The Cornell Law School—Its History and Traditions*

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(Ithaca)

CORNELL University this year celebrates its centennial, commemorating the granting of its charter by the New York Legislature on April 27, 1865.1

Contemplated from the start was a law school.2 Ezra Cornell’s ambitious plans were epitomized in the Cornell motto: “I would found an institution where any person can find instruction in any subject.”

In 1885, President Andrew Dickson White, in his final report as president, referred to “those departments which will round out our existing organization into full university proportions,—especially the Departments of Law and Medicine,” outlining as the aim of the

Department of Law: “to keep its instruction strong, its standards high, and so to send out, not swarms of hastily prepared pettifoggers, but a fair number of well-trained, large-minded, morally based lawyers in the best sense, who, as

...they gain experience, may be classed as jurists and become a blessing to the country at the bar, on the bench, and in various public bodies.”

In 1886, a special committee of the Cornell Board of Trustees, in a comprehensive report, concluded that most law students were “reading” law in law offices; that law school education was superior to law office training;4 that most of the then 47 American law schools, with

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1 For early histories of the Cornell Law School, see Hutchins, “The Cornell University School of Law,” 4 Green Bag 473-489 (1889); Woodruff, “History of the Cornell Law School,” 4 Cornell L.Q. 91-113 (1919). Dean Emeritus Robert S. Stevens is completing a sequel to Dean Woodruff’s history of the first 32 years of the school (1887-1919), covering the next 35 years, beginning with Dean Stevens joining the faculty as a lecturer in law in 1919 until his retirement as dean in 1954. See also Bishop, A History of Cornell (1962). Until 1881, the financial position of the new university, unable to realize funds from its land grant, was most precarious.
2 Originally called the Department of Law, it became the College of Law in 1896 and was renamed the Cornell Law School in 1925.

4 Annual Report of the President of Cornell University for the Academic Year 1884-5, 58 (1886).
4 As early as 1879, an American Bar Association committee had recommended the establishment of three-year law schools in each state. The resolution was tabled. Report of the Committee on Legal Education and Admissions to the Bar, Report of the Second Annual Meeting of The American Bar Association 14, 18, 209 (1879).

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2,686 students, were nonuniversity, proprietary enterprises without endowment; 6 that no more than four eastern law schools were having any important influence on legal education; that in New York State, outside of the cities of New York, Brooklyn, and Albany, no more than 40 students were receiving a law school education; that provisions for legal education in New York State were inadequate; and that there was an opportunity for a new law school in Ithaca, being "in the heart of a region abounding in students desiring instruction." 7 The notion that propinquity to the courts in a metropolitan area was important was dismissed as an advertising gimmick.

The committee unanimously recommended that the law school start in 1887 with assurances to the public that the purpose was "to establish it upon a basis of such breadth and excellence of scholarship as will recommend it to the immediate favor of the profession." 6

On September 23, 1887, the law school opened, its lecture rooms, library, and faculty offices occupying the entire fourth and top floor of Morrill Hall, one of the original University buildings facing the old quadrangle. Admission requirements were minimal: An applicant had to be at least 18 years of age, and must have had a preliminary education equal to that required under the New York Court of Appeals rules, i.e., a thorough knowledge of "arithmetic, English grammar, geography, orthography [spelling], American and English history and English composition" — in effect, ninth-grade standards.

Applicants for admission, with some exceptions, were required to pass both oral and written examinations in those subjects, showing "an accurate knowledge of English grammar and ordinary facility in English composition." 7 Of the original 55 students, however, six were college graduates and one was already a member of the bar; there were 44 first-year students and 11 seniors.

The course was 15 hours per week for two academic years of three terms each, 8 an additional year of clerking, for which the apprentice might receive a nominal salary or even have to pay for the privilege, then being required for admission to the New York bar.

Tuition was $75 per year, payable in three installments; the expenses of living in Ithaca varied, for board, room, fuel, and lights, from $3 to $7 a week. 9

The Merritt King law library, purchased for $3,300, consisted of some 4,000 volumes, supplemented by the professors' private law collections which were open to student use, and the general university library of 92,000 volumes.

