The Post-War Period

During the height of World War II, DU Law School almost ceased to exist. Most of the full-time faculty were forced to seek supplementary employment and very few students were enrolled. With the end of the war everything changed quickly. The veterans returned and the ranks of law schools, including DU, grew rapidly. The faculty increased in size corresponding and was faced with the task of educating a generation of sophisticated veterans. The veterans were more mature; they knew why they were in law school and they were not afraid to speak up in the classroom. They had the kind of extensive practical experience that fosters a challenging classroom dialogue. By all accounts of the students who studied during this period, it was a stimulating time to be in law school. Whether they were attending Westminster or DU, many students had to work in order to support themselves. DU continued to be located downtown, which is the source of many memories about Mapelli's Meat Market and Sullivan's Bar. The core of the full-time faculty, Professors Thompson Marsh, Charles (Chizzie) Works, Vance Dittman, and Dean Johnston, worked closely with the outstanding practitioners of Denver to continue to give students the best of a theoretical and practical legal education. During the 1950s, the pressure on Westminster to move more toward the academic model and to employ full-time faculty in order to maintain ABA led to a merger of the two schools.
My father was a lawyer, and my grandfather had been sheriff of Ouray County and also city marshal of Ouray, so I was brought up in a family that was very interested in the law. The only interruption, of course, was the War. I joined the Naval Air Corps in 1941, and served nearly five years as a naval aviator during the war. After the war I started at Notre Dame because it was one of the two law schools in the country that I could get into in October of 1945. But after spending one quarter there I decided it was better to go to the University of Denver. I was married, had two children and one on the way, so that's how I ended up at the University of Denver.

As I recall, the course schedule was fairly well laid out for your freshman and sophomore years. I don't recall ever really having any electives. Mr. Diss taught Contracts, and Dean Johnson taught Torts. As they went through the cases they would call on the students at random, so you had to be prepared on your assignment. Most of the students at that time were veterans. Most of us worked as well as going to law school. So it was quite a grind.

I worked for a lawyer who was the public administrator. I worked there in the afternoons. My law classes were in the morning. The public administrator, at that time, would handle estates of individuals who died without any relatives in Denver or without any living relatives. He would be appointed and he would have to probate these estates and see that the deceased was buried. Many of these would be derelicts and you would have to make the funeral arrangements and try to find next of kin.

I took Equity under Ben Griffith, and Future Interests under Morris. Thompson Marsh was there. He never changed. We used to ride the bus together at times, and he always read a book on birds. I enjoyed Eddie Sherman tremendously in Constitutional Law. He was a very interesting person. I got to know him a lot better, later, in the practice of law and if I ever had any problems with constitutional law in any case I was having, I would always try to make a point to go up and visit with Eddie and get his views.

When the war ended, the flood of veterans did indeed arrive at DU, bringing the law school's enrollment to an all-time high. The College of Law had returned to its former downtown location above Mapelli's in April 1946. By the opening of the school year that fall, work had progressed on the remodeling of the Brownleigh Arms Hotel and the law school moved to this converted facility at 1420 Court Place, which the University had purchased. An adjacent building was also remodeled for law school use. This new location provided a library, classrooms and faculty offices. The administrative offices remained at 211 15th Street and were later moved to the business school building. Enrollment at DU law reached an all-time high of 367 by the fall of 1948, and The Bar Examiner reported that enrollment in American law schools had risen to 46,914 from a total of 6,428 in 1943. Of the national total, 747 were enrolled in Colorado's law schools.

All of the activity at the DU government center did not particularly impress the North Central Association of Colleges and Universities, the University's accrediting agency. The Association felt that DU had overextended with the wide range of new programs and, as a result, changes were soon made. Many programs were dropped or merged, and the University returned to its academic role, abandoning its vocational endeavors.

There were major budgetary improvements for the law school in 1946-47. The library books and periodicals budget was increased to $4,000 and the total budget for the year was $60,849 as compared with $25,115 in 1945-46. Price noted these encouraging figures were indicative of the central administration's complete and adequate support. A much improved enrollment picture certainly helped matters, too. Price also reported that the University's campaign to raise
$2 million for two new buildings on the civic center campus (assumed to include facilities for law) had been successfully completed.

The law faculty, both full- and part-time, continued to grow. Johnston was now assistant dean, and Professors Marsh, Dittman, and Hurt had all returned. Robert Gee, Malcolm Crawford, Dexter Delony and Harold Hurst were the most recent additions. And Ms. Schalow, frequently referred to as Johnston’s “right hand,” had returned to serve as librarian. She later was “in charge” of the school during a three-month illness suffered by Johnston in 1949. In addition, thirteen part-time teachers were helping to keep the individual class size down to a maximum of forty students. Johnston wrote to Trustee Ricketson:

The faculty and student morale at the law school has never been so high as in the time Mr. Price has been our Dean. He was faced with no personal problems in the law school, because he had - and he has - the admiration and warm liking of every one of us.

