A Brief History of Legal Education in Arkansas

Robert R. Wright III

Follow this and additional works at: https://lawrepository.ualr.edu/lawreview

Part of the Legal Education Commons, and the Legal History Commons

Recommended Citation
Available at: https://lawrepository.ualr.edu/lawreview/vol20/iss4/1

This Article is brought to you for free and open access by Bowen Law Repository: Scholarship & Archives. It has been accepted for inclusion in University of Arkansas at Little Rock Law Review by an authorized editor of Bowen Law Repository: Scholarship & Archives. For more information, please contact mmserfass@ualr.edu.
A BRIEF HISTORY OF LEGAL EDUCATION IN ARKANSAS

Robert R. Wright, III*

Early Legal Education in America

In the early days of the Republic, there was no system of legal education as we know it today. A system of apprenticeship combined with a formal examination, which might vary considerably as to its scope or depth, was the sought-after standard by leading lawyers at the time of our independence. Although not compulsory outside of urban areas, apprenticeship was the common method of legal training in the late 18th Century. Outgrowths of law offices of successful practitioners occasionally resulted in private schools, the most famous of which was Litchfield in Connecticut, established in 1784. Litchfield grew out of the teaching activities of Tapping Reeve and under Reeve and James Gould, studies were offered based upon Blackstone as adapted to the new Republic. One of its famous attendees was John C. Calhoun, for example, but although its students came from all of the former colonies, the apprenticeship method remained predominant.

Blackstone's Commentaries, particularly as annotated with American authority by St. George Tucker, and published in the United States in 1803, was a basis for study along with such treatises as Coke on Littleton. Such treatises formed the basis also for decisions by the judges who rode circuit and could carry few books with them in their saddlebags. Roscoe Pound has commented on the great effect that doctrinal writing had upon case decisions in the early years of our country.

In terms of formal education in colleges, the first step was the inclusion in the faculty of a professor of law, who served in a manner similar to that of Blackstone's Vinerian professorship at Oxford. The most influential of the two chairs that were established was the one created at William and Mary due to the influence of Thomas Jefferson. It was held by his old teacher, Chancellor

* B.A., University of Arkansas (1953); M.A., Duke University (1954); J.D., University of Arkansas (1956); S.J.D., University of Wisconsin (1967). Donaghey Distinguished Professor of Law, University of Arkansas at Little Rock School of Law.

All rights to this material are reserved by the Arkansas Bar Foundation and the Arkansas Bar Association. This is a chapter from the soon-to-be-published history of the Arkansas bar, tentatively entitled, Old Seeds in the New Land. It may be altered or modified in some particulars, or slightly rewritten, prior to its inclusion in that book. It is published here in honor of the 100th anniversary of the formation of the Arkansas Bar Association. The styles in this article have been maintained in the author's original format.

In reading this material, you will not find a discussion or special reference either to the numerical explosion in women law students and lawyers over the past thirty years or to the racial integration of law schools in the South or at the University of Arkansas. Those subjects are covered under separate chapters dealing with women lawyers in Arkansas and with Arkansas lawyers of African-American descent.

833
George Wythe. The other was the professorship of law at Columbia held by James Kent. Wythe, who was eventually succeeded by his former student, Henry St. George Tucker, was particularly influential. Some of his students included John Marshall, Spencer Roane, John J. Crittenden, and John Breckenridge, as well as Tucker. Chancellor Kent's influence at Columbia was manifested more through his writings, the most important of which was his *Commentaries on American Law*, first published in 1826.

A third short-lived professorship that should have had great promise was that established at the College of Philadelphia for James Wilson, who was then a Justice of the U. S. Supreme Court. After two years it died, apparently due to lack of students.

In these early days, however, Litchfield was the closest thing to anything resembling a modern law school. Instruction was by lecture, but its course of study purported to cover the whole of the law as contained in 48 titles (many of which received cursory treatment). Nonetheless, it exercised great influence for its day with its students coming from all over the country. Two of its graduates became vice-president; three sat on the U. S. Supreme Court; thirty-four sat on the highest courts of their states; six served in the cabinet; two were foreign ministers; one hundred one were elected to the House of Representatives, and twenty-eight to the Senate; fourteen became governors and twenty became lieutenant governors of their states.

Although other educational institutions such as Harvard and Yale followed the practice of creating professorships, these professors as well as Litchfield followed the practice of meeting the basic needs of the soon-to-be lawyer. Both were an expansion of the apprenticeship route, although without some of the onerous and "by rote" clerical duties of the law office apprentice.

The beginning of the modern law school came in 1870 when new President Charles W. Eliot of Harvard appointed Christopher Columbus Langdell as Dean of the Harvard Law School. Langdell's practice in New York City had involved little trial work and had largely been an office and library practice involving preparation of opinions, briefs and pleadings. He was viewed as what we would refer to today as a scholarly genius. He believed that law was a science and that all of the available materials of that science were found in books.

The law school that Langdell created at Harvard embodied components that remain today in every law school in the country. He installed the written examination system, and it not only became the central examination device in law schools but also became the way to determine admission to the Bar. He believed in the in-depth study of the law, so that over a period of two decades the hours of instruction offered at Harvard roughly doubled, although the number of courses was reduced. Langdell installed the case study method as
opposed to reliance on the summary of treatises. This methodology had been used to some extent before, but Langdell relied not just on lectures, but also on a class discussion of successive court opinions designed to reveal the basics of the subject and also to involve the student in the process. Thus began the Socratic method of law study. This new form of legal education obviously called for something else—a permanent, full-time faculty engaged primarily in teaching different areas of the law with relatively little or no involvement in active law practice.

By the early 20th century, all leading American law schools had adapted to this model, and the basics of the modern law school had been established.

Early Legal Education Efforts in Arkansas.

Early legal education in Arkansas was of the apprenticeship method in its entirety except for certain lawyers who had the benefit of some time at Litchfield or under a law lecturer at an Eastern college. Those were few in number.

The University of Arkansas Board of Trustees in 1886 received a special committee report that a law school would be desirable but would probably be impracticable at that time. Prior to that time, however, there had been a Little Rock Law Class in existence since 1868 in which students received instruction from prominent local attorneys in a smaller, less prestigious context than what had been done at Litchfield. This involved the lecture method.

Although it was proposed that this organization be affiliated with the University as its law school, an attempt was first made to establish a school in Fayetteville which was called the "Department of Law." This was created in 1890 with Frank M. Goar named as Dean. Goar and four others were designated as professors in specified areas of the law. The four professors were practicing attorneys in Fayetteville. This was to be a two-year law course which would only last one year if the students could pass their examinations. Apparently, Dean Goar made a genuine effort to create a law school, but the practicing lawyers did not devote much energy to their lectures and met class irregularly. By 1891, the University catalog omitted all reference to the Law Department. There had only been seven students enrolled, and the two recommended by the law faculty to receive degrees were denied them by the University.

Dean Goar then moved to Little Rock, reorganized the twenty students of the Little Rock Law Class, and it became the Law Department of the "Arkansas Industrial University" (as it was then called) in 1893. It was "to be operated and conducted on the same basis as the Medical Dept. of the University [with] no financial obligation to be incurred by the University Board in the conduct
of said Law Dept." The lack of financial commitment to legal education in Arkansas was thus manifested at an early date and has continued to the present although it has departed from the "no financial obligation" concept. As had been done in Fayetteville, Dean Goar recruited four leading Little Rock practitioners to join him as professors in different areas of law. There were thirty-six students enrolled in 1893, and eleven graduated in 1894, nine of whom practiced successfully in Little Rock and two of whom achieved considerable financial success outside of Arkansas.

Three new faculty members replaced three of the original faculty in 1897, one of whom was one of the first graduates, John H. Carmichael, who was later to become dean of the school. The smooth operation of the school was affected by the sudden death in 1898 of Dean Goar, who had become a candidate for Attorney General against Jeff Davis (later three-time Governor). The stress of the campaign was apparently too much for Goar who died of apoplexy while campaigning at Huntsville.

Carmichael had been serving as Acting Dean by appointment of Dean Goar, but the Board of Trustees decided to name Judge Mark Valentine of Little Rock as the permanent Dean. There was a complete turnover in faculty, and the Board declared the Department to be under its "supreme control" and "in immediate charge of the Dean, who is responsible to the Board." What had happened was that the Board had refused to follow the desires of alumni, students and faculty that Acting Dean Carmichael be appointed the permanent dean. As a result of the schism, Dean Carmichael and his faculty conducted classes elsewhere, and the Board appointees were left without any students. When that year ended, the Board threw in the towel and appointed John Fletcher, a prominent Little Rock attorney and member of the Carmichael faculty, as Dean and Carmichael as Assistant Dean. In less than a year, Fletcher resigned, and Carmichael was named Dean with the privilege of selecting his own faculty. This situation continued for the rest of Carmichael's life, and the school became known to some as "Dean Carmichael's Law School."

This law school continued as a part of the University but operated essentially as an independent, autonomous unit without much contact with the central administration in Fayetteville and with no control exercised over it by the President or the Board. In 1910, the Board of Trustees appointed a committee to negotiate as to "taking over" the law school and moving it to Fayetteville under "the exclusive control of this Board." Nothing was accomplished, and so in 1913, the Board ordered that all reference to the law school be deleted from the University catalog, and Dean Carmichael was to be directed to cease using the name "University of Arkansas" in that regard after the 1913-14 academic year. Students who would graduate in 1915 would,
however, be able to receive their degrees from the University. An effort was made in 1915 to reconcile the conflict, but the conditions drawn up by President John C. Futrall in a meeting in the office of Governor George W. Hays, which included Board control over the law school, were rejected outright by Dean Carmichael in a rather petulant letter which cut off further negotiations.

Neither side distinguished itself in the history of these events from 1893 to 1915. The seeds of ill feeling were sowed early on when the Board took charge of the Little Rock operation and sought to run it in an autocratic way with little or no regard for the people who were faculty, students or lawyers involved in the operation. On the other hand, few come across as dictatorial as Dean Carmichael, who wished to operate the Little Rock school without brooking any interference or accepting any advice from the University President in Fayetteville or the Board of Trustees. Having set sail on a separate course, Dean Carmichael's school was renamed the Arkansas Law School, and he presided over it until he died in 1950. At that time, William Nash of the Rose Law Firm became the dean.