Judge Douglas Boardman, Yale College, 1842, was the first dean, the law faculty comprising five resident professors, of whom three were lawyers and two were from other departments, and several nonresident lecturers. 10 Of the three original law professors, only one was a law school graduate; all had substantial backgrounds in practice.

One, Francis Marion Burdick, A.B., 1869, LL.B., 1872, Hamilton, was later called to the Dwight Professorship of Law at Columbia University; another, Charles Avery Collins, A.B., 1886, Yale, served as counsel to two New York governors and on the State Statutory Revision Commission; and the third, Harry Burns Hutchins, Ph.B., 1871, Michigan, later became President of the University of Michigan.

All courses were required; there was no elective system. 11 Instruction was by a combination of lecture, textbook recitation, and daily quizzes. The then novel casebook method was also tried by a faculty receptive to new teaching methods, and within a few years was in general use in courses other than those in practice. Considerable emphasis was placed on pleading and practice. Attendance was compulsory, the experience of the faculty being that "in no other way can the best results be attained." 12 Students who were, in the opinion of the faculty, neglecting their work, were dropped at any time during the year. 13 The so-called "University Court," which met weekly, was probably the first moot court in an American law school. On its bench law professors sat and heard as many as six brief arguments by each senior student, writing opinions on each case for the law library files for future reference. At the end of each term, there were written and private oral examinations in each course. A senior thesis, "not less than forty folios in length," was required. Impressive were the labors of both law faculty and students. No wonder that the law students acquired the reputation of being the "most laborious class of students" in the University. 14

In June, 1887, the first class was then law faculty, would have served no pedagogical purpose, since the subjects with which law students should become familiar already required their full attention and were more than could be properly covered during the law school course. The proposed remedy was not an elective system, it was felt, but expansion of the law school course, eventually, to four years. See note 19 infra.

12 Hutchinson, op. cit. 13 Cornell University Announcement of the School of Law for the Year 1887-88, 11 (1887).

14 Annual Report of the President of Cornell University for the Academic Year, 1887-88, 21 (1888).
graduated. Of the nine students receiving the Bachelor of Laws (L.L.B.) degree, two, Ernest Wilson Huffcutt and Edwin Hamlin Woodruff, later became distinguished professors and deans of the school. Within five years the student body had increased to 125; the law library to 10,000 volumes, tuition to $100 a year. A graduate Master of Laws (L.L.M.) program was introduced in 1889. Francis Miles Finch, a judge of the New York Court of Appeals and visiting lecturer since the opening of the school, became dean in 1891.

The law school had outgrown its original quarters and moved into its own building, Boardman Hall, a three-story sandstone structure containing several lecture rooms, cloakrooms, seminar rooms, administrative and faculty offices, and the law library rooms, with accommodations for 30,000 volumes and 300 readers, costing $110,000, named after its first dean, and dedicated on February 14, 1893. The valuable Nathaniel C. Moak Library, of some 12,415 volumes, donated by Dean Boardman’s widow and daughter, was presented to the law library, making it one of the best law school collections in the country. Summer sessions were instituted in 1893.

At about the same time there came to the law school two persons who had a substantial impact on the school. To the small faculty in 1891 came Charles Evans Hughes, A.B., 1881, M.A., 1894, Brown, L.L.B., 1884, Columbia, originally from Glens Falls, New York, later Governor of New York (1907-1910), associate justice of the United States Supreme Court (1910-1916), almost-successful Republican opponent against Woodrow Wilson for the Presidency of the United States in 1916, Secretary of State (1921-1925), judge of the Permanent Court of International Justice (1928-1930), and Chief Justice of the United States (1930-1941). Professor Hughes, then 29 years old, was the youngest full professor on the campus. As a student from nearby Lyons, New York, in 1892 came Myron Charles Taylor, ’94, who was to become the law school’s principal benefactor.

Meanwhile, admission standards were becoming more exacting, and the law school course was lengthened to three years. In many of these

16 At the dedication, Chief Judge Charles Andrews of the New York Court of Appeals delivered an address entitled “Influence of America on Jurisprudence.” In 1929 Dean Woodruff wrote: “Boardman Hall has proved to be a beautiful and cheerful home for the school and has an abiding place in the memory of hundreds of former students. Woodruff, supra note 1, at 97.

