

CAPSTONE LAW: THE UNIVERSITY OF ALABAMA SCHOOL OF
LAW, 1873–2023

Paul M. Pruitt Jr.

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I. BEGINNINGS: YEARS OF SURVIVAL, 1873–1913

Burned almost to the ground by Union raiders in April 1865, the University of Alabama was virtually defunct for several years.¹ Following the Civil War, the school's Board of Regents (functionaries of the state's Republican regime) attempted to hire an effective president, only to see a succession of likely candidates either refuse the job or resign almost at once—such were the pressure and threats exerted by white Democrats.² In the spring of 1871, however, the board met together with a number of the university's alumni with the object of choosing a faculty acceptable to both sides.³ They were quite successful in this endeavor; in addition, they decided that the university should consist of four “schools,” the third of which would be that of “Professional Education.”⁴ They planned for the latter to include a law school but failed to decide the details until December 1872.⁵ At that meeting, they decreed that the Professor of Law would receive a salary of \$500 plus tuition collected from

* The author would like to thank the editors of the *Alabama Law Review* for inviting him to speak at the February 2023 symposium, “Our History, Our Future,” and for working with him on the present article. He thanks Bounds Law Library Director Casey Duncan and Associate Director Ruth Weeks for their encouragement and understanding, and Curator of Archival Collections David I. Durham for good advice and many insights. Indeed, thanks to Dr. Durham for his unfailing support, both material and psychic, from the late 1990s to the present! Thanks also go to our talented and energetic Research Assistants, Rachel Armstrong and Samantha Norby, who never failed to answer the call. In addition, the author would like to thank Associate Director Ruth Weeks, Computer Services Librarian David Lowe, and Dean Charles Gamble for the wonderful interviews they gave us in the fall of 2022. Finally, the author thanks Dean Mark E. Brandon and Dean William S. Brewbaker for their leadership and support, and the indispensable Executive Secretary Laura Dotson for the kindness and excellent assistance she has rendered the author on many occasions.

1. G. WARD HUBBS, *SEARCHING FOR FREEDOM AFTER THE CIVIL WAR: KLANSMAN, CARPETBAGGER, SCALAWAG, AND FREEDMAN* 5–6 (2015); SUZANNE RAU WOLFE, *THE UNIVERSITY OF ALABAMA: A PICTORIAL HISTORY* 57–69 (1983).

2. JAMES B. SELLERS, *HISTORY OF THE UNIVERSITY OF ALABAMA* 298–308 (1953); *see also* HUBBS, *supra* note 1, at 1–8, 37–39, 44–45.

3. SELLERS, *supra* note 2, at 308–13.

4. *JOURNAL OF THE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE STATE OF ALABAMA* 8–9 (June 19, 1871) (Montgomery, W.W. Screws 1871).

5. *Id.*

students.⁶ Tuscaloosa attorney Henderson M. Somerville was their choice for this post; he was to start immediately in the spring semester of 1873.⁷

The son of a physician, Somerville was carried as an infant from Virginia to Alabama.⁸ He was well-educated, receiving a bachelor's degree from the University of Alabama in 1855 and an LLB from Cumberland Law School in 1859.⁹ Subsequently, he practiced law in Memphis and was an editor of the *Memphis Appeal*.¹⁰ After the outbreak of the Civil War, Somerville remained at his editorial post until the city was occupied by Union forces in June 1862, whereupon he returned to Tuscaloosa to teach classics and mathematics for the University of Alabama.¹¹ At the war's end, he partnered briefly with the brilliant jurist and codifier John J. Ormond.¹² There seems to have been no doubt that Somerville was a loyal Confederate in wartime and an active Democrat during Reconstruction. In 1868, he had successfully defended the anti-Republican firebrand Ryland Randolph before a military tribunal.¹³ In the 1870s, Somerville would serve on the State Democratic Committee.¹⁴ But he was comfortable in his personal dealings with Republicans and had the reputation (rare enough at the time) of being a reasonable man.¹⁵

Somerville began with four students, though nine would graduate by the spring of 1874.¹⁶ His initial curriculum prescribed three lectures and three recitations per week, in addition to moot courts.¹⁷ The readings he set for his handful of students were not unlike those a teaching attorney might have required of a pupil who was “reading law.” In addition to Timothy Walker's

6. *Id.*

7. *Id.* at 8–9, 10; JOURNAL OF THE BOARD OF EDUCATION AND BOARD OF REGENTS, SESSION COMMENCING NOVEMBER 25, 1872, at 33–34 (Dec. 5, 1872) (Montgomery, Arthur Bingham 1873); *see also* TUSCALOOSA TIMES, Jan. 17, Dec. 11, 1872.

8. NORTHERN ALABAMA, HISTORICAL AND BIOGRAPHICAL 521–22 (1888).

9. 4 OWEN, *supra* note 12, at 1860.

10. NORTHERN ALABAMA, HISTORICAL AND BIOGRAPHICAL, *supra* note 8, at 521–22.

11. *Id.*

12. *Id.*; 2 MEMORIAL RECORD OF ALABAMA: A CONCISE ACCOUNT OF THE STATE'S POLITICAL, MILITARY, PROFESSIONAL AND INDUSTRIAL PROGRESS, TOGETHER WITH THE PERSONAL MEMOIRS OF MANY OF ITS PEOPLE 745–46 (1893); 4 THOMAS MCADORY OWEN, HISTORY OF ALABAMA AND DICTIONARY OF ALABAMA BIOGRAPHY 1303, 1860 (1921) [hereinafter 1 OWEN, 2 OWEN, etc.].

13. Randolph was charged with “intimidating colored citizens.” NORTHERN ALABAMA, HISTORICAL AND BIOGRAPHICAL, *supra* note 8, at 522. Randolph was also charged with assault and battery after stabbing an African-American man in a street brawl. HUBBS, *supra* note 1, at 33–37; *see also* S.A.M. Wood, *Henderson M. Somerville, LL.D.*, 1 S. L. J. & REP. 246, 252 (1883).

14. 4 OWEN, *supra* note 12, at 1860.

15. *See* TUSCALOOSA TIMES, Dec. 4, 1872.

16. Robert H. McKenzie, *Farrar's Future: The First One Hundred Years of the University of Alabama Law School, 1872–1972*, 25 ALA. L. REV. 121, 124, 125 n.9 (1972). For the early history of legal instruction in Alabama, *see in addition* David I. Durham, *Early Foundations and Formative Years*, UNIV. OF ALA. (Dec. 16, 2022), <https://www.law.ua.edu/specialcollections/2022/12/16/early-foundations-and-formative-years/> [<https://perma.cc/5Z5Z-ME49>].

17. *Id.*

Introduction to American Law, two four-volume treatises figured prominently: William Blackstone's *Commentaries on the Laws of England* and James Kent's *Commentaries on American Law*.¹⁸ The law students also read treatises on pleadings, equity, contracts, evidence, and mercantile law, and they studied the latest 1867 version of the *Revised Code of Alabama*.¹⁹ Somerville was a fine teacher, "wonderfully gifted in evolving principles from abstruse questions of law, and in deducing truth from confusion of facts."²⁰ He was in fact a lecturer, not a Socratic questioner.²¹ But his pupils must have known that his was a versatile, exciting intellect. How else to classify the man who in 1886 would author the Alabama Supreme Court's opinion in the *Parsons* case—a decision which essentially overturned the M'Naughton standard for criminal insanity cases and opened the way for psychiatrists to give expert testimony.²²

Proof of Somerville's success came as early as 1875, when the board approved the hiring of John Mason Martin as Professor of Equity Jurisprudence.²³ A well-respected practitioner, Martin would take his students through the intricacies of Chancery practice—which was counterintuitive to students trained in the rules and pleadings of the common law.²⁴ He promised also to teach them to "strike hard blows, because retreat is impossible."²⁵ Another marker of Somerville's achievement was an Alabama Supreme Court ruling, codified in 1876, to grant University of Alabama Law graduates admission to the bar without standing an examination.²⁶ This "diploma privilege" would be a factor in the life of the law school until its abolition in 1961,²⁷ and there can be no question that, while it lasted, it was attractive to

18. See TIMOTHY WALKER, INTRODUCTION TO AMERICAN LAW: DESIGNED AS A FIRST BOOK FOR STUDENTS (11th ed. 1837); see generally 1–4 WILLIAM BLACKSTONE, COMMENTARIES (1765–1769); 1–4 JAMES KENT, COMMENTARIES ON AMERICAN LAW (1826–1830).

19. McKenzie, *supra* note 16, at 125; Paul M. Pruitt, Jr., *The Life and Times of Legal Education in Alabama, 1819–1897: Bar Admissions, Law Schools, and the Profession*, 49 ALA. L. REV. 281, 300 (1997). For a list of books required in 1873, see 1872–1873 UA CATALOG 20, 32–33. Note: All cites to UA catalogs will follow this style, but all cites to catalogs published in 1941 and after refer to separately printed law school catalogs.

20. NORTHERN ALABAMA, HISTORICAL AND BIOGRAPHICAL, *supra* note 8, at 522.

21. For information on the "case method" developed by Harvard's Christopher C. Langdell during the years of Somerville's professorship, see ROBERT STEVENS, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, at 35–41, 52–56, 60–61 (1983), LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW 163–65 (1973), and WILLIAM P. LAPIANA, LOGIC AND EXPERIENCE: THE ORIGIN OF MODERN AMERICAN LEGAL EDUCATION 29–44 (1994).

22. *Parsons v. State*, 2 So. 854, 875–76 (Ala. 1887).

23. UNIVERSITY OF ALABAMA LAW SCHOOL DIRECTORY OF GRADUATES 1872–1970, at 6 (1970) [hereinafter 1970 DIRECTORY OF GRADUATES]; McKenzie, *supra* note 16, at 125.

24. Martin once described Chancery (Equity) as "a beautiful system, characterized by great simplicity in matters of detail." See 1875–1876 UA CATALOG 27.

25. Pruitt, *supra* note 19, at 301; see also 1875–1876 UA CATALOG, *supra* note 24, at 27; 4 OWEN, *supra* note 12, at 1165.

26. CODE OF ALABAMA, 1876 154, 156 (Rule 16).

27. McKenzie, *supra* note 16, at 154.

prospective lawyers—or that it helped to cement the university’s primacy in Alabama legal education.²⁸

In 1880, Somerville was appointed to the Alabama Supreme Court, which meant that his attention was necessarily diverted from teaching.²⁹ Martin departed in 1885 after his election to Congress.³⁰ The university sought to fill these gaps with part-time hires, including Andrew C. Hargrove, a state senator and prominent member of the Alabama State Bar Association, who taught Equity Jurisprudence in 1885–1886.³¹ Another practitioner, John David Weeden, was hired to teach Statute and Common Law at about the same time.³² In a more ambitious experiment, two of the university’s presidents were brought in to teach International Law and Constitutional Law, namely Burwell Boykin Lewis (1880–1885) and Henry D. Clayton (1885–1889).³³ The law school’s faculty was stabilized with full-time appointments of Hargrove³⁴ in 1889 and Adrian S. Van de Graaff in 1891.³⁵ With the approval of the university’s trustees, these men introduced important changes in the curriculum. Beginning in 1893–1894, broad fields of study (common law, equity, statute law) were replaced with course titles more familiar to modern eyes, including Real Property, Criminal Law, Pleading and Evidence, and Commercial Law.³⁶

Van de Graaff had lofty ambitions for the law school, and in June 1894 he advocated before the trustees for the establishment of a two-year program of instruction.³⁷ The proposal represented a move toward standards set by Harvard and other eastern law schools,³⁸ and after much deliberation (three years’ worth) the trustees approved it—though with the proviso that a prospective student could enter the second-year class after passing an

28. It is interesting that the end of the diploma privilege in Alabama coincided with the transfer of the Cumberland School of Law to Birmingham. For the rise of Cumberland as a school of Samford University, see DAVID J. LANGUM & HOWARD P. WALTHALL, FROM MAVERICK TO MAINSTREAM: CUMBERLAND SCHOOL OF LAW, 1847–1997, at 196–226 (1997).

29. NORTHERN ALABAMA, HISTORICAL AND BIOGRAPHICAL, *supra* note 8, at 522.

30. 4 OWEN, *supra* note 12, at 1165.

31. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 6; 3 OWEN, *supra* note 12, at 748. Hargrove would serve as Professor of Equity Jurisprudence from 1889 until his death in 1895. 3 OWEN, *supra* note 12, at 748.

32. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 7, 19. Weeden would serve as Professor of Equity Jurisprudence from 1886 to 1888. *Id.* at 7.

33. *Id.* at 6–7; Pruitt, *supra* note 19, at 303, 305 n.102.

34. See 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 6.

35. *Id.* at 7; 4 OWEN, *supra* note 12, at 1703. Van de Graaff was Hargrove’s son-in-law. 4 OWEN, *supra* note 12, at 1703.

36. Pruitt, *supra* note 19, at 307, 308 (citing 1893–1894 UA CATALOG 64). These changes were designed, as proposed by a committee of the Board of Trustees in 1886, to make the university’s course of instruction “conform as nearly as practicable to that pursued in the first class Law Schools in the other American States.” See Pruitt, *supra* note 19, at 307 (citing 1876–1888 TRUSTEE MINUTES 433 (June 24, 1886)).

37. Pruitt, *supra* note 19, at 313; 1888–1895 TRUSTEE MINUTES 515 (June 20, 1894).

38. STEVENS, *supra* note 21, at 36–37.

examination on the first-year courses.³⁹ In 1897, the trustees also approved another proposal implicit in Van de Graaff's 1894 presentation—namely, that the Law School should be administered by a dean.⁴⁰ After a bit of hemming and hawing, the trustees chose William Sewell Thorington as the law school's first dean.⁴¹ He was one of their own—a trustee of nearly nineteen years' standing and a distinguished Montgomery practitioner.⁴² Disappointed, Van de Graaff would not be part of the new regime.⁴³ His place would be filled by Henderson Somerville's son, Ormond Somerville, who had been hired in 1896–1897.⁴⁴

Thorington and Somerville would work together for more than a decade; indeed, Thorington would remain as dean until 1911.⁴⁵ The two men were opposites in many respects. Thorington was formal, precise, and somewhat pedantic, prone to pose some point of law and ask: "If so, why so, and if not, why not?"⁴⁶ Somerville was noted for his twinkling eyes and dry wit.⁴⁷ As his student Hugo L. Black recalled many years later, he "taught us the dryest [sic] subjects with enough imagination to give them life and sparkle."⁴⁸ Of the two professors, then, Somerville was the charmer.⁴⁹ Neither man taught in a truly Socratic manner. Instead, they relied upon textbooks, lectures, and discussion of illustrative cases. Their intention was "to teach the student to think for himself and to rely upon reason and principle rather than upon memory."⁵⁰ Law students at Alabama may not have been exposed to the scientific rigors of the case method prevalent at Harvard—not yet, anyway—but the instructional goals were much the same.⁵¹

Beginning with Henderson Somerville, the University of Alabama's law professors attracted modest if gradually increasing numbers of students.

39. Pruitt, *supra* note 19, at 318; 1896–1901 TRUSTEE MINUTES 107 (Mar. 11, 1897). Note that Van de Graaff had been instrumental in mustering Alabama State Bar Association support for an 1897 act that mandated written bar examinations in Alabama. See Pruitt, *supra* note 19, at 309–17.

40. See Pruitt, *supra* note 19, at 309–17.

41. *Id.*

42. *Id.* at 318–19; 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 8.

43. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 7. Van de Graaff would return to teach from 1909 to 1911 and from 1913 to 1915. *Id.*

44. *Id.* Somerville was initially hired to replace the deceased A.C. Hargrove. 4 OWEN, *supra* note 12, at 1602.

45. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 7, 8.

46. Pruitt, *supra* note 19, at 319.

47. *Id.*

48. HUGO L. BLACK & ELIZABETH BLACK, MR. JUSTICE AND MRS. BLACK: THE MEMOIRS OF HUGO L. BLACK AND ELIZABETH BLACK 17 (1986).

49. See *id.*

50. 1900–1901 UA CATALOG 151.

51. STEVENS, *supra* note 21, at 52–55. The case method as developed by Dean C.C. Langdell assumed that law was a science whose principles are best discovered by students through rigorous analysis of leading cases—all under the supervision of professors who employ a Socratic method of teaching. See also ARTHUR E. SUTHERLAND, THE LAW AT HARVARD: A HISTORY OF IDEAS AND MEN, 1817–1967, at 174–80 (1967).

Though enrollment had its ups and downs, the number of students graduating in the 1880s and 1890s was typically in the teens, reaching as high as twenty-six in 1897.⁵² In the first decade of the twentieth century, graduates typically numbered in the upper twenties, reaching as high as forty in 1909 and forty-two in 1911.⁵³ Who were these young people? First of all, they were almost exclusively male.⁵⁴ As late as 1896, the Code of Alabama stipulated that application for a license to practice could be made by “[a]ny *man* of the age of twenty-one years, of good moral character, and who possesses the requisite qualifications of learning and ability.”⁵⁵ Thorington and Somerville, therefore, presided over classes composed mostly of bright, ambitious young men, among whom were interspersed a certain number of hearty athletes and at least one future genius of the law: Hugo L. Black, class of 1906.⁵⁶

Under Dean Thorington’s watch, however, the law school admitted two white female students: Luelle Lamar Allen (class of 1907) and Maud McLure Kelley (class of 1908).⁵⁷ The latter was Alabama’s first practicing woman lawyer—thanks in part to a classmate, John McDuffie, who as a state legislator rewrote the Code of Alabama to read that “any person” who met the requirements could apply for a license.⁵⁸ Only a handful of women would enter the law school in the coming years, but at least the school had taken a (baby) step toward inclusivity.