It is of historical note that the struggle over legal education between Fayetteville and Little Rock did not have its genesis in the last thirty or so years—but over a century ago. We shall see, instead, how in at least the last few years the matter seems to have stabilized although some sources of discontent remain.

The University of Arkansas Law School in Fayetteville.

The Board of Trustees had by no means given up on establishing a law school in Fayetteville. However, for nine years there was no University of Arkansas Law School. Julian Seesel Waterman was a young economics professor at the University who had studied law periodically at the University of Chicago and from which he had received the Juris Doctor degree in 1923. (It might be noted that unlike most other law schools which followed the English practice of awarding the LL.B. as the first degree in law, Chicago has always followed the civil law practice of awarding the J.D. All American law schools had changed to that practice by the 1970's.)

Waterman had been born in Pine Bluff in 1891, his father being a German emigrant who was the first permanent settler in the town of Dumas. He had received a B.A. from Tulane in 1912 and an M.A. from Michigan in economics in 1913. While he was still in law school in 1923, President Futrall asked him to study what would be required to create a sound law school in Fayetteville. He conferred with Dean James Parker Hall of Chicago on the subject and reported to Futrall the basic facts that are commonly known among legal
educators today (but which also are sometimes to this day ignored or resisted by central administrators or faculty in undergraduate disciplines). His recommendations as to smaller teaching loads, higher salaries, a substantial law library, and higher administrative and academic standards gave Futrall pause, and he decided not to recommend establishment of a law school to begin in 1923-24.27

However, the plan was not abandoned, and Waterman, who was now head of the University economics department, was assigned the task of preparing for the establishment of a law school that was to be named the "law department." It was to be of sufficient quality to meet the requirements of the American Bar Association and the Association of American Law Schools. At least two years of undergraduate education would be required by 1925; there would be three years of law study required; at least 2500 books would be provided for the first year; and course offerings would be staggered with only first year courses being offered during the first year and with that expanding until three full years were offered. Waterman would be the head of the department and one other instructor would be hired.28

Futrall made a trip to Harvard and personally hired the second faculty member, a recent graduate of the Harvard Law School named Claude D. Pepper,29 later to be United States Senator and United States Congressman from Florida and, in his later years, a national champion for the elderly.

Thirty-four students enrolled in the first class, of whom twenty were part-time. The entire operation, including the small library, was housed in the basement of Old Main. Ten students comprised the first graduating class in 1927, all of whom engaged in law practice in Arkansas, largely in the north or west.30 The law school was approved by the American Bar Association in 1926 and became a member of the Association of American Law Schools in 1927. It increased in enrollment even during the early years of the Depression and maintained a steady enrollment until World War II when it diminished to very few.31

Its most distinguished professor, for whom the school is now named, Robert A. Leflar, joined the faculty in 1927 and taught there continuously until he reached the age of 70, with the exception of one year each at Harvard, as an S.J.D. candidate and recipient, and at Kansas and Missouri as a visiting professor.32 After teaching at Vanderbilt and Oklahoma for a salary, after age 70, he was permitted to return and teach for free. Because of his impact on the law school, this material will take up other aspects of his career in some detail subsequently in this chapter.

In Leflar's book on the history of the University of Arkansas, and in his article on Legal Education in Arkansas in 16 ARK. L. REV. 191 (1962), there is contained more extensive information about the early law faculty members
in Fayetteville. Only certain of the faculty members will be mentioned here, including some of the early ones.

One of these was Edward Baylor Meriwether, otherwise known as Judge Meriwether (although no one was ever certain of what court he had ever presided over, unless it was perhaps a stint as a municipal judge in his native Alton, Illinois). Judge Meriwether came to the law school in 1930 and was a law graduate of both Washington University in St. Louis and the University of Chicago. A property teacher, he loved to say that the "law of property is historical in its origins, not logical," and then proceeded to conduct about the first three weeks of the course on the peculiarities of the feudal law in medieval England—a practice that mystified the students who had not contemplated a course in English medieval history. Nonetheless, the judge was a jovial, short, very rotund man who wore black suits and black ties in the winter and seersucker suits and black ties in the summer. While student views as to his professorial quality differed, he was remembered fondly by many who accepted his educational tendencies with equanimity.33

Judge Meriwether lived in a small house with his mother not far from the campus. However, he earned some substantial outside money in investments, particularly in the local Dr. Pepper company. Whenever a student was poised before the cold drink machines about to buy a coke and the judge approached, he usually came into a sudden urge for a Dr. Pepper. The judge had many expressions that he used to abundance. If a student attempted to distinguish the situation in a case to the judge's dissatisfaction, he might say, "Ah, but that is a horse of a different collar." Generous with the law students, the judge's gifts, loans and scholarships helped many a worthy, struggling student. He was an active member of the Arkansas Bar committee which drafted the 1949 Arkansas Probate Code. He retired in 1963.

J. William Fulbright taught in the law school as a part-time lecturer in constitutional law and equity, beginning in 1936. He was scheduled to begin full-time faculty work in 1939, but the death of President John C. Futrall in an automobile accident led to his being named President of the University instead.34 He was subsequently fired as President by a Board of Trustees controlled by a Governor who was engaged in a political fight with Fulbright's mother, a Fayetteville newspaper publisher. This led him into politics and, somewhat later, to his candidacy and election to the United States Senate, defeating the same man who had him fired.

In the post-war years of the late 1940's, there was an influx of veterans who were older and more serious students. These years of the late 1940's and early 1950's were generally regarded as the golden years of law teaching by faculty of that vintage.35 Those years, of necessity, brought with them the need to increase the holdings of the law library and the size of the faculty. New
faculty who came in during the late 1940's or early 1950's included Edwin Eagle Dunaway of Little Rock, a graduate of the Columbia Law School who had been Prosecuting Attorney of Pulaski County and had served an appointed stint on the state Supreme Court; and Wylie Herman Davis, a graduate of Mercer Law School who had an LL.M. from Harvard, and who would later become Dean of the Law School. Another was Ralph Clayton Barnhart, a graduate of Cincinnati, who would become Dean of the Law School prior to Wylie Davis and who would serve many years in that capacity. Dean Barnhart was instrumental in the formation of the Little Rock Division of the Law School, which will subsequently be discussed.

Dean Joe Covington succeeded Robert A. Leflar as Dean. He was a quiet, thoughtful man, originally from Delight, Arkansas, and the major course he taught was contracts. During his time at the University, he also became Provost and Acting President of the University. He later left to become Dean of the University of Missouri Law School at Columbia. After his service as Dean and while still on the Missouri faculty, he married his second wife, Ann Covington, who is at present Chief Justice of the Missouri Supreme Court.

Some of the better teachers at Fayetteville after the War were Arkansas natives. In addition to Leflar and Covington, Ray Trammell specialized in tax law and was University Counsel. David Newbem taught for several years and then became a Court of Appeals Judge and later a Justice of the Arkansas Supreme Court. Jake Looney came in 1980 to head the new Agricultural Law program.

In the late 1950's and 1960's, faculty expansion brought several people to the Fayetteville faculty who devoted most of their careers to teaching there, notably Albert M. Witte, Frederic K. Spies, Charles N. Carnes and Morton Gitelman. Charlie Carnes was rather quiet and introspective, with the result that there are few stories about him. On the other hand, there are so many stories about Spies and Witte that they could form the subject of an entire book.

Fred Spies was a short fellow who graduated from Dickinson Law School in Pennsylvania, held an LL.M. from N.Y.U., and was on the Dickinson faculty for several years before coming to Fayetteville. He was a ham radio operator and enjoyed spending an hour or so in the evening with his equipment. During the geophysical year in the 1960's he spoke to people all over the world, including such remote spots as Madagascar. Fred's scholarly interests were primarily in Law and Medicine and the Uniform Commercial Code. He particularly liked "L and M" and enjoyed taking his students to the Medical School in Little Rock to witness the dissection of a corpse. In 1976, Fred joined the law faculty in Little Rock where he remained until his untimely death from cancer a few years later.
Albert M. Witte grew up in Erie, Pennsylvania, the recipient of a Jesuit upbringing. After receiving a master's degree in English from the University of Chicago, he taught that subject for a time at Ripon College in Wisconsin. Eventually, he turned to law and received his degree from the University of Wisconsin Law School. He came to the University in 1957, and left only once for any period of time to teach at Emory. He returned after several years at Emory in the late 1960's. A superb classroom teacher, he taught also in visiting stints at Oklahoma, Baylor and for several years at UALR.

One of Witte's high points was becoming President of the Southwest Conference, a position which Leflar also held at one time. His highest point in that area, however, was his service as President of the National Collegiate Athletic Association. As an adviser on athletic rules and regulations to Athletic Director Frank Broyles, the University remained out of trouble with the NCAA on a consistent basis. Witte retired in 1995, and although he continues to teach occasionally, he relinquished his position as faculty adviser to the Athletic Department to Professor Howard Brill of the Law School.

By 1970, the law faculty in Fayetteville consisted in part of the following persons (along with their student-given nicknames): Al Witte (the Big Al), Fred Spies (Freddy K.), Robert Wright (Rapid Robert), Morton Gitelman (Mort), Rafael Guzman (Ray Baby), Ray Trammell (Baby Ray), T. J. McDonough (Tee Jay or Uncle Heavy), James Gallman (Booger Jim), Charles Carnes (Deputy Dawg), Robert A. Leflar (the Doc or Bobby Jack), Dean Ralph Barnhart and a few others. The student nicknames made it sound like either the Mafia or a collection of clowns. Students are that way.

Before bringing the Law School down to the present, I think it is appropriate to mention some of its graduates who distinguished themselves in academia. To start naming leading lawyers or politicians who graduated from the Law School would be an endless matter, since that has been true of the great majority of Arkansas lawyers or politicians, and if you combine the list with those from Little Rock, only a few law graduates from other law schools would remain.