The law faculty proposed that the entire quarters at 1414-1424 Court Place be known as the Law Building. These facilities were across the street from Danny Sullivan’s bar which for many years became a special gathering place for law students, faculty and alumni during breakfast, lunch, dinner and nighttime “study hours.”

Chancellor Gates resigned late in the summer of 1947 and the trustees named Dean Price the acting chancellor. The University conducted a very careful search and Price, who emerged as the final choice, was designated as the chancellor in May 1948. His was to be the shortest administration in the University's history. Price had domestic problems which prompted his resignation in October, 1948. Following a friendly divorce, he moved to California where he remarried and practiced law.

I made some great friends in law school, some still friends to this day. But the difference between the law school and undergraduate at CU, before the war, was as different as day and night. The law school was down in Mapelli’s store, and it was hardly very inspiring. There was very little time for socializing. I don’t say that on the weekends we didn’t party a little in those days, but most of it was work.
I was a graduate of the University of Denver undergraduate school. My commencement was June 6, 1934. This was the depth of the Depression. Times were hard, but I was lucky. My father banked at old Denver National Bank and he said, "Well, why don't you go down and ask them if they've got a job." So I did. And sure enough, they hired me. I started as a runner, then I moved to using an adding machine, and then to the installment loan department which handled consumer credit, which in those days was very new for commercial banks. The war came and I had a low draft number so I enlisted in a National Guard outfit. I went to OCS and then was sent to the Second Infantry Division down in Fort Sam Houston, Texas. I was the first "ninety-day wonder" to go to that division. The enlisted men were 100 percent regular army, most of the officers were regular or West Pointers. Anyhow, I stayed with them all through the war. I wound up with five battle stars and then came back home.

I came right back to work for the bank. A fellow who had not been drafted had gotten promoted ahead of me while I was gone. I liked him, but I thought I was smarter than he was, and so I thought, "I should do something." I looked things over and decided, "Why don't I get a law degree?" So I started in night law school at Westminster. In those days there were just three years of law school. All the first-year students were together in a single class. The school was small enough so that the second- and third-year classes were mixed together. You had one curriculum of classes one year and then another curriculum the next.

My class was the biggest that they had in a long time because a lot of us, like me, came in with the GI Bill. We were older than law students at DU and CU because usually the students had been out of school and worked or had been in the service before going to law school.
Dean Nelson, who had preceded Price as administrative head of the law school, followed him as chancellor. Nelson would serve in the University's top post on an interim basis, only until the new chancellor was named. That person was Albert C. Jacobs who was serving as provost at Columbia University under Dwight D. Eisenhower when he accepted the Denver position. Jacobs had earned a bachelor's degree in jurisprudence while a Rhodes Scholar at Oxford. He had taught family and domestic relations law at Columbia. Jacobs was later to become a faculty member at the DU law school, the first to adopt Jacobs' casebook shortly before its publication in 1933.

When Price moved to the chancellorship at the law school, he appointed W. Gordon Johnston as his successor. The two had become close friends as administrative heads of the school and the appointment of Johnston, forty-four, as the seventh full-time dean marked the beginning of another noteworthy era in the history of the College of Law. The ten-year period of his deanship is an outstanding record of one man's perseverance, service, and leadership. It reflects his intense dedication to the law school and its stu-

One of the first things they told us when we started was, "Talk to your spouse." There were about forty people in my class. Two or three were young women, and all the rest were men. They said, "Talk to your spouse if you're married, because you won't make this unless your spouse supports you. Unless your spouse is ready to give you up for all practical purposes for the whole time you're in law school, except the summer and vacations." I was fortunate because I had a spouse who was very supportive. I'd work until a little after 5:00, then go over to the law school for three hours and then come home. Meanwhile my wife had fed the children and put them to bed. So when I got home she served me dinner and then I would go over my lessons with her. And I think she came out to be a pretty good lawyer herself, in a second-hand way. I eventually learned that it was best for me to get up at 4:00 in the morning to do the studying. That was five nights a week during your first two years. In your third year, you went Saturday mornings also, so it was six days a week. And the last semester you also went Sunday mornings for review and bar refresher. It was a heavy schedule indeed.

The instructors all were practicing lawyers at one time or another. They were not professional instructors. This had both advantages and disadvantages. I suspect that a full-time professor would tend to be a little more skilled in teaching and perhaps a little more scholarly than some of those men. The offsetting aspects of it were that these men knew how to make a living out of the practice of law and were practical. They did get paid for teaching us, but not very much. If they taught it was because they loved doing it. Most of them were very good teachers. It was a little uneven, but most of them were excellent.

I clearly remember Joseph Cook. He was a judge. Judge Cook was an excellent teacher. He taught Criminal Law. I'll always remember him going over a definition of a crime and the penalties imposed by statute, it would be one to seven years for this and it might be seven to fourteen years for that. I suppose law students always do this, but I think because we were older than some, perhaps even older than most Westminster classes because most of us were war veterans, we were inclined to argue with him. So someone would raise his hand and say, "Judge Cook, I don't understand. It seems to me that this crime is a lot worse than that one and yet the penalty is only one to seven and that one is seven to fourteen. Why is that?" The Judge would never debate. He would simply point up toward Capitol Hill and say, "Go on up the Hill and tell the boys."
Many advancements were recorded during the Johnston administration. There were two developments in particular that served to solidify the school's future and begin its move to national prominence in legal education: a new law center building, and the merger of the University of Denver College of Law and the Westminster College of Law.

