

**The Founding of the University of Washington Law School and its Place in the Evolution of
Legal Education**

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"[T]he founding of the University of Washington Law School in 1899 was no fluke; it was a natural step in the long evolution of legal education in America" (Hotchkiss, 2001, p. 9).

Introduction

The University of Washington Law School was established at a time when there were significant changes occurring in legal education as an academic endeavor. In the late 1800s to early 1900s the education of lawyers moved from an apprentice-based training system to an academic system with increasingly strict standards. Thus, the study of the founding and early development of the University of Washington Law School provides a good case study of the national movement in general. This paper seeks to explore the issue of how the University of Washington Law School fit into this broader, national movement by examining the Law School's entrance requirements, curriculum and program length as compared to national trends in lawyer education. This paper will answer this question by first providing an overview of the national trends in legal education, particularly in respect to entrance requirements, program length and curriculum during the late 1800s to the early 1900s; second, exploring the founding of the University of Washington Law School and its initial requirements in the abovementioned topics by piecing together university papers, student class notes and student reflections; and third, comparing initial Law School requirements and early reform with national trends in professional legal education from the late 1800s to early 1900s.

Evolution of Legal Education from the Colonial Times through the Founding of the University Of Washington Law School in 1899

In the colonial times, most lawyers received their legal education by studying law in the office of a member of the local bar, a practice that produced practitioners with extremely inconsistent quality and proficiency (Hotchkiss, 2001). Formalized apprenticeships eventually developed into private, professional schools as a result of successful apprenticeships at the law offices of particularly skilled and popular practitioners (Stevens, 1983). The first professional and

proprietary law school, Litchfield Law School, was created in this manner and was formally established in 1784 in Litchfield Connecticut, marking the beginning of the evolution from apprenticeship based training to institutional training. This type of legal training however was mostly professional and primarily not academic.

At around the same time, colleges began dabbling with the idea of offering law classes, primarily at the undergraduate level, taught by a professor of law.¹ The College of William and Mary was the first college to offer professional legal training when it established the first American law professorship (“Achievements and Firsts,” n.d.). George Wythe was appointed professor of law and police at William and Mary in 1779, with chairs in law at other colleges quickly following (Stevens, 1983). The first professorship at the graduate level emerged at Transylvania College in Lexington, Kentucky from 1798 to 1818. Harvard College established a professional law school in 1817, the oldest, continuously operating law school that exists today.

The first professorships and college sponsored law schools were initially designed to contribute to the development of public leaders, broaden students’ liberal education and craft the study of law as an academic topic, but student pressure compelled colleges to offer practical law courses (Johnson, 1978). Although some colleges attempted to include law as an academic topic, the study of law generally remained a professional endeavor. Many students used their legal education as a supplement to the training provided by apprenticeships and professional schools such as Litchfield.

In the early 1820s colleges “began to provide an umbrella under which private law schools might find shelter” (Stevens, 1983, p.5). Stevens (1983), suggests that the private law schools were attracted to this arrangement because affiliation with a university would increase the law school’s prestige while at the same time, allowing the school to offer degrees through the university.² In turn, the universities were interested in this arrangement as well because it provided them with more influence among the powerful local elite: the lawyers. Johnson (1978)

¹ According to Stevens (1983), law schools did not begin functioning at a graduate level until much later: “By the beginning of World War I, only Harvard and Pennsylvania had established any serious claim to have the law curriculum treated as a graduate one” (p. 37).

² At this time, only universities had the power to grant degrees in a majority of the states. (Stevens, 1983).

also suggests that law schools were brought into the institutional fold as part of a strategic alliance:

In the years between 1820 and 1860 friends of American liberal arts college, often men on the administration of faculty with some legal background themselves, were largely responsible for the emergence of college-sponsored law schools. These men attempted to bring law schools into the institutional realm in order to create a strategic alliance with a powerful professional group. The support of the legal profession for the college-sponsored law school, they hoped, would strengthen the central college itself by enlarging the number of influential people who would defend and support the liberal arts. (p. 1)

This joint arrangement ultimately had the effect of establishing college-sponsored legal training in the America (Johnson, 1978).

Although there were 21 law schools in the United States in 1860, most states did not require a set period of legal studies for admission to the bar (Stevens, 1983). Since law school in the 1800s was only one of a few ways to obtain a legal education and it complimented the apprentice-based model, lawyers were not particularly worried about academic standards “until the harmonious relationship between the law school and the apprenticeship system began to break down” (Johnson, 1978, p. 58). Johnson (1978) suggests that this breakdown occurred as a result of several shifts in the legal profession: (1) overcrowding of local bar offices making the combination of law study and apprenticeships impracticable in some areas; (2) diminished regulatory functions of the judicial circuit; and (3) the changing professional focus from advocacy to counseling, making the abstract and theoretical training at law schools more valuable. Ultimately, the drive to increase standards, such as improved admission and degree requirements, resulted from the law profession’s move toward formalism: lawyers were trying to maintain control of the profession by explicitly setting forth the informal regulatory functions of the judicial circuit (Johnson, 1978).