In The First 100 Years, Leflar's centennial history of the University of Arkansas, he mentions two of these academic alumni on page 270: Joe E. Covington and Robert R. Wright. As mentioned previously, Joe Covington had been on the law faculty and had served as Provost and as Acting President of the University. He served as Dean of the Law School from 1954 until 1958 when he accepted the deanship at the University of Missouri in Columbia. Robert R. Wright served on the Fayetteville faculty from 1963 to 1970 when he became Dean of the University of Oklahoma College of Law and Director of its Law Center. Leflar mentions Wright's book, The Law of Airspace. Before Wright left the faculty, he published the first edition of his casebook on
land use. It is now co-edited by him and Associate Dean and Distinguished Professor Morton Gitelman of the Fayetteville law faculty, and West Publishing Company has recently printed its fifth edition. Wright has also published the nutshell on land use for West, a book on eminent domain, two on probate, and edited the first and second editions of The Arkansas Form Book. He has been, since 1977, Donaghey Distinguished Professor of Law at the Law School in Little Rock.

Morris S. Arnold was serving as Dean and Professor at Indiana University School of Law in Bloomington at the time of his appointment as U. S. District Judge and has since become a judge of the U. S. Court of Appeals for the Eighth Circuit. He also served as Professor of Law and Vice-President of the University of Pennsylvania and held the Altheimer Distinguished Professorship at UALR. Judge Arnold is a prolific writer and scholar in the field of Arkansas legal history. Despite his judicial duties, his scholarly writing continues as time will permit. He is clearly one of the law school's most distinguished graduates.

Other graduates have achieved prominent status in academia, one of the most prominent being Dan Byron Dobbs of the University of Arizona College of Law. Professor Dobbs is a nationally recognized expert on the law of remedies and the law of torts and has produced major books in both areas of the law. He taught at North Carolina before going to Arizona. Professor William S. McAninch holds a chair or distinguished professorship at the University of South Carolina and has also written extensively. Professor Don Smith of Emory died several years ago, but not until after having achieved distinction in his field which prompted his appointment as head of the Federal Power Commission. Susan Webber, now Susan Webber Wright, was Professor of Law at UALR before becoming a U. S. District Judge and wrote extensively on oil and gas and land use law.

Another of the Law School's prolific scholars is Steve H. Nickles, formerly holder of the Roger Noreen chair in law at the University of Minnesota and currently the Bess and Walter Williams Distinguished Professor at Wake Forest University. Professor Nickles has written extensively on the Uniform Commercial Code, debtor-creditor law, and bankruptcy. He has a three-volume set with two co-authors on bankruptcy, a casebook on debtor-creditor with two others, and a book on common law and equity under the UCC with two others.38

Several graduates of UAF are faculty members at UALR. W. Dent Gitchel, the Arkansas Bar Foundation Professor, has written a book on the Arkansas law of evidence and is in charge of the trial advocacy curriculum. James W. Spears is another, as was U. S. District Attorney Paula Casey prior to assuming her present position. Former Dean William H. Bowen of UALR
graduated from Fayetteville in the post-World War II years having become the Dean at UALR following a long and outstanding career in the practice of law and as the CEO and Chairman of the Board of the largest bank in Arkansas, First Commercial, and following a short stint as President of HealthSource.\textsuperscript{39}

Law Deans in Fayetteville since Wylie Davis have been David Epstein, a distinguished professor and scholar at the University of Texas, who left to become Dean at Emory and then went with a large Atlanta law firm and recently accepted a chair at Alabama; J. W. (Jake) Looney, the founder of the agricultural law program which offers an LL.M. degree in that subject; and Leonard Strickman, the current Dean who formerly served in the same capacity at Northern Illinois. Under their leadership, the school has continued to prosper and at present it extends beyond Waterman Hall (which has been built onto several times) across the street to what was once a small woman's residence hall and later, a sorority house. The clinical program, once a salient feature in Little Rock, has been expanded greatly in Fayetteville as has the legal writing program under the leadership of Dean Strickman.\textsuperscript{40}

Morton Gitelman, a prolific scholar in the area of land use law and evidence, is co-editor of a casebook on land use and serves as Associate Dean. He holds the rank of Distinguished Professor. Robert T. Laurence, a prolific writer on the law of future interests, holds the Leflar Professorship, and John J. Watkins holds the Arkansas Bar Foundation Professorship. Phillip Norvell has served on the Arkansas Oil and Gas Commission and has published in that field of law. Donald B. Pedersen heads the agricultural law program and has published extensively in that field, including a casebook, a nutshell, and other books. Mark R. Killenbeck, a Fellow of the American Law Institute and a member of the Federal Advisory Committee of the Federal Eighth Circuit, has published extensively in his fields. Ray Guzman has published a book on psychiatric evaluation in criminal cases, and has done extensive work on criminal justice reform in Arkansas. Richard F. Richards has published a casebook and another book on employment discrimination. Distinguished Professor Jake Looney has published a casebook on agricultural law, a lawyer's guide to representation of farmers and books on business management and estate planning for farmers. Professor Howard Brill has written books on the Arkansas law of damages and on professional and judicial ethics. Robert B Leflar (— and that is "B" and not "A"—) has performed substantial work in law and medicine, and others also add quality to the current faculty.\textsuperscript{41}

Robert A. Leflar.

One cannot depart from a discussion of the University of Arkansas law School or a consideration of legal education in the state without a discussion
of the enormous impact of Leflar on both. When he was forcibly retired in 1971 because of the University's mandatory retirement policy at age 70, numbers 1 and 2 of volume 25 of the Arkansas Law Review, pages 1-200, were devoted to him. Articles and short texts were written about him and different aspects of his life and contributions to the law by Chief Justice Warren Burger, Chief Justice Roger T. Traynor of California (retired), Professor Elliott E. Cheatham of Columbia and Vanderbilt, Professor Ralph Bischoff of N.Y.U., Dean and Professor Robert B. McKay of N.Y.U., President David W. Mullins of the University, Senator J. William Fulbright, American Bar President Edward L. Wright, Arkansas Bar President John C. Deacon, Justice George Rose Smith, New Hampshire Chief Justice Frank R. Kenison, Louisiana Supreme Court Justice Albert Tate, Jr., Associate Director Fannie J. Klein of the N.Y.U. Institute of Judicial Administration, Dean and Professor Robert R. Wright of Oklahoma, Joe C. Barrett, former Arkansas Bar President, Edgar E. Bethell, George E. Campbell, James R. Campbell and Richard B. McCulloch.

This outpouring was phenomenal and the articles illustrate his great achievements. Moreover, the authors could not anticipate that he would live for over a quarter-century after that and continue to contribute as a teacher, scholar, writer—and as the all-time Dean of the Arkansas Bar.

The law school in Fayetteville was begun by its first Dean Julian S. Waterman as noted earlier, and its building is quite properly named for him. But the school itself bears Leflar's name as it should. The law school was very much the product that he created, particularly from the 1940's following the death of Dean Waterman until his retirement. He became a national figure in legal education and in legal scholarship, particularly involving the law of conflict of laws and tort law. As the pre-eminent scholar in the law of conflict of laws, he was honored by a rare symposium conducted at the annual meeting of the Association of American Law Schools. It had only to do with his writings and his ideas.2

As long ago as 1968, in reviewing Leflar's newest edition of his book, American Conflicts Law, published the same year, Professor Albert A. Ehrenzweig of the University of California at Berkeley, himself one of the greatest of conflicts scholars, stated:

Here a great judge and scholar, to my knowledge uniquely, has at the same time achieved both a first edition with a totally fresh approach and a new title, and a third edition building on the experience and growing perfection of two predecessors. In 1938, Leflar published his first text on the conflicts law of Arkansas. Not only did he thus decisively and definitively shape the law of his state. But everybody knew that the modest title concealed a national treatise which avoided the pretense and diffusiveness
of other texts by concentrating on the complete analysis of the case law of one state. When in 1959 this book was followed by a Student Edition on THE CONFLICT OF LAWS, Leflar raised the curtain, quickly to occupy the stage with the leading scholars in the field. 43

Indeed, Leflar’s writings in the field of conflict of laws shaped not only the thinking of scholars but also the law of this nation. This is discussed in some depth in Wright, Robert A. Leflar: A Tribute to a Professional, 25 ARK. L. REV. 120, 132-138 (1971). (His views continued to influence the development of the law long after that was written.) As an Annotation in 29 A.L.R.3d 603, 631 (1970) stated: “Professor Robert A. Leflar has made a major contribution to American conflicts law in identifying ‘five choice-influencing considerations which seem to incorporate all the basic considerations...’”44

Leflar, the scholar, continued to be a prodigious writer until a few years before he died. However, by 1971, Richard B. McCulloch, the first Editor-in-Chief of the Arkansas Law Review (of which Leflar was the founder), could identify 64 law review articles, 16 symposiums, 31 book reviews, five bar association addresses, and five books published by him. 45 That was before several of his books and a great many other articles were published.

As a public servant, in addition to his law school work, he served as President of the Constitutional Conventions that produced the proposed new Constitutions in 1980 and 1970, as Chairman of the Arkansas Constitutional Revision Commission in the late 1960's, as a Commissioner on Uniform State Laws, as Chairman of the Arkansas Statute Revision Commission, as a member of the regional War Labor Board during World War II, as Assistant Solicitor for the War Relocation Authority also during the war, and as a member of the Arkansas Commission on Criminal Law Reform during the 1930’s. 46 He also was a pioneer as a teacher not only of law students, but of appellate judges. He was Director of the Appellate Judges Seminar at New York University from its inception in 1956, which operated under the Institute of Judicial Administration of that same institution. His students were state and federal appellate judges. His students ultimately included judges of the highest courts of 49 states, judges from all of the circuits of the U. S. Courts of Appeal, several justices of the U. S. Supreme Court, judges from England and Ireland, and appellate judges from the Supreme Court of Canada and the highest courts of Alberta, Nova Scotia, Ontario, Quebec, Saskatchewan and Puerto Rico. By 1971, more than three-quarters of the highest appellate court judges in the nation had attended these seminars. 47

As a law teacher he excelled. At the 1965 Fall Legal Institute, he set out some salient points as to what a law school should be. About teaching, he said, “the first test of a law school’s quality is the teaching that is done in it,” but
good law teachers are made, not born. They have to work at it, and they are also expected to demonstrate their scholarly abilities through periodic articles and research. But a law teacher's main job is teaching, and if he does not take it seriously, he ought not to be in teaching.48

Probably, during his lifetime, Robert A. Leflar taught at least one course to at least two-thirds, if not more, of the current Bar of Arkansas. No one ever exerted that kind of influence over the Bar of a single state, before or since, and no one will again.

