VII. THE FIRST DECADE

A Summary

With the settlement into Garey Hall, the ambition of the Dean for his school was not sated. He envisioned, as the next development, a graduate residence hall adjoining Garey Hall. For several years, the Dean’s annual report to the University President, Father Donnellon and later Father Kleerotka, spoke to the need for such a facility: “Our greatest need is for a sizable company of highly qualified students living together as a community of scholars. The School of Law here at Villanova will never be the kind of law school we want and need until such facilities are available.” Sketches were prepared for a handsome building, compatible architecturally with Garey Hall, located immediately to the east of Garey Hall and connected thereto by a covered walkway. The building was to contain a chapel, commons area, dining facilities and student residences. For a number of years the sketch was invitingly displayed in the Dean’s office. But the plan to build the residence hall was shelved because of the development of a more pressing need. By 1970 it became apparent that Garey Hall had to be enlarged. There was a burgeoning demand for legal education coming from an ever expanding number of eligible young people. Space was also needed to serve the needs of the necessarily increased faculty and staff required to serve the students. In fifteen years Garey Hall had become inadequate.

In retrospect, it may have been fortunate that the Dean’s desire for a graduate residence hall was not fulfilled. There was much student unrest disturbingly prevalent on campuses throughout the country during the later sixties and early seventies. However the School of Law at Villanova was quite free of any disturbing occurrences. But though in the 1950s and early 1960s there was a clamor for housing on campus, by the later 1960s law students in general wanted no part in campus housing. Today, the pendulum seems to have returned to a position indicating renewed interest in campus housing on the part of law students.

Other challenges were gradually being overcome. More and better qualified students found their way to the School of Law. In 1961 Villanova became the first Catholic law school to be accepted to membership in the Order of the Coif. The Chapter was installed with appropriate ceremonies on November 17, 1961, with Professor John P. Dawson of the Harvard Law School as installing officer. (See “Accreditation,” supra.) Year by year, the School earned greater recognition from the practicing bar, the judiciary and the world of legal education as a quality institution turning out high calibre, well trained lawyers. The recognition was earned
by the joint efforts of the administration, the faculty and the staff. Though highly qualified teachers left the School, they were replaced by equally highly qualified successors. Throughout, to an extent rather unusual in the law school world, all connected with the operation were devoted to the ideal that the best interests of the School were identical with the best interests of the students. From the beginning the tradition was established that faculty members should not only be competent professors in the classroom, but also accessible as advisors to any and every student. Faculty office doors were always open to inquiring, puzzled and, at times, disheartened students. unofficially, the motto of the faculty might well have been “demanding in the classroom, available in the office.” It may be doubted that many law schools over the years have offered a closer rapport on a professional level between faculty and students.

Faculty changes came relatively early. By 1962, within five years of the move into Garey Hall, of the original faculty, only the Dean and Professor Stephenson remained. Thomas J. O’Toole, then Vice Dean and full professor, left in 1962 to practice law in Bethlehem and later to become successively Professor of Law at Georgetown, Dean at Northeastern and then, as now, Professor of Law at Suffolk. William B. Ball left at the end of the 1961-62 academic year to become the first executive director of the Pennsylvania Catholic Conference established by the bishops of Pennsylvania. Over the years Professor Ball developed an enviable reputation as an expert on the Constitution and church-state relations having become a leading practitioner before the Supreme Court of the United States in that troubled area. After five years of service, John T. Macartney returned to private practice. In 1961 Donald M. Collins also left to reenter practice, though he did retain his connection with the School as an adjunct in Taxation for a number of years. After seven years of service, Francis E. Holahan, who had during his tenure at Villanova been a Kent Fellow at Columbia (1957-58), returned to his alma mater, the University of Pittsburgh where he continues to serve. In 1962 Arthur Pulling, having reached the age of seventy-five, shelved his last Villanova law book, leaving the School his ten year accumulation of 95,000 volumes in the hands of his able successor, Jane L. Hammond. As indicated supra, Dr. Pulling started a library at the newly established School of Law at the University of Maine. Regrettably, his tenure at Maine was brief, his death occurring in September 1963.