Even though a majority of lawyers received their training through the apprentice system until the turn of the century, the urge to raise standards in the profession in order to improve competency and exclusivity in the bar became associated with providing part of legal training through an institutionalized law school Stevens (1983). Building on this trend to increase standards in the legal profession, the American Bar Association (ABA) was created in 1878 and immediately worked to raise the standards of the profession (Hotchkiss, 2001). These forces

helped to both legitimize and strengthen the presence of law schools in America and encourage the shift from a professionally based legal education to an academic one.

Johnson (1978) suggests that the drive to improve the selective nature of the legal profession drove increased distinctions between the law schools. Organizations such as the Association of American Law Schools (AALS), amplified those distinctions by characterizing non member schools that encouraged students to receive part of their training in local bar offices as anti-progressive, low standard, and trade orientated (Johnson, 1978). The AALS identified themselves as progressive and promoted reforms that increased law school standards.

The drive for improved legal educational standards was prevalent when the University of Washington (UW) School of Law was founded in 1899 and no doubt pressed on the founders' minds as they set the initial framework of the law school. Some of the major issues contemplated on both a national and institutional level were how to set standards for admission requirements, program length, and curriculum. In order to understand how the UW Law School fit into the national scene, an assessment of the prevalent national standards of the time must be examined.

A. Law School Entrance Requirements

Law School admissions standards in the late 1800s and early 1900s were slowly evolving. Even by 1900, admission to most law schools did not require any college level work (Hotchkiss, 2001); many students were enrolled out of high school or even without four years of high school. For example, Harvard Law School tended to allow most applicants to register, though many students failed to continue due to the demanding nature of the work (Thelin, 223). In general, law schools were treated akin to technical schools, serving undergraduates, usually with second-class status. (Stevens 1983). Although many students found it easier to enroll in law school than in undergraduate school itself, lawyers in America were enjoying an inside track to public office (Stevens 1983). Thus, on a national level, "the chief change in the early part of the twentieth century was to bring admissions' standards at the law schools up to the level of other undergraduate programs," (Stevens, 1983, p.37) not only because of the incongruence

between the lack of exclusivity in law admissions and the social status of lawyers, but also to enhance the status of law schools as part of the university structure.

The belief in “true American Universities,” pioneered by Johns Hopkins University, motivated many institutions to not only add professional schools but “also add entrance requirements—for example, one had to have completed two years of undergraduate study before being admitted to professional school” (Thelin, 2004, p.127). Both the law schools and the ABA worked to strengthen the law school entrance requirements: “[a] team effort developed between the ABA and university law schools...to require two years of college before law school (which has now, for practical purposes, evolved into a college degree)” (Hotchkiss, 2001, p.12). These efforts ultimately resulted in increased admissions selectivity in many of the law schools during the early 1900s. Law schools were becoming “the most important guardian of the gates to the legal profession” (Johnson, 1978, p. 120).

In the mid 1800s, most of the law schools were considered “a training ground for gentlemen” (Stevens, 1983, p.21). Lawyers were considered part of society’s elite and a legal education allowed men to attain that position. Although the first woman was admitted to practice at the United States Supreme Court in 1879 (O’Donnell, 1977, para. 18), women were not a significant factor in the legal realm. According to Epstein (1993), in 1910, eleven years after the UW Law School opened, only 558 (1.1%) of people practicing law were female. While several law schools began to allow women to enroll in the mid to late 1800s,³ many of the schools continued to deny women admission.⁴ Harvard law school did not allow women to enroll until 1950 (Epstein, 1993). The last law schools to admit women were Notre Dame in 1969 and Washington and Lee in 1972 (Epstein, 1993).

³ St. Louis Law School was the first school to admit women in 1869 (Epstein, 1993).

⁴ According to Epstein (1993), women experienced a difficult time gaining admission to America’s law schools. Many of the women that were admitted to law schools experienced hostility:

Even after the turn of the century, when women were admitted to the bar of almost every state, the battle for women’s admission to law school continued. Although most elite schools had formally opened their doors by then (Michigan, 1870, Yale, 1886; Cornell, 1887; New York University, 1891; and Stanford, 1895), they remained inhospitable to women students. Other schools (both elite and non-elite) maintained policies of total restriction for decades to come. (p.50)

The first Black person to be admitted to practice law was Macon Bolling Allen in 1844 after he completed an apprenticeship in the office of a white lawyer in Maine (Smith, 1999). Harvard University's School of Law was the first institution to admit a Black student, George Lewis Ruffin, in 1868⁵ (Smith, 1999). "Although comprehensive data are unavailable, it seems likely that 'during the nineteenth...centur[y], most law schools taught few or no blacks,' except at black law schools" (Smith, 1999, p.35). By 1935, Northern state law schools were admitting greater numbers of Black students (Smith, 1999).