The University of Arkansas at Little Rock Law School.

After the University abandoned legal education in Little Rock and left it essentially in the hands of Dean Carmichael, the school continued to exist independently as an unaccredited institution. Its graduates were permitted to take the Arkansas bar examination but were ostracized in other states unless admitted on reciprocity. Nonetheless, the school produced a fairly substantial number of lawyers, most of whom practiced in Pulaski County or not very far away. After the death of Dean Carmichael in 1950, the Arkansas Law School as it was known continued to be operated by members of the Little Rock bar, particularly by several who were members of the Rose Firm. Like Dean Carmichael, who had carried on an extensive and successful law practice and was a leader in the Arkansas Bar Association, they were full-time practitioners. Thus, the Arkansas Law School had existed prior to 1965 much in the pattern of Litchfield, as opposed to the modern law school model originated at Harvard in the late 19th century. Because its teachers were practitioners, the classes were held in the evening.

For a number of years after Judge Carmichael's death, there had been expressions of interest by the Little Rock lawyers who taught there of having the University take over the Arkansas Law School. There was relatively little interest at first on the part of the University in doing this. However, outside forces affected the situation to some extent and perhaps to a greater extent than has ever been noted. This can be traced in the rise of Arkansas State from a two-year institution to a four-year institution, from a state teachers college to, at first, Arkansas State College and then Arkansas State University at Jonesboro. The energetic leader in its expansive role in these later years had been its president, Carl Reng. All of a sudden, Arkansas State was looked upon as a potential rival for leadership in higher education to the University of Arkansas.49

Whether there was ever anything to it of consequence is of little importance, but the idea began to develop that Arkansas State would like to gain a foothold in Little Rock and would relish the idea of having its own law
school, particularly since the U of A Law School had long been a major force in producing many of the political, professional, social and economic leaders in the State. The Little Rock lawyers associated with the Arkansas Law School were growing restless, and the Arkansas State possibility was communicated to Dean Ralph C. Barnhart by one or more of them.

For the University to take over the Arkansas Law School would be a major step, and it was not taken lightly. After considerable study by Dean Barnhart and consultation by him with the Bar and also with many of the faculty, the faculty had a rare special meeting one evening at Fred Spies' house which was located up above Razorback Stadium. After some discussion, the motion to take over the Arkansas Law School was made by Robert Wright, seconded by Fred Spies, and the faculty voted without dissent to proceed accordingly when authorized to do so by the General Assembly. In March, 1965, the legislators passed the necessary legislation and provided that the operation had to be in place by August, 1965, for fall classes.

There were many things to be done in an extremely short period of time. Not the least of these was to iron out the accreditation problems with the ABA Section of Legal Education and Admissions to the Bar, which was the federally recognized accrediting agency for law schools. They were quite helpful and acted in an advisory capacity with guidelines that they set down being carefully followed. Students at the Arkansas Law School were given some credit for coursework that they had previously taken. However, they did not receive credit for all of the hours accumulated at the unaccredited school. The entering class, some of whom had already taken some hours at the Arkansas Law School, started essentially anew. Sheffield Nelson, Robert Leslie, Buddy Raines, Art Givens and other well-known Arkansawyers were members of that first class.

Another major problem was obtaining a satisfactory facility. It had to be done in a short period of time, and it had to be a structure with a large enough space and sufficient support structure to house a modest library. The Pulaski County Law Library, which had been the library source for the Arkansas Law School, was to be transferred to this space in addition to books purchased by the University or sent down from Fayetteville. The building eventually leased was named the Gay Building and was located at the corner of Third and Broadway in Little Rock. The space leased was over an automobile glass repair shop called Everett's Glass Shop. It had a flashing sign attached to the building on the Third Street side and was visible to the law school's second floor offices and classrooms. Everett's motto was "Give us a break," and that could have been and should have been the motto of the Little Rock Division of the University of Arkansas Law School.
The operation in Little Rock was intended merely to replace the unaccredited night law school that then existed with an accredited part-time program at night. In other words, the object was to achieve accreditation of the evening operation as a part of the University of Arkansas Law School. Initially, Robert R. Wright was sent from Fayetteville to serve locally as Assistant Dean, subject to Dean Bamhart, who would come weekly from Fayetteville to Little Rock to oversee the new operation. D. Fenton Adams, a member of the Dickinson Law School faculty, an established law school in Carlisle, Pennsylvania, was hired as Professor of Law, and Ruth H. Brunson, a clerk at the Arkansas Supreme Court, was hired as law librarian. Along with some adjuncts, these were the initial law faculty in Little Rock.

This was in accord with what was "directed and authorized" by the 1965 General Assembly. This was intended to be an evening operation, and a small budget was approved for it for the 1965-67 biennium. Accreditation was never a problem because the Little Rock Division was a part-time extension of Fayetteville and, theoretically at least, the faculty of both was the same. Students at both places received the same degree and wrote for the Arkansas Law Review.

This did not play out as well in practice as it might seem, however. Wright left after one year as Assistant Dean to pursue an S.J.D. degree, which he received in 1967, and then returned to Fayetteville according to his agreement with Dean Barnhart. That left Dean Barnhart as the only permanent link between Fayetteville and Little Rock. The Little Rock faculty grew gradually, but out of necessity, as its student body grew and its burdens increased. Most of the Little Rock faculty had never taught at Fayetteville and only mingled with the larger faculty when joint faculty meetings were held. There was some jealousy on the part of the Little Rock faculty of the Fayetteville faculty which was viewed as somewhat of an elitist and uncaring group with better facilities and probably better salaries (although the latter, at that time, was uncertain). The friction led to strained relations and some personality clashes. Moreover, the ABA was showing increased concern over part-time legal education, particularly that which existed outside of a university structure—and Little Rock was inside of a university structure more in form than in interactive reality.

Consideration of the possibility of establishing a full-time operation at the Little Rock Division, fueled by interest in the Bar and among civic leaders in Pulaski County, was aided by the fact that the University of Arkansas soon after that time acquired Little Rock University. It had become the University of Arkansas at Little Rock. This acquisition had seemingly slammed the door on any Arkansas State aggrandizement in Central Arkansas, a matter mentioned earlier. These two facts, however,—the Little Rock Division and
UALR—were independent of each other when the question of a full-time as well as a part-time operation at Little Rock was under consideration beginning in the early 1970's. The University of Arkansas had other operations in Little Rock that were not affiliated with UALR, such as the Medical Sciences campus and the Graduate Institute of Technology, and so, it would not have been unusual for the Little Rock Division to continue as a full-time operation connected to Fayetteville.

In both the 1971 and 1973 sessions of the General Assembly, the question of a full-time law school in Little Rock arose. Opposition from the University and from Northwest Arkansas legislators deflected the proposal. In October 1974, however, President Charles E. Bishop appointed a special committee to consider the feasibility of this move. The committee consisted of Dean Wylie H. Davis of Fayetteville, U. S. District Judge G. Thomas Eisele of Little Rock, Herschel H. Friday, Jr., of Little Rock, Assistant Dean Glenn E. Pasvogel, Jr., of Little Rock, Dean Joshua M. Morse, III of Florida State University and formerly of Ole Miss, and Dean James P. White of Indiana University-Indianapolis, the ABA Consultant on Legal Education. The committee recommended that a separate, accredited law school be created to be part of the University of Arkansas at Little Rock with full-time and part-time divisions to be housed ultimately in a building to be built on the UALR campus.

Four years earlier, Dean Page Keeton of the University of Texas Law School, a legend in legal education, who ultimately served for almost thirty years as Dean at Texas and Oklahoma, had written in a consultation report for the combined law schools that it "is . . . clear to me that the University of Arkansas should maintain and operate a law school with a day division at Little Rock, and that this should and would become in the long run the major legal education program." He did not recommend discontinuance of the law school in Fayetteville. However, the report was alarming to the Fayetteville faculty, who perceived or speculated that this would lead to a unification of the two divisions in Little Rock. The report of the special committee appointed by President Bishop led to the same fear. This fear that the two law schools would be unified in Little Rock has persisted to this day in Fayetteville.

These recommendations as to the UALR Law School came to fruition in the General Assembly of 1975 with the endorsement of the President and Board of Trustees of the University. However, the bill initially prepared was met with skepticism and criticism by supporters of the Little Rock operation who believed the initial proposal to be no more than a ploy. Emotions were running high. Several Arkansas Bar leaders, including Henry Woods, Edward Lester, and Herschel H. Friday of Little Rock, James B. Sharp of Brinkley, Louis L. Ramsay of Pine Bluff and John C. Deacon of Jonesboro had conceived a plan to provide financing for a building to house the Little Rock
Division, including the Pulaski County Law Library and the law school's collection, and to provide classroom and office space. All of this was to be in the Arkansas Bar Center, which would also house the Arkansas Bar Association and Bar Foundation.

In accord with this plan, Senator Max Howell of Pulaski County and Representative William F. Foster, Sr., of Lonoke County introduced identical bills in the 1975 legislative session which would create both full and part-time operations in Little Rock and transfer control over the Little Rock division to UALR. These bills encountered strong opposition from the University of Arkansas and the Northwest Arkansas legislators. But under the direction of their sponsors the common bill passed both houses within eight days of introduction and was signed into law by Governor David H. Pryor as Act 19, 1975 Ark. Acts 43-A to 46-A on February 3, 1975. Former Dean Lawrence H. Averill, Jr., describes the final decision of the Governor as follows:

The story that concerns the day of reckoning for this legislation is infamous. With University of Arkansas President Charles E. Bishop, and five or more trustees and others on one side, and Senator Max Howell on the other, the Governor asked for their opinions. The legislative branch prevailed. . . .

