this system was to spend what you had quickly; otherwise, they could take it away from you the next year (even though you thought you had a commitment). For example, in the first year of one bi-annual budget, I had five new appointments, but I only filled three. The second year, however, they took away my other two and gave them to someone else.
- S: I had read that Dr. Miller had planned, or had even been given approval, to hire fifteen new law professors. Maybe that was over a period of time.
- F: I do not know what you mean. Do you mean the Board of Control had approved this? I think it must have been over a period of time. He never told me anything about that. I received approval for those five appointments, and I thought I was going to be fine. I made the three appointments, and I was pleased with that, but then I was told the second year that the remaining two were going to be taken away from me, and I did not appreciate it a bit. I told the president in the budget hearing that I did not. I learned afterwards that he was the one who set the items of the budget, but he never appeared except to preside over these hearings. I did not realize that I was attacking him to his face, with the rest of the wiser group sitting there snickering. He never held it against me, though, and we got along very well together.

S: So you were under a tight budget.

F: Our library budget was \$30,000 a year. When I came down here, my salary was \$10,000, which was second to the president of the University--his salary was \$12,000. Of course, the salary of the governor of the state was \$12,000, too.

S: That was your starting salary?

F: Yes. I have a letter somewhere from "Judge" Bill Hunter congratulating me on getting – as I was going to try to do – a full professorship up to \$9,000 a year. This bunch over here now would not consider complimenting somebody for doing that.

S: Did you feel that when you came here the standards for the students and for the faculty were too lax?

F: I am not sure I know what you mean. Do you mean standards of work?

S: Of admission for the students. I guess there were no standards, really.

F: We did not have anything to do with it. We set them, but they were administered outside, and we had no way of following up on them. As I said before, we had only an A.B. requirement from 1932, I think it was, but it was never implemented as far as I know until we got our own admissions division so that we could handle it ourselves.

S: Did that happen under your administration?

F: It was either early in Frank Maloney's administration or in mine. I think it was probably mine, but I am not sure.

S: Did you have a group of professors that was really working with you to upgrade the school?

F: Yes. Some of the professors I appointed who worked out – naturally, some of them did not work out – were actively interested in raising the standards in every possible way.

S: Who were some of those people?

F: Bill [William Dickson] Macdonald, Dexter Delony, Dick [Richard Badenoch] Stephens, Karl Krastin – you have probably never known him.

- S: I have heard of him. I have his name on my list.
- F: He was here for a number of years [1948-1963]. He came down here from Yale; he was doing a year of graduate study at Yale.
- S: What about [Frank] Maloney? I know he was already here.
- F: Yes, Maloney and Danny [Vernon Wilmont] Clark were the two young men on the faculty. I think they were scared stiff, personally; I do not think they knew what to do. Frank did go to graduate school. I was trying to get them both to go for a year of graduate study at various places.
- S: You were trying to get the faculty to do that?
- F: Yes, the ones who did not have advanced law degrees, particularly our graduates. I wanted them to get into another atmosphere. Mandy [Mandell Glicksberg] went to NYU. Frank went to NYU. The second year, I guess it was, I hired Gene [Eugene F.] Scoles, and he was a tower of strength. He stayed until a year or two before I retired as dean. He went on to the [University of] Illinois faculty, and then he went on to Oregon as dean of the faculty. He was president of the Association of American Law Schools and is back at Illinois teaching there.
- S: So you had some talent on your faculty when you arrived!
- F: Yes. With the exception of Maloney, it was elderly talent. They were not about to do anything they were not ready to do.
- S: But there were quite a few talented people in the bunch that you were hiring.
- F: Yes. Krastin stayed here for a number of years, and then he became the dean in Toledo. I have not heard from him in a couple of years, but as far as I know, he is now in Norfolk, Virginia.
- S: Macdonald stayed on.
- F: Yes, Macdonald stayed on. The situation was Macdonald was here for the summer, and I kept him. Delony had impressed Dr. [J. Hillis] Miller very much, so he hired him as a professor, although he did not want him as dean, I gather. He interviewed Delony as dean about the same time I was interviewed for the job, but he was so impressed with Delony that he hired him. That is how I found him here. He did a good job. As I said before, the faculty was just too old. Frank Maloney was the only one who really wanted to do any writing or anything more than just teach.