B. Program Length

Over the course of several decades, from the late 1800s to the early 1900s, law schools slowly improved the length of study from one to two to three years as a result of the demand for increased professional standards from groups such as the ABA and the drive for law schools to remain competitive.

In 1919-20, there were still 1 one-year and 18 two-year law schools, in addition to 127 law schools of three years or more. By 1927 and 1928, there were 166 law schools with courses of three years or more, 8 two-year, and 2 one-year schools. (Stevens, note 31, pg. 183)

Although today law schools function on a graduate level, these changes were essentially made as part of an undergraduate curriculum (Stevens, 1983). Consequently, "[w]hen universities like Stanford brought law into the curriculum, they adopted the traditional pattern whereby law became an undergraduate division of the university like arts and sciences and which, in the case of Stanford, awarded an A.B. degree" (Stevens, 1983, p.37).

Law schools sought to stay competitive by following the example of the preeminent and leading institutions of the time. Harvard, a perennial leader in legal educational innovation, extended the length of its program from eighteen months to two years in 1876 and three years in 1899, the year the UW Law School was founded (Hotchkiss, 2001). Other law schools began following suit soon thereafter. Johnson (1978) suggests that the push to improve the selective

⁵ The University of South Carolina, temporarily integrated from 1873 to 1877, and the University of Michigan were the first public law schools to admit and graduate African American students in the late 1800s. (Smith, 1999)

nature of the legal profession drove increased distinctions between the law schools.

Organizations such as the Association of American Law Schools (AALS), formed in 1900, amplified those distinctions by characterizing non member schools that encouraged students to receive part of their training in local bar offices as anti-progressive, low standard, and trade orientated (Johnson, 1978). The AALS identified themselves as progressive and promoted reforms that increased law school standards. As a result, several law schools continued to improve their selectivity by including longer program length requirements and increased admission standards in order to join the AALS.

C. Curriculum

In the early 1800s, there was little curricular conformity between the various law institutions (Stevens, 1983). Several law schools such as Litchfield, had curricula based on *Blackstone's Commentaries*⁶ (Hotchkiss, 2001) while other schools offered a broader curricula with more academically orientated topics. In addition, some law schools focused on state laws whereas others had nationally based curriculums (Stevens, 1983). Stevens (1983), states that by the end of the century however, Harvard oversaw "the emergence of a remarkable uniformity in curricula" (p.39) that was professionally oriented and focused on a national curriculum. Classes offered at Harvard Law School included: Property, Equity, Contracts, Carriers and Corporations, Partnership and Agency, Shipping and Constitutional Law, Pleading and Evidence, Insurance and Sales, Conflicts, Bills and Notes, Criminal Law, Wills, Arbitration, Domestic Relations, Bankruptcy, Torts, Jurisprudence, Federal Procedure, Trusts, Mortgages, Suretyship, Quasi-Contracts and Damages. Some institutions ventured into academic topics such as international law, comparative law, jurisprudence, government and social science of economics (Stevens, 1983). Even though law school curricula was standardizing during this time period, most lawyers still received their legal education in an on-the-job format until the turn of the century. For

⁶ The Blackstone Commentaries are a group of legal texts derived from a series of lectures by Blackstone at Oxford. The first American copies of the Blackstone lectures were created in 1771-1772 (Stevens, 1983, p.11 n. 8).

example, in 1890, “twenty-three of the thirty-nine jurisdictions [still] required a formal period of study or apprenticeship” (Stevens, 1983, p.25).

By 1900, a year after the UW Law School opened its doors, few law professors were full-time teachers; most were distinguished attorneys or judges who came to the law schools and lectured part-time” (Hotchkiss, 2001, p.17). Harvard Law School however, had already set the standard for both the method of teaching and curriculum development by employing the infamous case method and accumulating a group of full-time law professors who were more academically orientated than the traditional focus on practical skills. The case method, that is still used today, is based on the assumption that the study of law is a science and consists of a particular question and answer format used to analyze court decisions in terms of doctrinal logic (Stevens, 1983). The notion that the study of law was a science that belonged in the confines of a university rather than a lawyer’s office was contrary to the traditional notion that the study of law was a professional endeavor and lent itself to the type of professors that Harvard Law School was adding to its staff:

A teacher of law should be a person who accompanies his pupils on a road which is new to them, but with which he is well acquainted from having often traveled before. What qualifies a person, therefore, to teach law, is not experience in the work of a lawyer’s office, not experience in dealing with men, not experience in the trial or argument of cases, not experience, in short, in using law, but experience in learning law. (Stevens, 1983, p.38)

Ultimately, in the early 1900s when the UW Law School was founded, Harvard was an extremely dominant influence in legal education in terms of what topics were taught, how they were taught, and who taught them (Stevens, 1983). These curricular innovations set the national trend for legal educational reform through the mid 1900s.