17 Each tightening of admission standards witnessed a drop in admissions. For example, when four years of high school were required for admission in 1898, there were only 62 entering students compared to 125 the year before. In 1911, one year of college was required; in 1919, except for World War I veterans, two years of college; in 1924, except for Cornell double registrants, four years of college. Double registration, except for four-year engineering students, ended in 1962.

18 The school had 1,521 graduates, then Dean Woodruff called for stronger alumni support. In June, 1923, the alumni enrolled the Cornell Law
Association. It has now grown to 3,122 members, practicing in all 50 states and some 30 foreign countries, has made available scholarship and loan funds, and holds a Cornell Lawyers Reunion each May in Ithaca; its members contribute annually to the Cornell Law School Fund, recommend the school to prospective students, and vice versa, and help make possible the highly successful placement of the school’s graduates. Summer sessions were instituted in 1923, lasting until 1930 and drawing to Cornell outstanding visiting professors.

The law school, in 1924, was placed on a graduate basis, requiring for admission an undergraduate degree, except for six-year double registrants from Cornell—continuing its role as the law school with the highest admission requirements in New York State.

In 1926, Professor Charles Kelllogg Burdick, A.B., 1904, Princeton, LL.B., 1908, Columbia, a member of the faculty since 1914 and son of one of the three original law professors, succeeded to the deanship.

Graduate programs leading to the degrees of Doctor of Juridical Science (J.S.D.) and Master of Laws (M.L.) were introduced in 1929, as were the first experimental problem courses to supplement the casebook method of instruction. A third-year comprehensive examination was instituted in June, 1932, as a substitute for the eighth-term course examinations. It consisted of a three-day written examination of across-the-board questions covering the entire three-year curriculum and a library problem requiring one week’s research, followed by the drafting of a memorandum of law on which each student individually

was orally examined at length by at least two faculty members.

Boardman Hall was proving inadequate for the growing law school. In 1928, Mr. Charles Taylor, LL.B., 1894, chief executive officer of United States Steel Corporation, and active in public affairs, provided $1,500,000 for a new law school building, writing, in part, as follows: 25

"In my situation one would naturally turn first to Cornell University as that medium for the working out of this purpose, because it is my own alma mater, and also because it seems to me that Cornell is admirably fitted to develop a centre for such training and research, particularly in view of the solid foundations and high standing of the existing School of Law."

On October 15, 1932, Myron Taylor Hall was dedicated. 26 Former Professor Hughes, then Chief Justice of the United States, sent his warm greetings. Chief Judge Cuthbert Winfred Pound, Cornell, 1887, of the New York Court of Appeals, who had been on the law faculty from 1895 to 1904, gave the dedicatory address. 27

Myron Taylor Hall is a handsome collegiate gothic building dominated by its central tall Peace Tower. The north wing contains several lecture rooms; the impressive moot court room, in which are held not only moot court arguments before the country’s leading judges, but endowed and other lectures, law school convocations, and other public events; and Cornell Legal Aid Clinic offices. In the south wing are the high-ceilinged foyer, complete with gothic mantelpiece and fireplace, from which glows a warm fire on festive occasions, and memorial tapestry, where periodic social hours are held; the spacious law reading room, with its three-story wall windows, vaulted ceiling and chandeliers, and five levels of open stacks capable of accommodating 450,000 volumes; administrative, faculty, and staff offices; offices of the New York State Law Revision Commission, Cornell Law Association, the Cornell Law Quarterly and other student organizations; several seminar rooms; well-furnished men’s and women’s lounges and locker rooms; squash court, on which some one-third of the students and faculty play, and shower room; and kitchen.