Of course, there was more at stake than an issue involving the law schools as far as the University President and Trustees were concerned. UALR, at that time, was a fledgling institution with a small graduate program offering degrees at the master's level. The desire in Northwest Arkansas, and among the Trustees, was to keep it that way. In that way, it served as a buffer against other institutions in Central Arkansas while not interfering with the development of the main campus in Fayetteville. The addition of a law school to UALR was an expansive move of much significance to UALR and a step in the wrong direction in the viewpoint of the University administration and the Trustees. As might be expected, UALR officials, such as Chancellor Robert Ross, had to remain largely noncommittal and out of sight during the encounter. The situation also stirred narrower emotions among those concerned only with legal education. Dean Wylie H. Davis, Distinguished Professor Robert A. Leflar, and the Fayetteville faculty in general were very much opposed to what transpired, and the prevalent fear was that this was the first step toward combining the two law schools in Little Rock.

With this as background, the Little Rock Division became the University of Arkansas at Little Rock School of Law and occupied its new facilities in the Arkansas Bar Center on West Markham Street in the Fall of 1975. David R. Hendrick, Jr., a professor on the law faculty, was appointed as Acting Dean and a Dean's Search was begun for a permanent Dean. During his administrative
year, Dean Hendrick recruited Susan Webber, who was serving as law clerk to Judge J. Smith Henley of the U. S. Court of Appeals for the Eighth Circuit, to serve the following year as Assistant Dean and Assistant Professor, and he agreed with Dean Robert R. Wright of the University of Oklahoma to come as Visiting Distinguished Professor in 1976-77. Robert K. Walsh, an administrator and faculty member at Villanova University Law School, was ultimately selected as the new Dean.

Although under separate units of the University System and under separate Deans, the two law schools were still subject to the same governing board—the U of A Board of Trustees. However, the accreditation that was enjoyed by the Little Rock Division was no longer in effect because the ABA viewed the Little Rock operation as a new law school. After some ambivalence over the situation, the ABA decided to continue the part-time program as accredited as it had previously been, but to consider accreditation of the full-time day operation separately. The full-time day program began in the fall of 1976 and received provisional accreditation in June 1977, subject to the Law School renovating and occupying as additional space the Old Federal Building at Center and Second Streets, which was accomplished. In 1978, full ABA accreditation was accorded.65

The Association of American Law Schools (AALS) is not a federally recognized accrediting agency, but it is a venerable organization of which every law school of any quality aspires to be a member. The AALS took the position that Little Rock was no longer a member and would have to reapply. At the AALS annual meeting on January 3, 1979, the UALR Law School became the 135th member of the AALS.66

The building situation is one of several that plagued the law school in Little Rock and was not solved on anything approaching a permanent basis until its move into its present facilities during the summer of 1992. The Gay Building (consistently referred to as “Third and Broadway” by the early law school administration) was never anything more than a temporary stop-gap. The Arkansas Bar Center, although much better and having an attractive library with a two story atrium, was not well thought-out in terms of its usefulness as a law school. The library, for example, was designed to hold only the number of volumes required at the time by the ABA and AALS and expansion was not taken into account. Office space was inadequate for a faculty of adequate size serving both a full-time and part-time operation. Its major attributes were that it put the law school in direct contact with the state and local bar associations, and the building had a lovely view of the Arkansas River looking north both from the library and from the back offices and classrooms on the sixth and seventh floors. A major handicap to students and faculty alike was the parking
problem, and it was not alleviated by the Old Federal Building addition and continued until the new building was occupied.

The Old Federal Building acquisition was essential for accreditation purposes and AALS membership. There was so much enthusiastic energy expended over it that its occupancy was somewhat misleading. It was renovated for a little over $500,000 by a local architecture firm headed by Charles Witsell that specializes in restoring old buildings. It was a fascinating old building that, because of the furor that gunboats had caused on the Arkansas River during the Brooks-Baxter War, had very thick walls on the side that faced north toward the river. (At least that is legend—whether true or not.) It had been the federal courts and post office building in Little Rock until the mid-1930's. Dean Robert K. Walsh presided over a major ceremony befitting the dedication of a brand-new building with the principal speaker being Justice Byron White of the U. S. Supreme Court. The fact that this was only a temporary answer to the facilities problem was lost on all but a few professionals, including Millard Ruud, the Executive Director of the AALS, who attended the event.

During the administration of Dean Lawrence H. Averill, Jr., who succeeded Dean Walsh after the latter had returned to private practice with the Friday law firm, plans were begun for a permanent structure, designed as a law school, to replace these facilities in the heart of downtown. There were three basic locations under consideration— the UALR main campus, the property in Cammack Village donated to the University by the late Kate B. Cammack and which had to be used within a period of years or lost under a Chancery Court decree, and a building originally constructed in the 1930's by the WPA that was occupied by the U of A Graduate Institute of Technology and other offices and was originally constructed for the Medical School. The University Board of Trustees, guided by President Ray Thornton, chose to renovate the latter location and to build a President's home on the Cammack property (a location which had been favored by many of the faculty). The financing for the multi-million dollar renovation of the building at 1201 McAlmont came from some funds provided by the State with the support of Governor Bill Clinton plus a bond issue.

The old building on McAlmont, adjoining MacArthur Park, was completely gutted except for the walls and supporting structures. A large library addition and a large courtroom, later dedicated in honor of Herschel H. Friday, Jr., and called the Friday Courtroom, were additions to the existing structure. The architects, Wittenberg, Delony and Davidson of Little Rock, did an excellent job in combining the old with the new, so that even the new brick was indistinguishable from the old. Having been designed originally as a classroom building for the medical school, it was not difficult to redesign it for
a law school. The result was a very fine building with extensive parking and fully adequate for the indefinite future.

Between the time of the planning process, the building construction and the move into the building, Dean Averill resigned as the dean and accepted a position as chief of staff to Chief Justice William Rehnquist of the United States Supreme Court. He was replaced by Dean Howard B. Eisenberg, who had been a professor and director of the legal clinic at Southern Illinois. Dean Eisenberg and Library Director Lynn Foster supervised the move into the new building, although he resigned after serving for only three years to become Dean of the Marquette University Law School in Milwaukee.

During the latter part of Dean Eisenberg's service, he became increasingly disenchanted with the breach of promises made to him by the UALR administration when he originally decided to accept the position. These promises were almost entirely unfulfilled because UALR's flawed accounting system eventually was shown to have suffered a loss of some seven million dollars (and perhaps more) under the chancellorship of James E. Young, who had hired Dean Eisenberg. The necessary result under new Chancellor Charles E. Hathaway was a period of austerity and retrenchment in which the law school suffered equally with other units, even though it was eventually reported in the *Arkansas Democrat-Gazette* that the law school had been the lender of some $700,000 to UALR during that period—a loan unknown to the law school, but which had apparently helped keep UALR afloat. Salaries were frozen during that period and law school salaries, already low, plummeted in comparison to those of other law schools, including Fayetteville. That remains essentially the same today with the result that UALR law school faculty salaries are among the worst in the United States, although better than the law schools in Puerto Rico, something which is hardly a fact for celebration.

The overreaching by UALR into law school funds and its treatment of the law school as a "cash cow" partly because of the special legislative appropriation intended for enrichment of legal education in Arkansas, a fund which is shared by the two law schools equally, caused enormous friction in recent years between the law school and the campus administration. The result was that Dean Eisenberg, before leaving, entered into an agreement with the campus administration under which the law school would receive all of its funds from all sources and would pay UALR for overhead. Unfortunately, the overhead figure was fixed at about 24% of its total funding, whereas about 15% is the usual figure in American universities, with the result that the law school remained in the hole, continuing to lose ground in faculty salaries and staff support. A 1996 report of an ABA inspection team strongly criticized this situation. Adjustments have recently been made.
Dean Eisenberg was replaced for a fixed two-year term by Dean William H. Bowen, whose background was not in academics but in banking and the practice of law. He was a former President, CEO and Chairman of the Board of First Commercial Bank and had engineered the merger of First National Bank and Commercial National Bank in Little Rock some years before. Prior to that, he had been a partner in Smith, Williams, Friday & Bowen, the predecessor law firm to Friday, Eldredge & Clark. Moreover, he had served in many public service capacities with the state and local chambers of commerce and various civic and eleemosynary organizations. He was clearly one of the top business and professional leaders in Arkansas. It was thought that he could add to the fund-raising start initiated by Dean Eisenberg, who had raised around a million dollars in private funds in connection with the new building. It was also hoped that he could straighten out the law school's financial mess. He was ably assisted by Associate Dean Charles W. Goldner, Jr., who managed matters internally.

The history of the law school in Little Rock from its genesis in 1965 to the late-1990's, except for the construction of the present physical facilities and the addition of faculty to provide for the full-time program during the late 1970's and early 1980's, was one of consistent undersupport. The operation had been a bare bones program in which, because of the necessity for duplication in the full-time and part-time programs, the curriculum largely consisted of either required courses or very basic courses common to all law schools. Electives were mostly core courses, many of which were subjects covered on the bar examination and were taken by most law students. Some degree of enrichment came through the Altheimer lectures in which prominent judges, lawyers and academicians of national notoriety were brought in to deliver a paper, visit with the students and faculty, and perhaps teach a course or two. Moreover, the law school in Little Rock became aggressive in its intercollegiate participation in appellate advocacy and other such programs, particularly under Professor Dent Gitchel, and enjoyed a substantial degree of success and hosted some of these events. The fact that despite its budgetary inadequacies, the law school had a substantial degree of success educationally was illustrated by the fact that its graduates, with few exceptions, have consistently performed better on the Arkansas bar examination than either Fayetteville or out-of-state law school graduates ever since it became a separate institution.