The Founding of the University of Washington Law School

Little is known about the first failed attempt to start a law school at the UW in 1885. On October 13, 1885, the Board of Regents established a department known as the Washington Law School (Hotchkiss, 2001). The resolution set forth that successful completion of two years of courses would lead to a degree of bachelor of laws (O’Byrne, 1938). The records are sparse, but

no degrees were granted and there is little evidence that the school even functioned (Hotchkiss, 2001). Consequently, the law school was officially dissolved in 1894.

The disbandment of the law school along with a contemporaneous push by both the Washington State Bar Association⁷ (WSBA) and the University itself, served as motivation to establish a law school yet again (Hotchkiss, 2001). During the summer of 1894, the Board of Regents at the UW contemplated starting a law college again and considered submissions regarding the details of the proposed college from various people around Washington State and from representatives from the Washington State Bar Association (WSBA). One submission made by David E Baily, a member of the WSBA committee, on July 28, 1894 (personal communication), recommended the establishment of the law school. Included in the submission were recommendations regarding the number and type of instructors needed, curriculum, length of study, and the need for a moot court. Baily recommended that the length of study should be set between two and three years, with a preference stated for two years of earnest, diligent study. He advised that the curriculum should include a study of the statutory laws of the United States rather than those of Washington State. He also preferred a lecture format over a study of the statutes themselves. In addition, Baily recommended mandatory attendance in a moot court.

About the same time, a UW committee (Allen, personal communication, n.d.) reported on the advisability of establishing a law school. The submission to the Board of Regents sited the need, opportunity, place, expenses and time for establishment of the institution. It also set forth recommendations for admission, curriculum, moot court, and an advisory board. The committee advised that admission should be automatic for graduates of approved institutions while other applicants would be required to pass an examination with elements of the following: English, Arithmetic, Algebra, Plane Geometry, Government of the United States, Latin and History of England. The committee also advised that the program length should be set at three years culminating in a degree of Bachelor of Laws. The suggested curriculum was divided by years: during the first year, students would study general law principals; during the middle year, students would devote themselves to the technical study of various law topics such as personal property,

⁷ As mentioned above on pg. 4-5, the overarching American Bar Association, was pushing for increased professional standards at this time.

bailments, carriers and telegraphs, negotiable instruments, corporations, wills and estates; and during the final year, students would study equity jurisprudence, constitutional law, pleadings, practice, evidence and moot court.

The submissions to the Board of Regents, recommending the establishment of the law school, were persuasive and in 1895 the Regents adopted a resolution that a department of law should be equipped for operation in the recently vacated, former university building⁸ at Fourth and Union (O'Bryan, 1938). However, nothing happened until the beginning of 1899 when Dr. Frank P. Graves became the new president of the UW. President Graves strongly believed in "the concept of a true university"⁹ with a number of departments and schools, including professional schools"¹⁰ (Hotchkiss, 2001, p.14) and therefore helped move the process forward:

The State Bar Association of Washington, on various occasions, passed resolutions providing for [the law school], but they remained resolutions only. When the proposition came finally to be considered, some of the most brilliant members of the King County Bar co-operated with President Graves in inducing the Board of Regents to set aside a certain sum for its maintenance. (Tyee, 1900, p.47)

On May 10, 1899 at the meeting of the Board of Regents, a resolution was presented and passed stating that "a department of law be and hereby is established in the University of Washington" (O'Bryan, 1938, p.2). The board soon thereafter chose John T. Condon as the dean of the Law School (O'Bryan, 1938).

⁸ When the Law School opened in 1899, it was housed in two of the rooms in the former University building while the remainder of the building was leased to the Seattle School District (Hotchkiss, 2001). The 1900 University of Washington yearbook, *The Tyee*, noted that the downtown location was an ideal place for the law school because it was situated close to the courthouse and local law firms. Only a few years later, the Law School was forced to move when the Seattle public library burned down and it took over the downtown building (Snyder, 1922). Interestingly, the Law School moved seven times over its first ten years (Hotchkiss, 2001) and ultimately moved several more times before arriving at its new and current location in William H. Gates Hall on the main campus in 2003.

⁹ According to Thelin (2004), in the late 1800s only a few institutions could be considered real universities. During this time, many articles discussed what the future American University might be like. Johns Hopkins provided a great example by adding "professional schools into its structure and organizing them with sequencing and connection with academic units" (p. 129). Many institutions thus looked to Johns Hopkins University as an example of what a real university might look like and strived to emulate its example.