- S: Of those here when you arrived.
- F: That is right. Danny Clark, for example, hated to write. I know why he hated to write: having to document practically every word you use is a damn nuisance. You know it is perfectly true, and nobody is going to argue with you, but you have to put a footnote to it to make people think that you have done your research.
- S: Did you encourage the writing? You said that at Yale you felt there was too much emphasis on writing.
- F: Oh, yes, I encouraged them to do some, but at the beginning I did not make it in any way a criterion for promotion. I wanted them to write – that is the reason I wanted them to attend graduate school. I wanted them to know what was going on in the legal teaching field and that this place was a backwater. Do not quote me on that, but that is what it amounted to at the time.
- S: I think that is understood.
- F: Oh, yes, I do not think there is any question about it. They know it, but that still does not mean that they want to hear it from me.
- S: I think that has been said by enough other people. When we were talking about the effects of the influx of returning veterans on the law school, I wondered if there were any problems as far as getting textbooks, materials, or anything like that that you recall.
- F: No. There may have been an underestimation by the book store in one or two of those. We used to send them a memo of what we figured would be the size of the class, and then they made their estimate. But there was a rush of case books coming out, so there was a changing of textbooks from one year to the next, more so than I had ever seen before.
- S: Do you think that was a result of the academicians' being able to write and publish again after the war?
- F: I think so. Also, there was almost a three-year gap in the preparation of case books, and there were a lot of cases handed down in the meantime, so they were trying to get the case books up to date. As a result, a lot of them simply wrote a new case book.
- S: What about materials in our law library? Were those insufficient for the influx of students?
- F: The library situation was very tight. We had something over 500 students here, and the library just was not equipped for them. The largest the school had ever

been was around 300 right before the war; it may have been less than that. (You had better check that figure, because there is also a figure around 160 that sticks in my mind, so I am not sure.) They came back, and we had about 500 students here for the first year or two, which made it very difficult in the library situation. We were fortunate to get an addition. I do not know whether you are familiar with the building down on the corner or not, but that addition of the courtroom with the library above it, two or three faculty offices, and one classroom was promised me when we came down here. We started on it, and they finished it up reasonably promptly, so we were not crying for space as much as we would have been if we had not had that room.

I never knew the old library. We used the library stacks; we would just open them up and let the students go in there, and they were full all the time. Then when we got the new wing, we had quite a bit of reading room. I understand that worked out all right.

We still did not have enough copies of the books. On a \$30,000 a year budget, you do not get many new books, much less duplicate books, and that is what we needed to refer students to. In a class of forty, fifty, or one hundred, if you suggest that they read something in one of the books and you have only one copy, that makes it a little tough.

S: So that library addition opened up pretty soon after you came?

F: I think it was two years, or maybe a year and a half. They had the plans and were ready to go when I arrived, and I think it took them just about two years to complete. That was done by the local University labor; they did not let out a contract on that. They gutted the old building, put up a new concrete wall on the south side, and built a dean's office there. We had faculty offices in the old original building. That was just being finished up when I got here. It was after that that the new facilities were built. I was in on the final planning.

Three or four years ago, Jeff Hamilton, who was the University architect at the time, came up to see me at the law school and kidded me about the fact that I insisted on turning the plans upside down because I wanted the library on the second floor to avoid the constant noise from outside a ground-floor library. What we had then was a ground-floor library and the courtroom upstairs, so I got into it before they started. I cannot tell you when it was finished. I know it took them a year. They promised me air conditioning in my office, which was an extension out there with great big windows on three sides and a copper roof. Believe me, it was hot!

S: Did you get your air conditioning?

F: They promised me that when I came, and I got it about eighteen months after I had been here. They were waiting for one part from Trane – at least that was what they said.

- S: So as far as adding onto the building, you did not really have to push for that; that had already been approved.
- F: It had already been approved.
- S: I read where Maloney had served as chairman of the building renovation committee in 1947, so maybe he was in on the push for that.
- F: I do not recall that. That was, of course, done before I came here, but that would be correct chronologically, at least.
- S: Did you work with Maloney on the renovation and the addition after arriving?
- F: No, I did not. We went ahead. We did not want to wait at all – we were so anxious to get some space there for us that we took almost anything we could get quickly. In fact, I did not even know Frank was in on that renovation.
- S: I have a building renovation file in our historical files, and there were memos from him to the president, to one of the University construction people or architect, and others. I have to ask you where the nickname "tall brother" and posters "Tall Brother is Watching You" came from.
- F: [Laughter] I think you will have to go up to Tallahassee and ask Bob Gaines. No one knew it, and no one would admit it for years. Finally, Bob admitted it. He was an attorney in Tallahassee. He was not an attorney then; he was a student then, and then he went on. I suppose the term "tall brother" was simply taken from [George Orwell's novel] *1984*. Those flyers appeared in all the buildings and the lockers overnight, and nobody would admit to anything at all. That is really about all I know about it.
- S: When did they appear? How long had you been here?
- F: That was about two or three years. It was a friendly jest; there was no antagonism implicated at all.
- S: Law students have a pretty good sense of humor.
- F: That is right.
- S: I just wondered about that.
- F: Betty Taylor might be able to tell you something about it. She had the one that appeared in that bound book of letters that they gave me at my retirement. In