African-Americans were not included, though they made up more than 45% of the state’s population in 1900.⁵⁹ The mere prospect of a racially integrated university was enormously controversial; the *Tuscaloosa Independent Monitor* had run a series of inflammatory editorials (and notorious editorial cartoons) on the subject during the early years of Reconstruction.⁶⁰ The state constitutions of 1875 and 1901 mandated racial segregation in the public

52. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 21–26.

53. These figures are based on hand-counts of the classes listed in 1970 DIRECTORY OF GRADUATES 21–26, *supra* note 23, at 21–26.

54. *Id.*

55. Code of Alabama, 1896 256–57 (§581) (emphasis added).

56. See BLACK & BLACK, *supra* note 48, at 17–18. On Hugo Black, see ROGER K. NEWMAN, HUGO BLACK: A BIOGRAPHY (1994).

57. McKenzie, *supra* note 16, at 134; 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 25.

58. The author is indebted to Nina Bedsole for pointing out that Luelle Lamar Allen was attorney of record in one appellate case, *Williams v. Finch*, 46 So. 645 (Ala. 1908). For the changed admissions law that allowed Maud McLure Kelly to practice, see ALA. CODE § 2975 (1907). See generally Paul McWhorter Pruitt Jr., *Maud McLure Kelly*, ENCYC. OF ALA. (Mar. 13, 2007), <https://encyclopediaofalabama.org/article/maud-mclure-kelly/> [https://perma.cc/3SNA-8LPK].

59. *Government Documents: Alabama’s Population, 1800–2000*, BIRMINGHAM PUB. LIBR. (Mar. 10, 2016, 12:09 PM), <https://www.cobpl.org/resources/government/AlabamaPopulation.aspx> [https://perma.cc/MFE8-6M5R].

60. HUBBS, *supra* note 1, at 151–53.

schools.⁶¹ But these fundamental documents had nothing to say about the University of Alabama and race,⁶² possibly because the constitution-makers viewed it as very unlikely, even unthinkable. As will be seen below, there were no African-American undergraduates at the university until the 1950s and no African-American law students until the late 1960s.⁶³ Apparently the historian U.B. Phillips was correct when he declared, in 1928, that it was the “common resolve indomitably maintained” of southern white people that the south “shall be and remain a white man’s country.”⁶⁴

Again, what basic demographic observations can be made about the university’s white, male law students? A survey of five classes (1874, 1879, 1884, 1894, 1906) produced a sample of sixty persons.⁶⁵ In terms of age, they all appear to be youthful, ranging in appearance from their late teens to the mid-twenties.⁶⁶ Where had these young men grown up? Of the sixty, fifteen (25%) came from the politically influential Black Belt—a crescent-shaped area of south Alabama remarkable for its dark prairie soil, heritage of plantation agriculture, and concentration of African-American population.⁶⁷ Nineteen (32%) came from the north Alabama hill country, a geographically diverse region notable for its small farms, politically independent farmers, vast resources of iron ore and timber, and its new, burgeoning cities, especially

61. ALA. CONST. OF 1875, art. XIII § 1 (1907); ALA. CONST. OF 1901, art. XIV § 256 (1907). Since the 1901 Constitution notoriously disfranchised all but a handful of African-American voters, it was unlikely that any of its race-motivated provisions could be repealed through the political process. See MALCOLM C. MCMILLAN, CONSTITUTIONAL DEVELOPMENT IN ALABAMA, 1798–1901: A STUDY IN POLITICS, THE NEGRO, AND SECTIONALISM *passim* (1955).

62. For 1875 constitutional regulations of the University of Alabama, see ALA. CONST. OF 1875, art. XIII, § 9 (1907). For the analogous 1901 regulations of the university, see ALA. CONST. OF 1901, art. XIV, §§ 264–65 (1907). For the statutory regulations of the latter year, see ALA. CODE, §§ 788–95, 1869–92 (1907).

63. WILLIAM WARREN ROGERS ET AL., ALABAMA: THE HISTORY OF A DEEP SOUTH STATE 572–73 (1994); DANIEL JOHN MEADOR, THE TRANSFORMATIVE YEARS OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW, 1966–1970, at 43–44 (2012).

64. Ulrich B. Phillips, *The Central Theme of Southern History*, 34 AM. HIST. REV. 30, 31 (1928).

65. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 21–24. For the years covered (1874, 1879, 1884, 1894, 1906), the directory listed sixty-nine graduates. *Id.* The author sought information on these individuals in standard biographical sources. The latter included 1 OWEN, *supra* note 12; WILLIAM GARRETT, REMINISCENCES OF PUBLIC MEN IN ALABAMA FOR THIRTY YEARS (1872); MEMORIAL RECORD OF ALABAMA (1893); NORTHERN ALABAMA: HISTORICAL AND BIOGRAPHICAL, *supra* note 8; and various editions of the ALABAMA OFFICIAL AND STATISTICAL REGISTER. These sources, with an occasional excursion into the U.S. Census records available via ancestry.com, yielded biographical information on sixty UA Law graduates. The percentages provided below are the result of hand-counts based on this biographical data.

66. For the truth of this observation, the author invites readers to study the official class “composites” (photographs) from the period, as well as the photographs posted in the various Corollas (the UA Yearbooks, extant from 1893).

67. For examples of Black Belt political power (particularly in service of the Democratic Party), see MCMILLAN, *supra* note 61, at 217, 259, 284–85. For an admiring discussion of the region’s plantation heritage, see ALBERT BURTON MOORE, HISTORY OF ALABAMA AND HER PEOPLE 271, at 413–16 (1927).

Birmingham.⁶⁸ The Wiregrass, a newly settled district of south and southeastern Alabama, sent four (7%) of the law graduates.⁶⁹ The “New South” city of Birmingham and the three antebellum centers of Montgomery, Mobile, and Tuscaloosa sent sixteen (27%) of the sixty.⁷⁰ Only three (5%) of the sixty came from out of state, one each in the classes of 1879, 1894, and 1906.⁷¹

Where did these early law graduates practice? Biographical and professional directories indicate that nineteen (32%) practiced in or near their hometowns. On the other hand, sixteen (27%) of the group moved to cities from small towns or the countryside. Surely we can conclude that even in overwhelmingly rural Alabama, the cities held out the promise of a flourishing legal business.⁷²

By the end of the first decade of the twentieth century, the University of Alabama School of Law enjoyed several advantages. These included a steady, even an increasing enrollment, a stable, highly regarded faculty, and a unique status as an automatic and therefore preferred route to the practice of law in the state. There were deficits, though, including uncertain, inadequate locations and the absence of an adequate library.⁷³ Conspicuous to modern observers, too, was the absolute exclusion of otherwise eligible men and women of color and the de facto exclusion of many eligible white women from the student body and the faculty. We must turn next to see how the celebrated Dean Albert J. Farrah would handle this mix of plusses and problems.

68. See Moore, *supra* note 67, at 2 (north Alabama geography); *id.* at 630–31 (development of cotton cultivation in north Alabama); *id.* at 631–36 (natural resources, industry, and cities).

69. *Id.* at 757–59; see also WILLIAM WARREN ROGERS, *THE ONE-GALLUSED REBELLION: AGRARIANISM IN ALABAMA, 1865–1896*, at 7, 260 (1970).

70. For a near-contemporary view of all these cities, see 1 OWEN, *supra* note 12, at 140–43 (Birmingham); 2 OWEN, *supra* note 12, at 1000–08 (Mobile); 2 OWEN, *supra* note 12, at 1037–40 (Montgomery); and 2 OWEN, *supra* note 12, at 1333 (Tuscaloosa). For more modern treatments, see LEAH RAWLS ATKINS, *THE VALLEY AND THE HILLS: AN ILLUSTRATED HISTORY OF BIRMINGHAM AND JEFFERSON COUNTY* (1981); WAYNE FLYNT, *MONTGOMERY: AN ILLUSTRATED HISTORY* (1980); HARRIET E. AMOS, *COTTON CITY: URBAN DEVELOPMENT IN ANTEBELLUM MOBILE* (1985); G. WARD HUBBS, *TUSCALOOSA: 200 YEARS IN THE MAKING* (2019); and J. MILLS THORNTON III, *DIVIDING LINES: MUNICIPAL POLITICS AND THE STRUGGLE FOR CIVIL RIGHTS IN MONTGOMERY, BIRMINGHAM, AND SELMA* (2002).

71. These students were James M. Weatherly, class of 1879, from Georgia, 4 OWEN, *supra* note 12, at 1735; F.L. Blackmon, class of 1894, from Georgia, 3 OWEN, *supra* note 12, at 157; and George J. Costen, class of 1906, from North Carolina, 13 COROLLA 93 (1906).

72. Alabama’s overall population was 78% rural as late as 1920. See ROGERS ET AL., *supra* note 63, at 453. The urbanizing trend among Alabama lawyers was congruent with the population trends of the nation as a whole. The United States became a majority “urban” nation (i.e., by 51%) only in 1920. See UNITED STATES SUMMARY: 2010 POPULATION AND HOUSING UNITS COUNTS 20 (2012) (examining Table 10, “Population by Urban and Rural: Earliest Census to 2010”).

73. McKenzie, *supra* note 16, at 133.

II. THE FARRAH YEARS, 1913–1944

Born in Michigan and educated in law at the University of Michigan, Albert J. Farrah enjoyed a notable career before coming to Tuscaloosa in 1912. He was the founding dean of law at both Stetson University (1900–1909) and the University of Florida (1909–1912).⁷⁴ In the process, he had acquired a reputation as a challenging professor. Speaking for the 1909 senior class at Stetson, the editors of the *Orange Thorn* (Stetson’s Yearbook) noted that Farrah had warned them that the law was a “jealous mistress.”⁷⁵ Evidently he meant what he said, for the editors added that “of all those who have paid court only three have proved sufficiently faithful to satisfy her jealous demands and present themselves as candidates for her reward duly approved by her lawfully constituted agent, A.J. Farrah.”⁷⁶

In 1912, the University of Alabama’s president, George H. Denny, invited Farrah to come to Tuscaloosa as a law professor.⁷⁷ A year later, Farrah was named dean of the law school.⁷⁸ The two men, Denny and Farrah, would work together for the following three decades.⁷⁹ It was a productive arrangement, for both men shared the common goal of making Alabama one of the best schools in the South.⁸⁰

If Farrah continued to be a tough teacher,⁸¹ his personality was such that students were drawn to him and believed in him. One measure of his appeal was the continued growth of law school enrollment. From 139 students in his first year as a professor, the number of law students rose to 277 in the academic

74. See Dean William M. Hepburn, Address at The University of Alabama Law School, in 67 ALABAMA STATE BAR ASSOCIATION PROCEEDINGS: 67TH–69TH ANNUAL MEETINGS 38–44 (1944).

75. By 1909, this quote was an old saw. For its origins, see JOSEPH STORY, A DISCOURSE PRONOUNCED UPON THE INAUGURATION OF THE AUTHOR, AS DANE PROFESSOR OF LAW IN HARVARD UNIVERSITY ON THE TWENTY-FIFTH DAY OF AUGUST, 1829, at 29 (1829).

76. STETSON UNIVERSITY, ORANGE THORN 47 (1909), reprinted in TEXT MATERIALS OF CENTRAL FLORIDA (2009). The law department’s junior class had been “thoroughly and completely overwhelmed and conquered by the study of the law.” *Id.* at 48.

77. McKenzie, *supra* note 16, at 135.

78. The lead-up to Farrah’s thirty-year career as law school dean is as follows: Dean Thorington had applied for leave in 1909 to serve as Special Master for the Middle District of Alabama “in railroad cases involving the state railroad commission.” *Id.* at 131. He was replaced as dean by William Bacon Oliver, a “prominent member of the Tuscaloosa Bar” and holder of three degrees from the University of Alabama. *Id.* Oliver had begun to work with UA President John W. Abercrombie to expand and better house the law school, but Abercrombie resigned in 1911. *Id.* at 134. Oliver himself resigned in April 1913 to run for Congress. *Id.*

79. *Id.* at 143.

80. Hepburn, *supra* note 74, at 42; WOLFE, *supra* note 1, at 128–29, 144.

81. The editors of the 1916 University of Alabama yearbook commented that Farrah was “the terror of those unfortunates who happen to be unprepared.” See 23 COROLLA 24 (1916). Page 333 contained a parody by 1916 class member W.B. Dortch of Rudyard Kipling’s poem “Danny Deever.” *Id.* at 333. The refrain of the parody was “they’re bustin’ SENIOR LAWYERS in the mornin’.” *Id.* Page 374 contains a cartoon portrait titled “DEAN FARRAH TRIES OUT FOR GLEE CLUB.” *Id.* at 374.

years 1934–1935.⁸² Farrah, however, was concerned about more than rising numbers; his focus was also about law students as individuals. He remarked, long after the fact, that the “friendship and support” of his students was crucial to his success in “that hard first year of service” and in succeeding years.⁸³ Given this closeness to the students, it should be no surprise that Farrah’s emphasis was not just about developing “sheer intellectual brilliance.”⁸⁴ His colleague and successor William Hepburn wrote that Farrah “wanted the Law School to produce its share” of great intellects, but he was “just as interested in the average student, even the poor student” and nothing “delighted him more than to discover that some student he had at one time contemplated dropping from school for poor work had made a success at the bar.”⁸⁵ Hepburn noted that Farrah also concerned himself with “standards of ethical practice, and he gave much thought to questions of legal ethics.”⁸⁶

When Farrah took over the deanship, the law school had one other professor, Adrian S. Van de Graaff, and “two part-time lecturers.”⁸⁷ Farrah quickly added another full-time faculty member, Edmund C. Dickenson, whom he had known at the University of Florida.⁸⁸ The law faculty was in a state of flux during the late 1910s and early 1920s—the World War and its aftermath were largely to blame. But by the mid-1920s, Farrah presided over a faculty of five full-time law professors and a part-time staff that featured a future chief justice of the Alabama Supreme Court.⁸⁹ The Farrah-era faculty included no persons of color and no women until 1942 when Farrah hired recent UA Law graduate Christine R. Connell as librarian.⁹⁰

As early as 1920–1921, Farrah and President Denny were successful in persuading the university’s Board of Trustees to approve a three-year course of study, bringing the law school up to what was increasingly the national norm.⁹¹ This move “permitted expansion of existing courses, particularly Property, Torts, and Equity, and the addition of new ones, including Practice Court and

82. Hepburn, *supra* note 74, at 42–43.

83. Albert John Farrah, *An Address to the Alabama Bar, 1937*, in ALBERT JOHN FARRAH, 1863–1944: ADDRESSES, PAPERS, AND LETTERS 52–54 (1985).

84. Hepburn, *supra* note 74, at 44.

85. *Id.*

86. *Id.*

87. McKenzie, *supra* note 16, at 135.

88. *Id.*

89. *Id.* at 135–36. The future Supreme Court justice was J. Edwin Livingston (1892–1971), who taught part-time at the law school from 1921 to 1940. James Edwin Livingston, ALA. JUD. SYS. (2022), [https://judicial.alabama.gov/Docs/library/Bios/\(23\)2022EdLivingstonWebsiteBio.pdf](https://judicial.alabama.gov/Docs/library/Bios/(23)2022EdLivingstonWebsiteBio.pdf). He served as an associate justice on the state’s Supreme Court from 1940 to 1951 and as chief justice from 1951 to 1971. *Id.*

90. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 11. Connell would serve as Assistant Professor of Law and Assistant Dean, 1942–1946. *Id.* She would serve as Associate Professor of Law and Assistant Dean at Emory University, 1950–1955. *Id.*

91. McKenzie, *supra* note 16, at 139.

several electives.⁹² These courses were taught by the “case-study technique,” which required students to use casebooks and brought them under the Socratic gaze of their professors.⁹³ The 1920s also saw the launch of the school’s first scholarly journal.⁹⁴ After some time spent in planning, the *Alabama Law Journal* was first issued in October 1925, edited by a panel of faculty members.⁹⁵ The decade also saw the beginnings of national legal fraternities and other law-related clubs at Alabama, including the Somerville Literary Society, founded in 1924.⁹⁶

By the 1920s, University of Alabama law graduates were making a name for themselves, which was reflected in the state legislature’s 1923 renewal of the diploma privilege, which (as noted above) allowed UA Law graduates admission to the bar without sitting for a bar exam.⁹⁷ In the meantime, Farrah pursued the goal of American Bar Association membership. By 1922, the ABA had required its members to maintain a three-year program of instruction—already in operation at Alabama—and had mandated that its members require two years of college as a necessary preliminary to law school admission.⁹⁸ At the urging of Denny (and Farrah), the UA trustees approved the new admissions standard in 1926.⁹⁹ Clearing this second hurdle was sufficient, and in 1926, the ABA placed the UA Law School on its list of approved law schools.¹⁰⁰ After two years’ probationary membership, the law school was accepted into membership in the Association of American Law Schools, the legal academy’s highest degree of accreditation.¹⁰¹

To Farrah, the only missing element of the law school was a proper setting. Since the beginning of his tenure, the school had been housed in Morgan Hall, an attractive, recently constructed building; but it was hot in the summer, cold in the winter,¹⁰² and generally cramped.¹⁰³ President Denny agreed with Farrah, and starting in 1920, he made construction of a new law school building a priority project.¹⁰⁴ By 1925, the university allocated \$105,000 for construction of such a building; that year, a public campaign was announced to raise an

92. *Id.* at 137.

93. *See id.*

94. *Id.*

95. *Id.*

96. *Id.*; *see also* 31 COROLLA 134–42 (1924).