¹⁰ The 1900 University of Washington yearbook, *The Tyee*, states:

Above all the departments recently added to the University through the energy of President Graves, none is more important than the school of law, none for which young men with an honorable ambition will, in the future, have so much reason to be grateful to the man who labored so zealously for the establishment of the department. (p.47)

What was the UW Law School like at the beginning? The Law School had an annual budget of \$2,500 and tuition was \$25 a year (Hotchkiss, 2001). However, it is unclear exactly how many students there were, who taught and what classes were offered at the Law School. Even Law School publications indicate uncertainty: “[s]trange as it may seem, we do not know with assurance who taught in the law school at its beginning, how many students there then were, and what courses were in the curriculum” (Hotchkiss, 2001, p.19). However, by examining Vivian Carkeek’s class notes and personal reflections, it is possible to piece together some information about the school’s curriculum and overall atmosphere. Vivian Carkeek, a member of the first class to graduate from the Law School in 1901, later served as a class representative to the UW alumni association¹¹ and briefly as a professor of law.¹² According to Carkeek, the students were extremely diligent and studied together long into the night in the old university building downtown:

School began at nine in the morning and went on until three in the afternoon. There was no quitting at noontime. Recitations were in both morning and afternoon, after which we were expected to study. Promptly at 7:30 p.m. nearly every member of that first class was on hand at the law school. We would study the cases discuss them and practically every evening Dean Condon would be with us and enter into the discussion. (Carkeek, 1933, p.11)

Apparently, if a student didn’t appear to be grasping a topic during the informal evening discussions, Dean Condon would know who to call on in class next day (Carkeek, 1933).

Since Dean Condon was the only full-time professor, he taught a majority of the courses. The rest of the classes were taught by local lawyers and judges who lectured at the Law School (Hotchkiss, 2001). In the early years, Dean Condon worked very hard at improving the Law School. He wanted to create a program that would be competitive with the long-established and elite law schools of the time. He also strived to keep the Law School’s standards up to date and

¹¹ On June 21, 1932, David Pallock (personal communication) sent Vivian Carkeek a letter on behalf of the University of Washington Alumni Club thanking Carkeek for serving as a representative of the Law School Class of 1901.

¹² An April 26, 1929 letter from the Law School Dean, Alfred Schweppe (personal communication), recommended the appointment of Vivian Carkeek as a professor of law. Carkeek resigned after only serving a year as a Law School professor. When the Law School experienced some last-minute staffing changes, the Acting Dean, Leslie Ayer, (personal communication, September 22, 1930) asked Carkeek to serve as a part-time lecturer. Carkeek established a Prize that is currently awarded each year “for the best student contribution to the Washington Law Review on a point of Washington law or any point of peculiar interest to Washington attorneys” (“Honors and Awards,” n.d., para. 7).

in-line with the national trends to improve entrance requirements, extend the length of study, and create a comprehensive curriculum. Ultimately, he was dedicated to “build[ing] up the Law School quickly, adding courses, and faculty and lectures, always with an eye toward innovation” (Hotchkiss, 2001, p.45).

A. Entrance requirements

When the UW Law School first opened in 1899, its entrance requirements echoed the entrance requirements of other existing law schools of the time, essentially meaning that almost all applicants were granted admission. In order to attend the school, an applicant simply had to be a high school graduate or pass an examination (O’Bryan, 1938). In fact, since admission requirements were so lenient, the Law School didn’t even process the applications. Instead, Law School admissions were processed through the UW central administration (Hotchkiss, 2001).

Over time, the Law School began to develop stricter admissions standards. In 1904, admission requirements were a minimum of one year of college (Hotchkiss, 2001). In 1905, the Law School used the same admission standards as required by students entering the junior class the UW College of Liberal Arts (*i.e.* two years of college) (O’Bryan, 1938). In 1909, the law school required the completion of 34 credits in the college of liberal arts, four of which were physical training, while in 1912, those requirements were raised to sixty credit hours and eight hours of physical training (O’Bryan, 1938). In 1916, students were required to present a junior certificate from the college of liberal arts or the college of science or pass an equivalency examination. Beginning in 1932 the Law School offered a Juris Doctor degree for those students who were college graduates (O’Bryan, 1938).

It is difficult to determine just how many students were admitted to the first law school class and its exact student composition. According to Vivian Carkeek (1933), there were about 17 members of his class; yet several other documents present conflicting numbers.¹³ Even

¹³ A class photograph appearing in the 1900 University of Washington yearbook, *The Tye*, depicts 28 students. On the other hand, a list produced by David Pallock (Personal communication, June 21, 1932) on behalf of the University of Washington Alumni Association provides 45 names for the class of 1901, nine beginning with the title of Mrs. The historical timeline on the University of Washington website suggests a moderate estimate: “[t]he first class has at least 34 students including a student of African-American



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|---------------------|------------------------------|--------------------------|-------------------------|
| FACULTY. | | | |
| 1. Chas. E. Shepard | 2. James Hamilton Lewis | 3. George McKay | 4. John T. Condon, Dean |
| STUDENTS. | | | |
| 5. Clark Davis | 12. Adella Parker | 19. George F. Tennant | 26. Henry R. Harriman |
| 6. John Stringer | 13. Orhilia Gertrude Carroll | 20. Walter M. French | 27. Jay Monroe Latimer |
| 7. William Dwyer | 14. Walter B. Beals | 21. J. T. Cowles | 28. Nicholas Shmitt |
| 8. George Thompson | 15. W. S. Bell | 22. Roy W. Yawger, A. B. | 29. W. F. Elwell |
| 9. S. J. Williams | 16. August Toelner | 23. C. E. Stiner | 30. Eugene Childs |
| 10. W. McD. Austin | 17. Charles McCann | 24. W. H. Raymond | 31. W. S. Osborn |
| 11. E. F. Duby | 18. Vivian M. Carkeo | 25. Belle Weresnikove | 32. A. W. Brinker |