To replace the departed founding fathers and to increase the faculty to meet the needs of a growing student body, a succession of able young faculty appeared on the scene. Among the new arrivals was Florian Bartosic who remained but one year. In view of his expertise and high interest in labor law, he left to serve with the “Monitors” assigned to exercise surveillances of the International Brotherhood of Teamsters. After service in the “house of labor” for a number of years, he returned to law teaching and is now the Dean of the School of Law of the University of California at Davis. Soon thereafter, Ernest F. Roberts arrived. Roberts proved to be a brilliant innovator and classroom performer. After six years of service at Villanova, Professor Roberts joined the Cornell Law School faculty where he is now the Edwin H. Woodruff Professor. William H. Painter, a serious scholar in the area of corporate and tax law, served most effectively for six years until ill health resulted in his resignation. Happily, he resumed teaching at the University of Kansas City (now University of Missouri-Kansas City) and is currently the Albert E. Jenner Professor at the University of Illinois. Wayne R. LaFave graced the faculty during
1960-61. He is now the David C. Baum Professor at the University of Illinois. Villanova welcomed his return as the Giannella lecturer in 1987.

A noteworthy characteristic of this early group of faculty members, a feature not substantially altered for a number of years, is the preponderance of those with ivy league education on both the undergraduate level and in law, with a heavy emphasis on Harvard Law School training. This influence on the young School of Law was highly significant and was reflected in the work ethic, the professional standards, the curriculum and the unwavering drive for excellence.

A group of teachers destined to give the school distinguished service for many years arrived in 1961 and 1962. This group included Donald A. Giannella who served until his untimely death in 1973 and Donald W. Dowd, still serving. Both Giannella and Dowd were completely Harvard educated. Arriving also were J. Edward Collins, Boston College and Cornell, emeritus since 1985, and Gerald M. Abraham, Arts and Law from New York University and currently Associate Dean at the School. All these men quickly gained a reputation among the students as being heavy hitters. Graduates of that era have vivid recollections of successive classes orchestrated by O'Toole, Roberts, Collins, Giannella and Dowd in which they felt somewhat raked over. Some relief was afforded by sessions with the more gentle, benevolent and sympathetic Stephenson and Abraham.

From that era of the early sixties we are grateful for the contribution of John J. Cleary, ’59, the first Villanova Law graduate to join the faculty of the School of Law. As an able, thoughtful and dedicated successor to Thomas J. O’Toole as Assistant Dean, he performed many duties that in later years were to be handled by specialists maintaining separate offices for admissions, placement and alumni relations. During his tenure John Cleary taught courses in Antitrust and Family Law. In 1966 he left to enter private practice.

Those were the days when classes were relatively small, women students were few, veterans of military service were numerous and student financial aid was modest in amount. The students were hungry and were thoroughly convinced that they had better be prepared. The attrition rate was high and that meant the survival of the most fit and the most determined. Perhaps it was not exactly fun to learn during those years, but it was certainly fun to teach. The results of professional labors were evident, as a student could be observed advancing from year to year, each faculty member having a required exposure to classes in each of the three years of the curriculum. Each final product graduated was familiar to his mentor and whatever misgivings there were as to the quality of the professional education and training absorbed by each student by the time of graduation, such fears were rather quickly dispelled when the results of the bar examinations were published. The classes were not so large but that faculty members could entertain members of the graduating classes at their homes for tea, after having counseled each one personally in the first year of law study. It was a period in which the morals of
the young were not suspect and the attitude of youth to age was one of respect, even when frequently the differences in age could be counted on the fingers of one hand. The faculty on the average was young, some indeed having no prior experience in teaching. Many, when appearing before their first classes at Villanova, were often facing their first law classes as instructors, the exceptions being veteran teachers Collins, O'Toole, Reuschlein and Stephenson.

In the spring of 1963, the School of Law completed its first decade of service. Entrance enrollment which had numbered 68 in the initial class peaked to 103 in 1959. The student population rose from 117 in 1955, the first year with three classes in residence, to 184. In 1963, the average credentials of entering students were still less than desirable and the rate of attrition continued to be disturbingly high. But bar examination results had improved to an impressive degree, the School boasting quite often the highest percentage of successful applicants to the Pennsylvania Bar of any law school in the Commonwealth. The Institute of Church and State had been established under the directorship of Professor O'Toole in 1955. Its avowed purpose as announced in the New York Times for Sunday, December 18, 1955 was to "render a distinct service to our country by providing a center to which information and opinion may be brought and weighed by persons who, regardless of religious affiliation, sincerely desire to hear other men's ideas in this area and to achieve reasonable solutions of the problems considered." Over the years distinguished spokespersons graced the forums sponsored by the Institute. The publications record of the Institute, including proceedings of the forums and the noteworthy Annuals, under the title "Religion and the Public Order," is most impressive.