97. McKenzie, *supra* note 16, at 139; Pruitt, *supra* note 19, at 292.

98. McKenzie, *supra* note 16, at 139.

99. *See id.*

100. *Id.*

101. *Id.*

102. *See* Paul M. Pruitt, Jr. & Penny Calhoun Gibson, *John Payne’s Dream: A Brief History of the University of Alabama School of Law Library, with Emphasis Upon Collection-Building*, 15 J. LEGAL PROF. 5, 6 (1990).

103. McKenzie, *supra* note 16, at 140 n.73.

104. *Id.* at 139.

additional \$25,000.¹⁰⁵ Farrah toured the state “raising funds from alumni and friends,” as did a number of practicing lawyers.¹⁰⁶ These efforts raised \$35,000 for the new structure—a building that was to be named Farrah Hall.¹⁰⁷

The new structure, dedicated on October 29, 1927, was designed to serve approximately 200 students.¹⁰⁸ Constructed of brick, it was three floors tall.¹⁰⁹ The first floor contained locker rooms, class rooms, club rooms, men’s smoking rooms, storage rooms, and (inevitably) a furnace room.¹¹⁰ Rooms on the second floor included an assembly room, a large classroom, the “practice court” room, the office of the clerk of the practice court, and the chambers of the judge of the practice court.¹¹¹ The third floor—the heart of the building—housed the library, with its reading room, its “stock room” (i.e., stacks) filled with some 8,500 volumes, and a mezzanine level whose windows would help to ensure good lighting.¹¹² In addition, the third floor was the site of the dean’s office, the librarian’s office, faculty offices, and rooms given over to the *Alabama Law Journal*.¹¹³

A committee headed by Tuscaloosa attorney and part-time law professor Ed Livingston coordinated the Farrah Hall dedication ceremonies.¹¹⁴ The highlight of the day’s oratory was a dedicatory address by Birmingham attorney Henry Upton Sims, who urged that “the ideal of the profession of the law should be to find the true principles of legal rights and wrongs and to establish them, rather than merely to become skillful and successful in winning cases.”¹¹⁵ Sims praised the current national campaign to generate a national “restatement” of law, and he urged Farrah, his faculty, and students to conduct research into the nature of law.¹¹⁶ Any good law school, Sims maintained, should offer courses in jurisprudence, legal philosophy, and legal history.¹¹⁷ Following Sims’s

105. *Id.* at 139–40.

106. *Id.* at 140 (footnote omitted).

107. *Id.* at 139–40. For somewhat different figures (\$75,000 from the university and \$40,000 from the fund-raising campaign), see Albert John Farrah, *Same Letter Sent to Many Subscribers*, in ALBERT JOHN FARRAH, 1863–1944: ADDRESSES, PAPERS, AND LETTERS 65 (1985).

108. McKenzie, *supra* note 16, at 140 n.76.

109. *A Banquet Given for Dean Farrar by His Old Florida State and Stetson Students*, CRIMSON WHITE, reprinted in FARRAH, *supra* note 83, at 83.

110. *Id.*

111. *Id.*

112. *Id.*

113. *Id.* As for the library, the 1920s was a time when, as historian Robert H. McKenzie put it, “the University increased its support of the [law] library somewhat, and by 1928 some 9,500 volumes had been accumulated.” McKenzie, *supra* note 16, at 140.

114. 1863–1944: ADDRESSES, PAPERS, AND LETTERS, *supra* note 83, at 86–87.

115. Henry Upton Sims, *A Vision of Broader Usefulness for Law Schools*, 3 ALA. L.J. 85, 87 (1928).

116. *Id.* at 90.

117. *Id.* at 91–94. It should be noted that this vision of legal education—which Sims felt should be made available to undergraduate and graduate students as well as law students—has been largely realized today.

effort, prominent speakers expressed the high hopes of bench, bar, and students, following which Dean Farrah responded with thanks on behalf of “the great body of young men and young women who shall come here in the future to prepare for their part in this world’s work,” likewise on behalf of “every one who seeks truth and desires that justice shall be administered according to law”¹¹⁸

Understandably, the university community was brim-full of optimism concerning its law school. The Corolla of 1928–1929 stated that whatever the school’s past accomplishments, “the future may justly expect much more from it because of its new building and equipment” and then predicted that “[t]he School of Law will meet these just expectations.”¹¹⁹ The autumn of the year brought with it the onset of the Great Depression, the effects of which lingered in the United States’ and Alabama’s economy for most of the following decade.¹²⁰ The initial effect on the UA Law School, however, was oddly positive because the “[l]oss of economic opportunity for young people brought increased numbers of students to Farrah’s doors.”¹²¹ Enrollments increased from 117 students in 1928–1929 to 277 in 1934–1935, as young Alabamians sought to weather the storm.¹²² At the same time, state budget constraints were such that Farrah could not expand his faculty.¹²³ But in the course of retirements and departures, Alabama Law gained two young professors who would serve successively as deans of the law school: William M. Hepburn (dean, 1944–1950) and M. Leigh Harrison (dean, 1950–1966).¹²⁴

The troubled decade of the 1930s was a time when a number of Farrah’s former pupils were of an age to run for political office. The 1937 Corolla took notice of this phenomenon, observing that “[t]he high degree of training” provided by the law school “is evidenced by the large number of alumni who are leaders in the local and national life.”¹²⁵ Farrah followed these political careers with much interest. Personally, he had been a states-rights Democrat since before he came to Alabama¹²⁶—a point of view guaranteed not to ruffle

118. *See id.* at 97–110; A.J. Farrah, *Response*, 3 ALA. L.J. 109, 109–10 (1928).

119. *The School of Law*, in 36 COROLLA 11 (1929).

120. *See* Matthew L. Downs, *Great Depression in Alabama*, ENCYC. OF ALA. (July 20, 2014), <https://encyclopediaofalabama.org/article/great-depression-in-alabama/> [<https://perma.cc/JSP6-JQFJ>].

121. McKenzie, *supra* note 16, at 140.

122. *Id.* at 141.

123. *Id.* at 141. In spite of many moves and shifts, the law faculty stayed constant at seven members for most of the 1930s. *Id.*

124. 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 10.

125. 44 COROLLA 64 (1937). These alumni included judges, governors, legislators, congressmen, and senators. In the 1930s alone, Benjamin Meeks Miller (class of 1888) served as governor; Hugo L. Black (class of 1906) was a U.S. Senator and U.S. Supreme Court justice; J. Lister Hill (class of 1915) was a U.S. Congressman and U.S. Senator; and John C. Anderson (class of 1883) was chief justice of the Alabama Supreme Court. *See* 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 77–230 (alphabetical listings).

126. 1863–1944: ADDRESSES, PAPERS, AND LETTERS, *supra* note 83, at 91.

the feathers of the state's political elite. Occasionally, he gave voice to criticisms of the New Deal and the advance of federal power.¹²⁷ Yet some causes transcend issues of politics and propriety. Such was the case with the issues surrounding the nine "Scottsboro Boys." These were African-American youths twice sentenced to death in grossly unfair trials that commenced in 1931.¹²⁸ In 1936, Farrah joined with other prominent Alabamians in joining the "Alabama Scottsboro Fair Trial Committee," which represented one of the state's better reactions to a sad chapter in its history.¹²⁹

Evidently, Farrah's students were not bothered by his politics or by his brush with reformism. Based on his published papers, this Michigan Yankee had thoroughly assimilated the mores and mindset of the white deep south.¹³⁰ In light of this (and bearing in mind their exclusive whiteness), one can assume that a majority of the law students were supportive of Alabama's racial status quo. Consider the case of James Edwin Livingston (class of 1918) who enjoyed what could be described as a brilliant career. After years as a practitioner and a conspicuously active part-time law professor, he was elected to the state supreme court in 1940 and appointed chief justice in 1951; he would lead the high court for two decades.¹³¹ Such longevity might have guaranteed him a place in Alabama's judicial pantheon. But in the 1950s, Chief Justice Livingston proved to be a determined and skillful practitioner of "massive resistance," especially apparent as regards the Court's record in *NAACP v. Alabama* (1958).¹³²

If Ed Livingston represented the segregationist mindset of the law school's Farrah era, his was not the only story. Some law school graduates would put their training and skills to reformist use. Consider Nina Miglionico (class of 1936), a long-time Birmingham practitioner who deserves mention for her

127. *Id.* at 57–58, 91–92.

128. DAN T. CARTER, SCOTTSBORO: A TRAGEDY OF THE AMERICAN SOUTH 48 (1969).

129. For the cluster of injustices that was "Scottsboro," see *id.* at *passim*.

130. For proof of this statement, see observations scattered throughout 1863–1944: ADDRESSES, PAPERS, AND LETTERS, *supra* note 83. In his *Address at Reunion, Stetson and Florida Law Students*, Farrah asserted of the U.S. Constitution that it "is the result of a struggle of 700 years by our race." 1863–1944: ADDRESSES, PAPERS, AND LETTERS, *supra* note 83, at 23. In a speech on *The American Constitution*, he stated that "[t]he chief distinction of the Anglo-Saxon has been his insatiable love of liberty." *Id.* at 24–25. In *The Federal Constitution and the Courts*, an address before the Alabama State Bar Association, he reminded his white audience that, absent the ruling of the U.S. Supreme Court in the *Civil Rights Cases*, "social equality between the whites and the blacks would have been the law of the land." *Id.* at 36. For the *Civil Rights Cases*, see 109 U.S. 3 (1883). Farrah's speeches are undated in this book.

131. See 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 19; 1943 ALABAMA OFFICIAL AND STATISTICAL REGISTER 635–36, 666–67 (1943) (showing that Livingston was elected as an associate justice in 1940); 1959 ALABAMA OFFICIAL AND STATISTICAL REGISTER 241 (1959); see also *supra* note 89.

132. See *NAACP v. Alabama*, 357 U.S. 449 (1958); see also Paul M. Pruitt, Jr., *NAACP v. Alabama*, in 3 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 349–50 (2008). The state, in this case, used unreasonable logic and twisted words to delay, for years, implementation of the U.S. Supreme Court's verdict in favor of the NAACP. See generally NUMAN V. BARTLEY, THE RISE OF MASSIVE RESISTANCE: RACE AND POLITICS IN THE SOUTH DURING THE 1950'S (1969).

pathbreaking political accomplishments alone; she served from 1963 to 1985 on the Birmingham City Council, serving as president from 1978–1981.¹³³ The 1960s saw Alabama’s civic culture of segregation (and toleration of extremist groups such as the Ku Klux Klan) put on public display by Dr. Martin Luther King Jr. and other Civil Rights crusaders.¹³⁴ In the midst of these events, “Miss Nina,” as she was called, was an opponent of the Birmingham’s segregation ordinances and of the state’s poll tax as well.¹³⁵ She campaigned for the right of women to serve on juries; she was also an advocate for improved conditions in prisons and for improvements in laws regulating child labor.¹³⁶ These stances made her a target; the Ku Klux Klan attempted to bomb her house in 1965 and burned a cross in her yard in 1974.¹³⁷

Thus, during Farrah’s glory years, the law school left its mark on generations of well-trained young lawyers, many of whom were politically active—and not all of whom followed the main-traveled roads of Deep South politics. The onset of the Second World War, however, brought about marked declines in law school enrollment, which fell to an alarming low of 18 in the year 1943–1944.¹³⁸ Dean Farrah did his best to cope with the vicissitudes of working with draft-eligible students, and in some cases faculty, but his health was declining as he approached his eightieth year.¹³⁹ Robert McKenzie reports that “[i]n the winter and early spring of 1943 he was critically ill, but by May he was back at his post.”¹⁴⁰ After that, he had one more full year as dean before retiring in June 1944.¹⁴¹ Dean Farrah died on the 29th of that month,¹⁴² having largely accomplished his great task of bringing Alabama legal education into the twentieth century.¹⁴³

As we did with the graduates of the founding era (1873–1913), let us examine analogous statistics for the graduates of the Farrah era. For this purpose, three classes were sampled: 1915, 1927, and 1933. Because the Corollas for these years provide excellent information on the hometowns of

133. See Samuel A. Rumore Jr., *Nina Miglionico*, ENCYC. OF ALA. (Dec. 7, 2011), <https://encyclopediaofalabama.org/article/nina-miglionico/> [https://perma.cc/8TT7-UVG9].

134. For book-length chapters covering three Alabama municipalities, see THORNTON, *supra* note 70, at 20–140 (Montgomery), *id.* at 141–379 (Birmingham), and *id.* at 380–499 (Selma). See also STEPHEN B. OATES, LET THE TRUMPET SOUND: THE LIFE OF MARTIN LUTHER KING, JR., 62–64, 67–104, 127–28, 197–243, 260–69, 315–21, 324–27, 329–36 (1985).

135. See Rumore, *supra* note 133.

136. *Id.*

137. See Rumore, *supra* note 133; see also Samuel A. Rumore Jr., *The Last Bombing: The Story of Nina Miglionico*, 112 ALA. HERITAGE 36–43 (2014).

138. McKenzie, *supra* note 16, at 142.

139. *Id.* at 143.

140. *Id.*

141. *Id.*

142. *Id.* at 143 n.87. For an obituary, see 6 ALA. LAW. 93 (1945).

143. For a useful survey, see William H. Pryor, Jr., *The Legacy of Albert Farrah*, 72 ALA. LAW. 211 (2011).

the law students, we have used Corolla entries¹⁴⁴ as the class rolls, backed up (for post-graduation years) by Martindale-Hubbell's and Alabama Official and Statistical Registers. In all, the Corollas provided 110 names, of which twenty-four (22%) came from the still-influential Black Belt, while the farms and small towns of north Alabama furnished nineteen (17%), and four (3%) came from the communities of the Wiregrass.¹⁴⁵ A notable (if not surprising) development of the Farrah years was the increasing number of graduates from the state's large cities. Birmingham led the way with twenty-two (20%) of the 110 graduates, but Mobile contributed ten (9%), Tuscaloosa nine (8%), and Montgomery eight (7%).¹⁴⁶ Thus, forty-nine (45%) of the graduates came to law school from a more "citified" environment.¹⁴⁷ Of all the students, eleven (10%) were from out of state.¹⁴⁸ Eight of these were members of the class of 1933—a small example, perhaps, of the huge demographic changes set in motion by the Great Depression.¹⁴⁹

Where did the Farrah-era graduates practice? Forty-one, or 37% of them, practiced in their hometowns or cities. Fifteen (14%) moved to a city from smaller communities, a smaller percentage than the 27% recorded for the 1873–1913 sample. Nine (8%) moved to larger towns from smaller towns or the countryside. Ten (9%) practiced out of state; of this group, six were members of the class of 1933.¹⁵⁰ For all of the law school's accomplishments during Farrah's time in office—and for the significant numbers of Alabama law graduates that practiced in an urban environment—Alabama law graduates from 1873 to 1944 could be described as provincial attorneys who practiced close to home and seldom left the state.

144. 22 COROLLA (1915); 34 COROLLA (1927); 40 COROLLA (1933). [Each of these Corollas are unpaginated.] As before, the percentages provided are based on hand-counts. See *supra* note 65.

145. 22 COROLLA (1915); 34 COROLLA (1927); 40 COROLLA (1933).

146. For the purposes of this study of the Farrah years, several communities that are considered cities today were treated as large towns in their respective regions of the state. These include Huntsville, Anniston, and Gadsden in north Alabama and Dothan in the Wiregrass.

147. For historical treatments of these urban environments in the early twentieth century, see the works by ATKINS, FLYNT, HUBBS, and THORNTON, *supra* note 70.

148. 22 COROLLA (1915); 34 COROLLA (1927); 40 COROLLA (1933).

149. For basic information on unemployment and displacement during the Great Depression, see *Great Depression Facts: How High Was Unemployment During the Great Depression?*, FRANKLIN D. ROOSEVELT PRESIDENTIAL LIBR. & MUSEUM, <https://www.fdrlibrary.org/great-depression-facts> [<https://perma.cc/BWQ5-3299>].

150. Apart from the 1915, 1927, and 1933 Corollas, the author sought biographical information from the sources listed *supra*, note 65. However, it proved impossible to locate information on a surprising number of early twentieth-century graduates. From the class of 1915 alone, there were twenty such "untraceable" names. The figures for "practice," above, were based on percentages of the graduates of the three classes, but—given the lack of complete information—these figures are skewed low.

III. ERA OF MIGHTY CHANGES, 1944–1982

A. *Dean Hepburn and the Veterans*

In the decades following World War II, the law school, like other institutions in Alabama, faced great changes in the landscape of human rights. During these years, a number of groups in America fought for the realization of their constitutional rights, for equal opportunities, and ultimately to dismantle what could be described as the white power structure. This Part will consider the progress made by two groups of students: women and African-Americans.¹⁵¹ But first, we will consider the first post-World War II challenge faced by the law school—a tsunami of returning veterans.

Dean Farrah's successor was William M. Hepburn, who had been a member of the law school faculty since 1930.¹⁵² He had spent two years during the war working in Atlanta as Vice-Chairman and Public Member of the Fourth Regional War Labor Board.¹⁵³ As he returned to Tuscaloosa, Hepburn was aware that the law school faced dramatic demographic changes. Enrollment had dropped to eighteen in 1943–1944 before rebounding slightly to thirty-eight in 1944–1945.¹⁵⁴ But, Hepburn predicted that as many as 300 students would be admitted over the next two years.¹⁵⁵ In fact, he had not foreseen the full effect of the GI Bill on enrollments—triggered by young people's eagerness to get on with their lives and their willingness to embrace federal assistance. By 1947, law school enrollment had grown to 578, 90% of whom were veterans.¹⁵⁶

In the face of this fifteen-fold increase in enrollment, Hepburn steadily hired new law teachers—making sure, as 1948 graduate Howell T. Heflin would put it, that “only instructors of marked ability” taught for the law school.¹⁵⁷ He began his deanship with four full-time and two part-time faculty; by the time of his departure in 1950, the law faculty had grown to thirteen full-time and seven part-time professors.¹⁵⁸ These hires included several persons who would remain

151. It is interesting to consider that the Civil Rights movement largely coincided with the demographic shift popularly known as the “Baby Boom,” which took place from 1946–1964. See *Mid-20th Century Baby Boom*, WIKIPEDIA, https://en.wikipedia.org/wiki/Mid-20th_century_baby_boom [<https://perma.cc/28GK-R5PN>].