Figure 1. UW Law School class, 1900 (University of Washington Libraries, Special Collections)

Law School publications state uncertainty as to the fact. It is apparent from a 1900 UW yearbook class photo in *The Tye* (see Figure 1) however that there were at least 28 students, three of

heritage, a Japanese student, and three women” (“About the Law School,” 2005). It may be that several students dropped out before graduating or took longer than the prescribed two year program length to graduate. The historical timeline states that in 1901, “the first graduating class consists of twelve students” (“About the Law School,” 2005).

whom were women and one Black student. The University yearbook describes the class as “very cosmopolitan [in] character,” noting that the law class was made up of about 40 students including “Native sons, Germans, Irishmen, a representative from Japan,¹⁴ and three young women” (p. 50).

All three women depicted in the class photo (see Figure 1) were successful and made significant impacts in Seattle and beyond. Vivian Carkeek’s 1933 publication in *The Washington Alumnus*, states that Mrs. Beals,¹⁵ formerly known as Othilia Carroll, was well known throughout the state and that “for some time acted as Justice of the Peace and could have been elected to the Superior Court if she had desired the office” (Carkeek, 11). Another member of the class, Adella Parker,¹⁶ became a well known suffragist and president of the College of Women’s Equal Suffrage league. She founded her own newspaper, *The Western Women Voter*, as a way to “educate prospective voters and to advance the cause” (DeVoe, 2004, para. 5). Finally, Bella Weretnikow became the first Jewish Female Attorney in Seattle, probably in the State of Washington as well (Rosenthal, 2004). A June 16, 1901, newspaper headline stated, “Women Attorneys in Court” after Weretnikow and Carroll tried and won their first cases (Rosenthal, 2004, para. 15).

B. Program Length

When the law school first opened, students were offered an L.L.B. degree upon successful completion of two years of study and a thesis of forty folios (O’Bryan, 1938). Dean Condon worked on increasing law school standards early on. On March 24, 1908, he wrote a letter to the UW President, Dr. Thomas Kane, recommending that the length of coursework be extended from two to three years, noting that the elite law schools had already changed their programs to three years:

¹⁴ Bella Weretnikow’s memoirs indicate that there were actually two Japanese students in the first law school class (Rosenthal, 2004, para. 12).

¹⁵ Mrs. Beals (a.k.a. Othilia Carroll) married her classmate, Walter B. Beals, soon after graduating. Walter Beals was another prominent member of the first law school class. He served on the Washington Supreme Court and also served as a judge at the Nuremberg War Crimes Trials (Hotchkiss, 2001).

¹⁶ Adella Parker entered with the class of 1899 but graduated in 1903 (Hotchkiss, 2001).

During the past nine years, the tendency of the law schools throughout the country has been to increase the course from two to three years, until now all the leading law schools of the country have three year courses.

Believing that it is the desire of those who are in control of the affairs of the University to maintain a law school of high standard, second to none, at least in our aims, I believe that the time has arrived when we should make some move towards extending our course to three years. (Condon, personal communication, 1908)

Dean Condon argued that a three year program would: (1) enable the school to conform to the practices of the best law schools, (2) allow the school to be eligible for membership in the American Association of Law Schools (AALS), (3) enable the school to add more courses, and (4) allow students to complete more lengthy original research (Condon, Personal Communication, 1908). Consequently, in 1909, the Board of Regents increased the length of study to three years and the Law School became a member of the AALS ("About the Law School," 2005). By 1919, 135 credits were required to earn an L.L.B. When the Juris Doctor degree was offered in 1932, students were required to complete 125 credits in law with a 3.0 grade average after entering the program with an A.B. degree. (O'Bryan, 1938).

C. Curriculum

When the UW Law School first opened in 1899, there were a limited number of law classes offered and the curriculum was quite static (Hotchkiss, 2001). Although there is uncertainty as to what classes were initially offered, Vivian Carkeek's class notes give a good idea of what topics were studied during the first two years of the law school's existence. His notes indicate that the students studied Elementary Law, Domestic Relations, Science of Case Law, Water Rights and Patents, Bailments, Carriers & Attachments, Garnishment & Wills, Administration of Estates, Personal Property, Liens, Community Property, Extraordinary Legal Remedies, Partnership, Corporations, International Law, Federal Jurisprudence and Constitutional law¹⁷ (Carkeek, personal notes, 1899-91). In addition, the Law School's

¹⁷ Vivian Carkeek's law class notes were handwritten in composition booklets ranging from the end of 1899 to 1901. His notes were very organized, numbered and indexed by topic. The topics listed in this paper are the same main subjects listed in Carkeek's notes. There were several subtopics such as quasi-contracts, liability of infants and married women. It is unclear whether the main topics corresponded with class names or whether they were lecture subjects.