From the time of the law school's beginning in 1892, the need for adequate quarters was a continuous problem. On several occasions - August 1949, June 1952, November 1954, October 1956, and November 1957 - the University had announced plans for a new law building. The announcements placed the building generally in Denver's civic center area, varying from 14th and Court Place to 1445 Cleveland Place. Chancellor Jacobs had proposed in November 1951 that a new downtown building be shared by the College of Law, the Hotel and Restaurant Management School as well as the University's Community College.

In 1957-58 it was to be a five-story building on Court Place connecting with the business administration building. This facility would accommodate both the law school and the Community College and provide shared auditorium and student union facilities for all DU educational units located in the civic center area. When Chester M. Alter succeeded Jacobs as chan-
cellor in 1951, the law school gained a very strong advocate. Alter helped speed up building plans. The sites noted above were scrapped in favor of the final location at 200 West 14th Avenue (14th and Bannock Streets). These plans and those for a development campaign were announced on November 26, 1957. Dean Johnston and the faculty, students and alumni were ecstatic.

Johnston once told a colleague that there was nothing which a law school could undertake which caused nearly as much difficulty as planning and pushing along a new building. He was, of course, the first law dean to be faced with such an assignment, which his predecessors would have probably viewed as a pleasant task. When the project became a probability in 1957, officials were able to retrieve the files of a 1954 study that Professor Hurst had prepared on space requirements and other details for a new building. The Hurst study presented alternate plans based on enrollments ranging from 200 to 500 students. The larger figure no doubt appeared astronomical because the smaller figure was close to the enrollment at that time. However, by 1967 his forecast of the larger enrollment was achieved.

Johnston's personal dream of realizing a new building ended with his tragic death on April 25, 1958. He suffered a fatal heart attack shortly after delivering an address at a Phi Delta Phi fraternity initiation ceremony in Boulder.

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I had finished Colorado College and I had a scholarship to Yale, but there were some personal problems that developed that involved my grandmother and her illness and so forth, so I opted to go to DU to be closer to her and other members of my family who were having some problems at that time. I understood it was a pretty good school, so I went down to talk to the director of Admissions. I tried to make a copy of my transcripts available to her and she said, “Well, I'm sure that everything will be sufficient for you to be admitted, based on what you said.” So I enrolled in DU in 1948.

I was a veteran of World War II. Even with the GI Bill, the cost of living back in New Haven would have been much more than in Denver. And DU at that time was geared toward working students. We didn't have night classes, but I can't think of anyone who didn't work during law school. I worked in the assessor's office for the City and County of Denver, the real estate division. Some of the men I remember more vividly were those who were in the military service or officers, captains, majors and colonels. And they were discharging their military duties in conjunction with attending law school. You sure were busy. We were returning veterans, we were involved in the conversion from a war economy to a peace-time economy, the beginning of the Truman years.

Law school was absolutely not what I expected at all. It was a totally different experience for me than had been my college experience. The first quarter was really one of the most traumatic experiences I've ever had in my life. I hadn't the vaguest idea what was expected of me, or even what I expected of the faculty. And we didn't have anybody to kind of carry us through the transition, so we kind of felt our way through.

In the first quarter we had a beginning class in Introduction to Law, kind of a hodgepodge of stuff. We did some things like Hohfeldian drills, rights, privileges, immunities, and so forth. There was a kind of an introduction to the common law, just an overview of the legal profession and the use of books, legal bibliography to a certain extent.

Pretty much the professors kept the class under control. I mean there wasn't any blurring

-Irving Andrews

Some of those in attendance at the taxation continuing education program in November, 1949
out. They would sometimes take roll, and we were assigned seats so they could determine who was absent. We had an honor system at the law school, and you adhered to it.

I would say that the overall attitude was serious about class preparation. Thompson Marsh would say, though, "If you haven't read the cases, you'd better go to the library and read the cases rather than come here and attempt to participate not having read the material. If you haven't read the material, just say frankly and I'm going to go on to somebody else." We had it as a manner of honor that class preparation was a prerequisite to participation. And if anyone's not prepared, we would expect you to say so and not encumber the class with manipulations of trying to manufacture facts. You know, we read the cases and knew what the case stood for.

I was in the law school primarily because I was interested in constitutional law. I was in law school because Plessy v. Ferguson was the ruling authority in the United States. There had been no civil rights bill since the 1800's. The movement was just beginning. Professor Hurst approached it in a manner which I've appreciated since then, because you're able to treat all this material, law and politics, that is the American political system. It's what the court says it is, it's not logic, it is what we want. Okay, so look for the power. I think that he approached constitutional law as scientifically as one could. And initially, while you're a student, you didn't appreciate his methodology, but years later it proved to be invaluable to me while I was on the staff at NAACP and we had to attack this whole superstructure of opposition.