152. Hepburn received his LLB from Yale Law School and an LLM from Harvard Law School. See 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 10.

153. McKenzie, *supra* note 16, at 142, 144; Howell Thomas Heflin, *Testimonial Dinner to Dean Hepburn*, 11 ALA. LAW. 93, 94 (1950).

154. McKenzie, *supra* note 16, at 142, 144.

155. *Id.* at 144.

156. *Id.* For the GI Bill of Rights, see Servicemen's Readjustment Act of 1944, Pub. L. No. 78-346, 58 Stat. 284.

157. Heflin, *supra* note 153, at 94. And for Hepburn's ability to choose good professors while working under pressure, see Wythe W. Holt, Jr., *A Short History of Our Deanship*, 25 ALA. L. REV. 165, 171–72 (1972).

158. McKenzie, *supra* note 16, at 144–45.

for decades as durable law school personalities. Among these were Leonard M. Traywick (who taught 1945–1964), John C. (“Blackjack”) Payne (who taught 1947–1984), Jay Wesley Murphy (who taught 1947–1981), C. Dallas Sands (who taught 1949–1979), and M. Clinton McGee (who taught 1950–1986).¹⁵⁹ In 1946, Hepburn named Christine Connell as “assistant professor and assistant dean, which positions she held until 1950,” making her effectively the law school’s first female professor and its first female administrator.¹⁶⁰

The growth of intellectual firepower among the faculty¹⁶¹ was mirrored by that of the growing student body. Working with Leonard Traywick and others, the students in January 1949 published the first issue of the *Alabama Law Review*, which featured articles by distinguished practitioners, a comment by Thomas W. Christopher (a future law school dean), several case notes, and a book review by Jay Murphy.¹⁶² In this atmosphere of intellectual striving,¹⁶³ the law school raised its expectations of the students’ preparation and performance. By the end of 1949, applicants were expected to have completed three years of undergraduate work (up from two years).¹⁶⁴ And once they were admitted, the law school required them to maintain a “C” average.¹⁶⁵

Thus, the Hepburn law school adapted to the explosion of veteran students with a simple academic formulation. More students equals more teachers and more courses. Of course, the UA law students were learning the law with the intent of practicing in a civilian world. But it would not be an exaggeration to say that a military atmosphere lingered in the post-war years. The students themselves were very conscious of their military status. The 1947 Corolla contains tantalizing references to a Veteran’s Association and to a veterans’ “Cooperative Grocery Store,” which seems to indicate that the law students were part of a campus-wide fellowship.¹⁶⁶ A number of the law students’ Corolla entries likewise noted membership in Scabbard and Blade (the ROTC

159. *Id.*; see also 1970 DIRECTORY OF GRADUATES, *supra* note 23, at 11–13. The dates within parentheses are taken from the professors’ official portrait plaques.

160. McKenzie, *supra* note 16, at 142, 145 (footnote omitted). Connell had been hired in 1942 as law librarian, instructor in legal bibliography, and dean’s secretary. See *supra* note 90.

161. For faculty publications of the period, see McKenzie, *supra* note 16, at 146.

162. 1 ALA. L. REV. at 1, 15, 49, 80–129, 143. The date on the masthead of this first number is August 1948. *Id.* The law review rose out of the efforts of Leonard Traywick, founder in 1945 of a Bureau of Legal Research; from this bureau came a number of student-written case notes in *The Alabama Lawyer* (official organ of the Alabama State Bar Association). See McKenzie, *supra* note 16, at 146–47.

163. In this connection, it may be worth noting that Harper Lee would refer to the law students of the post-war years as “bright, humorless young veterans.” HARPER LEE, GO SET A WATCHMAN 52 (2015); see *id.* at 53 (stating that the chief benefit of a UA Law education was that it let the students “make friends with Alabama’s future politicians, demagogues, and statesmen.”).

164. McKenzie, *supra* note 16, at 148.

165. McKenzie, *supra* note 16, at 147–48. McKenzie notes that few changes were made in the curriculum during Hepburn’s deanship. *Id.* at 148. The increased size of the faculty allowed for more specialized traditional courses (as many as twenty-four electives were offered) as well as seminar courses. *Id.*

166. 54 COROLLA 92–97 (1947).

honorary).¹⁶⁷ Class sizes would shrink in the 1950s and 1960s to the levels that Dean Hepburn had anticipated (seventy-three graduates in 1957, ninety-two in 1967), but draft status and past or pending military service were, for many years, routinely provided to prospective employers.¹⁶⁸

Apart from grim-visaged concerns of war and scholarship, student life at the law school often mirrored the joyfulness of post-war America. The more raucous aspects of Homecoming had been suspended during wartime, but under Hepburn they were again permitted. Now law students could once more ride, boisterous and well-irrigated, in the law school's homecoming float. Among other social events suspended but now resuscitated, students could again look forward to the Barrister's Ball. A post-war innovation was the school's Law Day, a springtime observance associated with moot court competitions, a luncheon, and a banquet.¹⁶⁹ Such was the general sense of health at the law school that when Hepburn announced that he would be leaving in January 1950 to take on the deanship at Emory University Law School, there was no sense of panic.¹⁷⁰ Rather, the feeling was that great challenges had been met and that great transitions were ahead.¹⁷¹

*B. Mighty Changes: The Law School and "The Problem of the Twentieth Century"*¹⁷²

Even before Dean Hepburn departed, shrewd observers could see that African-Americans were scoring Civil Rights triumphs in the federal courts.¹⁷³ The white power structure in Alabama responded in several ways—most noisily and intransigently with the short-lived Boswell Amendment of 1946, which gave voter registrars complete discretion to judge the constitutional

167. *Id.*; see *id.* at 92 for the entry of J.D. Carroll, "Manager of Veterans Co-op Grocery Store" and member of the Veterans Association. On this subject, see generally ELLEN MOORE, *GRATEFUL NATION: STUDENT VETERANS AND THE RISE OF THE MILITARY-FRIENDLY CAMPUS* (2017).

168. University of Alabama School of Law Class of 1957; University of Alabama School of Law Class of 1967. These placement booklets are unpaginated.

169. McKenzie, *supra* note 16, at 147; see also Heflin, *supra* note 153, at 95.

170. McKenzie, *supra* note 16, at 149–53.

171. Heflin, *supra* note 153, at 93.

172. W.E. BURGHARDT DU BOIS, *THE SOULS OF BLACK FOLK* 40 (1903). The whole line reads: "The problem of the Twentieth Century is the problem of the color-line." *Id.*

173. Consider the following Civil Rights signposts: The establishment of the Fair Employment Practices Commission (1941); a Washington Bureau of the NAACP (1942); foundation of the Congress of Racial Equality (1943); *Smith v. Allwright*, 321 U.S. 649 (1944), which outlawed Texas' white primary; and *Morgan v. Virginia*, 328 U.S. 373 (1946), which outlawed segregation in interstate travel. On these, generally, see *The Civil Rights Act of 1964: A Long Struggle for Freedom*, LIBR. OF CONG., <https://www.loc.gov/exhibits/civil-rights-act/world-war-ii-and-post-war.html> [https://perma.cc/NP6T-8AYB].

“understanding” of would-be black voters.¹⁷⁴ With regard to the racial integration of legal education, the state legislature tried to keep things quiet—by means of a rather strange bargain. By a statute enacted in 1945, the state offered generous support to black applicants to law or medical schools, virtually a full ride, providing they attended out-of-state schools.¹⁷⁵ Of course, offering such assistance was a tacit admission that there were young black Alabamians fully qualified to attend such schools. Perhaps it was for this reason that the Act was hidden away in pocket-part supplements for thirteen years.¹⁷⁶

In the mid-twentieth century under Deans Farrah, Hepburn, and Martin Leigh Harrison (dean, 1950–1966),¹⁷⁷ it was no doubt possible—psychologically possible—for white legal educators to ignore the question of an emerging black bar. Given that the 1932 Martindale-Hubbell listed only two African-American attorneys in the state,¹⁷⁸ it could be argued that an Alabama black bar simply did not exist.¹⁷⁹ Yet after the 1937 bar admission of Arthur Davis Shores, who specialized in Civil Rights suits, the number and visibility of African-American practitioners began to grow.¹⁸⁰ By the 1950s, outspoken black attorneys were practicing in several cities, including Shores in Birmingham, Fred Gray in Montgomery, and J.L. Chestnut in Selma.¹⁸¹ Chestnut would eventually put together the largest African-American law firm in Alabama.¹⁸² A study written in 1974 concluded that there were forty black

174. See Scotty E. Kirkland, *The Boswell Amendment*, ENCYC. OF ALA. (June 2, 2011), <https://encyclopediaofalabama.org/article/boswell-amendment/> [https://perma.cc/72VY-JFN3]. For a fine discussion of the statewide politics of the Boswell Amendment, see Scotty E. Kirkland, *Mobile and the Boswell Amendment*, 65 ALA. REV. 205 (2012). The Boswell Amendment was soon declared unconstitutional in federal district court (Southern District of Alabama); this decision was upheld by the U.S. Supreme Court. *Davis v. Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), *aff'd* 336 U.S. 933 (1949) (per curiam).

175. ALA. CODE, Cum. Supp. Vol. 8, § 40(1) (1940).

176. For the 1945 Act, see ALA. CODE, Cum. Supp. Vol. 8, § 40(1) (1940). This Act was not properly codified for thirteen years. See ALA. CODE § 52–40(1) (1958). Another reason for the secrecy might have been that in 1938, the U.S. Supreme Court had ruled that Missouri, which operated a state law school for whites but provided no law school for African-Americans, had failed in its duty to provide “the equality of legal right” within its borders. *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 349 (1938). Missouri also provided assistance to black applicants willing to attend out-of-state schools. *Id.*

177. See McKenzie, *supra* note 16, at 143, 144, 149.

178. 1 MARTINDALE-HUBBELL 3, 5 (1932). Both attorneys practiced in Birmingham.

179. This problem was not unique to Alabama. Robert Stevens observes that as late as 1969, “blacks, although constituting about 12 percent of the national population, only accounted for 1 percent of the bar, a situation reflected in low statistics in the law schools as well.” STEVENS, *supra* note 21, at 234.

180. See, e.g., J. CLAY SMITH, JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844–1944, at 274–75 (1993).

181. See 1 MARTINDALE-HUBBELL 8 (1952); JOHN A. SALMOND, THE CONSCIENCE OF A LAWYER: CLIFFORD J. DURR AND AMERICAN CIVIL LIBERTIES, 1899–1975, at 171, 172 (1990); J.L. CHESTNUT, JR. & JULIA CASS, BLACK IN SELMA: THE UNCOMMON LIFE OF J.L. CHESTNUT, JR. 81–143 (1990).

182. CHESTNUT & CASS, *supra* note 181, at 398–99.

lawyers practicing in Alabama, a small percentage of the total bar (less than 2%), but an undeniable presence.¹⁸³

Before the early 1970s, of course, none of these lawyers would have graduated from the University of Alabama School of Law. For a long time, black applicants were simply turned away without much explanation. Future art collector and UA benefactor Paul R. Jones was rejected in 1949 with a letter in which the law school reportedly “maintained that race relations would not improve if blacks were allowed in.”¹⁸⁴ Such forthright racism and dubious logic might be seen as a “normal,” even a moderate white response compared to the frenzied response to the events of the subsequent years—events such as the U.S. Supreme Court’s *Brown* decision, the Montgomery Bus Boycott, and the brief presence in 1956 of Autherine Lucy at the University of Alabama.¹⁸⁵ During the 1950s, however, law school officials found professional reasons to prize moderation.

In that decade, representatives of schools belonging to the American Association of Law Schools (AALS) debated at their yearly conventions the status and significance of racial segregation in legal education. The chief concern was the refusal of most southern schools to admit qualified black applicants. In 1950, the AALS adopted a measure opposing segregated legal education and creating what proved to be an ongoing committee to study the issue.¹⁸⁶ In doing so, they rejected a “Yale proposal” that would have required “abolition of segregation by member schools as a condition of membership in the Association.”¹⁸⁷ The following year, the AALS voted to make “[e]quality of opportunity in legal education without discrimination or segregation on the ground of race or color” an objective of the association.¹⁸⁸ Debate continued

183. Albert E. Drake, Racial Composition of Attorneys and Law Program for the State of Alabama 3 (June 27, 1974) (unpublished study, University of Alabama) (on file in the Bounds Law Library). Drake gives a percentage of 1.06%, a miscalculation. *Id.* By his figures, the percentage of black attorneys was about 1.7%. *Id.* A few years earlier, law student Robert L. Potts had counted twenty-four African-American lawyers in Alabama. See Robert L. Potts, *Commentary: Negro Members of the Alabama Bar*, 21 ALA. L. REV. 306, 306 (1969).

184. Quoted passage can be found in Jones’ AL.com obituary. See Michael Huebner, *Paul R. Jones, Art Collector and Bessemer Native, Dies at 81*, AL.COM, https://www.al.com/mhuebner/2010/01/paul_r_jones_art_collector_and.html [<https://perma.cc/6X45-NQ8P>] (last updated Jan. 28, 2010, 5:45 PM).

185. For brief treatments of these pivotal events, see ROGERS ET AL., *supra* note 63, at 538, 546–47 (*Brown*); *id.* at 549–54 (Bus Boycott); *id.* at 569, 572–73 (Autherine Lucy); see also OATES, *supra* note 134, at 57–60, 62–104, 86–89, 127–29. For a detailed treatment of Autherine Lucy’s trials at the hands of UA, see E. CULPEPPER CLARK, *THE SCHOOLHOUSE DOOR: SEGREGATION’S LAST STAND AT THE UNIVERSITY OF ALABAMA* 17–21, 53–59, 61–62, 71–77, 79–80, 85, 96, 99–102, 104, 109–10 (1993). For the mood of white Alabamians in the 1950s (and the rise of George C. Wallace), see DAN T. CARTER, *THE POLITICS OF RAGE: GEORGE WALLACE, THE ORIGINS OF THE NEW CONSERVATISM, AND THE TRANSFORMATION OF AMERICAN POLITICS* 82–87 (1995).

186. ASSOCIATION OF AMERICAN LAW SCHOOLS 1951 PROCEEDINGS 13, 22–45 (1951) (Alabama voting against the proposal).

187. *Id.* at 278.

188. ASSOCIATION OF AMERICAN LAW SCHOOLS 1951 PROCEEDINGS, *supra* note 186, at 13, 42 (footnote omitted), 15–45. For the committee’s report, see *id.* at 278–300.

over the association's proper response, however, until 1957 when the committee once more advanced the Yale proposal—the exclusionist approach.¹⁸⁹ At the last minute, Dean Erwin Griswold of Harvard proposed to substitute “censure” for “excluded from the Association” and his amendment—and subsequently the proposal, as amended—passed.¹⁹⁰ For advocates of the status quo at Alabama and elsewhere, this was a victory of sorts.¹⁹¹

At Alabama, celebration of this victory over Yale involved an anecdote that could be described as part of UA Law School folklore. The hero of this story was Professor John C. Payne, a brilliant teacher and practitioner of the Socratic method, nicknamed “Blackjack Payne” by his students.¹⁹² As told by his colleague Harry Haden, Payne staved off the exclusionists at an AALS conference that took place “in the fifties.”¹⁹³ There, backed by Harvard and Columbia, the Yale proposal seemed headed for certain passage. At an emergency meeting of southern delegates, Payne made a shrewd suggestion. He observed that “[i]f Yale is serious in its fight against discrimination, they should have included ‘sex’ in their resolution.”¹⁹⁴ Haden observed that the “amendment gained support, and because Harvard was one of the few schools still barring women, the Yale resolution was withdrawn.”¹⁹⁵ In fairness, Haden was no apologist for segregation; he described it as “this unconstitutional situation.”¹⁹⁶ Still, his tribute was published in the full expectation that readers would applaud Payne's clever delaying tactic.

So, there we have the Alabama Law faculty toward the close of the 1950s—tied to a social and educational order in which they did not fully believe and which they knew was doomed. Martin Leigh Harrison (dean, 1950–1966) was a cautious, conservative man, yet he was the embodiment of a great legal virtue—a belief in the sanctity of the Constitution and the laws, and in the

189. ASSOCIATION OF AMERICAN LAW SCHOOLS 1957 PROCEEDINGS 48, 104 (1957).

190. *Id.* at 65–71, 95–109. For Dean Griswold's motion and its adoption, see *id.* at 105–09.

191. It should be observed that admissions standards at the UA Law School were written in strictly race-neutral language; this observation is based on a survey of admissions standards from the 1947–1948 UA CATALOG to 1965–1966 UA CATALOG, inclusively.

192. See Camille W. Cook, *Professor John C. Payne*, 35 ALA. L. REV. 11, 11 (1984). Professor Cook said that the nickname was a result of Payne's “ever-present eye shades.” *Id.* The term is a reference to the dealer in a game of Blackjack poker. For Payne's mastery of the Socratic method, see *id.* Finally, in assessing Payne's career and personality, it may be wise to examine a baseball bat given to him by one of his classes; the bat is part of the John C. Payne Collection, Special Collections Department in the Bounds Law Library. On the bat is written: “The Payne Method of Teaching Property Law,” and it is signed: “from your defective children.”