- the front of that was a copy of that flyer.
- S: Letters from former students and others?
- F: Yes. If it were not so long I would turn it over to you, but I know that you do not want to read 300 pages of letters.
- S: That would provide some insight, too.
- F: That was 1978. You are welcome to look at it if you want to, but it is a pretty full book.
- S: Three hundred pages! I wondered if maybe the phrase "Tall Brother Is Watching You" was the result of your monitoring things more closely than people were used to.
- F: I think that is probably true. I was trying to raise the standards, and I tried everything I could do and thought of doing that was within. I guess that is the basis of what they had in mind. Bob Gaines, I suppose, did it himself. I cannot think of his name. He was with the Young firm in Pensacola.
- S: Did the nickname stick?
- F: No. Well, it stuck long enough to put it in a book. It never was in common use – at least I do not think it was. After I resigned as dean, I found out a lot of things that I did not know were going on in the law school. I do not know whether that was one of them that I did not know anything about. I never heard that it was used other than in a kidding sense.
- S: Concerning evaluating classroom performance, did you ever sit in on the classes and observe?
- F: Yes, I did. When I came down here, I did not know what was in most of the courses being offered then. They were in a completely different curricular arrangement. We were trying to revise the courses, and I wanted to find out how the courses were being taught, what the course materials were, and how the students reacted to classroom performances. I think there was a fair amount of resentment there, but, again, it never really occurred to me particularly that they would resent it. At Yale we regularly dropped in on other professor's classes, primarily if you were interested in what they were teaching. It never occurred to me that this was offensive to them or that they felt that they were being watched.
- S: Offensive to the professor?
- F: Yes. I did that for the entire first-year curriculum, for all the courses that the

students took in their first two semesters. We went through the semester, the tri-mester, and the quarter system, and then back to the modified semester. Then we finally got what we have now. They kept on moving back and forth.

S: We talked earlier about those long five-hour courses in the first year, and you said that students were taking three five-hour courses each semester. Was that in their first semester?

F: Yes, I think so; I think it was the first year. You had better check one of your old catalogs. The fall of 1948 catalog would be the one you should check. We do not have that catalog. We did not put out that catalog – that was part of the University directory, so you will have to go there for it.

S: Right. They have all of those in archives. Let me ask you about Professor [Robert Barbeau] Mautz, who was your assistant dean. Did you appoint him?

F: Yes.

S: Was he at the school?

F: No. He was one of the men I met at the annual meeting of the Association of American Law Schools that was held at a most unfortunate time – the weekend before New Year's, between Christmas and New Year's – in Chicago. We met each year, and I met Bob there. He was a Yale man, and we talked. I finally persuaded him to come down here. He came in about 1950, 1951, or 1952 – somewhere along in there.

I was doing all of the administrative work at that point, and things were getting completely out of hand. I just could not do it all. I finally persuaded them that I needed an assistant dean, and I asked Bob if he wanted to take the job, and he took it. Of course, he continued to teach, just as I was teaching while I was acting as dean. That is traditional in law school: the dean teaches at least some courses. I think it was in 1958 that Bob went over to Tigert [Hall] as vice-president for academic affairs.

S: Eventually, he became chancellor of the State University System.

F: That is right. I guess he was the second chancellor.

S: What was your relationship like? How did you divide the administrative responsibilities?

F: There was really no division; we worked together on things. I remember that we would meet in the evening after dinner and do whatever we had to do, like getting the catalog material out. For example, the administration was trying to hold the

law school to a promotional policy of three years as assistant [professors] and three years as associate [professors]. I told them I could not get men on that basis, and I proved it to them. Bob and I sat down several evenings, one right after the other, and went over the entire appointment list in the membership lists of all the approved American law schools. We took every one who had been appointed since the war and showed that they had been promoted within a year or two after their appointment.

We just worked together on those kinds of matters. There was no division. I suppose I had the ultimate responsibility, but we got along very well and had a pleasant relationship, as far as I was concerned.

S: That was probably the first time that there was an assistant dean at the law school.

F: I think it was.

S: Up until then, the dean handled all of the administrative work.

F: That is right.

S: We talked about some of the professors that you brought in, like Karl Krastin and Eugene Scoles. There are some other names I came across who arrived right about the same time or shortly after you did, including George Miller.

F: George Miller was here before I arrived. He had come here about a year before I did. He was a very able chap. He was an advisor for the [*University of Florida*] *Law Review*, and he practically wrote it for two or three years as it was getting underway. Then he decided he wanted to try practice again. He had practiced in New York in what is now one of the big firms there, Davis, Polk & Wardwell. He decided he wanted to try it again, and he did. I think he has always regretted it. But, at any rate, when he got through that trial he wanted to come back to the law school.

We had no real place for him at that time, and he went to [the University of] West Florida. Hal Crosby was a very close friend of his. Hal was a student here, and he graduated in 1947 or 1948, before I arrived. He was the first president of the University of West Florida, and George went out there to teach. He had taken courses in philosophy and ended up teaching philosophy out there. I lost track of him in the last ten years.