We didn't have that much of a vigorous debate in our Constitutional Law class. First of all, you must remember now that this class, except for myself, were very mature people. I got drafted when I was just turning eighteen, and I served two years, two months and twenty-six days. So I was in law school in my twenties. Most of the men in there were in their thirties, so these were very mature people and you didn't have the rah-rah college atmosphere that I had had at Colorado College. Another reason you didn't see too much of that was that coming from the war was a very sobering experience.

Grading with anonymous numbers was a great system. No one in your class knew what grade you got unless they got your number. Some professors did ask us to stand, primarily not because they wanted to see if we could stand up, but because of the limitations and the constraints of the facilities we had as a law
school then. It was better for somebody to be standing up so you could be heard by the other students. Some of the rooms, however, were designed so that one could be seated and present the class with the case.

Marty Miller and I were good friends. Our procedure was that about five of us would study together preparatory to exams, and we stayed together throughout the entire period of our law school experience. I think we got together mostly by common consent, probably we started talking to each other in the library stacks and deciding who would be a good person to be in the group with us after observing people and seeing how a different person has different approaches. And their insight would be beneficial to you because you know you would see your opinion, but they would have their opinions and you would discuss it that way. And as a result, we benefitted from it. We would ask each person to comment on a given case or a certain rule or principle of law, and give some illustrations, and then ask questions of each other, pose hypotheticals for each other. We met at the various places where each of us lived. Usually Marty's place because Marty lived downtown, he was centrally located, it wasn't too far to the law school. He was married, and most of us weren't, so Edie would fix coffee and there would be rolls for us.

Derby Day was a day that was set aside for the law school. They wore derbies and had a beer bash and so forth. I must tell you, that when I was in law school, as was true when I was at CC, I was the only black student at CC. And there were fraternities and sororities and so forth. And I did not participate in the social life of the college at all. To me, my years of college were little different than those of high school. I lived with my grandmother. I took care of her and worked at a bookstore that a lady friend of mine owned. So I didn't belong to any organizations except the debate team. And then I was inducted into Phi Beta Kappa, but other than that, you know, the social system in the United States was segregated at that time and the facilities were segregated and I wasn't there to socialize with these people. I was there to get the best academic education that I could.

When they had Derby Day, I just blocked it out because I was not going to get involved in that. And they had the law fraternities and I knew I wasn't going to be a member. I wasn't eligible, so I forgot about it. You shield yourself against a lot of anxiety that's unnecessary and I don't have any guilt feelings about it.

A merger of the Denver and Westminster law schools was not a new concept, at least on Denver's part. The matter was discussed as early as 1942 and on many later occasions, but was finally accomplished during Johnston's deanship.

Westminster College of Law, (a name change was made in 1956), had never attained ABA/AALS accreditation, although it was recognized by the Colorado Supreme Court. Following a visit by an ABA official in the late summer of 1956, Westminster leaders had renewed efforts to make formal application for ABA accreditation. Professional pride was at stake and there was a strong feeling of loyalty to the school among its large and influential alumni body.

Dean Mills had resigned his Westminster post on June 1, 1955, because of poor health. A search committee later named Denver attorney William Hodges Robinson, Jr. as his successor. It was left to Robinson
to guide Westminster through the difficult times of its efforts to remain a viable institution, and then to share the leadership role in its merger with DU. Born in Denver on June 15, 1907, Robinson attended Arvada public schools. From 1925 to 1928 he studied at the University of California at Los Angeles, the University of Colorado and Stanford University. He earned his bachelor's degree in 1930, a law degree in 1931 and his LL.M. in 1932, all from CU. In the early 1930s, he was assistant director of the National Bar Program, working at the American Bar Association offices in Chicago. In Denver he was active with DICTA from 1934 until 1953, serving as the journal's editor from 1936 to 1937. Robinson served as secretary of the Colorado Bar Association from 1938 to 1947, as its president from 1948 until 1949, and as a member of the board of governors from 1948 to 1951. He served the Colorado Bar Foundation as president in 1955 and secretary from 1953 to 1955, and was honored with the CBA Award of Merit in 1954. After Westminster merged with DU, Robinson served as an associate dean at DU. He resigned that post on July 1, 1960, and continues to reside in Denver.

Westminster's financial condition was such that it could not afford to meet the faculty, staff and other requirements necessary for full accreditation. In addition, the Veterans Administration had ruled in 1952 that Westminster was no longer considered a school of higher learning. The effect of this decision, the cloud of a reported cheating scandal (later dismissed upon full hearings conducted by the board of trustees), and concern over the pass rate of Westminster graduates taking the Colorado bar examination, may all have affected the interest of the trustees of Westminster in exploring merger options.