193. The conference was described as being held in Los Angeles “in the fifties.” See Harry H. Haden, *Professor John C. Payne*, 35 ALA. L. REV. 13, 14 (1984).

194. *Id.* at 15.

195. *Id.*

196. *Id.* Haden also wrote that Payne and his UA colleagues expected the federal courts to “correct” segregation in fairly short order. *Id.* As for Harvard's role in these purported events, note that Robert Stevens states that the exclusion of women at Harvard “survived until 1950.” STEVENS, *supra* note 21, at 203–04 n.63.

rulings of the courts.¹⁹⁷ As early as the summer of 1955, he wrote to the university's president, Oliver C. Carmichael, that "in view of the Supreme Court decisions which directly affect state university law schools, and the necessity of maintaining our relationship with the Association of American Law Schools, . . . an early reconsideration of the University's policy in regard to the admission of Negroes to the Law School should be undertaken."¹⁹⁸

In the spring of 1956, during what he called "the Autherine Lucy incident,"¹⁹⁹ recently hired law professor Harry Cohen was appalled to see, on campus, men with the letters KKK on their caps.²⁰⁰ He talked with John C. Payne "about leaving because of all of that."²⁰¹ Payne responded in his best Blackjack manner, saying "that the University had been here over a hundred years, through wars, depression, etc., and that he would not let a bunch of hoodlums chase him away from a place he wanted to be."²⁰² Seven years later, when Vivian Malone and James Hood were registered at the university in spite of George C. Wallace's "stand in the 'schoolhouse door'" (perhaps the most scripted act of defiance in the state's history), Cohen and others had front-row seats to the spectacle from Cohen's office on the third floor of Farrah Hall.²⁰³ This symbolically important event came across as "comical" to Cohen and the journalists who shared his view, probably because of the diminutive Wallace's posturing.²⁰⁴

So, the years drifted by without any change in the racial composition of UA Law's faculty and student body. By several criteria the school was in fine shape during the Harrison era—the faculty engaged in research and publication, the curriculum regularly adjusted, the library expanded to hold 50,000 volumes.²⁰⁵ Likewise, the student body was growing again (to 400 by the fall of 1966), and students had begun to take part in national moot court competitions.²⁰⁶ In 1961, an "increasingly important" Law School Alumni Association was instrumental in launching the Law School Foundation, an organization that has provided

197. John C. Payne, *A Faculty View of Leigh Harrison*, 29 ALA. L. REV. 5, 8–10 (1977).

198. CLARK, *supra* note 185, at 129. Clark also quotes Harrison as responding to Carmichael concerning a legal tactic suggested by Klansman Walter Brower, a would-be advisor to the Board of Trustees, that "[i]f such a simple device as that suggested by Mr. Brower could be effective in nullifying an injunction of this type [the federal court's June 1955 injunction in the matter of Autherine Lucy], the segregation cases would be meaningless." *Id.* at 47.

199. See Harry Cohen, *Speech to the Farrah Law Society Banquet, February 21, 1992*, 43 ALA. L. REV. 527, 529 (1992); see also CLARK, *supra* note 185, at 71–77.

200. See Cohen, *supra* note 199.

201. *Id.*

202. *Id.*

203. *Id.*

204. *Id.* For the details and context of UA's 1963 racial integration, see CLARK, *supra* note 185, at 145–260.

205. McKenzie, *supra* note 16, at 154–55.

206. *Id.* at 155, 158.

much-needed supplementary funding for the school over the decades.²⁰⁷ Why, then, did the law school fail to integrate at a time when the university was publicly (if painfully) leading the way? Several factors may have had an influence, as segregation exerted a powerful inertia in the state (certainly on the Board of Trustees),²⁰⁸ and black applicants may have been scarce. In addition, Dean Harrison's personality—measured and conservative—surely contributed to the school's deliberation in this matter. When Dan Meador arrived as dean in July 1966, he discovered that “Harrison alone had been reviewing and acting on all applications for admission.”²⁰⁹

Meador was still a young man in 1966, a mere fifteen years out from his own law school experience. He had graduated from UA School of Law in 1951.²¹⁰ In that time, he had clerked for Justice Hugo L. Black and served on the faculty of the University of Virginia School of Law; by 1966, he was beginning to distinguish himself as an author on constitutional law, criminal law, and other topics.²¹¹ Meador was hired by President Frank Rose to bring the UA School of Law to national (or at least regional) prominence, and to this end he was willing to alter many of the school's practices. He gave authority over admissions to a faculty committee chaired by Harry Cohen with the idea of recruiting a more qualified student body. To this end, applicants' minimum averages were raised from C to C+, and it was decided that aspiring law students must have completed a bachelor's degree.²¹² There is no evidence that race was a factor in these decisions—certainly neither Meador nor Cohen held a brief for segregation. Yet the years slipped by, and the student body (however much improved) was not effectively integrated.

It seemed to Meador that the cost of going to law school loomed large in the perception of black applicants. He would be pleased to see the law school integrated, but he had no scholarship funds for black students, which meant that well-qualified black applicants were attracted elsewhere by scholarship offers. That is what, in early 1969, he told J.R. Brooks, Eddie Friend, and Larry

207. *Id.* at 151–55. McKenzie also notes that, beginning in 1957, applicants to the law school were required to take the Law School Admissions Test (LSAT), and from 1961 on, graduates were obliged to take the state bar exam (nullifying diploma privilege). *Id.* at 153–54.

208. CLARK, *supra* note 185, at 163–66. A joke told in the 1980s: How many UA people does it take to change a light bulb? Answer: Only one to change the bulb, but several more to talk about what a great bulb the old bulb had been.

209. DANIEL JOHN MEADOR, THE TRANSFORMATIVE YEARS OF THE UNIVERSITY OF ALABAMA LAW SCHOOL, 1966–1970, at 37 (2012).

210. *Id.* at 3–4.

211. *See generally* DANIEL J. MEADOR, MR. JUSTICE BLACK AND HIS BOOKS *passim* (1974); *see also* DANIEL JOHN MEADOR, PRELUDES TO GIDEON: NOTES ON APPELLATE ADVOCACY, HABEAS CORPUS, AND CONSTITUTIONAL LITIGATION *passim* (1967); DANIEL J. MEADOR, THE REVIEW OF CRIMINAL SENTENCES IN ENGLAND: A REPORT SUBMITTED TO THE AMERICAN BAR ASSOCIATION PROJECT ON MINIMUM STANDARDS FOR CRIMINAL JUSTICE *passim* (1965).

212. MEADOR, *supra* note 209, at ix–xi, 3–8, 37–43.

Menefee (members of the class of 1971), who came “to discuss why no blacks had ever been enrolled in the UA School of Law.”²¹³ Meador urged the young men “to find a benefactor.”²¹⁴ Not long afterwards, law students Menefee, Friend, and Brooks traveled to Birmingham to discuss the scholarship situation with A.G. Gaston, the city’s leading African-American entrepreneur.²¹⁵ By the end of their talk, Gaston graciously agreed to provide funding. Menefee writes that he returned to campus “and told the dean that he now had scholarships for black law students.”²¹⁶ Meador contacted Gaston and likewise New York lawyer and Law School Foundation board member Irving Engel. With their aid, he was able to secure \$5,000 per year, for three years running, earmarked as scholarships for African-American applicants.²¹⁷

By the spring and summer of 1969, the group of pro-integration law students included several members of the class of 1971: Brooks, Friend, Menefee, Bobby Segall, Sam Webb, and others.²¹⁸ There was some pushback from law students at the idea of scholarships earmarked for black students, but Brooks feels that this was not the opinion of the majority of his classmates.²¹⁹ Eddie Friend writes that he and his classmates “were pleased there was so little controversy among law students.”²²⁰ All in all, this moment in time is worth celebrating—three years into Meador’s deanship and four years into the nation’s bitter struggle for a “Great Society,” a group of student–friends at the UA Law School set about the task of promoting social justice.²²¹ Nor did they rest. In groups of two, typically, the friends began to visit historically black colleges such as Talladega College, Miles College, Tuskegee Institute, and Alabama A&M University, where they recruited future law graduates, such as

213. Email from Edward Friend to Ron Jackson, *contained in* Email from Edward Friend to author (July 25, 2023) (on file with author) [hereinafter Friend to Jackson].

214. *Id.*; see also MEADOR, *supra* note 209, at 44. For a similar version of the law students’ question, see Telephone Interview with J.R. Brooks (UA Law class of 1971) (Feb. 25, 2023) (on file with author) [hereinafter Telephone Interview with J.R. Brooks]. Mr. Brooks remembers that he and Ed Friend visited Meador for this discussion.

215. Larry Menefee, *Growing Up in Bama*, in VOICES OF CIVIL RIGHTS LAWYERS: REFLECTIONS FROM THE DEEP SOUTH, 1964–1980, at 34, 35 (Kent Spriggs ed., 2017).

216. *Id.* Menefee remembers that Gaston offered \$20,000 in scholarships. See Telephone Interview with J.R. Brooks, *supra* note 214.

217. MEADOR, *supra* note 209, at 43–44. Meador also credits Law School Foundation President Ed Friend (Eddie’s father) for influencing Gaston. At this time, \$5,000 in scholarship funds was a large sum. Meador writes that in 1969–1970, the law school awarded a total of \$32,550 in need-based scholarships to thirty-nine students. Tuition was roughly \$500 per year, so the \$5,000 might have accounted for as many as ten scholarships. *Id.*

218. Friend to Jackson, *supra* note 213. This mentions several other “classmates who felt very strongly about equal opportunity,” including Cleveland Thornton, Don Sweeney, Ed Still, Richard Dorman, Stanley Bynum, Bill Clark, Mike Goodrich, Lynwood Smith, and Jim Blacksher. *Id.*

219. See Telephone Interview with J.R. Brooks, *supra* note 214.

220. Friend to Jackson, *supra* note 213; see also Telephone Interview with J.R. Brooks, *supra* note 214.

221. On the Great Society, see RANDALL B. WOODS, PRISONERS OF HOPE: LYNDON B. JOHNSON, THE GREAT SOCIETY, AND THE LIMITS OF LIBERALISM *passim* (2016).

Michael Figures, Ron Jackson, Booker Forte, and John England.²²² Meador himself caught the spirit and made recruiting trips to Tuskegee Institute, Miles College, and Stillman College.²²³

With such encouragement and engagement from Meador and a significant corps of his students, a number of aspiring black lawyers applied. Meador remembered that Eddie Friend “worked with the faculty admissions committee” to evaluate these applications, with the result being that the entering class of 1969–1970 contained eight African-Americans.²²⁴ For the first time in its hundred-year history, the UA Law School had taken a step toward genuine engagement with the state’s ethnicity.²²⁵ Of the eight students, only three graduated with the class of 1972: Michael Figures, Booker Forte, and Ron Jackson.²²⁶ These first African-American graduates would go on to productive, useful careers.²²⁷ But as these figures show, the pace of racial progress at UA Law was measured, even slow. Donald Watkins graduated with the class of 1973, and he described his law school experience as “pure hell.”²²⁸ Sue

222. Telephone Interview with J.R. Brooks, *supra* note 214.

223. MEADOR, *supra* note 209, at 44.

224. *Id.* at 43–44. Eddie Friend wrote: “I don’t recall any professors other than Meador becoming involved although I was summoned by [Jay] Murphy and [Harry] Cohen who applauded efforts to enroll black students.” Friend to Jackson, *supra* note 213.

225. MEADOR, *supra* note 209, at 43–44. Meador mentions that “[o]nly one black student had previously enrolled, and he had been excluded for academic deficiency at the end of his first year.” *Id.*

226. *Law School to Honor First Black Graduates*, TUSCALOOSA NEWS (Mar. 29, 2017, 8:00 AM), <https://www.tuscaloosaneews.com/story/news/state/2017/03/29/alabama-law-school-to-honor-first-black-graduates/21826930007/> [<https://perma.cc/99LF-QUAK>]; *see also First African American Graduates at Alabama Law*, ALA. L.: NEWS (Feb. 15, 2023), <https://www.law.ua.edu/blog/news/first-african-american-graduates-at-alabama-law/> [<https://perma.cc/LRW8-FWTJ>]. Three graduates out of eight students may seem to be an extreme rate of academic casualty, but Meador, by his own statistics, witnessed overall withdrawal/exclusion rates of 42% (1966–1967), 41% (1967–1968), 23% (1968–1969), and 26% (1969–1970). MEADOR, *supra* note 209, at 42 (figures derived from the chart).

227. Forte (1948–2019) practiced law for many years; his most notable case resulted in a federal court in 1980 holding that conditions in the Choctaw County jail constituted “cruel and unusual punishment.” *See Nicholson v. Choctaw Cnty.*, 498 F. Supp. 295, 311 (1980); *see also Alabama Law Remembers Booker T. Forte, Jr.*, ALA. L.: NEWS (Dec. 5, 2019), <https://www.law.ua.edu/blog/news/alabama-law-remembers-booker-t-forte-jr/> [<https://perma.cc/N65W-S6ZK>]. Ronald Edward Jackson is still practicing law. His accomplishments include service as manager of the Birmingham Legal Aid Society, two terms in the state legislature, and service as executive director of Citizens for Better Schools. Brian Gumm, *Ronald E. Jackson Wins Award for Outstanding Public Interest Work in Birmingham Area*, CTR. FOR EFFECTIVE GOVT. (Sept. 10, 2008), <https://www.foreffectivegov.org/node/3780> [<https://perma.cc/VQ8T-QQXC>]. In 2008, he was awarded the Public Interest Hall of Fame Award by OMB Watch. *See id.*; *see also First African American Law Graduates at Alabama Law*, *supra* note 226. Michael A. Figures (1947–1996) served in the Alabama State Senate from 1978 until his death; in 1994, he was elected President Pro Tempore of that body. Michael A. Figures, ALA. AFR. AM. HIST., <https://alafricanamerican.com/2012-honorees/michael-a-figures/> [<https://perma.cc/HH4B-HLP9>]. He worked in 1987 with the Southern Poverty Law Center in a lawsuit arising out of the KKK lynching of Mobile teenager Michael Donald. *Id.* The case ended with a \$7 million verdict against the United Klans of America. *Id.* That same year, Figures was chosen as Trial Attorney of the Year. *See id.*; *see also First African American Law Graduates at Alabama Law*, *supra* note 226.

228. *See Donald V. Watkins, Mr. Ramus Rhodes Revisited: A Bigger Man Than I Ever Knew*, DONALD WATKINS (Jan. 2, 2018), <https://www.donaldwatkins.com/post/mr-ramus-rhodes-revisited-a-bigger-man-than-i-ever-knew> [<https://perma.cc/N23Y-HKTL>].

Thompson, the law school's first female African-American student, graduated in 1974.²²⁹ She would go on to be a founder of Tuscaloosa's first black law firm and to a long career marked by collaboration with the NAACP Legal Defense Fund—particularly on issues of school desegregation.²³⁰ From 1974 onwards, the admission and graduation of black law students was routine, reaching the level of ten (five of whom were women) in 1990.²³¹

It is important to note that the first generation of Alabama's African-American law students had the benefit of counseling from an unconventional source. Ramus Rhodes was the law school's long-tenured janitor; in fact, Rhodes, who had been trained as a teacher at Stillman College, had been working for the law school since 1934.²³² On the surface, he was a humble black man, hard-working, deferential, and good-humored—a personality that African-Americans had often found conducive to their peace and continued employment. In reality, he was a keen student of legal education. When African-American students showed up, he was able to give them invaluable aid. He gave tutorials on many topics, such as what copies of textbooks to buy, how to read and brief cases, the personalities and quirks of the law professors, and a myriad of points large and small. Operating out of his broom closet, he also provided Watkins with a sympathetic ear “when things seemed unbearable.”²³³ At the end of Watkins's third year, Rhodes grasped his hand and asked: “Please do not forget about us”—meaning the unsung black employees of the university.²³⁴ Wonderfully, the learned janitor had transcended the drudgery of his own past, and in so doing, had enriched a young man's prologue. Watkins never forgot him.

The admission of black law students may have been routine (if moderately carried out) in the 1970s, but what about faculty members? The beginning of a solution to that problem would have to wait until the late 1980s for a number of possible reasons. First, the number of black applicants may not have been large, given Alabama's unfortunate reputation in matters having to do with civil rights and education.²³⁵ Second, the law school's faculty was dominated, both

229. Laura Braddick, *Black History Month: Leaders in Law*, UA NEWS CTR. (Feb. 1, 2021), <https://news.ua.edu/2021/02/black-history-month-leaders-in-law/> [https://perma.cc/DG7L-MNMF].

230. *Id.*

231. UNIV. OF ALA. SCH. OF L. PLAN. & PLACEMENT OFF., CLASS OF 1990 & 1991 PLACEMENT GUIDE FOR EMPLOYERS 10, 12, 24, 26 (1990). Note: All Placement Guides will be labeled as “FACEBOOKS” and follow the format: (date) FACEBOOK (page).

232. Watkins, *supra* note 228.

233. *Id.*

234. *Id.* Older law school alumni still remember that, for many years, Ramus Rhodes played a pump organ on the school's Homecoming float. The Bounds Law Library Special Collections still has that much-battered organ.

235. In 1963, Robert F. Kennedy said of Alabama: “It's like a foreign country.” Patricia Sullivan, *How Robert F. Kennedy Shaped His Brother's Response to Civil Rights*, TIME (Aug. 11, 2021, 5:09 PM), <https://time.com/6089512/robert-kennedy-civil-rights-alabama/> [https://perma.cc/W3W4-YBA3].

in terms of numbers and with regard to seniority, by men for whom all-white faculties had been the expected norm throughout their careers. Integration of the school's professors would take place when its leadership came from the generation of the 1960s—the generation that had pushed for integration of the law student body.