S: Did you bring in Richard B. Stephens?

F: Yes, I did. The tax program is named for him.

S: I interviewed him for the Oral History Project before he passed away.

F: Good. I am glad you got him.

S: Did you work with him with his interest in building a tax program? Was he interested in it that early?

F: Yes, he was interested in it. He was practicing with a firm in Washington. Judge [Gerhard A.] Gesell [district judge, District of Columbia], whom you have been reading about recently [Judge Gesell presided over the Oliver North/Iran-Contra trial. Ed.], was a roommate of mine, and he was in that firm as well. I cannot think of its name at the moment.

S: Was it Covington and Burling?

F: That is it. When I met Dick, he wanted to get out of practice. He had been practicing in tax law up in Washington. We needed him for several things here, and he accepted a position. He taught administrative law for several years. Then he moved back into tax law almost exclusively as we got our tax program going. He had been wanting to get a graduate tax program here, and I had been dragging my feet because I did not have the money to support it. I did not think that we were in a position to give that much of our faculty time or money to a graduate program, so I was dragging my feet until we got over here into the new building with plenty of faculty. At that point, we finally got the program going.

S: What about P. K. [Philip Keyes] Yonge? Did you bring him in?

F: Yes. He was one of the top graduates before I came here. His father was practicing law and had probably the biggest firm in Pensacola. Phil wanted to try teaching, and, again, we were desperate, as usual. We offered him a job, and he stayed with us for a good number of years. Finally, he went up to New York. I have not heard anything from him for several years, but last I heard he was teaching at one of the law schools in New York City; I can never remember whether it is Brooklyn Law School or City University of New York [CUNY]. I know it is not NYU, but it is one of those local colleges there.

S: You said that you were desperate again. Was it a need to increase the size of the faculty, or was it just the turnover?

F: Turnover. Because we did not have the time or the money or the ability at the beginning, I would practically pick the people to come. Well, I made some mistakes, and I got rid of them. You would have a devil of a time doing that today, but at that time I could get away with it. If they did not work out, they were not reappointed.

S: Did you ever rely on adjunct professors or visiting professors?

F: No, not on adjunct professors. They had done that before I came down here, but I had discovered that the adjunct professor (to my way of thinking) was not devoting his full time and attention to teaching; it was not his primary interest, primary job, or primary responsibility. One year we had a number of adjunct professors, and they would take on a course and miss two or three or four classes during the quarter. So I was very much against adjunct professors.

Concerning visiting professors, we did not have enough money to attract anybody on a visiting basis except in the summer. We had two or three visitors in the summer. I do not remember who they were except Ad [Addison] Mueller, who was a friend of mine. He died several years ago. He was a student and then a colleague of mine at Yale, and he went back to his family's lumber business in Milwaukee, Wisconsin. He ultimately went out to UCLA [University of California at Los Angeles] as a professor of law.

S: You said yesterday that you encouraged the faculty to do graduate work. Were they supported in that? Were they granted sabbaticals?

F: Not by us. They were not granted sabbaticals.

S: I know you were short on funding.

F: That is right. I do not believe there was any support from this University for them.

S: They were just allowed to leave and come back?

F: That is correct; they were given a leave of absence. They frequently obtained scholarships at the school they attended.

S: Are there any other professors you want to talk about, any who stood out or had a major impact on the school, not only when you were dean but afterwards? I know Sheldon Plager was hired in 1958. Did you hire him?

F: No. He never taught here. Well, he may have taught a year here. I was trying to get both him and Aubrey Kendall. Both of them were very bright boys. I never was successful in getting Aubrey, and I really cannot remember whether Shel ever taught here or not.

S: I saw his name on the list of former faculty, but I did not check the dates. I saw that he came in 1958.

F: That would be just about right.

S: So he and Aubrey were outstanding students at the law school, and you were looking at them.

F: That is right.

S: Robert Farley came in 1961.

F: That was after I retired as dean. Bob was of retirement age over at the University of Mississippi law school. He had been dean there for years, and he retired from there – or was retired; I think they have a retirement limit--and [Dean] Frank [Maloney] asked him to come over here. He was here for several years.

S: Another name I came across was Judge Cornelius Smyth of New York.

F: Yes, that was another one of those tough situations. He was here when I got here; he had just been appointed but did not have tenure. He was not satisfactory from my point of view. I think there is a general misunderstanding about the court system in New York: the supreme court is only the trial court, not the top court. The supreme court of Florida is the top court of the state, but in New York the top court is the court of appeals. Then there is the appellate division, which is an intermediate court, and then the supreme court, which is the trial court. A lot of people felt that he had a lot of prestige and so forth, but I just did not find it that way, and I refused to re-appoint him. There was quite a squabble about the situation, but Dr. Miller finally stood by me, and [Smyth] was not re-appointed.

