II. THE ACCREDITATION OF A LAW SCHOOL

The accreditation of a law school by the American Bar Association is the *sine qua non* of legitimacy and respectability. Without accreditation, a law school's graduates are in a state of limbo, unqualified to be admitted to practice law in virtually every jurisdiction in the United States. Not surprisingly, even before the Villanova School of Law welcomed its first class, speedy and full approval (accreditation) was an imperative objective. The strategy envisioned not only seeking approval by the American Bar Association, but also membership in the Association of American Law Schools and even, looking farther ahead, acceptance into the Order of the Coif.

In the summer of 1953, in anticipation of the arrival of the first class, the Dean met with the Pennsylvania Board of Bar Examiners, to be grilled as to the plans for the quality of the nascent school. Noting their obvious concern at that meeting, the Dean assured the Board that there would never be a night division (part-time) as long as he would serve as Dean of the School of Law. When asked if the new law school would comply with the American Bar Association’s standards, the Dean created consternation momentarily by stating that he was not paying much attention to the A.B.A. standards. When asked why he took such an attitude, he replied that he regarded the A.B.A. standards as too minimal and that he expected to launch an enterprise that would not be content with the very minimum. The Dean emphasized that the standards of the American Bar Association and those for membership in the Association of American Law Schools were, for the most part, quantitative in that they prescribed the number of professors, the minimum number of books in the library, seating space, salary structure, physical plant and the like, with only one qualitative standard, and that somewhat nebulous. The one qualitative standard as stated in 1953 required the law schools to offer “a sound educational program.” Happily, that standard has now been much more precisely defined as standards 301 through 308 of the Standards and Rules of Procedure for Approval of Law Schools. The Dean then boldly stated that he would embrace the more rigid requirements of the more demanding of the two associations and would not only meet them but multiply each one by a factor of three. The outcome of the meeting was reported favorably to the Chief Justice of the Supreme Court of Pennsylvania.

The next step taken by the Dean was to secure a commitment from Chief Justice Horace Stern that, under agreed upon conditions, graduates of the school would be permitted to practice in Pennsylvania. Enlisting the good offices of Charles Bernard Nutting, Reuschlein's dean at the University of Pittsburgh and the incoming president of the Association of American Law Schools, as the contact man, a letter was obtained from the Chief Justice stating that if the American Bar Association had given provisional approval to the Villanova Law School by the time the first class was graduated, the graduates would be allowed to sit for the Pennsylvania Bar examination, and upon successful completion would be permitted to practice in the Commonwealth.
With that commitment in hand, the Dean needed to focus his attention on securing provisional approval by the American Bar Association. The most helpful and influential person to enlist in the Dean’s campaign for provisional approval was the late John G. Hervey, Advisor to the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association. Hervey, an Oklahoman, earned his college degree and his law degree from the University of Oklahoma and held a Ph.D. in history from the University of Pennsylvania. Before assuming his duties with the A.B.A., Hervey had been a professor of Law and Dean of the School of Law of Temple University. During his sojourn in Philadelphia, he developed a warm friendship with Walter Gibbons and Judge Vincent Carroll, both prominent members of the Philadelphia Bar who had become members of Father McGuire’s advisory group. Hervey had developed a warm regard for both men.

According to Dean Reuschlein, John Hervey was a man with four intense loves: his family, legal education, the Masonic Order and the Methodist Church. Dr. Hervey and the Dean hit it off from the beginning particularly since Hervey was convinced that the Dean was determined to organize what John Hervey believed might well become the flagship of the Catholic law schools. Further, upon meeting with Father McGuire, a man of great warmth, charm and culture, Dr. Hervey was impressed with him and his visions of a law school.

With this background of friendly feeling toward, and professional respect for, the President, the Dean and distinguished members of the Board of Advisors, it came as no great surprise that John Hervey, who moved around the country in his capacity as Advisor to the Council, was spreading the word that “Villanova was doing everything right” in its venture into legal education.

When Dr. Hervey inspected the School of Law in January 1954, after it had been in operation but a single semester, he reported to the Council that the School was off to a good start, that it was exceptional in its emphasis on training for leadership in the profession, that the faculty was composed of teachers of vision who were being eyed by raiding deans of other law schools, and that the admissions policy was to refuse to admit students who had failed in other law schools. All this augured well for the School’s prospects. In March of the same year (1954) the School of Law was provisionally approved by the American Bar Association.

In the meantime, the approval of the University of the State of New York (Board of Regents), a condition precedent to law graduates being permitted to
practice in New York, was sought and in August of that year, the first year curriculum was approved. Simultaneously, the groundwork was being laid for application for membership in the Association of American Law Schools.

In March 1955, John Hervey reinspected Villanova and again commended the School for the quality of its achievements and in the summer of 1955, the Regents of the University of the State of New York approved the second year curriculum.