Law school, for me, was the most non-frivolous thing that I've ever done in terms of the acquisition of an education. It was something I had to do, and I had to secure some rights and to get some constitutional protection. We just did it. And I mean that persons of my generation, contrary to things you see with the gangs and the bloodshed and so forth, we were, in those years, a very united group. We had a clear objective, and with cooperation from tremendous sources of strength within all segments of the community, not just black, the white community, the Jewish community, the religious community. It was kind of the community of truth of people who really believed in this American system and in this Constitution and in the possibilities we had. We had been to the fire and we had recoiled from what we saw in Europe and in the Far East. Now that I've traversed nearly fifty years since then, it seems so strange. It seems like it was just kind of a dream.

So, when I was going to law school, I was going to save the world. I didn't. I'm sure sorry. It's one of those things, you know. But I've enjoyed practice. I've had some exciting cases, and I've had fun.
I enrolled in law school in 1948 and graduated in 1951. I think I was in the first class that came in following the war. There was no LSAT, although that was the first year it was given and I did take one, just for kicks. It didn't mean anything because I was admitted anyhow. I took it in Golden. It was tough as heck. I don't think I did too well.

I was a wounded veteran, with a very bad chest injury. The government sent me out here to recover at Fitzsimons for the chest treatment. The law school was made up of mostly veterans and maybe three or four active military duty Air Force personnel, a captain or two and a major who studied law, and career army officers. They were all pretty decent guys. The law school at that time had what I considered to be a rather weak faculty. Ninety percent or eighty percent of them were part-time instructors. Tuition was basically nothing. It was eight dollars a point.

The law school either unintentionally, although I think it was intentional, had a bias against minorities. In 1948 there was only one woman in our school, two blacks, and one black was forced to resign I think. But the woman stayed with us and she graduated. I can't recall any Hispanics as such. It was very, very difficult for minority groups. They were not accepted in the law school as equals even in the practice of law. The several female attorneys were confined to probate work and then consultation work, not trial work. The law school had just grown up that way. It was the way all law schools were. DU wasn't any different from any other school.

Thompson Marsh was the professor who taught with the index card method. He would put everybody's name on an index card and then pull the cards out and call on you for the case studied for the day. In fact I took three of his classes and never got called once because my name never even came up. He was a good teacher. He didn't bother me. He was the only one I recall that had any discussion at all about the rights and obligations and duties the law imposes. He referred a couple of books to me such as Hohfeld's on rights and obligations that I really enjoyed.

One of the reasons I enrolled in DU was because I had read a pamphlet which listed a course

At the end of WW II, returning GI's rapidly swelled the size of the student body, with many of them living in Quonset huts in self-governed "villages"

Leonard Howard, (left), outgoing mayor of Pioneer Village (a Quonset hut community on the DU campus) passes the gavel to new mayor, Wallace Vander Jagt, as Housing Director Wayne Krebs looks on

It was also known that a number of constructive approaches to solving the problem were being worked on by officers of the American Bar Association and interested alumni of both Westminster and the University of Denver. The group would include many members of the bar, such as Peter H. Holme, Jr., chair of the CBA Committee on Legal Education and Admission to the Bar, who would later hold the same position with the ABA and would also serve as a DU trustee from 1969 to 1976. He effected a firm, personal influence in law school activities from both official and unofficial positions.
Former Dean Rogers, in a personal note to Johnston in November 1954, expressed concern about putting "the Westminster school on a proper basis." In a memorandum to Alter, Johnston reported law faculty action recommending the opening of an evening division at the College of Law, for which application was made to the AALS in the fall of 1956. Following an inspection in December, the AALS Executive Committee approved the application and DU would open an evening division in the fall of 1957.

The timing of Denver's request for an evening division had likely been, in part, a political move to pressure Westminster officials to consider a merger seriously. The opinion in some circles was that two evening law schools in Denver would not survive, particularly since Westminster observed only the Colorado state requirement of two years of pre-law college work while Denver, to maintain ABA approval, required three years. Under these conditions, Denver would be the loser since part-time study of the law was on the upswing. Westminster had voted to expand its curriculum to four years in 1953-54 and later, in 1956, to require three years of pre-law school studies.

Deans Johnston and Robinson worked out details of the merger through long negotiations, and Johnston's gentle hand was evident. Members of the merger committees included Judge Orie Phillips, Morrison Shafroth, Robert W. Selig, John E. Gorsuch '25, Alter, and Johnston for DU, and Charles J. Kelly, Merrill A. Knight W'34, Bernard Engler W'40, Benjamin C. Hilliard, Jr., and Robinson on behalf of Westminster. The merger agreement was signed by Charles A. Baer W'39, president of the Westminster Board of Trustees, as well as Secretary Comstock, Robinson, Selig (who was then president of the DU board of trustees), and Dorothy M. Visochin, assistant secretary of the DU board.

At a meeting of Westminster and Denver officials in January 1957, a proposed consolidation plan was tentatively approved. The merger agreement was signed a short time later - on February 14, 1957 - and by September 1 of that year Westminster became the evening division of the College of Law. The consolidation of the two schools gave Denver the only fully accredited day and evening law school between Texas and the Canadian border and from the Missouri River to California.