S: Did you face that same issue with some of the old-timers on the faculty? Was Dean Slagle still on when you came?

F: Dean Slagle was here, yes. I never thought a great deal of his abilities, but I never had any idea of forcing him out.

S: You said you had to rely on some of the old-timers.

F: That was it.

S: Was [Clarence John] TeSelle still teaching?

F: Yes, he taught for several years.

S: And Professor [James Westbay] Day?

F: Yes.

S: What did you teach?

F: I taught a couple of courses in estates and trusts at various times. Then when the Smyth incident was settled, I could not find anybody whom I felt was doing the job in contracts, which was one of the first-year courses, so I just went in there and took it over. First we divided it into two courses – Contracts I and Contracts II – and I taught both of them for several years. Then I found that it was taking too much of my time, so I continued to teach the first semester, Contracts I, but I got somebody else to teach Contracts II. There were two or three different ones. Mr. [Earnest] Jones was on there. There were several different people teaching Contracts I and Contracts II.

S: Did you continue to teach Estates and Trusts the whole time you were dean?

F: Yes. I taught one or more of those courses. There were four courses, and we offered some of them as electives and others as required courses. I would usually teach one or another of those courses.

S: Was the whole first-year curriculum structured, or could students take electives?

F: It varied. We changed it around from time to time as we experimented with the required curriculum. The required curriculum offered the advantage that you did not need as much manpower to get it going. Everybody had to take a particular course, and it was offered at one time and they had to take it – that is all there was to it. I liked the well-structured curriculum; I felt it was much better. We had a young faculty by that time. We still did not have enough professors to have a large selection of electives. The faculty changed the curriculum immediately after I resigned as dean. They created elective courses and an elective curriculum. They still required the first year, but beyond that they could take what they wanted to take.

S: That happened right after you retired?

F: Yes. The faculty did not like the structured curriculum. I can understand that. They could not teach the courses they were particularly interested in or the subjects they were particularly interested in, so they changed that.

S: Let me ask you about a couple of specific courses. I read that you initiated a program of individualized research and writing and instruction, and also a legal ethics seminar that received national recognition.

F: The legal ethics received national recognition. There was nothing really new about the individual research except that we allowed students who had a

particular interest and had a particularly good reason to take individual research as an elective. That was nothing. I guess it might have been said to have been originated by me down here, but it certainly was nothing particularly new.

The legal ethics was new. We were faced with a feeling of the bar that the bar was not as ethical as it should be. That is nothing new. But they took it a step further and said that it was the law school's responsibility to teach graduates to be ethical. Well, I said, "I do not think you can teach a person to be ethical. You can expose them to ethical problems and see how they react." I had taken a course at Yale in which we set up a seminar-size group that dealt with legal ethics.

S: So the bar was interested in the law school teaching ethics.

F: Oh, yes. As a part of the ethics issue, I asked them to send us a couple of attorneys each week who would sit in and get the students to see the types of ethical problems that came up. The big difficulty with teaching ethics is that it is either so obvious that there is nothing to talk about, or else it is so egregious that it gives a false impression as far as the frequency with which the particular problem comes up. I wanted the lawyers to come in here and help us out, and they did until the school just simply got too large to have it on an individual basis.

S: That must have been an interesting course.

F: We had it up here; it was begun as a seminar in this room.

S: In your house.

F: Yes. The bar sent people from out of town, like Jacksonville, and we met out at the country club, which was then across the street from what is now the University Golf Course. We had dinner there and then came over here, and we had a two-hour session over here.

S: Were you the only representative from the faculty? Were any of the professors involved?

F: I was the only one.

S: Was every student taking the ethics course at the time?

F: Yes, that was one of the required courses. We got down to seventy-six out of eighty-five hours. We required eighty-five hours to graduate, and seventy-six of them were required. Legal ethics was one of them. Even after that, when we went to the elective curriculum, they still required legal ethics, along with one or two others.