In the fall of 1955, during the first semester of the third year of operation, the Dean reported to the then-President of Villanova, Father James A. Donnellon, O.S.A., that, while permanent (full) approval by the American Bar Association might, in light of the experiences of other quality law schools, be expected during the summer of 1957, his aim was to persuade the Council of the Section of Legal Education to fully accredit the School at the annual meeting of the A.B.A. in August 1956 in Dallas and to seek admission to the Association of American Law Schools at its annual meeting in December 1956.

That this ambitious aim was not to be realized was due to no lack of effort on the part of the Dean. On August 25, 1956, the Council of the Section of Legal Education, at the annual meeting of the A.B.A. in Dallas, denied the petition for full approval, following which a reconsideration was requested by the Dean, granted, and on the following day, despite an eloquent presentation by the Dean, the action of denial was affirmed. The Dean’s report to the President of Villanova University (by this time Villanova had shed its college status and been designated a university) indicated why the refusal. The Council was and is composed of both legal educators and practicing lawyers and judges, some of whom at that time were also bar examiners. At the first meeting, the Chairman of the Council, Dean Frederick D.G. Ribble of the University of Virginia, informed the Dean that it was the belief of a majority of the Council that no law school should be fully approved until first bar examination results were known to be satisfactory. Upon the Dean’s learning that one law school had been fully approved prior to demonstrating that satisfactory bar examination results had been achieved, a reconsideration of Council’s action was sought and again denial was had by “a painfully close vote,” the adverse votes coming principally from the practitioners rather than from the legal educators. Upon the final denial the Dean was assured by the Chairman that full approval “would be served on a silver platter” at the next meeting by the Council in February 1957 with the caveat that the School should not “come a cropper” on the bar examination. So the timetable for approval and membership in the Association of American Law Schools had to be adjusted.

In November 1956, the results of the first bar examination were a disappointment. The single applicants to the bars of the District of Columbia, Maryland, Massachusetts and New York were all successful. In Pennsylvania, of 22 who were examined 10 passed, a 45.45% success rate as compared to the state-wide average of 63.02%. Despite the disappointing bar results, the American Bar Association, at the mid-winter meeting of the House of Delegates granted full approval to the Villanova
Law School. Interestingly, after approval it was learned that in the mid-winter bar examination in Pennsylvania, of the nine original failures who took the examination, six passed, the success average of repeaters throughout Pennsylvania being just over 50%. Parenthetically, the Pennsylvania Bar results showed but slight improvement in 1957. To this date, the Dean has no satisfactory explanation for the poor results among the first two graduating classes. Happily, beginning with the bar examinations given in 1958, the results were gratifying and they have been gratifying ever since. And so the School took on the next challenge: early acceptance into membership in the Association of American Law Schools. There were, among the officers of the Association, those who felt that because of the less than spectacular Pennsylvania Bar examination results, Villanova had no cause for appreciable optimism.

In October 1957 the School of Law was inspected by a two-man team from the Association of American Law Schools. The two evaluators were Dean Gray Thoron of the Cornell Law School and Dean Anthony Papale of the School of Law, Loyola University, New Orleans. In the preparation of the inspection report, the Dean and Vice-Dean O'Toole were permitted a somewhat unusual contributory role. This insured that the report contained an unprecedented detailed statement of all aspects of the Villanova Law School story. The evaluators concluded that the Executive Committee should recommend that the School’s application for admission to the Association be approved. Because of the known sentiment of the then-president of the Association, it was with serious misgivings that the Dean and Vice-Dean attended the meeting of the Association in the Palace Hotel in San Francisco. Because of doubts raised in the deliberations of the Executive Committee, the Dean has often stated his gratitude to two members of the Executive Committee, Dean Erwin N. Griswold of Harvard Law School and Dean John Wade of Vanderbilt University Law School. They seemed not overly concerned with Villanova’s unsatisfactory bar examination results, believing that in view of the School’s faculty and program, bar examination results would right themselves. (They did.) At any rate, out of that meeting in December 1957, Villanova’s School of Law emerged as a member of the Association of American Law Schools. And so on to the final challenge of the triple crown, recognition by the Order of the Coif.

Initially, consultations looking forward to application for a chapter of the Order of the Coif were had with Professor Victor H. Kulp of the University of Oklahoma, the perennial secretary and treasurer of the Order. At the time of the Association of American Law Schools annual meeting in Philadelphia in December 1958 a dinner was served at Garey Hall with the overall purpose of interesting influential faculty members from a number of “Coif schools” in our quest. Helpful guidance was obtained especially from Dean Lockhart of the University of Minnesota. In October 1960, the officers of the Order of the Coif sent an inspection team consisting of Professor Clark Byse of Harvard, who had been a professor at the University of Pennsylvania at the time Villanova Law School was inaugurated and Professor Shelden D. Elliott of New York University, a former dean of the Law School of the University of Southern California. The School of Law was granted a Chapter in May 1961, being the forty-eighth law school in the United States to become a member of the Order since its establishment in 1909. Villanova was also the first religiously oriented law school to be so honored, not an insignificant achievement for a school that at the time had graduated only five classes.