C. *Mighty Changes: The Rise of Women in the Law School*

White female lawyers were not as few in number as their African-American counterparts, male and female; but in mid-twentieth century Alabama, they were almost as scarce. Between 1944 (the end of the Farrah regime) and the end of the 1950s, twenty-six women were admitted to practice in Alabama.²³⁶ In the law school during these years, the number of women students in a given class rarely rose above three or four, and sometimes, as with the class of 1957, the number shrank to zero.²³⁷ Early in the post-Farrah years, one could make the case that women students produced an academic impact beyond their numbers. Women served on the board of the *Alabama Law Review* throughout the first six volumes, for example, but thereafter female membership was patchy, with long gaps (for example, in volumes 7–8, 14–17, 19–20).²³⁸ The female students who were board members filled a number of responsible offices—leading articles editor, book review editor, business manager, note editor.²³⁹ But they were few in number, and they were all white. Admittedly, the school's approach to gender (token admission) was better than its stance on race (exclusion). Yet even under the deanship of Daniel Meador, things were slow to change.

At about the same time that Meador was working to admit more African-Americans, it occurred to him to examine the number of women law students at the Capstone. “Since 1963,” he wrote, “it happened that only four women had been in each entering class. In earlier years the number had been no higher.”²⁴⁰ In that pivotal year of 1969–1970, Meador's admissions committee admitted ten young women,²⁴¹ thus starting a process that Meador would not personally witness. Instead, dramatic progress came about during the deanship

236. *Women Attorneys Alabama 1907–1960*, ABBHS NEWSL.: ALA. BENCH & BAR HIST. SOC'Y 8 (2010), <https://irp-cdn.multiscreensite.com/cd948326/files/uploaded/2010%20MarApril%20ABBHS%20Newsletter.pdf> [<https://perma.cc/HAA9-A8UB>] (counting admittees from 1945–1959).

237. UNIVERSITY OF ALABAMA SCHOOL OF LAW CLASS OF 1957 (1957), *passim*.

238. See 7–8 ALA. L. REV. (1954–1956); see also 14–17 ALA. L. REV. (1961–1965); see also 19–20 ALA. L. REV. (1966–1968).

239. For this information, see the mastheads of 1–21 ALA. L. REV. (1948–1969). Members of the law review were “chosen,” but how that process was carried out is not revealed in 1955–1970 UA Law Catalogs.

240. MEADOR, *supra* note 209, at 43.

241. *Id.*

of Thomas W. Christopher (class of 1948 and dean, 1971–1981).²⁴² Christopher, in this author’s recollection, was a confident administrator, a man whose mannerisms were traditional, even nostalgic—but who had a penchant for bold solutions.²⁴³ It is probable that he listened to Marjorie Fine Knowles, a feminist and scholar of women’s legal status, whom he welcomed on board in 1972 as Alabama’s first female law professor.²⁴⁴

Mark Brandon (class of 1978 and dean, 2014–2023) was Professor Knowles’ pupil, and he remembers her as a challenging, stimulating teacher who made “important contributions . . . to the causes of civil rights and especially the status of women.”²⁴⁵ She was a nationally known scholar, and her impact upon the law school was, he said, “profound.”²⁴⁶ “In her time at Alabama,” Brandon wrote, “she helped to change the face and culture of the Law School, as the number of women studying law here increased almost six-fold.”²⁴⁷ A striking example of the law school’s new face could be seen in the class that arrived in the fall of 1974 and graduated in 1977. Of the 147 students who graduated in the latter year, twenty-six (almost 15%) were women.²⁴⁸ Thirty-five years later, the twenty-four surviving female members of this class were surveyed as to their law school experiences, employment histories, and sense of self. One member of the class described them collectively as “pretty much a strong independent group based on the fact that we all chose to enter a

242. See *Rosenblatt’s Deans Database*, LAWDEANS, <https://lawdeans.com/schoolprofile.php?UID=120> [<https://perma.cc/ZB3J-GGUE>].

243. See Interview by Cherry Thomas & Paul Pruitt with Thomas W. Christopher, Dean, The Univ. of Ala. Sch. of L., Tuscaloosa, Ala. (Jan. 28, 1988) [hereinafter Dean Christopher Interview]. In conversations, Dean Christopher was often courtly; but his workaday administrative style could be brusque and combative. See, e.g., Frank R. Strong, *Dean Thomas W. Christopher*, 32 ALA. L. REV. 21, 21–25 (1980). In many respects he appeared to be a traditional law professor and dean, but he had a visionary bent and a firm belief that the law school had to adjust to the times and to its own needs. *Id.*

244. PMP, *In Memory of Marjorie Fine Knowles*, UA L. SPECIAL COLLECTIONS (Oct. 11, 2021), <https://www.law.ua.edu/specialcollections/2021/10/11/in-memory-of-marjorie-fine-knowles/> [<https://perma.cc/9APE-J22L>]. See Marjorie Fine Knowles, *The Legal Status of Women in Alabama: A Crazy Quilt*, 29 ALA. L. REV. 427 (1978) and Marjorie Fine Knowles, *The Legal Status of Women in Alabama, II: A Crazy Quilt Restitched*, 33 ALA. L. REV. 375 (1982) for her two seminal articles. Knowles took two years off (1978–1980) to serve in the Carter administration. See PMP, *supra* note 244. She returned to Alabama in 1980 and taught at the law school until 1986, when she accepted the deanship of the Georgia State University School of Law. See *id.*

245. Dean Brandon is quoted in PMP, *supra* note 244.

246. *Id.*

247. *Id.* Dean Knowles’s obituary says that the enrollment of women at UA Law increased “from 13 to over 70 in three years.” See *Obituary: Marjorie Fine Knowles*, DIGNITYMEMORIAL, <https://www.dignitymemorial.com/obituaries/sandy-springs-ga/marjorie-knowles-10379381> [<https://perma.cc/6HBT-M3SA>].

248. Julia Smeds Roth, *The Women of the University of Alabama School of Law, Class of 1977: Where Are They and How Are They?*, ALABAMA LAW: ALUMNI, <https://www.law.ua.edu/alumni/the-women-of-the-university-of-alabama-school-of-law-class-of-1977/> [<https://perma.cc/M47G-M8A5>].

profession that didn't count many women among its ranks."²⁴⁹ Another member recalled that they shared an "aspiration to be useful in our lives."²⁵⁰

Of the twenty-four, fourteen lived and worked in Alabama and ten elsewhere,²⁵¹ reflecting a change from previous days of hometown practice. Several responders to the survey testified to a great "camaraderie" among the women of 1977, and declared that they did not feel isolated, in part because of female role models in the classes ahead of them. Bonita Boddie Sales Lee added that she "felt more isolated as an African American than as a woman."²⁵² These women were also aware that some of their male classmates felt that they were taking up spaces that could have been occupied by men.²⁵³ After graduation, the twenty-four followed diverse career paths in private practice, corporation law, public service, and other areas of endeavor. Several members became judges. Jean Williams Brown served on both the Alabama Court of Criminal Appeals (1997–1999) and the Alabama Supreme Court (1999–2005).²⁵⁴ Looking back on law school, the women of 1977 listed their favorite professors. Not surprisingly, Professor Knowles was "the professor to whom the women most related."²⁵⁵ But they admired Jack Payne for "his Socratic method" and Martin Leigh Harrison "for his 'magnificent' legal mind, kind demeanor, and sense of humor."²⁵⁶

The presence of women on the faculty gradually expanded. Camille Cook joined the faculty in 1975, Martha Morgan in 1979, and Elizabeth P. Marsh arrived in 1983.²⁵⁷ During this time, the numbers of female law students also continued to grow dramatically—from 15% in 1977 to 36% in 1985, an increase that roughly mirrored national trends.²⁵⁸ By the mid-1980s, however, the percentage of UA women law students had peaked and would remain more or less constant for the next two decades—a fact that surely reflected a (unspoken but official) consensus that women should constitute just a bit more than a third

249. *Id.*

250. *Id.* Note that sixteen of the twenty-four women responded to the survey.

251. *Id.* Roth reported female members of the class of 1977 living in the District of Columbia, Georgia, New York, Ohio, Texas, and California. *Id.*

252. *Id.*

253. *Id.*

254. *Id.*; see also *Members of the Supreme Court: Judges and Associate Justices, 1820–2021*, ALA. JUD. SYS., <https://judicial.alabama.gov/Library/Judges> [<https://perma.cc/N5CZ-66YL>]; see also *Members of the Court of Criminal Appeals: Associate Judges, 1969–2021*, ALA. JUD. SYS., <https://judicial.alabama.gov/Library/Judges> [<https://perma.cc/N5CZ-66YL>].

255. Roth, *supra* note 248.

256. *Id.*

257. 1983–1984 UA LAW CATALOG 49–50.

258. For the 1977 figure, see Roth, *supra* note 248. The 1985 Alabama figure is derived from a hand-count of students listed in 1984–1985 UA LAW FACEBOOK *passim* (the 1985 FACEBOOK is unpaginated). From 1968 to 1979, women moved from being less than one-tenth of the nation's law students to being more than a third of them. STEVENS, *supra* note 21, at 246.

of the student body.²⁵⁹ But, better times were coming in the new millennium for aspiring female lawyers and for female applicants for faculty positions, too.

D. Mighty Changes: New Regimes and a New Building

In his 2012 memoir, Daniel Meador wrote that by the beginning of his deanship in 1966, Farrah Hall was at the limits of its capacity. In the 1960s, law school class sizes were increasing (from 182 in 1962 to 408 in 1966).²⁶⁰ Budgets granted by the Rose administration allowed for substantial increases in the faculty, from fifteen full-time in 1965 to twenty-one full-time in 1967,²⁶¹ with a corresponding need for more classrooms and offices. Likewise the law library, at 56,302 volumes in 1966, barely fit into its assigned space (despite recent additions to the building), and Meador was soon able to secure considerable increases in library funding—so that large numbers of new books would soon be headed to the shelves.²⁶² Since everyone from administrators to students expected great things, it was clear, to say the least, that Farrah Hall “would not be adequate for the law school of the future.”²⁶³

Farrah Hall was forty years old and had been invested by generations of law students and alumni with great sentimental value. However, both common sense and architectural consultants agreed that future greatness would require a new, much larger building.²⁶⁴ Meador himself would be satisfied with nothing less than a sense of grandeur. To Meador, who “brought to his task a drive that had perhaps not been seen at Alabama since Farrah’s early days,”²⁶⁵ the construction of a new building should be a masterstroke of landscape politics. Combined with other factors—a larger, better student body,²⁶⁶ a larger faculty, a bigger library, active alumni, and such academic markers as the 1969 establishment of a UA chapter of the Order of the Coif—the law school could take its place as a “genuinely distinguished law school of national stature.”²⁶⁷

259. Hand counts from the 1990, 1997, and 2006 UA Law Facebooks provided the following percentages of women law students: 35% in 1990; 37% in 1997; and 37% in 2006. *See* 1990–1991 UA LAW FACEBOOK; 1997–1998 UA LAW FACEBOOK; 2005–2006 UA LAW FACEBOOK.

260. MEADOR, *supra* note 209, at 42.

261. *Id.* at 62–63; 1965 UA LAW CATALOG 24; 1967 UA LAW CATALOG 39–40. The figures given are based on hand-counts from the catalogs and are slightly different from those given in MEADOR, *supra* note 209.

262. MEADOR, *supra* note 209, at 33.

263. *Id.* at 59.

264. *Id.*

265. Holt, *supra* note 157, at 172.

266. As part of his vision of a better student body, Meador wanted to attract more out-of-state students; his goal was twenty percent. *See* MEADOR, *supra* note 209, at 67.

267. *Id.* at 61. For Order of the Coif, see *Member Schools*, ORD. OF THE COIF, <https://orderofthecoif.org/member-schools> [<https://perma.cc/F49K-5WGY>].

Meador discussed the project with a faculty committee, and likewise with a “student new building committee,” but his intention from the start was to employ an architect of national standing—thus violating an “unwritten rule” that state-funded projects should fall to in-state architects.²⁶⁸ He received permission to search afar, and after much thought settled upon Edward Durrell Stone,²⁶⁹ designer of Washington D.C.’s Kennedy Center and other late-modernist buildings of note on four continents.²⁷⁰ Stone eventually accepted after Meador and his committees produced in March 1969 a document that planned for construction of a true “Law Center.”²⁷¹ They envisioned that this structure would have a full complement of classrooms and offices, including a “centerpiece” library and space for related agencies such as the Alabama Law Institute.²⁷² But, they also proposed that the Law Center adjoin living and dining facilities for law students.²⁷³ Meador calculated that the Law Center would cost \$4 million, and that the living and dining space could be built for an additional \$1.5 million.²⁷⁴ The challenge raised by this price tag, and all of the fundraising that would have been necessary to meet it, might have shown Meador at his best—a leader along the lines of Dean Farrah. Sadly, it was not to be.²⁷⁵

Meador had been brought to campus to build up the law school’s reputation. But it was clear to him by the spring of 1969 that Rose’s enthusiasm for increased budgets and new faculty hires was waning.²⁷⁶ In that year, Rose retired and was replaced by David Mathews, a young man who had formerly been Rose’s assistant. Meador and Mathews had three long conversations over the summer of 1969. Mathews’ message was clear: The law school would not be allowed the support necessary to carry out Meador’s program of construction and national recognition. Instead, Mathews expected the law

268. MEADOR, *supra* note 209, at 60–61.

269. *Id.* Meador could have come close to hiring an Alabama architect had he hired another of his top three prospects. This was the Auburn-trained Paul Rudolph, “former dean of the Yale Architecture School, then practicing in New York City.” *Id.* at 60.

270. *Id.* at 61. For a discussion of Stone’s post-World War II career as a journey “[f]rom [a]rchitectural [k]itsch [t]o [p]opulism,” and for many photographs of his characteristic designs, see MARY ANNE HUNTING, EDWARD DURELL STONE: MODERNISM’S POPULIST ARCHITECT 110–45 (2013).

271. McKenzie, *supra* note 16, at 164.

272. On the origins of the Alabama Law Institute, see *id.* at 158.

273. MEADOR, *supra* note 209, at 61.

274. *Id.* at 62.

275. Holt believed that Meador’s strong, clear-minded plans were at odds with “the spirit of the times.” Holt, *supra* note 157, at 173. Thinking, no doubt, of the turbulence visited upon universities by the campus movements of the 1960s, Holt wrote: “This is a time of doubt and introspection, a time when what law schools ought to be, and do, and produce is much mooted. It is virtually impossible to achieve agreement among sufficient numbers of interested and affected people about how to build a greater law school . . .” *Id.*

276. MEADOR, *supra* note 209, at 62–63. In an attempt to revive Rose’s enthusiasm, Meador commissioned Dean John Ritchie of Northwestern Law School to study the UA Law School and its plans for growth. See *id.* at 63–65. Ritchie’s report was a complete endorsement of what Meador had achieved and still wanted to achieve. *Id.*

school, in Meador's words, to "reorient" itself to "becoming a good state law school for Alabama" and to "come to terms with its past."²⁷⁷ Mathews never explained his thinking to Meador, but the latter "took him to mean that the pre-1966 faculty should be given greater voice."²⁷⁸ Meador subsequently learned that older faculty members had gone directly to Mathews, "voicing their discontent" with his leadership.²⁷⁹

Disillusioned and trapped, Meador decided to resign and accept an offer of the James Monroe Professorship of Law at the University of Virginia.²⁸⁰ Meador and his allies in the Law School Foundation made one last appeal to Mathews, but to no avail, so Meador announced his resignation (effective June 30, 1970) at the Farrah Law Society banquet in October 1969.²⁸¹ One curiously enduring element of Meador's troubles had grown out of a suggestion, voiced by some of his post-1966 faculty, that the law school should move to Birmingham, thereby benefitting from the urban environment that had attracted faculty, donors, and students to the university's School of Medicine. Meador's willingness to study this possibility had raised up a hornet's nest of opposition among alumni, older faculty, and administrators (President Mathews included).²⁸² Meador's successors were careful not to repeat such miscalculations.

Thomas W. Christopher, who followed Dan Meador as dean after a year in which Thomas Jones was acting dean, was a good fit for the moment. He was a member of the "great" class of 1948,²⁸³ and he had a fine record as dean (1965–1971) of the New Mexico School of Law. Indeed, at the latter school he had presided over construction of a new building and had shown himself amenable to the creation of new institutes and the launching of new journals.²⁸⁴ At Alabama, his record was much the same—his administration saw, for

277. *Id.* at 67.

278. *Id.*

279. *Id.* at 67. Wythe Holt, Jr. said that faculties were "composed of driven egomaniacal anarchists even in the calmest of times." Holt, *supra* note 157, at 165. Holt was one of Meador's new hires.

280. MEADOR, *supra* note 209, at x–xi.

281. *Id.* at 70–71. In fact, the occasion was the inaugural banquet of the Farrah Law Society, an organization of alumni and friends that Meador correctly hoped would become an important source of fundraising for the law school. See 1974 UA LAW CATALOG 9. For Meador's post-Alabama experiences at UVA, including his service to the Justice Department under President Carter and his many scholarly activities, see Griffin B. Bell & Terrence B. Adamson, *Daniel J. Meador — Visionary*, 80 VA. L. REV. 1209, 1209–15 (1994). It may be of interest to note that by the end of 1978 Meador was totally blind, an affliction that did not perceptibly slow him down. See *id.* at 1209.