During this period an exchange professorship was inaugurated with England's University of Nottingham with Professor Brian Hogan of Nottingham teaching at Villanova while Professor Ernest F. Roberts visited at Nottingham. A course in Law and Psychiatry was established with a practicing psychiatrist assigned to the course.

The Villanova Law Forum, under the direction of Professor William B. Ball, featured a distinguished annual series featuring, among others, noted lawyers Edward Bennett Williams, Melvin Belli and Robert Dechert, noted political figures such as Senators Muskie of Maine, Javits of New York, Dodd of Connecticut, John F. Kennedy of Massachusetts and Joseph S. Clark of Pennsylvania, House Speaker Joseph W. Martin, noted authors Katherine Drinker Bowen and Alpheus T. Mason and the journalist James J. Kilpatrick. During that period several justices of the Supreme Court of the United States visited the School including Chief Justice Warren, Justice John M. Harlan and Tom C. Clark. Other judicial visitors included Chief Judge John C. Biggs of the United States Court of Appeals for the 3rd Circuit, Judge Henry T. Friendly, U.S. Court of Appeals for the 2nd Circuit, Chief Judge Charles E. Clark, Court of Appeals for the 2nd Circuit, a former dean of the Yale Law School, Chief Judge William H. Hastie, Court of Appeals for the 3rd Circuit, Chief Judge Charles
Desmond of the Court of Appeals of New York, Chief Justice Raymond S. Wilkins of the Supreme Judicial Court of Massachusetts, Chief Justices Stern and Charles Jones of the Supreme Court of Pennsylvania and Chancellor William Duffy of Delaware. A number of distinguished legal educators spent time with students at the School, including former Dean Charles E. Clark and Dean Eugene V. Rostow, both of Yale, Professor Paul Freund of Harvard and Vice Chancellor Charles B. Nutting of the University of Pittsburgh. Eminent members of the Church hierarchy spent time at the School, including Cardinal Spellman of New York, Cardinal O’Hara of Philadelphia and Archbishop Fulton J. Sheen.

Perhaps the most beautiful tradition at Villanova is the annual Red Mass celebrated each fall. This Votive Mass of the Holy Spirit is offered to invoke the Divine Blessing upon the School of Law and the legal profession. The tradition began at La Sainte Chapelle in France and at Westminster Abbey in England. The Mass was celebrated to implore divine guidance for those who judge, legislate, serve clients, teach and study law. The English celebration is on the Feast of St. Michael, Archangel (Michaelmas, September 29) which marks the opening of the royal courts. In Washington, the Mass, traditionally celebrated at St. Matthew’s Cathedral, marks the opening of the October term of the Supreme Court of the United States.

The Mass takes its name from the red vestments of the celebrants, the red and ermine robes of the Law Lords and the scarlet gowns of the faculties. Red is the liturgical color associated with the Holy Spirit.

The School of Law first celebrated the Red Mass on the morning of October 20, 1957. The celebrant was Father James A. Donnellan, O.S.A., Villanova’s President. The Villanova Singers sang the Ordinary of the Mass and Dean Harold Gill Reuschlein served as choirmaster and organist. Dean Reuschlein presided at the organ for the Red Mass until his retirement in 1972. The Faculty, law students and most of the approximately 50 alumni attended. Father Robert Regan, O.S.A., Professor of Ethics preached. He characterized the first Villanova Red Mass as “an historic event in the life of the School of Law and its parent University.”

The tradition has continued through all the years. Shortly after the first celebration, the Mass came to be celebrated in the evening so that alumni and members of the Bench and Bar could more conveniently attend.

Principal celebrants over the years have included distinguished members of the American hierarchy and presidents of the University. Preachers have included many college and university presidents, and in recent years a number of lay speakers. See Appendix, infra.

As the era closed, several graduates had been named to prestigious clerkships, including two clerks to Justices of the Supreme Court of the United States. The Villanova Law School was growing in stature and was gaining ever wider professional recognition. The Dean had been elected in 1962 to the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association. He was to continue his work in various capacities with that important group for 20 years. The School of Law was forging ahead in pursuit of its goal, if not to be the best law school in Pennsylvania, then to be as good as the best.