Much of this success was due to the quality of the faculty. Arthur G. Murphey, Jr., the first Arkansas Bar Foundation Professor, and James W. Spears were with the faculty for thirty years or more. Kenneth Gould and Glenn Pasvogel served on the faculty from the early 1970's. Fenton Adams, who recently retired, served on the faculty for between twenty and twenty-five years (with a six year sojourn at Ole Miss in between stints) and twice served
as Acting Dean. Robert R. Wright accumulated over twenty years on the faculty, after serving on the Fayetteville faculty during the 1960's and as Dean and Professor at Oklahoma during 1970-76 as well as visiting on occasion at Iowa and Cincinnati. Robert K. Walsh, mentioned earlier and currently the Dean at Wake Forest, was a long-time faculty member and was instrumental in the development of the law school. Lawrence H. Averill, Jr., his successor, aside from planning the new law school, is a nationally recognized scholar in probate law, and he and Wright are Academic Fellows of the American College of Trusts and Estates Counsel, in addition to being Fellows of the American Law Institute. Judge Morris S. (Buzz) Arnold of the U. S. Court of Appeals for the Eighth Circuit was Altheimer Distinguished Professor for several years and also served, before his first judicial appointment, as Dean and Professor at Indiana and, before coming to UALR, as Vice-President and Professor of Law at the University of Pennsylvania. Professor Fred Peel, who was Altheimer Distinguished Professor subsequent to Professor Arnold, was an outstanding tax expert who was nationally recognized for his work on consolidated tax returns. John R. Pagan left the faculty in 1994 for a position as Director of an international graduate study program at New York University Law School and then became Dean of the University of Richmond Law School. M. Eugene Mullins has published books on drafting legislation and for administrative law judges. Lynn Foster is nationally recognized for her work in law librarianship, having succeeded to her position after the retirement of Ruth H. Brunson, the founder and original developer of the law library. (In the 1997-98 academic year, Lynn Foster left her library position to become Associate Dean and was replaced by Michael Beairst, Acting Law Library Director at St. John's and former Law Library Director at the University of Mississippi.) There are many other promising younger faculty who are already making their mark through law review publications and in other ways, such as Scott Stafford, Philip Oliver, Andrew McClurg, John DiPippa, Sarah Jenkins, Tom Sullivan and Terri Beiner, to name only a few.

Although it is difficult for an understaffed, underfinanced law faculty to be productive from a scholarly standpoint, many of the faculty have distinguished themselves through law review writing. Additionally, Wright's casebook on land use with Morton Gitelman of the Fayetteville faculty is now in its fifth edition, and his nutshell publication is in its third edition, both of which are published by West. Averill's nutshell on the uniform probate code also has undergone four editions with West. Peel's book on consolidated tax returns has been mentioned, and he and Professor Philip Oliver have completed another recently published book on tax policy. Glenn Pasvogel and Robert Wright have written a number of books for the Arkansas Bar, including Pasvogel's system on debtor-creditor law and two editions of the two-volume
Arkansas Form Book by Wright. Former faculty member Buzz Arnold has been a prodigious scholar in connection with early Arkansas history and has published two books on that subject with another under way.

Student publications receive note through the University of Arkansas at Little Rock Law Journal, and many faculty publish in it also, although many faculty publish in outside law reviews, including some considered to be national law journals.

In public service, both Professors Scott Stafford and Dent Gitchel served terms as special assistants to the Governor and Professor Stafford has previously served on the Public Service Commission. He too is a steady scholar who has published extensively. Professor Averill has served the Bar as an advisor on its Uniform Probate Code Special Committee and has served in capacities nationally with ACTEC and ALI. Professor Wright has served as a member and Chair of the Little Rock Planning Commission and as an officer and Chair of the American Bar Association General Practice, Solo and Small Firm Section, as well as on the Arkansas Bar Executive Council, its House of Delegates, and as its Delegate to the ABA. Others have served in various public service capacities.

The new Dean of the University of Arkansas at Little Rock School of Law is Rodney K. Smith, a veteran dean who previously served in that capacity at both Capital University in Columbus, Ohio, and at the University of Montana. He has also taught at three other law schools. He is a graduate of the Brigham Young University Law School and holds an LL.M. and S.J.D. from the University of Pennsylvania. He has written numerous law review articles, and although his first book was Sports Law in 1986, his preoccupying interest was probably manifested by his second one in 1987, Public Prayer and the Constitution: A Case Study in Constitutional Interpretation. He is a first amendment scholar, and one of his first actions as Donaghey Dean was to bring some outstanding constitutional scholars to the campus to present a symposium dealing with freedom of religion primarily as it was affected by the recent Supreme Court decision in Flores v. City of Boerne.

Dean Smith has been very active since coming to Arkansas in the summer of 1997 in getting acquainted with the members of the Bar and the alumni. He has also elevated the fund-raising efforts. In his first year, he has instituted plans for a second publication in addition to the Law Journal that will deal with appellate practice and procedure. He has plans for an Arkansas Law Institute that would provide research and law reform assistance to the legislature and to state government in general. He has placed great emphasis on faculty scholarly activities, writing and research, as well as public service. The relationship of the law school with the Altheimer Foundation, which began restoration under Dean Bowen, has been restored. The Altheimer distinguished professorship
and the Altheimer lectures by distinguished scholars and judges have returned. The financial relationship with the central administration has been corrected in large measure. *Hearsay*, the alumni publication, has taken on a new look and new quality. During 1997-98, his first term in office, the law school hired a new Director of the Law Library; three new staff to work in arbitration or mediation have been added to Gerry Glynn’s increasingly high quality Legal Clinic; a new full-time writing and research Instructor has been added; and we are looking for another half-time writing Instructor who will also edit the new appellate process and procedure publication.

The new Dean came to UALR with high recommendations from his former colleagues. Aside from his energy, vigor, ideas and intellectual qualities, they were speaking of collegiality. “You will like him” is the simplest way to put it. They were correct.

Ralph C. Barnhart.

I close this history of the UALR School of Law much as it began with the Evening Division of the University of Arkansas. (Of course, if the long history of the Arkansas Law School is included, it would go back much beyond 1965.) It is safe to say that there would be no University of Arkansas Law School in Little Rock, connected with UALR, were it not for Ralph C. Barnhart. Although the Dean at Fayetteville, Ralph recognized the essential connection that the University of Arkansas must have with the rest of the state. The largest collection of the legal profession by far was located outside of Northwest Arkansas. He knew that the University must serve the entire state and the entire profession. His first outreach to the statewide Bar was in 1963 with the appointment of a Director of Continuing Legal Education (half-time) and an Assistant Professor of Law (half-time) to the faculty. It was essential that the CLE Director conduct programs in other parts of Arkansas, outside of Fayetteville, in order that the Law School would be of service to all of the lawyers. Every program could not be at Fayetteville or Little Rock. There had to be outreach to the other sections of Arkansas. That was how the CLE program developed; in addition to the Fall Legal Institute, there would be regional programs. Sometimes, the same “traveling road show” would be conducted in as many as five or six regional locations.

With the Arkansas Law School eager to close, it was only logical to Dean Barnhart that its evening operation should be taken over by the University of Arkansas. There had been a part-time night program in Little Rock for decades, and without the University’s intervention, it was certain that it would be replaced in some way, perhaps by some other institution. Leaders in the Arkansas Bar thought it only appropriate that the University (which was the
alma mater of most of them) take over the operation. Ralph Barnhart had
developed a close relationship with bar leaders during his deanship, and he
agreed. There was some faculty opposition, but in the end the faculty realized
that this had to be done. Probably to some, it was a purely defensive measure.
But to Ralph Barnhart, it was an assertion of the University's role as the sole
accredited provider of legal education in Arkansas and was an obligation that
the University had to perform as a service to the people and to the legal
profession.

Ralph Barnhart did many other worthy things during his career. He was
a progressive educator who tried to keep abreast of developments in legal
education and implement them, as best he could, within a limited budget. In
his writings, he was an advocate of constitutional reform among other things.
He sought to improve and to build.

Most of all, however, he will be remembered for his leading role in the
establishment of the Law School. His painting hanging in the Deans' Gallery
is the first and foremost.

The Future of Legal Education in Arkansas.

The question of whether Arkansas should support two law schools
continues to provide an unsettling climate for stable legal education in the
State. Oddly enough, when people argue about duplication in legal education,
no one ever mentions the eight or nine state-supported colleges of education in
the State, even though that form of education is generally acknowledged as the
least academically beneficial of all forms of educational endeavor. Law, on the
other hand, was described by Martin Mayer in The Lawyers as the best of all
forms of education (and Mayer was not a lawyer).

If Arkansas would support a law school the way that it should be
supported to achieve national or regional prominence, then a case could be
made for having only one law school no matter where it was located. This
writer made that argument, suggesting the possibility of combining the
faculties, libraries and facilities, for the purpose of achieving something of high
quality other than one of the Razorback teams or the Razorback program.
However, it is an unrealistic assumption that anyone would want to achieve
that objective. The General Assembly would not view it that way—it would
view the elimination of one of the two law schools as simply a way of saving
money. By that same line of thought, if all state institutions were closed except
for about five which were strategically and regionally located, a great deal of
money could be saved from the expenditure on higher education. Would the
survivors be benefited from such savings by an infusion of most of the funds
that had been recaptured? It is at least somewhat questionable.
The fact of the matter is that, as this material has shown, for over a hundred years the battle between having legal education exclusively in Fayetteville or in Little Rock has continued, only broken by periods of relative calm in between times of siege. It is time to put an end to a foolish battle which has no basis in achieving excellence at either law school or in any precise location. Such quality as either achieves has been and will continue to be the product of individual effort and initiative operating within a minimal financial framework.

It is a matter of history, perhaps unfortunate although not unfair in the process that was followed, that the University of Arkansas was located in such a remote, although scenically beautiful, part of the State. This is probably the major reason why there has been such a proliferation of educational institutions throughout the balance of the State. The location of the University was not unfair in that Washington County, in a bidding process provided for by the legislature, offered one of the two highest and best bids. The result, however, was that many people in Eastern, Southern and Central Arkansas sought other alternatives. The pursuit of a legal education did not differ in that respect.

It seems clear now that legal education must exist both in the rapidly growing Northwest Arkansas area and in the State's only metropolitan area in Central Arkansas. The demand exists in both places. The main campus of the University should have a law school as should the people in that most rapidly growing part of Arkansas. The law school in Fayetteville is available to anyone in Arkansas who wishes to go there and is particularly important to those in its immediate area, including portions of Missouri, Oklahoma and Kansas. About forty-five percent of the Arkansas Bar Association practices law in Pulaski County alone, and Little Rock is readily accessible to Eastern and Southern Arkansas as well as to Central Arkansas. The need for a law school there to serve the people of those areas is readily apparent and finds its support not only in demographics but in history. Moreover, every State bordering Arkansas has two or more law schools, whether public or private. Arkansas has the advantage of having both of its schools under the control of a single governing board and thus subject to a common policy and controlled goals and objectives.