282. MEADOR, *supra* note 209, at 67.

283. See *Christopher, Thomas Weldon, 1917-2002*, ALA. AUTHORS, https://www.lib.ua.edu/Alabama_Authors/?p=979 [<https://perma.cc/Y28Y-LN3H>].

284. *Thomas Weldon Christopher*, TUSCALOOSA NEWS, <https://www.tuscaloosa.com/story/news/2002/03/23/thomas-weldon-christopher/27820436007/> [<https://perma.cc/D67V-5KF5>] (last updated Mar. 22, 2002, 10:00 PM); see also THOMAS W. CHRISTOPHER, SCHOOL OF LAW ANNUAL REPORT 1970–1971, at 1–2 (1971).

example, the expansion of the Alabama Continuing Legal Education program and the start of a program of Clinical Legal Education.²⁸⁵ Likewise, Christopher's UA deanship saw the start of two law reviews: *Law and Psychology Review* (1974–1975) and the *Journal of the Legal Profession* (1975–1976).²⁸⁶ By 1978–1979, the law school was home to a chapter of the Black American Law Students' Association (BALSA), a group whose purpose was “to articulate and promote the professional needs and goals” of African-American law students.²⁸⁷ Christopher also continued Dan Meador's custom of inviting legal and political celebrities to visit the law school and mingle with faculty and students.²⁸⁸

Christopher was able to establish a fine working relationship with the faculty, particularly with Payne, Cohen, and recently hired Richard Thigpen.²⁸⁹ Thigpen was an especially good friend to have in the 1970s, as he was academic vice president and executive vice president under President Mathews—and from 1975–1977, when Mathews was Secretary of Health, Education, and Welfare, Thigpen served as acting president.²⁹⁰ These friendships allowed Christopher to pursue the construction of a law center without fear of too much interference. Christopher agreed with Meador that the law school should pursue its connection with Edward Durrell Stone; as early as 1972–1973, Stone's plans for the core of the current building were laid out and a model was executed.²⁹¹ The law school's friends pushed a bond issue through the legislature,²⁹² and the university acquired a twenty-seven-acre field on the south side of Bryant Drive (along the southeast periphery of the campus).²⁹³ Christopher, like Farrah before him, campaigned for funds relentlessly, with the aid of members of the Law School Alumni Association, the Farrah Law Society, and the Law School

285. See 1973 UA LAW CATALOG 9 (Continuing Legal Education); see also *id.* at 20 (Clinical Legal Education); see also 1974 UA LAW CATALOG 9 (status of the Alabama Law Institute).

286. 1976 UA LAW CATALOG 23.

287. 1978–1979 UA LAW CATALOG 21. For a brief history of this organization (dating from 1968), see *Black Law Students Association*, UNIV. DAYTON, https://udayton.edu/law/students/student_orgs/black_law_student_association.php [https://perma.cc/JZ6V-NQX3].

288. Photographs scattered throughout the Christopher-era catalogs show these celebrities. 1975 UA LAW CATALOG 29 (showing Senator Margaret Chase Smith); *id.* at 31 (showing Congresswoman Barbara Jordan); 1977–1978 UA LAW CATALOG 29 (showing Alabama Chief Justice Howell Heflin, Ralph Nader, and Judge Frank M. Johnson); 1979–1980 UA LAW CATALOG 10 (showing President Gerald Ford); *id.* at 16 (showing Chief Justice Warren Burger and Justice Byron White). For Meador's role in this practice, dating to 1967, see McKenzie, *supra* note 16, at 156–57.

289. Dean Christopher Interview, *supra* note 243.

290. For Richard Thigpen's degrees and positions, see *Richard A. Thigpen, LL.D.*, ALA. HEALTHCARE HALL OF FAME, <http://www.healthcarehof.org/richard-thigpen/> [https://perma.cc/8DJJ-RPJA]; see also *Mathews, Forrest David 1935-*, ALA. AUTHORS, https://www.lib.ua.edu/Alabama_Authors/?p=4162 [https://perma.cc/69J6-L2WK].

291. For a photograph of Christopher studying the model, see 1973 UA LAW CATALOG 3.

292. Dean Christopher Interview, *supra* note 243.

293. THOMAS W. CHRISTOPHER, *TEN YEARS: A REPORT ON A DECADE IN THE LIFE OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW, 1970-71–1980-81*, at 20 (1981).

Foundation. In the end, they raised enough money to pay for a \$9 million building.²⁹⁴

Groundbreaking for the Law Center took place in August 1975; dedication ceremonies were held in May 1978.²⁹⁵ Something of the pace (and sacrifice) of the work is evident in the fact that library staff members gave up their Christmas 1977 vacations to move books from Farrah Hall to the new library space in the east end of the building.²⁹⁶ The new building contained a library capable of holding 400,000 books and seating 500 students; in addition, the Law Center provided offices for forty-eight faculty members.²⁹⁷ It was strikingly an early “post-modern” structure, in the sense that, while high-modern in many of its features, it incorporated features from Alabama’s vernacular architecture, including a broad, north-facing “front porch,” complete with rocking chairs, and “dogtrots” on either side of a central administrative area.²⁹⁸ The Law Center (still its name) came equipped with many amenities, including a replica of Justice Hugo Black’s home library, complete with the books, furniture, and objects d’arte that had graced the original in Alexandria, Virginia.²⁹⁹ Of course the Law Center has had its malfunctions over the nearly fifty years of its existence—yet of all Dean Christopher’s accomplishments, it was the one of which he was justifiably proudest.

IV. ADMINISTRATIVE IMPLOSION, 1981–1982

According to Charles Gamble (acting dean, 1982–1984; dean, 1984–1987), the law faculty had a candidate in mind to replace Dean Christopher, but

294. Norman H. Bassett, *New University Facility Is More Than Law School*, TUSCALOOSA NEWS, May 24, 1978, at 43.

295. Paul M. Pruitt, Jr., *The Return of Hugo Black: The Significance of the Hugo L. Black Collection at the University of Alabama*, 43 ALA. L. REV. 291, 301 (1991).

296. Interview with Ruth Weeks, Libr. Staff, The Univ. of Ala. Sch. of L., in Tuscaloosa, Ala. (June 15, 2022) [hereinafter Weeks Interview]; Interview with David Lowe, Libr. Staff, The Univ. of Ala. Sch. of L., in Tuscaloosa, Ala. (June 21, 2022) [hereinafter Lowe Interview]. The liquidation of the 1977 Christmas vacation was done on Dean Christopher’s orders, but his orders were executed with verve and a can-do spirit. When the elevator from the main floor to the ground floor broke down, the librarians and student assistants formed lines to pass books down the library’s main stairway by hand. It should also be noted that areas of Farrah Hall remained (and remain) as storage for the law school. See Dean Christopher Interview, *supra* note 243; see also Alabama State Bar Historical Marker (photograph), in *The University of Alabama School of Law*, ALA. DIGIT. HUMANS. CTR., <https://adhc.lib.ua.edu/adhc-omekaS/s/historicalmarkers/item/87#:~:text=The%20present%20Law%20Center%2C%20designed,Stone%2C%20%20was%20completed%20in%201978> [https://perma.cc/FZH4-68CA].

297. CHRISTOPHER, *supra* note 293, at 21.

298. Pruitt, Jr., *supra* note 295, at 301. For the essence of these architectural remarks, the author recalls several conversations held over the years with veteran UA Law librarian David Lowe.

299. *Id.* at 291 *passim*.

something prevented that from happening,³⁰⁰ and instead they sent Dean Allen Smith's name to UA President Joab Thomas. Smith, a veteran Marine Corps officer and a law graduate of the University of Texas, was dean of the University of Missouri School of Law³⁰¹ at the time of his translation³⁰² to Alabama. It would be difficult to imagine a more opposite pairing. The faculty was led by a well-established old guard who had already disposed of one dean, Daniel Meador, and who "disliked anyone coming in as dean and changing the way they operated the school."³⁰³ Smith, for his part, was candid, even brusque, though not without a sense of humor. Certainly, he was not averse to sharing his views with the law school community—as he proved in his first month as dean.

In September 1981, Smith sat down for an interview with Michael Evers, editor of the law school's student newspaper, *The Column*. Evers had many questions, and Smith answered them all with transparent sincerity—and in the process he made quite a number of statements likely to antagonize the old guard, particularly its leader John C. Payne. Asked whether the law library would cut back on the purchase of printed books in favor of electronic services, Smith refused to commit himself but said it was "certainly a strong possibility."³⁰⁴ Payne, it should be noted, was a bibliophile widely considered to be the library's unofficial head of "collection development" (book selection).³⁰⁵ Queried about the quality of the law school's faculty compared to Missouri's (and those of other schools he had known), Smith failed to make a political answer—i.e., a general endorsement of the UA faculty. Instead, he began by speaking of UA Law's "new faculty," with whom he was not well acquainted.³⁰⁶ After two or three sentences, he summed up as follows: "There are some very good people on the faculty. Everybody on the faculty, in my opinion, has a great deal of potential, and I came here upon the assumption that if their potentials were developed, we would have a very fine faculty indeed."³⁰⁷

Smith followed up this ringing non-endorsement by stating that he expected "every faculty member who doesn't have a reasonable excuse to be publishing regularly and prolifically."³⁰⁸ Asked if faculty publishing was

300. Interview by Paul Pruitt & David Durham with Charles Gamble, Dean, The Univ. of Ala. Sch. of L., Tuscaloosa, Ala. (Oct. 19, 2022) [hereinafter Gamble Interview].

301. Michael Evers, *Column Interviews New Dean*, COLUMN, Sept. 17, 1981, at 1.

302. "Translation" is used here in the sense of removal or transfer from one place to another; the term is often used with a religious connotation. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 2429 (1971).

303. Michael Evers, *Who Controls the Law School?*, COLUMN, Mar. 4, 1982, at 3.

304. Evers, *supra* note 301, at 6.

305. See Pruitt Jr. & Calhoun Gibson, *supra* note 102, at 12–16.

306. Evers, *supra* note 301, at 6.

307. *Id.*

308. *Id.*

connected to achievement of tenure, he responded: “It is, of course.”³⁰⁹ Later in the interview, Smith discussed one of his early controversial decisions—that of ending the law school’s tradition of dividing classes into “sections” on an alphabetical basis. Smith had instituted a new pattern based in part on LSAT scores and what Evers unhelpfully described as “some other factors.”³¹⁰ Smith did not elaborate on the latter, but he was aware that in the past, the performance of the sections had frequently been unequal—a defect that he proposed to cure by means of judicious LSAT sorting. He also planned to manage scheduling so that members of the sections would, against former custom, “intermingle” and so get to know one another. Thus, Smith had upended traditions in a place where traditions were often treated as sacred things. And his interview included the remark that “it’s hard to imagine anything that’s more irrational than dividing two groups of people by the letters their last names happen to start with.”³¹¹ All in all, his statements amounted to a declaration of war.

By the time Smith gave his *Column* interview, his situation was deteriorating thanks in part to rumors that circulated in the law school and eventually on the main campus. Tom Christopher had suffered a heart attack shortly after Smith took over the reins, and rumor had it, Smith visited him in the hospital and had somehow upset him.³¹² More specific gossip relayed how Smith was supposedly bent on destroying all vestiges of Christopher’s deanship, and it was true that some of Christopher’s decorations were taken down, packed up, and put into “storage rooms” in the building.³¹³ During that academic year, Tennessee attorney Charles Trost (class of 1963) had inquired about a Master of Comparative Law program that, it turned out, had been largely inactive under Dean Christopher.³¹⁴ Dean Smith decided that the program should be discontinued.³¹⁵ Faced with such tempests-in-a-teapot (and, of course, with such substantive matters as Smith’s demand for more faculty publications), the

309. *Id.* at 7.

310. *Id.*

311. *Id.*

312. Gamble Interview, *supra* note 300; Lowe Interview, *supra* note 296.

313. Weeks Interview, *supra* note 296.

314. See Letter from Charles A. Trost, Att’y, to Dr. Edward Moseley, Professor, The Univ. of Ala. (Sept. 24, 1980) (on file with the Bounds Law Library).

315. See Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to Richard Thigpen, Professor, The Univ. of Ala. Sch. of L., & the Curriculum Comm. (Dec. 8, 1981) (on file with the Bounds Law Library); see also Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to Charles A. Trost, Att’y (Feb. 3, 1982) (on file with the Bounds Law Library); Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to the Fac. Po’ly Advisory Comm. & Dr. Roger Sayers, Acad. Vice President, The Univ. of Ala. (Mar. 5, 1982) (on file with the Bounds Law Library); see generally ALLEN E. SMITH, PAPERS DEALING WITH HIS DEANSHIP: THE MASTER OF COMPARATIVE LAW CONTROVERSY (folders on file with the Bounds Law Library). For Trost’s angry summary of this situation, see Letter from Charles A. Trost, Att’y, to Dr. Roger Sayers, Acad. Vice President, The Univ. of Ala. (Mar. 22, 1982) (on file with the Bounds Law Library).

faculty divided. The anti-Smith faction was led by older tenured faculty, who were calling upon President Thomas' administration to remove Smith by mid-February 1982.³¹⁶ Tales of shouting matches in the hallways circulated.³¹⁷ Even the simplest actions—assigning Jack Payne's summer school class, for example—were fraught with acrimony and appeals to higher powers.³¹⁸

On February 16, President Thomas held a "Special Meeting" with the law faculty, at which he announced that Academic Vice President Roger Sayers would henceforth supervise the running of the law school.³¹⁹ By February 19, Sayers was keeping office hours there for at least three days every week.³²⁰ The old guard could only interpret this as a (qualified) victory, a clear signal that they had defeated their second dean in a little more than a decade. The pro-Smith faction evidently came to the same conclusion, as several of them found posts elsewhere.³²¹ In the course of the summer, the Thomas administration did

316. Marion Spina, *Faculty Rift Upsetting Law Center*, COLUMN, March 4, 1982, at 1, 4; Evers, *supra* note 303, at 3; Mike Evers, *Smith Survives Recent Faculty Revolt*, COLUMN, April 1, 1982, at 7; *see also* Gamble Interview, *supra* note 300. Charles Gamble says that "[f]or some reason [that] I don't think I have personal knowledge of, Tom [Jones] became the poster child for why Al Smith had to leave, had to go, and a group of faculty went to Joab Thomas, gave him that message." *Id.*

317. Email from David Lowe, Reference Libr., The Univ. of Ala. Sch. of L., to author (Aug. 21, 2023) (on file with author).

318. *See* Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to John Payne, Professor, The Univ. of Ala. Sch. of L. (Jan. 19, 1982) (on file with the Bounds Law Library). Payne was anxious to teach summer school classes in order to increase his yearly pay (and thus obtain a better pension). He wanted to teach a class in Quasi-Contracts that he had taught for several summers, and he expected to be paid \$8,800—as he had been paid under the Christopher regime. *See id.* Smith preferred that he teach a class in Equity for \$6,000. *See id.* Payne refused Smith's offer and insisted on his old arrangement. *See* Letter from John C. Payne, Professor, The Univ. of Ala. Sch. of L., to Roger Sayers, Acad. Vice President, The Univ. of Ala. (Feb. 5, 1982) (on file with the Bounds Law Library). Academic Vice President Roger Sayers was called upon to decide the question, and when the dust had settled, Payne was allowed to teach his old class, but for Smith's (not Christopher's) price. *See* Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to Jack Payne, Professor, The Univ. of Ala. Sch. of L. (Jan. 15, 1982) (on file with the Bounds Law Library); Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to John Payne, Professor, The Univ. of Ala. Sch. of L. (Jan. 19, 1982) (on file with the Bounds Law Library); Letter from Dr. Roger Sayers, Acad. Vice President, The Univ. of Ala., to John C. Payne, Professor, The Univ. of Ala. Sch. of L. (Feb. 3, 1982) (on file with the Bounds Law Library) (in which Sayers writes that the proposed \$6,000 salary was "a very nice sum of money"); Letter from John C. Payne, Professor, The Univ. of Ala. Sch. of L., to Roger Sayers, Acad. Vice President, The Univ. of Ala. (Feb. 5, 1982) (on file with the Bounds Law Library) (in which Payne writes that the "only conclusion" he can come to is that Smith was making "a completely unrealistic offer [in order] to obtain a refusal from me"); Letter from Roger Sayers, Acad. Vice President, The Univ. of Ala., to John C. Payne, Professor, The Univ. of Ala. Sch. of L. (Feb. 24, 1982) (on file with the Bounds Law Library) (in which Sayers writes that "the rate of pay offered to you appears very generous to me"); Letter from Allen E. Smith, Dean, The Univ. of Ala. Sch. of L., to John C. Payne, Professor, The Univ. of Ala. Sch. of L. (Feb. 24, 1982) (on file with the Bounds Law Library); Letter from John C. Payne, Professor, The Univ. of Ala. Sch. of L., to Allen E. Smith, Dean, The Univ. of Ala. Sch. of L. (Feb. 26, 1982) (on file with the Bounds Law Library).

319. Letter from Dr. Roger Sayers, Acad. Vice President, The Univ. of Ala., to L. Fac. & Staff, The Univ. of Ala. Sch. of L. (Feb. 16, 1982) (on file with the Bounds Law Library).

320. *See id.*; *see also* Jack Wheat, *UA Law School Rift Tackled*, TUSCALOOSA NEWS, Feb. 17, 1982, at 1–2.