A joint public announcement of the merger was made by Alter and Baer. Alter stated that, "We believe this is a major step in providing the highest caliber law school offering day and evening divisions." Baer declared the consolidation to be of substantial advantage to the legal profession, as well as benefiting students and alumni of Westminster. He added that "such a merger not only avoids competition between two law colleges with a consequent dissipation of energy and finances, but also will result in a strong center of legal education for the whole Rocky Mountain region."

At an alumni dinner on April 8, 1957, the two deans spoke to gathered graduates of both schools. Present at the event were the presidents of the respective alumni organizations, Ms. Schalow for Denver and Irving Hook W'51 for Westminster. New bylaws for the merged alumni associations were approved that night.

called the Psychology of Law. The law school was frustrating to me because there was no history, no philosophy, the school had no position on anything. And it was right in the middle of the McCarthy area. I was a liberal Democrat. I wore my Harry Truman button proudly. The school was very conservative and very, very anti-liberal. Dean Johnston taught Torts to us. I had constant battles with him. I think he wanted no changes in the law. In fact, when I was in my Constitutional Law class with Dean Hurst, I was talking about the Kansas case on desegregation. I had a hell of a time on that one. It was coming down from the Supreme Court. He wouldn't even discuss it in class.

One of the things that we did was turn the basement into a gambling hall. We gambled a lot, mostly craps and dice, no cards. The school didn't know how to deal with this. These were veterans who had been gambling in the Army. I remember when they tried to get a ball team together or a dance nobody came. But everyone would gamble.

I think there were only three full-time faculty. I also remember Alan Mitchell who was part-time teaching Conflicts of Law. I got into battles with him too. A lot of it
In addition to achieving the merger of the two schools, there were a number of academic developments under Johnston. In a serious but yet light-hearted vein, Johnston began what the Rocky Mountain News reported on November 24, 1949, as a "war on wordiness." The law school announced that incoming students must take examinations on "grammar, punctuation, sentence structure, reading, syntax and vocabulary" in addition to legal studies. Those who failed faced a remedial course. The move, unprecedented in a law school, followed a discussion at an ABA meeting where state bar examiners and law deans lamented the inability of students to read and write. "There is a sad lack of knowledge among law students of the art of expression essential to [the] practice of law and we are concerned," Dean Johnston reported to News readers.

Among seventy-one students taking the first English exam, twenty-five failed. A later group of thirty-eight who took the exam had nineteen who failed. These results caught the attention of Time magazine in its November 27, 1950, issue and that of the News as well which headlined the results as "DU Law Frosh Flunk A,B,C's." The faculty expressed concern about the publicity and reaction to this publicity, but concluded that overall it displayed the school's interest in correcting a problem. Faculty members were asked to report the best "mistakes and bloopers" from students' examinations so that they could be compiled by Professor Hurt, who was directing the project. The faculty continued the program, with some minor revisions, but dropped the remedial course. In its stead a professional course, Introduction to Legal Writing, was introduced.

Under Johnston’s guidance, an entirely revised curriculum was adopted effective September of 1949. At this time, increased emphasis was placed on public law, with the anticipation of preparing students for public office and leadership as well as for probate practice. The faculty struggled with matters of adapting the curriculum. Of particular concern were the appropriate portions of examinations to be devoted to essay, true-false and objective tests, and their overall time length. Faculty minutes of the time noted that:

Grades are to be based primarily upon the legal content, however, instructors shall also take into account the students' ability to use the English language effectively and to observe the rules of effective writing.

In the early years of Johnston's tenure the bachelor of science in law degree was approved and the first degree was awarded in 1948. Johnston also struggled with the fact that the influx of World War II veterans into law schools soon prompted concern about "too many lawyers." There were exchanges in DICTA between Robinson, then president of the Colorado Bar Association, and Dean Johnston over this issue. Johnston argued that most American law schools felt those who had fought during the war were entitled to a good legal education; that many students indicated they did not intend to practice law after graduation; and that the members of the profession and the organized bar should cooperate with the law schools in setting up placement services. Johnston and CU Dean Edward King '22, shared disappointment with the July 1950 bar results as well as frustrations with the admissions selection process. These feelings and those of others of the bar led a CBA committee to recommend that "a thorough and adequate study be made of the problems of: (a) admissions from the standpoint of the economic waste involved in attempting to educate students who are not qualified for the practice
MARTIN P. MILLER continued

was me. The teachers couldn’t relate to me and I couldn’t relate to them. I had a lot of trouble in school, not grade-wise but just getting along. I’ll give you a little example of this. At that time “Chizzy” Works was a placement officer. I had gone out and gotten a job as a law clerk which was very difficult in those days. After I graduated from my last class, “Chizzy” said he wanted to talk with me. When I got there he said to me, “You will never be a lawyer because you are not a mixer.” What he meant was I didn’t mix the way he wanted me to. He said, “You are a veteran and I feel kind of sorry for you. I want to help. I know a building where if you agree to clean the building they will give you a free office.” Well, I told him thanks but no thanks.