Some benefit can come from two law schools if there is more interaction between the two than there has been in the past. Perhaps even greater coordination of effort could be achieved by appointment of a Chancellor for Law, who would be the overall coordinator and director for both, and by putting both on a separate, independent budget, subject to the President and Board of Trustees, as in the case of Medical Sciences. This has been done on other campuses and is a possible arrangement of some benefit for Arkansas.
Whether that structure takes shape or the current structure remains, the
time has come to end the cloud that looms over both law schools every time the
legislature meets. The time has come to recognize that both schools serve a
purpose and have a place to fill. History has demonstrated that fact.

Footnotes

   "Doctrinal writing has been a much more active and important formulating
   agency in Anglo-American law than our theory leads us to admit. Coke
   formulated the medieval law authoritatively for the classical era, the seven-
   teenth to the nineteenth century. Nor did doctrinal writing stop. On the
   contrary, it gained in importance in the nineteenth century. While in form our
   law is chiefly the work of judges, in great part judges simply put the guinea
   stamp of state’s authority upon propositions which they found worked out for
   them in advance." *Id.* at 387.
5. *Ibid.* In 1830, Chancellor Kent published the fourth and final volume of
   his *Commentaries.* These were based on his lectures at Columbia. According
   to Hurst, this "immediately became the standard general treatise on law in the
   United States . . . ."
6. *Id.* at 258.
7. *Id.* at 259.
8. *Id.* at 260.
9. *Id.* at 261-262. Hurst quotes Langdell from his preface to his *Selection
   of Cases on the Law of Contracts* (1871): “Law, considered as a science,
   consists of certain principles or doctrines. To have such a mastery of these as
   to be able to apply them with constant facility and certainty to the evertangled
   skein of human affairs, is what constitutes a true lawyer; and hence to acquire
   that mastery should be the business of every earnest student of law.”
10. *Id.* at 263.
12. *Id.* at 261-266, particularly at 264. “Langdell's contribution was to
   translate the idea into the prevailing method of a whole law curriculum.” See
   innovations transformed legal education. * * * Langdell had established the
   first modern law school, which set the pattern for legal education for the better
part of a century. By 1910, the case method had become dominant throughout the country."

13. Schwartz, supra n. 12, at 147: In 1873, Langdell hired another full-time faculty member, James Barr Ames, who succeeded him some years later as Dean. "His appointment inaugurated the career of the scholar-teacher who devoted his professional life to law teaching."


15. Ibid. Leflar, supra, 16 Ark. L. Rev. at 195. A newspaper article in 1886 from the Arkansas Gazette stated that the Little Rock Law Class had organized with W. A. Webber as President, E. C. Johnson as Vice-President, Joe Loeb as Secretary-Treasurer, and Johnson, A. C. Carden and F. M. Hyatt as the Executive Committee. It said: "Prof. Noon, who has recently taken charge of the Arkansas University, was present and with hearty encouragement pledged the efforts to that institution to further and perpetuate the success of the class. This class has a faculty composed of some of the most eminent and accomplished members of the Arkansas bar..." University records, however, do not disclose who "Prof. Noon" was. Ibid. This class is said to have met at St. John's in Little Rock which was then located close to the site of the current Law School building on McAlmont.

16. Ibid. The four Fayetteville lawyers, all of whom were given professorial rank, were Judge L. Gregg, B. R. Davidson, R. J. Wilson and J. V. Walker. See also, R. Leflar, The First One Hundred Years, supra n. 14, at 258.

17. R. Leflar, supra n. 14, at 258. The two students recommended for graduation were William Theophilus Stanford and Michael K. Duty. Although denied graduation, they were listed as alumni in later lists of the Little Rock School's annual catalog. Leflar, supra, 16 Ark. L. Rev. at 196, fn. 20.


19. These were George B. Rose (often mentioned in the chapter on the organized bar), Thomas B. Martin, Wilbur F. Hill, and Morris M. Cohn. Leflar, supra, 16 Ark. L. Rev. at 196-197, and R. Leflar, supra n. 14, at 259.

20. R. Leflar, supra n. 14, at 259. The graduates of 1894 were John H. Carmichael (later to be Dean, a power in the Arkansas Bar, a judge, and a successful practitioner), DeEmmet Bradshaw, J. Fairfax Loughborough, Sam W. Reyburn, Lawrence C. Maloney, W. H. Andereck, Lewis Rhoton, W. Sprigg Brown, John D. Shackleford and John W. Black. (Bradshaw and Reyburn were the two who achieved financial success in other states.)

21. Ibid. The other two were John Fletcher and J. C. Marshall.

22. Ibid.
23. *Id.* at 256-60. This lay the groundwork for the ultimate schism between Carmichael and the Board and between legal education in Little Rock and Fayetteville.

24. *Id.* at 260.

25. *Id.* at 260-61.

26. *Id.* at 261. Futrall's statement of conditions were not unusual either then or now for a law school that forms part of a university: The faculty was to be appointed by the Board subject to the recommendations of the President and Dean with salaries fixed by the University. The entrance requirements were prescribed by the University, and graduation had to include two full years in law school [now three]. At least part of the teaching would be in the day. Law funds would be handled by the University Treasurer, and tuition and fees would be set by the Board. Carmichael's reaction was to write a strong letter suggesting that deserving young men would be deprived of a legal education as a result of the proposal and stated that there was "no further use nor necessity of an attempt on the part of either of us to consolidate the law school as it now exists with the University of Arkansas." One can only conclude that he wanted it to be the Carmichael Law School, under his total command, whether it was part of the University of Arkansas or not. The conclusion also appears inescapable that, although he apparently was a very capable man and able lawyer, he did not know much about how legal education had developed in the United States over the previous forty years. He still related to the Litchfield model. President Futrall, an educator although not a lawyer, apparently had kept up with the developments. Futrall was perhaps the University's greatest president and was certainly one of its finest.

However, as indicated in the text, the Board had helped to fuel the fire through its own heavy-handed tactics also. There was enough fault to go around.

27. All of this is discussed in greater depth in R. Leflar, supra n. 14 at 263. Futrall did not abandon the idea of establishing a law school in Fayetteville but simply decided "to hold the thing over until next year, thus giving time to study [it] thoroughly." *Id.* at 264.

28. *Id.* at 264.

29. Pepper only taught one year at Fayetteville. Two new teachers were added: W. Ney Evans, a recent Harvard law graduate who had practiced briefly in Missouri and Judge William Armistead Falconer, a University of Virginia law graduate who had been serving as a chancellor in Fort Smith. Evans left after two years to join the law faculty at the University of North Carolina. Falconer was also a scholar of the classics who had published nationally and who died at age 58 in his third year of teaching. Before he died, a fourth faculty member, John S. Strahorn, Jr., was added. He taught at Arkansas for
four years before leaving for a distinguished career at the University of Maryland Law School where he taught until his death. R. Leflar, supra n. 14 at 265, fn. 7-9.

30. The first graduating class of 1927 were W. E. Beloate, Jr., O. R. Bridgeforth, Ben Henley, Jack Holt, I. W. Howard, Joe McCoy, W. B. Owens, John T. Parker, Tom Pearson, and Donald Poe. Id. at 265.

31. Id. at 265-66. It had highs of 124 students in 1934 and 1935 and was over 100 from 1933 to 1940.

32. Id. at 266.

33. Id. at 266-67. Only a part of this comes from Leflar. The balance comes from my own recollection, as did part of what Leflar wrote.

34. Id. at 267.

35. The post-war years were years of growth in many ways. From 1929 to 1933, the Law School Bulletin was published. It was a forerunner of the Arkansas Law Review and consisted of three issues per year of about twenty pages each. Discontinued briefly during the Depression, it resumed in 1936 and was again discontinued during the war in 1942. It resumed in 1946 but was permanently replaced in 1947 by the Arkansas Law Review and Bar Association Journal (later to be known only as the Arkansas Law Review). Its first student editorial board consisted of young men who would become excellent lawyers and leaders in the Bar. The first editor-in-chief was Richard B. McCulloch, Jr., of Forrest City, and his Board included Richard K. Burke, Jr., Sam Laser, Claude B. Brown, Herschel Friday, Paul B. Young, William S. Arnold, William A. Eckert, Robert L. Jones, Ed Lester, John Mann, Omer C. Burnside, William H. Enfield and Ed Penick. Its financing was underwritten by the Arkansas Bar Association, and it was disseminated without charge to the Bar members. A more complete discussion is contained in R. Leflar, supra n. 14 at 268-269 and in Leflar, supra, 16 Ark. L. Rev. at 204-206.

36. These brief descriptions of faculty members in the 1950's, 1960's or beyond are taken from my own recollections of them. Interesting stories about them will not appear in this chapter but in a later chapter of reminiscences about them and others and also of other lawyers about other members of the Bar.

37. Id. at 270.

38. All of the foregoing material is from personal knowledge.

39. Ibid.

40. Ibid.

41. Ibid.

42. Ibid.

44. Annot., Torts—Lex Loci Delicti, 29 A.L.R.3d 603, 631 (1970). See also, Coyne, Contracts, Conflicts, and Choice-Influencing Considerations, 1969 U. Ill. L. F. 323 (1969), and Juenger, Choice of Law in Interstate Torts, 118 U. Pa. L. Rev. 202 (1969). Leflar's contributions in conflict of laws situations most influenced the tort aspects of conflicts but were useful also in contract situations. The tort aspects have presented the most difficult problems in conflicts.


46. Barrett, Vignette of Robert A. Leflar, 25 Ark. L. Rev. 143, 145-46 (1971). The author was Joe C. Barrett of Jonesboro, one of the great men of the Arkansas Bar, who among other things, served as Arkansas Bar President and as President of the National Conference of Commissioners on Uniform State Laws.

47. Kenison, The Continuing Contribution of Robert A. Leflar to the Judicial Education of Appellate Judges, 25 Ark. L. Rev. 95, 96-97 (1971). Frank R. Kenison was Chief Justice of the Supreme Court of New Hampshire and was one of many good friends of Bob Leflar among the state and federal appellate judiciary.