- S: So that really was a required curriculum, then, if seventy-six hours out of eighty-five hours were required. As far as you know, was that the first time that lawyers were brought into the law school on any regular basis?
- F: As far as I know. I do not know what was done here before I arrived. I think they used lawyers as adjunct or guest professors for a semester or something of that kind. I did not want to do it, and I did not do it because if they had a case they were worried about, they were going to spend their time worrying about their case and not the course. I do not blame them. They should concentrate on their cases, but that does not mean that I would want to have them here. In this situation, we had materials mimeographed, and we would take about ten or fifteen pages of various cases that had been passed on by the American Bar Association's ethics committee. We would take those and discuss them, and frequently disagree with them. The attorneys came in, and we had some pretty lively discussions on those. It was a lot of fun.
- S: I think I have a photograph in the files of one of those sessions in your living room.
- F: You may very well. When we finally got to the point where we had to divide the course into sections, Bob Mautz and I continued it for several years with two sections. Then it got larger and larger, and we kept dividing it, but it got to the point where we could not ask the bar to send out eight or ten people to take care of each week for a session, so they had to give that up.
- S: I guess that has now given way to the professional responsibility course.
- F: I think so, but I do not know. I have not been following that curriculum over there.
- S: That is the required course now. What was your relationship with the bar, other than that? You mentioned that the bar called on the law school to help with the ethics issue.
- F: I have always had a very friendly relationship with them. I worked with them. We had the situation here where our students – the students of all three of the state law schools – were admitted to the bar by diploma privilege. The bar was trying to get that changed; the legislature had put that in, and the bar was trying to change it. I worked with them on that; I met with their committees and so forth. I told them we would stay in the center of it because we wanted to provide quality lawyers, regardless. There was a question of whether we were responsible to the bar, to the public, or to our own students. We were going to do much the same thing regardless of whether they had the examinations or not.

Then, on numerous occasions, I was on some joint committee with the bar. I was not a member of the bar because I never took the exam down here.

Then, in 1973, they started a revision of the probate code here, and I worked with them on that quite actively. I traveled all over the state speaking to various groups of lawyers on segments on what was suggested and being done. Then, of course, I ended up writing that two-part article for the law review. All of that was really done in conjunction with the bar. I always attended the annual meeting of the bar, and I certainly had a very pleasant relationship, and I think a very profitable one, both from the point of view of the law school and from the bar. I think they got some ideas.

S: Were you also involved with national legal organizations, such the Association of American Law Schools?

F: Yes, I always attended those meetings, and I served on committees from time to time. I was on the nominating committee of the Association of American Law Schools once. I acted as mediator for one of the legal education panels in the American Bar Association. They had a program there each year, and I was asked to act as moderator. I guess that is all I can think of. There were probably other things I did along the line.

S: I know the law school at that point was not receiving private funds of any significance. Did you ever think about that, having come from Yale?

F: I tried very hard to get a law school association here, and Frank finally created one just about the time we moved into the new building. I was told by the lawyers of the state that they did not want the law school to have a law school association because it would take all of the support of the lawyers away from the University. The University Alumni Association was just getting started, so I never did anything about that after being told not to, in fact.

S: The state was against that?

F: No, the lawyers in the state did not want a law school alumni association. They did not want a separate association because they were just getting the University Alumni Association underway. Actually, the lawyers were strong supporters of the University. I was very disappointed that we were not able to create a support association. The problem never occurred to me because we had such a strong alumni association up at Yale and at Vanderbilt, where I taught one summer. My efforts obviously were a little too early.

S: The Law Center Association was finally established in 1960.

F: That was two years after I resigned. Attitudes changed, and Frank, I think, did a

good job of moving that in. I was not able to do anything with it when I wanted to in the earlier part of my tenure as dean, but after that I more or less left it alone. I felt that if that was the way they felt about it, I did not want to try to pursue the matter. Our relations were very good considering we did not have any formal organization, and I did not want to mess that up.

S: That was not something that you could force.

F: No.

S: So you relied strictly on state funding, is that right? Your budget was all state funds?

F: Right.

S: One other area I wanted to cover was touched on briefly earlier: the desegregation of the school. I know Virgil Hawkins sought admission in 1949, so that was just after you arrived. Were you involved in that all, or was that handled through Tigert Hall or the registrars office?

F: Yes, it was at Tigert. I say it was, but I do not know. My impression was that Hawkins had applied for admission in the middle 1940s, and he never got anywhere with it until 1949 when he filed that formal request, I think it was. When that request was denied, he sued on it. But I had nothing to do with that.

S: Who denied it?

F: That was done by the University registrar. [Hawkins's application was forwarded from the University to the Board of Control, which subsequently denied his admission. Ed.]

S: Was there an official policy on segregation?

F: Yes.

S: Were you informed that a black person had applied?

F: Well, I knew that Hawkins had applied, but I was not informed as such. The point I am trying to make is that it was not a formalized notice to me as dean of the law school that he had applied. I knew it just like everybody else knew it.

S: Was there any talk among the faculty about permitting blacks and changing the policy?

F: Yes, there was.

S: A lot of it?

F: Yes. I wanted very much to get away from that policy of segregation, and I did everything I could. But again it was a situation in which the president said, "I want to handle public relations. I do not want you to get involved in raising money or going to the legislature for money or anything else," which included, quite obviously, this problem of desegregation. It happened, as so frequently happened, that the law school was the first one that they attempted to desegregate. But that was a University policy established by the Board of Control, and I was told to keep hands off. In fact, I was criticized because I refused to saying nothing. I did what I could by talking to lawyers and things of that kind, telling them that I just could not see segregation.

S: Had Yale admitted blacks?

F: Oh, yes. As far as I know, there was never any segregation up there.