Now more than 30 years old, Myron Taylor Hall remains one of the most luxurious and inspiring university buildings in the world. Recent law school buildings erected at several times its cost do not equal it. 28

In 1934, the New York State Law Revision Commission was established by the New York Legislature, with offices in Myron Taylor Hall, charged with the responsibility of recommending revision of the private substantive law of New York. Dean Burdick was its first chairman. Its first and long-time Executive Secretary and Director of Research was Professor John Winchester MacDonald, who became a member of the Commission in 1949 and its fourth and current chairman in 1958. 29

Succeeding Dean Burdick in 1937 was Professor Robert Sprout Stevens, A.B., 1910, LL.B., 1913, Harvard, who as a faculty member since 1919 had acquired a national reputation in the fields of corporation law 30 and equity. 31 Sufficient problem courses to accommodate the whole third-year class were offered beginning in 1937. At the beginning of the next year, ten days of lectures introductory to the study of law, supplemented by specially-prepared materials, were given to the entering class. Also, the Cornell Legal Aid Bureau was organized. Admission requirements were

25 See Stevens, supra note 1: "With luxurious details inside and outside, the building is an inspiration to those who teach and study there and has drawn from them a sense of protective guardianship."


27 See Stevens, supra note 1.


strengthened; personal interviews of applicants were instituted in 1939. The school weathered the crisis of World War II, which saw the law faculty shrink from 13 to nine, the student body from 207 to 31. As a contribution to the war effort, the faculty members, under Acting Dean William Hursh Farnham from 1941 to 1945, contributed their services during summer sessions which enabled students to accelerate their studies and complete them in two calendar years. With the ending of the war in 1945, Dean Stevens and the other faculty members on leave returned. The undergraduate degree admission requirement was waived for veterans with two or more years of college. Enrollment rose to 459 requiring the sectioning of first-year classes. The accelerated program continued until 1948. In 1948, satisfactory performance on the Law School Admission Test became an additional criterion for admission.

As a result of the interest of the students, especially the returning veterans, in public international law and foreign policy, the program of specialization in international affairs was commenced in 1948. In 1949, the first professorship of law was endowed, followed soon by the endowment of three more chairs in law. Mr. Taylor provided funds for notable visiting lecturers in international affairs. Grants from the James Foundation enabled several younger foreign legal scholars to spend a year or more at Cornell, thereby enriching discussions of comparative law.

In 1954, a combined four-year program with the Cornell Graduate School of Business and Public Administration, leading to the L.L.B. and either the Master of Public Administration (M.P.A.) or Master of Business Administration (M.B.A.) degrees, was started. The Ford Foundation, in 1956, made a $396,000 grant in support of the Cornell Summer Conference on International Law and the Comparative Law Seminars. The seminars bring together at Cornell for a term legal scholars from all over the world to do research, prepare papers, and try to distill the "General Principles of Law Recognized by Civilized Nations." 36

White and Edwin H. Woodruff Professorships of Law, and William G. McRoberts Research Professorship in the Administration of the Law, in 1951. The McRoberts Professorship was endowed by a student who spent only one year in the law school in 1895-1896, who in 1938 wrote complaining against the views expressed by the law school commencement speaker and received a firm but gracious reply from Dean Stevens, and who, upon his death some dozen years later, left the remainder of his residuary estate of $347,000 to endow the McRoberts chair.


The Summer Conferences are attended by distinguished international lawyers, members of the law school faculty, and students interested in international law.


Meanwhile, Dean Stevens had resigned in 1954, being succeeded in 1956, by Professor Gray Thoron, A.B., 1940, L.L.B., 1943, Harvard, of the University of Texas Law School. His seven-year tenure as dean witnessed a second major contribution by Mr. Taylor of $1,000,000 for a law residence center to be named in honor of Mr. Taylor’s respected teacher, Professor Hughes, further financial strengthening of the law school and its library, succession by younger faculty members, greater tightening of admission standards, organization of the law school’s Advisory Council of distinguished judges and practicing lawyers, reestablishment of the Cornell Legal Aid Clinic, and revamping of the curriculum.

In 1963, William Ray Forrester, A.B., 1933, Arkansas, J.D., 1935, Chicago, dean of the Tulane Law School for the previous ten years and before that dean of the Vanderbilt University School of Law, became dean of the Cornell Law School.