In 50 Ark. L. Rev. 403-447, there appears a series of tributes to Leflar following his death by Justice Ruth Bader Ginsburg of the U.S. Supreme Court; Philip S. Anderson, President-Elect of the American Bar Association; Professor Robert Laurence of the U of A Law School; Professor Steve H. Nickles of Wake Forest; U.S. District Judge Henry Woods; and Professor Emeritus Al Witte of the U of A Law School.

49. Once again, this is based on the recollection of the author. There are no documents to support the attitudes of the faculty and administration of the University of Arkansas. The rise of Arkansas State into a four year institution with graduate offerings and degrees is well-known.

50. This view was communicated to the faculty by Dean Barnhart, and it was predicated in large measure on his discussion of the situation with prominent lawyers and Bar leaders in Little Rock. He became convinced that something was going to happen to the Arkansas Law School whether the University took it over or not; and that if by default, the University passed up the opportunity, then Arkansas State was a likely suitor. There were other possibilities, of course. He believed that the University of Arkansas should be in charge of legal education in Arkansas. It was that simple.
Dean Barnhart’s statement to the faculty was based in fact. In August, 1962, the Arkansas Bar Association appointed a special committee on “Law School Expansion” chaired by Paul B. Young. His committee report appears under Proceedings, Sixty-Fifth Annual Meeting, Committee Reports, 17 ARK. L. REV. 331-334 (1963). It states in part: “For some time, the state of legal education in Little Rock has been unsatisfactory and concern has been expressed by the Board of Law Examiners regarding the increasing difficulty that graduates from Little Rock law school are having in meeting the higher standards of the Bar Examination in recent years. . . . If the University does not undertake to carry on an accredited program in Little Rock, it is almost certain that one of two other institutions will.” 17 ARK. L. REV. at 331-332.

51. Dean Barnhart went about the matter carefully and cautiously. He had numerous conversations with the Consultant to the American Bar Association Section of Legal Education and Admissions to the Bar (which is the federally designated accreditation agency for law schools).


53. The Pulaski County Law Library had a volume count of less than 30,000 volumes. Averill, *A Short History of the School of Law at UALR*, 8 U. ARK. LITTLE ROCK L. J. 619, 620 (1986). This was to form the library core for the school. However, some unneeded duplications of the Fayetteville library were shipped down, and, in addition, some important new purchases were made, particularly law reviews. These were purchased during the year at a cut-rate price from Hein and Company, a purveyor largely of reprints and used books. The law reviews were bound in the orient, possibly Taiwan, and came in bright colors—green, yellow, orange, red, blue, purple—looking much like a child’s Easter eggs.

54. Obviously, much of this is from memory.

55. See Averill, *supra* n. 53 at 620.

56. Ibid.

57. Id. at 621. This was not as simple as it may sound. The Law Review people in Little Rock sometimes felt that they were treated like second-class citizens, and the same grew in subsequent years to be true of the faculty.

58. Ibid. This is discussed here in a slightly different way, however, than in the Averill article.

59. Id. at 621. Dean Averill points out that efforts were made in the 1971 and 1973 sessions of the General Assembly to establish a full-time law school in Little Rock. These efforts were not supported by the University and were ardently opposed by Northwest Arkansas legislators. The old Fayetteville-Little Rock battle over legal education had once again surfaced.

60. Id. at 633.
61. Id. at 622, fn. 5. Prior to that time, Dean Page Keeton had stated the following in an address on legal education at the Law School in Fayetteville (Fall Legal Institute): "... I believe the correct policy was followed in the State of Arkansas when the Bar and the University of Arkansas worked together in bringing about the establishment of an evening division of this law school at Little Rock, because under existing circumstances and as long as evening schools are approved there will be a school of some kind in existence in a city the size and importance of Little Rock. But an evening division cannot be operated as effectively as day divisions for a number of reasons." He then went on to explain the reasons for this statement. He clearly intimated then, several years before his advisory report, that a full-time day division should be in operation in Little Rock. See Keeton, Legal Education: Developments, Objectives and Needs, 20 ARK. L. REV. 31, 35 (1966).

62. Id. at 623.
63. Ibid. S.B. 187 by Senator Howell and H.B. 325 by Representative Foster.
64. Id. at 623-24.
65. Id. at 625.
66. Ibid.
67. Id. at 626-27.
68. Ibid. The late Millard Ruud, a commercial law professor who served at one time as the Consultant to the ABA Section of Legal Education and for many years as Executive Director of the Association of American Law Schools, said to the author as we were crossing West Markham Street for the dedication of the Old Federal Building: "I hope that they don't think that this is the final solution."

69. Id. at 630-32. This is discussed at greater length by Dean Averill in his article. Of course, he was intimately involved in the planning process and was instrumental in bringing the project to fruition.

70. In 1978, shortly after the UALR Law School became a full-time operation, the Law Journal was established. Although only two issues per year were published initially, there were three issues in 1981 and by 1982, it began publishing four issues per year. In 1983, the Arkansas Bar Association began subsidizing the Journal, as it did the Arkansas Law Review by paying for subscriptions for each of its members. The Journal, in its twenty year history, has published many outstanding articles from distinguished academicians, judges and lawyers. The first editors of the Law Journal were Stephen Jones and Diane Mackey. See Averill, supra n. 53 at 629. Jones was Editor-in-Chief and Mackey was Executive Editor. Andree Roaf was Articles Editor; Cynthia Dodge, Notes Editor; Victra Fewell, Research Editor; and William Feland, Survey/Comments Editor. Associate Editors were Catherine Anderson, Don Dodson, Dub Elrod, Kathy Woodward Goss, Keith N. Johnson, Edward O.
Moody, Anne E. Owings, James W. Richardson, Anne Tucker Raney, Margaret Osborn Keet, and Susan A. Newberry. There were nine other staff members and thirteen apprentices. The Faculty Publications Committee consisted of David R. Hendrick, Jr., Chairman; Glenn E. Pasvogel, Jr.; James W. Spears; Frederic K. Spies; Susan Webber; and Claiborne W. Patty, Jr.

71. Governor Powell Clayton, a Republican governor during Reconstruction, who had come to Arkansas as an officer of a Union regiment from Kansas during the war, persuaded the legislature to pass an act establishing a state university in the spring of 1871. This was based on the Morrill Act passed by Congress in 1862 that provided for establishment of land grant universities in the United States. J. Fletcher, *Arkansas* [265 (1947)]. The Arkansas statute allowed counties and towns interested in acquiring the university to hold elections on local proposals on the first Monday in August. Bids would be presented to the new Board of Trustees when it met in Little Rock in September. The only serious efforts to obtain the university came from Little Rock, Batesville, and Fayetteville-Prairie Grove. A spirited effort was launched for both Pulaski County, which proposed a $150,000 bond issue, and Little Rock, which proposed a $50,000 bond issue. Public debate was vigorous, with opponents pointing out the poor financial condition of both the county and the state. They favored common schools being provided for ahead of a university; they also feared bond sharks; and they mistrusted the Board of Trustees, all of whom were Republicans. The distrust by ex-Confederate Democrats of the ruling Reconstruction Republicans was rampant. The county bond issue failed 756 to 78 and the city bond issue failed 222 to 46. R. Leflar, *The First One Hundred Years* [6-7 (1972)].

Batesville, however, was a genuine contender. A county bond issue of $100,000 failed by 590 to 428, but a $40,000 bond issue plus gifts of land by the City of Batesville passed by a vote of 90 to 0.

In Washington County, the county proposed a $100,000 bond issue; Fayetteville proposed a $30,000 bond issue which included some land donations; and Prairie Grove and Viney Grove $23,265 consisting of land and $7,350 of promissory notes. Unlike in Little Rock, the Unionist-Republicans and the Confederate-Democrats had made peace, and the effort was headed by ex-Union Colonel Lafayette Gregg, a State Supreme Court Justice, and David Walker, a former and subsequent State Supreme Court Justice, who had supported and worked for the Confederacy. Despite this, the county bond issue passed by only eighty votes—400 to 320. The Fayetteville proposal had only two negative votes. *Id.* at 7-8.

The Board's committee visited Batesville in late September and was impressed. The citizens wanted the university and understood what a good university should be. To go to Fayetteville, the committee returned to Little
Rock, went by rail to Morrilton (which was then the end of the line), continued by steamboat to Van Buren on the Arkansas River, then took a stagecoach to Fayetteville. On the return trip, they went by stagecoach to either Springfield or Neosho, Missouri, then by rail to St. Louis, and then back to Little Rock by rail. *Id.* at 8-9. The experience of the trip alone should have done in the Washington County/Fayetteville proposal, and in fact, inaccessibility was the main argument against the location. However, they were impressed with the sites and the enthusiasm of the citizens and apparently were wined and dined extensively. When the trustees voted, Trustees Cohn and P. H. Young, both of Little Rock, proposed and supported Batesville, but they were in the minority, and on a subsequent motion by Trustee Bennett of Helena, Washington County was selected unanimously. *Id.* at 9. Travel conditions have improved tremendously since that time, but the location problem remains the same. It still takes over five hours to go to Fayetteville from Texarkana or Helena by car and longer than that from other locations.

72. Louisiana State University's Law Center is on a separate budget and has its own Chancellor—an idea that they adopted from a plan developed for the University of Oklahoma Law Center, which in the 1970's was placed on a separate budget headed by a Dean of the College of Law and Director of the Law Center. Oklahoma has since retreated substantially from the Law Center concept (which it developed with the help of Dean Erwin Griswold of the Harvard Law School). The LSU adaptation remains intact. Under Dean Howard Eisenberg, the UALR School of Law was placed on a separate budget under which it receives all of its income and is responsible for all of its expenses. This plan is continuing to develop under Dean Rodney K. Smith. However, the basis of the Law Center concept is that at the core is a Law School or College of Law and that law-related activities ancillary to the basic mission of educating law students are under the umbrella of the Law Center—so that the whole of the profession is administered to through that instrumentality. It is much the same concept that has long been applied to university medical centers which may include colleges of nursing, dentistry, pharmacy, and other health related activities.