I think all the students dressed better than me because I had a hole in my tee shirt. The dean lectured me about that too without saying my name. He said, “We have an implied dress code in this law school.” He looked right at me. “We should dress like law students should.” I didn’t have the money. I told him that I didn’t come to law school to become a haberdasher. This got me into trouble. I also got into trouble with Mitchum. I walked up to him one day and said, “You know Mr. Mitchum, I know you give the same exam every quarter, and the students know it too.” I said, “The problem is you change the answers.” He reported me to the dean. We got to be good friends later on.

At that time I was a court reporter. We used those old machines. I learned it before the war. I studied at home and learned it. I came to law school with my machine and took down all my notes. I went home, typed them up and sold them to the students and the professors. I did it for every course. I made about ninety dollars a week, which was pretty good money in those days for me. A little after the first year the dean called me in and made me stop. These notes eventually were the basis for the bar review class that I started. I taught all twenty-two subjects. The dean got very upset because DU had one and after about two or three years I had three or four times the number he did. I also taught it at CU. I did it for eleven years. Then I got tired of doing it. I was a judge at the time and a district attorney, and I was getting too busy.
Law school was legal bookkeeping school as far as I could see. You learned the rules. You answered the questions according to the rules and there was no room for social consciousness.

No one stood up against the McCarthy scare. CU had some professors who did. When I got out of law school I represented a couple of them. I knew them and they were involved in the McCarthy issue. The DU law school took absolutely no position. They should have gotten out in front and discussed it. There were maybe one or two of us who spoke out against it. Everybody else was silenced by fear.

Mitchem wanted to turn me in once or twice. The thing that saved me was that I was a veteran and they couldn’t kick me out of the school because I was programmed to complete under my disability status. And once a school accepted me and I was passing all the subjects they couldn’t say I was a pain in the ass. The Veterans Administration would have been very upset. So I think that’s the reason I survived. They couldn’t do it legally. Maybe I’m exaggerating it some. Other guys may not have seen it, but they didn’t have my experience. But the school had no value system.

A lot of my difficulties were my fault. Maybe it was because I was raised in a state home for boys and I had no family. So, I was always battling somebody. I think I had kind of a chip on my shoulder too. So I won’t say it was all the school’s fault. A lot of it was mine, at least fifty-fifty I’d say. I didn’t enjoy going to school. I didn’t enjoy the classes. There was no discussion.

One professor who was very good was Max Melville. He taught Criminal Law and Civil Procedure. Now Civil Procedure was brand new here. The lawyers who came before us were mostly code lawyers. Max Melville wrote a book I still have, on criminal procedure in Colorado. He was really friendly, and would discuss anything. He smoked like a fiend in class. He was part-time, and they had a lot of good lawyers that came in and taught.

Of law, (b) overcrowding of the profession, (c) proper placement and disbursements of lawyers, (d) practical supervision of admittees by older lawyers, and (e) close correlation of the courts, bar associations, and educators on all problems of education, admission, and grievances.

The law school made notable strides in developing external, credit programs for student involvement. Under a Colorado Supreme Court ruling of April 29, 1949, junior and senior law students were allowed to represent indigents in the justice of the peace and municipal courts. An article in The Denver Post later reported that between 1948 and 1953, Denver law students had tried 10,000 cases under this enabling rule. Later, students began serving as clerks at the Colorado Supreme Court. Under a plan initiated in 1954 by then United States Attorney General Herbert Brownell, law students also began serving as clerks or apprentices in the offices of several U.S. Attorneys. One was in Denver with the support of United States Attorney Donald E. Kelley.

The law school achieved great notoriety when Life magazine, in a four-page article in its September 17, 1951, issue, featured DU's student practice program. The article explained in pictures and captions how
DU students Harry Anderson '51 and Don Gallion '51 defended a man who was accused in Denver county court of stealing pension and travelers' checks from his hotel roommate. Dean Johnston and Professor Dittman were pictured offering advice to the students. Prosecuting the case was Gerald Quiat '48, of the district attorney's office. The case was heard before Judges Joseph McDonald and David Oyler, and the defendant pled guilty to a lesser charge and was given a six month sentence.

JAMES L. TILLY
Class of 1952

When I was there, DU had a fantastic faculty. They had Vance Dittman who was a very scholarly sort of fellow who taught Civil Procedure. And "Chizzy" Works who taught Wills. He was a dramatic fellow because he would sit in class and would light a match and hold it down to a paper and let the paper catch fire. He waved this lit paper around and then he would say, "That was my will. Is it canceled?" And of course, there was Thompson Marsh. He was called "Tom the hatchet man." He was really a delightful person who had a very spicy wit. In class he would just rip you apart. And of course Hal Hurst was also an instructor. I also remember how horrified Vance Dittman was when I mentioned that I had only read two cases in Constitutional Law, one case each quarter, and that I hadn't prepared any others. I really didn't have time to prepare because I was working a lot outside of school. He was just shocked that I had only done that. But that's the way it went.