publication, *University of Washington School of Law: Celebrating 100 Years*, states that there was also an early focus on legal skills:

From the very first there has been a course in legal research, that was supplemented by a legal analysis and writing course many decades before such courses became standard at most law schools. In addition, this school, perhaps due to its relatively small size, early recognized the benefits to students of smaller, seminar-type classes. (Hotchkiss, 2001, p.52)

Dean Condon served as the only full-time paid professor and George McKay served as the only paid part-time instructor (Hotchkiss, 2001). Several prominent local lawyers served as lecturers, presumably as volunteers.¹⁸

When Dean Condon started expanding the faculty, he mainly recruited practicing lawyers. This type of hiring was common at the time and stemmed from the office apprentice system (Hotchkiss, 2001). It was not until 1931 when a new Dean, Harold Shepherd, was selected that the incoming faculty began to reflect a more academic orientation. (Hotchkiss , 2001).

University of Washington Law School as Compared with National Trends in Professional Legal Education from the late 1800s to early 1900s

The law school did not merely develop in time into, but leaped at once into the mainstream of legal education as it existed in 1899. Its standards for admission, its two-year curriculum, and the courses in the curriculum were in line with those of longer established institutions. (Hotchkiss, 2001 p.21)

The UW Law School's founding and early reforms align closely with national reform trends of the late 1800s and early 1900s. Although it was not the leader, it strove to emulate the elite schools and was successful in doing so. Communications between the Law School Dean

¹⁸ Two of these lecturers, Charles Shepard and James Hamilton Lewis, appear in the Law School class photograph in the 1900 UW yearbook, *The Tyee*.

and UW President indicate that Law School constantly strived to attain competitive status among the best law schools of the time.¹⁹

A. Entrance Requirements

Even by 1900, most law schools did not require any college for law school admission; the UW Law School was no different. Although the Law School was not revolutionary in its reform of admission requirements like Harvard Law School, Dean Condon did work on increasing admissions standards soon after the Law School was founded. Thus, the Law School required one year of college in 1904, two years in 1905 and three years in 1916. These admissions standards were similar to a majority of the longer established institutions of the time.

B. Program Length

When the UW Law School opened in 1899, the length of study was set at two years. Nationally, there was a contemporaneous movement to increase law school programs from two to three years. Just ten years later, as a result of Dean Condon's recommendation and belief that the Law School could and should be competitive with the elite and longer established law schools of the time, the program length was increased to three years. Thus, the Law School was aligned with the national trend to increase educational standards by extending the length of study required to graduate from law school.

C. Curriculum

In terms of curriculum, the topics covered by the UW Law School when Vivian Carkeek was a student were similar to those offered at other law schools. The Law School class work that focused on international law, case law science, patents and water rights however, appear to be

¹⁹ See Condon, J. (personal communication, March 24, 1908), recommending extension of the law program from two to three years; Kane, T.F. (personal communication, Jan. 5, 1912), discussing whether the university should extend the law program from 2 years to 3 years to better align with the national trend to extend the length of law studies; and Kane, T.F. (personal communication, Feb. 21, 1908), contemplating increasing law school admission requirements.

somewhat unique for the time period. Furthermore, the school's early focus on legal research, analysis and writing skills and its small seminar-type classes were rather innovative.

The UW Law School, along with other law schools of the time, strived to emulate Harvard Law School's curricular reform. Harvard's academically orientated law faculty and the use of the case method were a break from the traditional practice orientated faculty that used a lecture format to transmit information. Although the UW Law School was not among the first to employ the case method or add an increased focus on law as an academic pursuit, it followed the national trend to do so:

The development of the University of Washington Law School Curriculum follows national patterns quite closely. In broad brush, the changes track transformations in academic, and to some extent, popular conceptions of "law." The early curriculum reflects the initial adoption of a formalist understanding of the law, embodied in the "case method" of instruction. (Hotchkiss, 2001 p.51)

Conclusion

My research indicates that the UW Law School fit closely with national trends in entrance requirements, program length and curriculum in both its inception as a new law school and its subsequent reforms. Although the Law School was not a leader in most respects, it did have some special qualities that stood out ahead of its time. These included its cosmopolitan student body composition, some of the curricular legal subjects offered to the students and its early focus on legal writing, analysis and research.

I was surprised to discover that although most schools strived to emulate Harvard's example, and in most cases Harvard was revolutionary in its reform and ability to shape national legal educational trends, it did not admit women until 1950. In contrast, the UW Law School admitted women from the very beginning of its existence. Each one of the three women that were admitted to the Law School enjoyed successful and influential careers.