S: But you were advised to just leave that alone?

F: Yes, in effect. I was not named as a defendant in that suit at all, quite probably because I was not here. If I recall correctly, the suit had been brought before I came.

S: Were you ever asked to testify or anything like that?

F: No.

S: It went on, from what I understand, for a long time.

F: Oh, it went on for years, [from 1949 to 1958].

S: What about the students? What kind of student response was there? And was this making news during that time? Was everyone aware of the suit and of what was going on?

F: Yes, I think so. The law students, I think, by and large were perfectly willing to have the school desegregated. We got the same sort of reaction here as throughout the state. There are a lot of rednecks here, and they did not want it. I do not know what would have happened if it had gone through at that stage, but I was certainly delighted when we finally got the school desegregated and I was able to hand admission papers to black students in the courtroom. We had all of our new students who were coming in for registration in there, and I was able to hand them their papers.

- S: Was that George Allen, the first black graduate?
- F: No, it was not.
- S: Oh, yes, I think others had enrolled before him, but I do not think they graduated.
- F: No, that was not George Allen whom I handed the papers to. It was George Starke, who was a graduate of Morehouse. I knew him well for a while.
- S: We interviewed George Allen, and he said that there were one or two black students who enrolled before he did, but they did not graduate.
- F: That is right.
- S: So you were dean when the first black student was enrolled.
- F: That is right.
- S: That must have been something.
- F: Actually, it went just as smooth as could be. There were no difficulties with it. There were a lot of people who did not like it, but we did not have any problems--nothing like at schools in other southern states where the governor was standing in the hall saying, "If you come in here, you will get shot," or something like that.
- S: Briefly, I wanted to ask you about the effects of the Korean War and if the school again experienced a decline in enrollment and then an influx.
- F: I do not remember.
- S: Maybe it was subtle.
- F: What were the years of the Korean War?
- S: 1951 to 1953.
- F: I think it was so close to the ending of World War II that you hardly distinguish between the two, if I am not mistaken about that, whether it was that close or not. I have no particular recollections of any problems during the Korean War.
- S: As far as a great decline in enrollment?

F: No, I do not think so. We had a steadily declining enrollment while I was dean, and a lot of my friends have kidded me--at least, I hope they were kidding me -- that I was driving them all away! I think it was just that we were raising standards and insisting that standards be maintained, and not as many students wanted to undergo that. A lot of them went to Stetson [University College of Law in St. Petersburg, Florida], and a lot of them went to the University of Miami [law school].

S: Why did you step down in 1958?

F: It had been ten years. When I left New York, I left with the idea that if I liked teaching, I wanted to continue. I had no idea that I wanted to do much administration, certainly law school administration. But then I got interested at Yale in some of these ideas that I thought I would like to try, and I thought that ten years was enough time for them. I think I had done about all I was going to be able to do. I was having trouble keeping up with my courses because of the demands of administration. I felt that ten years was a good sound decade, and that was all I wanted to do with it. I wanted to have more time with the family--I was seeing very little of them -- more time for teaching, and more time to see the students on a student/teacher basis rather than on an administrator basis.

S: So you looked forward to just teaching.

F: Oh, yes, I did. I wanted very much to get back into that.

S: And research as well? Were you conducting research?

F: I did some research, yes. I did not do much writing. There is too darn much law writing done just because people feel they ought to write something. It was not until we acquired that probate court that I had anything really great to say, so I spent most of my time keeping my teaching materials up to date. For the most part, I was teaching Florida law, but contrasting it with or setting it into a national context. I did not try to teach it as an isolated event. If there was a relevant Florida case, I wanted to use and discuss that case so the students would be familiar with it, rather than a New York case. Now, if the New York case is one that is good and you would want to use it as a teaching tool, fine, use it. So I was revising my teaching materials rather constantly. Vivian will tell you that each year I revised something along the line to bring it up to date.

S: Was she your secretary?

F: Yes. Fortunately, when Steve O'Connell was president, he asked me to take on the student conduct committee work for the University, and I told him that I could not do it without some stenographic or secretarial help. He agreed that he

would take care of half of Vivian's salary if the law school would take care of the other half, and I would get half of her time. Until she went to the *Law Review*, she was my secretary.

S: That was the student conduct code you were working on?

F: No, the Student Disciplinary Committee was what it was called. That was made up of some students and some faculty. As usual, the chair was the one who does most of the work. At that time, during the late 1960s, there was a lot of student unrest, and we were having some trouble with that.

S: What about the transition to Maloney when you stepped down? Was there a search conducted, or was he immediately appointed dean?

F: No, he was interim dean for about a year and a quarter. A search was conducted, but it was not the kind of search that you get today. We did not have the Sunshine Law at that stage. The man I think they should have had there was Bob Mautz, but he had just moved over to vice-president, so there was not much of a chance on that. President [J. Wayne] Reitz had gotten to the point where he was fed up with it. Frank Maloney eventually was named dean.