The past year witnessed the completion—at least in the light of current needs—of the physical facilities of the Cornell Law School by the dedication of The Charles Evans Hughes Law Residence Center. Costing $1,700,000, the structure, overlooking the deep gorge of Cascadilla Creek, matches the collegiate gothic style of Myron Taylor Hall, which it adjoins and extends. It provides a variety of suites for approximately 120 law students. It also contains a large dining room, smaller private dining room, and lounges. The center, occupied since September, 1963, was dedicated on December 4, 1964, the principal address being given in absentia by Chief Justice Earl Warren. 40 Participating also was Chief Judge Charles Stewart Desmon of the New York Court of Appeals, a member of the law faculty since 1957.

Since 1887, the Cornell Law School, emerging from the fourth floor of Morrill Hall, first to the then more than adequate Boardman Hall, and later to Myron Taylor Hall and The Charles Evans Hughes Law Residence Center, has grown from a full-time faculty of three to 20 law professors, from a student body of 55, few of whom had graduated from high school, much less been to college, to a current student body of 380 students from 32 states and 18 foreign countries, graduates from 112 different colleges and universities.

From a training ground for preparing upstate New York students for the New York bar, it has become a national law school with courses in international and comparative law as well as in all phases of Anglo-American law. The original 4,000-volume library has increased to some 172,000 volumes and 13,500 pamphlets, administered by a library staff of 14 members, and supplemented by one of the world’s largest university library collections—more than 2,500,000 volumes. Research and secretarial assistance has been provided to faculty members.

Tuition, meanwhile, has risen from $75 to $1,800 per academic year—the highest of


41 Meanwhile, the university as a whole had grown from a student body of 1,293 to 13,103; from a faculty of 94 to 1,858.
all American law schools; total expenses, including tuition and fees, per student per year have increased from approximately $300–$425 to $3,500.

From the very start, the Cornell Law School acquired a growing body of traditions—unhampered by ever having been a proprietary school, stimulated by being physically located at the center of a major university, and uninterrupted by any serious schisms. The first graduating class, 1888, as mentioned, included two men later to serve as members and deans of the law faculty. Graduates of successive classes, usually after having demonstrated their abilities in practice or as teachers in other law schools, were called to the faculty. All this gave the school a continuity equaled by few other law schools. At that same time, experienced lawyers, who had been high-ranking graduates of other leading law schools, were added to the faculty, thus preventing the school from becoming too ingrown.

Faculty members have come to the school with a wide variety of experiences at the bar, on the bench, in teaching, and in government service. Over the years, leading texts and casebooks, as well as a steady stream of contributions to legal periodicals and other publications, have been written by faculty members. Some faculty members have accepted judgeships and other public offices; others, remaining on the faculty, were active in the programs of learned societies, the American Law Institute, and various bar associations; still others engaged in law reform, in formulating uniform and model acts, consulting with the New York State Law Revision Commission and others, such as in the recent revisions of the Uniform Commercial Code, drafting of the New York Business Corporation Law, and proposal of a new code of ethics for the members of the New York Legislature.

Complementing the resident faculty have been a host of visiting lecturers from all over the world. Especially noteworthy have been the incumbents of the three established annual lectureships.39

The Cornell Law School, which has one of the smallest enrollments of all the national law schools, has one of the highest faculty-student ratios. This has enabled the school to provide a curriculum rich in courses, to have small classes in specialized upperclass courses, and to offer each year some 14 different problem courses—a method of instruction in which Cornell pioneered.

Both faculty and students are full-time residents of the university community, frequently meeting outside the classroom on social occasions, dining together in the Hughes Hall dining rooms, attending the same lectures by distinguished visitors to the university, concerts by the world’s greatest orchestras and other performers, art exhibitions,

39 The rosters of The Frank Irvine Lectureship (1913), The Robert S. Stevens Lectureship (1955), and The Henry A. Carey Lectureship in Civil Liberties (1958), constitute a Who’s Who in the law over the years.

40 The dean, during each year, is the host at some 30 luncheons in the Hughes Hall private dining room, at which five different first-year students, one or two faculty members and any visiting alumni, are guests.