A Look Forward

A recent publication of the Carnegie Foundation, *Educating Lawyers*, suggests that legal education's current reliance on "a single, heavily academic pedagogy to provide the crucial

initiation into legal education” (Sullivan et al., 2007, p. 188) is a major limitation of the educational process. This academic emphasis can result in problems as new lawyers transition from law school to practice. Furthermore, legal education should strive to bridge the gap between knowledge and practice in a dynamic manner so that students are exposed to an integrated curriculum throughout their law school experience. These recommendations not only demonstrate a softening of the practice/academic distinction developed in the late 1800s and early 1900s but also show the beginning of a fundamental shift away from the need to dichotomize and compartmentalize the two approaches to legal education. What remains to be seen is whether American law schools will adopt policies that embrace these recommendations.

Currently, most law schools compartmentalize professional training to the clinical setting. The UW Law School offers several clinics aimed at bridging the gap between legal theory and practice (“Clinical Law Program, 2007) though these clinics are generally not interrelated and specifically linked to other law classes. Some law schools are already working to create dynamic and integrated curriculums. The Carnegie Foundation study (Sullivan et al., 2007) noted that New York University Law School is linking doctrinal, lawyering and clinical courses in several intentional ways and Yale Law School has enacted a partial-integration of doctrinal courses and clinical courses by introducing clinic experiences during the first year of study. If this current movement continues to gain momentum and organizational, professional and student pressures that have been historically successful arise, it is likely that law schools such as UW Law School will embrace the change.

Unanswered Questions

Because of the limited amount of research time I had, I could not fully compare the UW Law School with other law schools in existence at the time. Rather, with the exception of Harvard, I compared the UW Law School’s admission requirements, length of study, student body composition and curriculum with general national trends, and with little statistical evidence. I would have preferred to gather statistical evidence for law school admission requirements, length of study, student composition and curriculum both nationally and for each individual law school in

order to more specifically compare the programs and determine more exactly where the UW Law School fit into the picture. I also would have liked to learn more about the international influences on American law schools, such the legal models used at British and German Universities.

I would attempt to answer these questions by collecting law school catalogues, course listings, census data, admissions statistics and student demographics and by gathering information on various other law schools from the late 1800s to the early 1900s in terms of admissions, program length and student diversity. More comprehensive data would allow a more accurate determination of exactly where the UW Law School fell in line with the national evolution of legal education during this time period. For example, was the Law School constantly playing catch-up or was it one of the first group of schools to reform its standards?

It would also be interesting to obtain administrative communications from various law schools in regard to these reform topics in order to determine what really motivated law schools to change. I briefly touched upon the influence of the ABA and the local bar association, the drive to be competitive with the elite, longer established law schools, and the notion of a true, modern American university as motivation for the UW Law School to evolve. I would like to determine if those same motivations were at play for other law schools and whether there were any additional enticements or considerations that I did not have the time to explore.

Methods, Process and Sources

I began conducting my research in a general manner, not really knowing the exact questions I hoped to answer. I am aware that this was somewhat of a backward approach and probably required more time to look for and sort through the information, but I needed context before diving in. I wanted the research to guide my exploration of the topic to find out what subtopics caught my interest. I found myself drawn to the founding of the law school and determining what it was like at that time. This is largely because there simply was less information available to me and I liked the idea of recreating the school's development for myself and the challenge of working with fewer resources. When I looked through the president's papers in the special collection library, I focused on the early development of the school and how it

worked to define itself in relation to the other law schools in existence at the time. I wondered whether the UW Law School was a leader or a follower.

The process I used for conducting my research consisted mainly of five parts: online research, physically exploring the manuscripts, newspaper articles, photographs and other information in the special collections libraries, trudging through the materials, re-evaluating what I needed, and then completing the process all over again a couple of times. I completed research at both the Law School library and the UW libraries as the information was divided between the two places. This added a lot of time to the research process.

The letters I found in the president's papers at the university's special collections piqued my interest in the law school's early reform. Consequently, I completed a search for secondary sources about how legal education developed during this time period to find out how the UW's law department fit with the national trends. The book, *Law School: Legal Education in America from the 1850's to the 1980's* provided a good background for comparison. I then compared the program changes contemplated and completed at the law school with national reforms to determine whether the law department was a leader in innovating legal education or merely a follower, attempting to keep abreast of the national trends.

In order to fit the pieces of my research puzzle together, I gathered all of my information, picked out the most helpful items, and began placing them together in a meaningful semi-chronological order. I used my secondary sources as a general guide and fit in my primary sources in the appropriate places to create a more comprehensive picture. Many of my sources proved to be interesting but of little use regarding my research question as they did not touch on the period of time that I was investigating. These sources were discarded. Unfortunately there was little evidence produced by the law school on the topic during the time frame I studied.

The most useful sources that were the Law School publication, *University of Washington School of Law: Celebrating 100 years*, and the book, *Law School: legal Education in America from the 1850's to the 1980's*. The first source provided me with a comprehensive background about the UW Law School while the second source served as the backbone for my historical overview of the evolution of legal education nationally. Carkeek's article, *That First law Class*,

and his class notes helped to create a “story” about what it might have been like as a student in 1899. Finally, the 1900 UW yearbook, *The Tyee* and the accompanying class picture served as inspiration to discover who the people in the first law class were and what impacts they had on the local community.

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