One summer during law school I reinjured an old parachute back injury and had to be in a body cast. Dean Johnston asked, "What are you going to do now that you can't work? How about a scholarship?" I said, "I'm on the GI Bill, so I don't need a scholarship." He finally said, "How would you like to teach a class?" And I said, "I'm still a student." He said, "That's all right." So I got to teach a class about legal bibliography, the use of books. I just taught students how to look up things. I taught that class for four years. It paid a handsome fee, I think $100 a quarter.

I also did Legal Aid. You could go down to police court and meet your client five minutes before the trial was to start and try their cases. That's where you got some excellent experience. I didn't have a chance to clerk for other law firms while I was in school because I was raising a family. Legal Aid was a good way to learn.
I was one quarter short of graduation when I took the bar, and I had not had some of the subjects that were on it. A friend and I rented a hotel room for a week and drilled each other on the material. One night we met Dean Johnston for dinner and we were talking about how concerned we were about passing the bar and he said, "Very easy. What was your grade average?" We told him, he said, "You'll pass. If you have a grade average of 'B' or better, you'll pass. If you have an average of 'C-' or less, you won't pass." And that was the way it was being done. So, my partner and I rented an office before we got the word from the bar. We were confident. We thought that one of us will pass and the other can be his clerk. But we both passed.

At the law school, faculty salaries in the fall of 1948 were at a median of $4,800 for professors, $4,000 for associate professors and $3,200 for assistant professors. Tuition rose to $130 per quarter for students carrying twelve hours or more. DU became a charter member of the Law School Admissions Test Agency (LSAT) as well as an LSAT test site. An Institute on Taxation was in the planning stages among school and bar leaders which would come to fruition as the Tax Institute in 1951.

About two dozen law students were called to duty by the Denver City Council on October 2, 1950, to assist in an unusual project. In order for the new Denver Municipal Code to be enacted, state law required that the 850,000-word, 1,050-page document be read aloud at a council meeting. Students in groups of four or five began reading from different sections of the code at 9:00 a.m. and finished about 2:15 p.m.

With the involvement of the United States in the Korean conflict, a number of law students were called to active military duty. In the summer of 1950, those who had completed one-half of a quarter's work with a passing grade were awarded academic credit for the entire course and given the grades they had earned by the time. The Colorado Supreme Court adopted a rule allowing law school graduates who were prevented from taking the next succeeding bar examination because they were recalled or drafted.
into military service prior to the date of the exam, to be immediately licensed. Under national regulations effective at the time, reservists who were attending colleges and universities in one of thirty-one types of study could receive a six-month postponement and a further postponement not to extend beyond July of 1951. Law, however, was not one of the studies listed. Johnston was concerned about the effect of the loss of reservists on enrollment and attempted to interest AALS officials in amending the regulation to include law. He was not successful, but the effort did result in his appointment to an AALS committee on legal education and the national defense. In a related matter, students in February 1951 petitioned for a course open only to law students in military justice in the spring quarter, and a two-hour course was approved.

The Korean conflict also touched upon various patriotic issues including faculty oaths. On February 6, 1951, the faculty discussed the Colorado statutory requirement that:

teachers in any Colorado college or educational institution take the oath to support the Colorado and U.S. Constitutions and teach, by example and precept, respect for the flags of the State and of the United States, reverence for law and order, and individual allegiance to the government of the United States.

It was the unanimous feeling of the faculty that there would be “no objection to signing such an oath if the same should be required by the proper University authorities.” It was also a matter of complete agreement that all that was connoted by academic freedom had “neither been abridged by the University nor abused by any of the faculty.”

SHERMAN G. FINESILVER
Westminster Class of 1952

Westminster, in my years, was a night school. In the fifties, Westminster combined with DU and formed the evening division of the University of Denver. So, I technically graduated from the University of Denver by virtue of my degree at Westminster.

I graduated in 1952. I worked full-time at the city attorney’s office in Denver as a legal assistant working on intestate property. You know, all of the people in our class were all employed. I was in my twenties at the time, and many of those people were returning servicemen. Many were married, but I was single at the time.

We had moot court, and we worked on it in teams. There were no clinics as we know them today. All of our instructors were practicing attorneys, with the exception of Dean Mills, who was a legend. He was very salutary, a straight-arrow, very professional, and he would never miss a Colorado footnote in any type of case. I still think of his definitions in contracts. I use the same books now many years later as I did in the fifties for Clifford Mills.

I kept very good notes. I felt that in some subjects I would come back to those same materials. I knew I’d come back to the materials on evidence. I knew in this state I’d come back to the materials on natural resources. Torts was emerging at the time as well. Real property was a death trap then. As a student, I tried to develop a system where if there was something that maybe I didn’t know, I asked the question, “If I was a lawyer, where would I go to get the answers?”

We used to pitch pennies out in front, against the building. You see, that was our recreation. And I tried to get a football team to play DU and CU and the dean was just incensed. Only three people showed up to be on the team. For three years the dean asked me, “So, how’s your team doing?” I said, “Dean, we never lost a game.”