S: Looking back, what are your thoughts about your deanship? I see it really as a transition period for the law school. You were also increasing the standards.

F: I guess my biggest pleasure was when we were able to get a chapter of the Order of Coif. I would say that that was real recognition of what we had been able to do in those first seven years I was down here.

S: How was that granted? Were they asked to review the schools?

F: Yes. You applied to the national court, and they investigated somewhere along the line. I think they made a temporary investigation, and then they appointed some member of the committee. The one who came down here was dean at Virginia; I cannot remember his name. Then the executive committee made a recommendation and sent it to all of the chapters, and all of the chapters would vote on it – yes or no. We were fortunate to get in on the vote of the first application we made. I would probably point to that as an accomplishment as much as anything I did here. Of course, we enlarged the school, and we enlarged the faculty. We got a new curriculum, and we kept working on that for many years.

S: They are still working on it today.

F: They were still working on it when I retired. To me, I enjoyed it for a long time,

but then I found it was beginning to wear on me. I guess I am prejudiced, but I feel that I did a fairly good job, with the help of the people I brought down here and the help of the administration. Dr. Miller was very helpful to me. You would have to ask somebody else, really, about that, unless you just want my opinion. My feeling is that I did all that I could have done under the circumstances, and I have very few regrets about what I did.

S: You took on a great deal. You really had your hands full.

F: Yes, I did. I did not realize quite how much I was taking on, but I soon found out.

S: What do you think of what has happened to the school in years since your deanship and since your retirement?

F: I am afraid I do not know very much about what has happened since I retired; since then I have had very little contact over there. Well, that is not true, because, of course, I was teaching over there for several years after I retired. I liked what [Dean] Dick [Joseph Richard] Julin was doing. I felt that he was doing a fine job. I was disappointed that he resigned, but I can very well understand it. I do not know very much about what has been going on over there recently, but from everything that I hear, it seems to be going very well. I am glad we have grown to the point where we can pick our faculty from our students and pick a dean from our faculty. That pleases me. It means there is a maturity; and that means we do not have to go out and get somebody in here who will turn us upside down and shake us a little bit to get things done. I was delighted to see that Jeff [Jeffrey E. Lewis] was appointed dean from the faculty.

S: What have been your activities since you retired? You did teach a course for a few years.

F: Yes, I taught one course in the spring semester. That was just sort of a tapering off, I guess you would call it. I have not been doing a great deal. We go up to the lake about four months out of the year, and it is amazing how much time it takes to get ready to go, go, get ready to come back, and come back. I was just thinking last night about that. Here it is about time I have to start figuring out our itinerary, or at least when we will drive up and stay in motels.

S: Where do you go?

F: It is Upper St. Regis Lake, which is a comparatively small lake. There is a chain of lakes there that make up the headwaters of the St. Regis River, which flows into the St. Lawrence.

S: That is upstate New York?

F: Upstate New York, yes, about twenty miles from Lake Placid. That is certainly a job in itself keeping that place going. The same is true down here. There is not very much that you can get done here unless you are here yourself. For example, you have to put on a new roof when you need to and do this and that. One bad water accident came when we were away.

S: It is difficult when you are away.

F: Yes, it was a mess.

S: You also managed to raise five children in all of these years.

F: Yes, and one of my granddaughters has two of her own, so we are great-grandparents now.

S: Have your children gone on to become professionals?

F: No, not unless you call producing children a profession. [laughter] My eldest daughter married and has seven children.

S: She must have liked the big family life.

F: Yes, she did. She said she wanted twelve, but she settled for seven. My son was a trust officer with North Carolina National Bank, and then he transferred to another bank up in Connecticut. He did not want to move again; he did not want to go near New York as a trust officer in a New York bank, but he has finally ended up with one just a few months ago. He has four children. My second daughter was in the advertising game for quite awhile. Then she married her boss about four or five years ago. She is now studying to get a certificate from the College of Education. She feels a need to do something in education around New York City, which is where she lives, so she is trying that out. How long she will last is hard to say because it is tough. I think she will probably get into some of the private schools there around New York if she finds that she does not like the public schools.

S: Those inner-city schools are really tough.

F: My next daughter is out in Wyoming. She is teaching what they call special education; her work is not with the gifted group, but with the handicapped. My youngest daughter is a state urban planner. She got her master's degree from UCLA. She moved back to New York very close to our summer place for a few years, and now she is down on Cape Cod. So most of them are in New England, except for Babs, who is out in Wyoming.

S: Did Mrs. Fenn work while you were dean?

F: No. The children kept her busy.

S: I imagine so! I think we have covered all my ground. Is there anything you wanted to add? We are just about of tape.

F: No, I do not think so. I think you have pretty well plucked my feathers [laughter].

[End of the interview]