321. Anne Rodenberry, *Law Faculty Loses Six Members*, COLUMN, Apr. 1, 1982, at 5.

indeed fire Dean Smith,³²² and it had begun negotiations with Charles Gamble (class of 1968), a professor at Cumberland School of Law who had come to UA Law that spring as a visiting professor. An award-winning law teacher, Gamble was also an important scholar of Alabama law; he was the continuing author of *McElroy's Alabama Evidence*, to mention only one of his projects.³²³ After some soul-searching (UA Law was his alma mater, a thing he did not take lightly) and with the blessings of his dean at Cumberland, Gamble agreed to serve as acting dean at the law school for a term of two years.³²⁴

At its conclusion, Gamble would transition to the permanent deanship, a post which he held for another three years before assuming full-time faculty status. He was able to unite the law school, thanks in part to his “soothing personality”³²⁵ and to his thorough understanding of the faculty, several of whom had been his teachers. There were several difficult moments along the way. Early on, there was a tenure vote in which two anti-Smith men had received a positive vote while another, a pro-Smith man, had been denied in spite of the fact that there was nothing substantial against him—while his publication record was much the best of the three.³²⁶ Relying upon his prerogative as dean and on President Thomas’ backing, Gamble overruled the faculty and recommended that the man be granted tenure.³²⁷ Gamble has admitted that these situations were quite painful to him personally, but he had time on his side. Over the next few years, several of the faculty stalwarts who had brought down Smith retired, and so a generational cycle was complete.³²⁸

322. See *Editorial*, COLUMN, Sept. 20, 1982, at 2 (demonstrating an illustration of a man (a law professor?) reclining on the Law Center’s porch with the phrase, “Now that the Marines Have Left We Can Get Down to Some Serious Schooling!”).

323. Gamble Interview, *supra* note 300; see also Anne Rodenberry, *McElroy Evidence Author Teaches at UA Law Center*, COLUMN, Feb. 4, 1982, at 1.

324. Gamble Interview, *supra* note 300; see also Mike Evers, *Gamble Maps Course for Next Two Years*, COLUMN, Sept. 20, 1982, at 1.

325. Lowe Interview, *supra* note 296.

326. See Gamble Interview, *supra* note 300.

327. *Id.*

328. John C. Payne was last listed as a faculty member in 1984–1985. See 1984–1985 UA LAW CATALOG 51. His colleague Clint McGee was last listed in 1985–1986. See 1985–1986 UA LAW CATALOG 62. Tom Christopher was listed as a faculty member until 1987–1988, which coincidentally was the year in which Nathaniel V. Hansford took office as dean. See 1987–1988 UA LAW CATALOG 2, 61. Martin Leigh Harrison had taken emeritus status before Allen Smith arrived on the scene. See 1983–1984 UA LAW CATALOG 49. In addition, Gamble hired a number of new young faculty members for whom the anti-Smith “Revolution” was mostly a fascinating story. See 1983–1984 UA LAW CATALOG 49, 50 (showing William Andreen, Peter Alces, Elizabeth Marsh, and Manning Warren); 1984–1985 UA LAW CATALOG 51 (showing Norman Stein); 1985–1986 UA LAW CATALOG 60–63 (showing Francis McGovern, Kenneth Randall, Tony Freyer, and Frank S. James); 1987–1988 UA LAW CATALOG 61 (showing Pamela Bucy).

V. TIME OF ASCENT: 1982–2023

In an address delivered before the Law School Alumni in the summer of 1982, Gamble laid out a “Blueprint for Success.” It was clear that here, “success” meant what he referred to as a “quantum jump.”³²⁹ Addressing the late turmoil at the Law Center, he stated flatly that the law school “has just experienced one of the most traumatic periods in its history.”³³⁰ It was the “unanimous” opinion, he said, of those who had studied those events that they resulted from “a failure in human relationships.”³³¹ The good news was that “the major substantive issues” of concern to the institution’s future, namely “great teaching, scholarly writing and loyal service,” had come through unscathed.³³² So he was confident, but he was specially candid about one recent (indeed, ongoing) topic of controversy. “I do believe,” he told the alumni, “quite strongly, in continuing legal writing by the faculty.”³³³ He maintained, “President Thomas has charged me that this is of major importance—equal only to outstanding classroom teaching.”³³⁴ “Such scholarship,” he continued, “promotes one’s teaching and is of immeasurable benefit to the reputation of the institution.”³³⁵

Gamble went on to emphasize his goals for a future faculty that would include “dynamic young teachers” and established scholars; some of the latter would be recruited (attracted) and other faculty would be persuaded to return to the Capstone.³³⁶ Gamble also wanted to bring in “outstanding visiting professors.”³³⁷ Yet throughout all of these grand predictions, he did not forget “the present faculty who are all aware” of the school’s plan, “and most of whom have already begun its implementation.”³³⁸ Beyond faculty recruitment and retention, Gamble wanted to attract more highly qualified students (with higher scores on the LSAT) from Alabama and other states. For all of this, he noted, a system of fund-raising was a stark necessity: “Endowed professorships, summer stipends and research support are essential ingredients in any plan to support people who are in the process of reaching their full potential as teachers and scholars.”³³⁹

329. Charles W. Gamble, *The University of Alabama School of Law—In the 1980s: A Blueprint for Success*, 43 ALA. LAW. 592, 592–95 (1982).

330. *Id.* at 593.

331. *Id.*

332. *Id.*

333. *Id.*

334. *Id.*

335. *Id.*

336. *Id.*

337. *Id.*

338. *Id.*

339. *Id.* at 594. For a somewhat less optimistic view, see Evers, *supra* note 324, at 5.

Thus, Gamble set forth strategic goals that would mold the expectations of the law school for the next four decades. Ever hopeful, he described the law school in 1986–1987, his last year as dean, as “an academic institution on the move in terms of state, regional, and national prominence.”³⁴⁰ In 1987, Gamble was named as the Henry Upson Sims Professor of Law, and he returned to the life of teaching and scholarship that he had so often eulogized.³⁴¹ His successor was Nathaniel Hansford (dean 1978–1993), who had been vice dean under Gamble.³⁴² The two men had worked closely together³⁴³ and shared similar visions of a proper law school. Early in his deanship, Hansford and his placement staff appealed to potential students by emphasizing the school’s “outstanding faculty,” excellent facilities, and low tuition, and by mentioning such organizations as the Environmental Law Society and the International Law Society.³⁴⁴ His success can be measured by the rise in class size, from ninety students in the class of 1985 to 167 in the class of 1990.³⁴⁵ In his last year as dean, Hansford announced the launch of a significant fundraising campaign, the Capital Campaign, aimed at raising \$16.5 million for “scholarships, faculty support and library aid.”³⁴⁶ By May of 1992, more than 25% of these funds had been pledged.³⁴⁷

Kenneth C. Randall, who would serve as dean for twenty years (a tenure surpassed only by Dean Farrah’s), joined the faculty in 1985 and quickly distinguished himself.³⁴⁸ Charles Gamble remembered, for example, that Randall had done a “marvelous job” in helping former Supreme Court Justice Arthur Goldberg to teach a class at the law school.³⁴⁹ Randall served as vice dean under Dean Hansford from 1989 to 1993³⁵⁰ and was the natural candidate for dean thereafter. In the dean’s statement of his first catalog, Randall promised to continue the law school’s upward trends in recruitment of faculty and students, as well as fundraising pointed toward new scholarships and endowed professorships.³⁵¹ In general, he intended to make the law school a

340. 1986–1987 UA LAW CATALOG 2.

341. TUSCALOOSA NEWS, Sept. 25, 1992 (clipping on file with author).

342. Gamble Interview, *supra* note 300. Hansford, a member of the faculty since 1975, had also served as associate dean under Dean Christopher. 1983–1984 UA LAW CATALOG 49.

343. Gamble Interview, *supra* note 300.

344. 1987–1988 UA LAW CATALOG 2.

345. 1985 FACEBOOK *passim*; *see also* 1990–1991 FACEBOOK 7–48.

346. Nathaniel Hansford, *Dean’s Message*, 1992 CAPSTONE LAW., at 2.

347. *Id.*

348. *Kenneth Randall*, ALA. L.: FAC., https://www.law.ua.edu/directory/People/view/Kenneth_Randall [<https://perma.cc/YH8Y-LG2K>]. Randall was chosen “Outstanding Faculty Member” in 1987–1988. *Id.*

349. Gamble Interview, *supra* note 300.

350. *See Kenneth Randall*, *supra* note 348.

351. *See Kenneth Randall*, *Dean’s Message*, 1994 CAPSTONE LAW., at 2–3; *see also* 1994–1996 UA LAW CATALOG 2.

“national” school, and to that end he followed Dean Hansford’s example and appointed a Director of Development tasked with coordinating fundraising and traveling the state while doing so.³⁵² The results were gratifyingly successful.³⁵³

Early on, Randall embraced the model of advancement embodied by the U.S. News & World Report yearly rankings. After close study of the statistical factors that marked highly ranked schools, he and his administrative staff set goals for student and faculty recruitment,³⁵⁴ for enhancement of the Law Library,³⁵⁵ and eventually, for construction of a multipurpose wing of the Law Center.³⁵⁶ During his deanship, the law school rose from ninety-sixth in the U.S. News & World Report scale to a spot in the top twenty-five.³⁵⁷ Randall’s approach has been followed (with understandable variations due to national economic factors) by his successors, William S. Brewbaker III (acting dean, 2013–2014; dean 2023–present) and Mark E. Brandon (dean, 2014–2023).³⁵⁸ All in all, the school appears to have retained many of the gains of the Randall years. As late as 2022, it was still ranked in the top twenty-five of the U.S. News & World Report rankings.³⁵⁹

A. A Numerical Approach: Faculty

It is perilous for a historian to write about events that have transpired within his or her living memory, or about people known to the writer. There is simply no way for one to maintain a detached perspective. With this in mind, the penultimate part of this Article will present an analysis of numerical and demographic changes in the UA Law faculty and student body, from the mid-1980s to the 2023–2024 academic year.

352. See Randall, *supra* note 351, at 3.

353. In 1988–1989, Dean Hansford appointed Alyce M. Spruell as Director of Development. See 1988–1989 UA LAW CATALOG 79. Dean Randall, in 1994–1996, appointed Cynthia Almond as Director of Development. See 1994–1996 UA LAW CATALOG 51. For a quick examination of the fundraising successes of the 1990s, see the funds listed under “Academic Chairs” in *Endowment Summary*, 1992 CAPSTONE LAW., at 33 and *Funds Summary*, 1998 CAPSTONE LAW., at 59.

354. See discussion *infra* Part V.A, Part V.B (giving statistics on faculty size and diversity, endowed professorships, student body size and diversity (racial and geographical)).

355. For dedication of the John C. Payne Special Collections Facility, for example, see 1998 CAPSTONE LAW., at 1, 32–33.

356. *Law School Expansion and Renovation Completed*, 2007 CAPSTONE LAW., at 2.

357. See Ken Randall, GEO. MASON UNIV., https://www.law.gmu.edu/faculty/directory/fulltime/randall_ken#:~:text=Dean%20Randall%27s%20tenure%20at%20Alabama,U.S.%20News%20law%20school%20rankings [https://perma.cc/UPR9-J4FL].

358. See William S. Brewbaker III, ALA. L.: FAC., https://www.law.ua.edu/directory/People/view/William_S._Brewbaker_III [https://perma.cc/2X4B-NH9G]; Mark E. Brandon, ALA. L.: FAC., https://www.law.ua.edu/directory/People/view/Mark_E._Brandon [https://perma.cc/6CKY-AQ8L].

359. *Alabama Law Ranked Top 25 By U.S. News & World Report*, ALA. L.: NEWS, <https://www.law.ua.edu/blog/news/alabama-law-ranked-top-25-by-u-s-news-world-report/> [https://perma.cc/N5ZZ-SADF].

For the 1985–1986 school year, the law school reported twenty-six full-time faculty members.³⁶⁰ By 1991–1992, the catalog reported thirty-seven faculty; in the 1996–1998 catalog, the figure dropped to thirty-four faculty members, but by the 2004–2006 catalog, however, it rose to forty faculty.³⁶¹ The latter number seems to represent a plateau, for the law school’s 2023–2024 website lists forty members of the combined regular faculty, legal writing faculty, and clinical faculty.³⁶²

As to issues of gender, three female faculty were featured in the 1985–1986 catalog, composing 11.5% of the faculty.³⁶³ The academic year 1991–1992 saw four women on the faculty; this number, however, represented only 10.8% of the total.³⁶⁴ The 1996–1998 catalog saw the beginning of marked increases in the percentages of female faculty members: 17.6% in 1996–1998 and 24% in 2004–2006.³⁶⁵ Under the law school website for the current year (2023–2024), the number of women faculty members has risen to seventeen, or 42% of the total.³⁶⁶

The law school, by any objective measure, has been slow to add people of color to its faculty. Frank S. James III was the first, hired in 1986–1987 under Dean Gamble.³⁶⁷ Bryan Fair came to the law school in 1991; his outstanding career as professor, scholar, and mentor is still ongoing.³⁶⁸ As late as 1996–1998, under Dean Randall, only three persons of color were members of the faculty—only 8.8% of the total.³⁶⁹ By the second decade of Dean Randall’s tenure (2004–2006), however, six persons of color were on the faculty, making up 15% of the larger group.³⁷⁰ The law school’s 2023–2024 website lists seven persons of color among the faculty, a total which comes in at 17.5%.³⁷¹

As an index of the law school’s increasing prosperity, we should consider its growing number of endowed professorships. Two (7.6%) of the faculty held

360. 1985–1986 UA LAW CATALOG 58–64. In subsequent calculations, all regular faculty, legal writing faculty, and clinical faculty count as “faculty.” For more on the role of women at the law school, see *supra* notes 244, 257 and accompanying text.

361. 1991–1992 UA LAW CATALOG 72–80; 1996–1998 UA LAW CATALOG 45–54; 2004–2006 UA LAW CATALOG 17–27.

362. See *Faculty*, ALA. L.: FAC., <https://www.law.ua.edu/directory/groups/view/Faculty> [<https://perma.cc/M8ED-6JZV>].

363. 1985–1986 UA LAW FACULTY CATALOG 58–64.

364. 1991–1992 UA LAW CATALOG 72–80.

365. 1996–1998 UA LAW CATALOG 45–54; 2004–2006 UA LAW CATALOG 17–28. By these figures, the law school was somewhat behind national trends. One study states that “[b]y the end of the century, women constituted . . . 33 percent of law faculty.” See Elizabeth D. Katz et al., *Women in U.S. Law Schools, 1948–2021*, 15 J.L. ANALYSIS 48, 48 (2023).

366. See *Faculty*, *supra* note 362.

367. 1986–1987 UA LAW CATALOG 61.

368. 1991–1992 UA LAW CATALOG 74.

369. 1996–1998 UA LAW CATALOG 45–54.

370. 2004–2006 UA LAW CATALOG 17–28.

371. See *Faculty*, *supra* note 362.

such chairs in 1985–1986.³⁷² By 1989–1990, the number had grown to six, or 20.7% of the law faculty.³⁷³ In line with the inspired fundraising of the Randall years, the number of endowed chairs had grown to fifteen in 2004–2006, which meant that 36.5% of the faculty held endowed positions.³⁷⁴

B. *A Numerical Approach: Students*

The student placement “Facebooks” that were issued yearly (from 1985 to 2006–2007) do not provide uniform sets of data—those from 1985 to 1987, for instance, do not provide the students’ hometown information. However, some statistical trends are apparent. First, class sizes grew dramatically but eventually receded (in a kind of “bell curve” figure) to a point only somewhat higher than they had been in the mid-1980s. Specifically, the class of 1985 graduated ninety members; that of 1990, 167; that of 1997, 177.³⁷⁵ However, the class of 2006 graduated 146,³⁷⁶ and the entering class of 2023 had 129 members.³⁷⁷

The numerical growth of African-Americans and other persons of color among the student body has mirrored somewhat developments within the faculty. In the class of 1985, there was exactly one African-American graduate.³⁷⁸ In 1990, the percentage of African-American graduates was 6%, and by 1997, it had risen to 8%.³⁷⁹ Nine years later the figure was back at 6%, possibly indicating the law school’s ongoing difficulties in recruiting people of color.³⁸⁰ But over the years, things may have turned around. When Dean Mark Brandon welcomed the class of 2023, a press release for the occasion noted that 21% of the new class “identify as members of a racial or ethnic minority.”³⁸¹

372. 1985–1986 UA LAW CATALOG 59.

373. 1990–1991 UA LAW CATALOG 70–78. The calculation includes a Faculty Fellow and a University Research Professor as endowed positions.

374. 2004–2006 UA LAW CATALOG 17–28.

375. 1985 FACEBOOK *passim*; 1990–1991 FACEBOOK 7–48; 1997–1998 FACEBOOK 11–54.

376. 2005–2006 FACEBOOK 40–67. It is interesting to note that in the modern era, LSAT scores of accepted applicants also reached a plateau of sorts, though changes in the way LSAT scores were reported make analysis difficult. The 1990–1991 Facebook reports a “mean average” LSAT score of 34/48 for entering students. The 1992–1993 Facebook reports an “average LSAT of 37/48.” The 1994–1995 Facebook reports “an average LSAT of about 161 (top 80th percentile).” The latter represents the plateau. *See* 1995–1996 FACEBOOK 1; *see also* 2004–2006 UA LAW CATALOG 14 (reporting LSAT scores “in the 82nd to 84th percentile”). For a similar, more recent figure, see *Class of 2026 Profile*, ALA. L.: QUICK FACTS, <https://www.law.ua.edu/admissions/quick-facts/> [<https://perma.cc/N3DJ-Q83H>] (reporting for the class of 2026 a median LSAT score of 167 and a 75th percentile of 168).

377. *Alabama Law Welcomes the Class of 2023*, ALA. L.: NEWS (Aug. 10, 2020), <https://www.law.ua.edu/blog/news/alabama-law-welcomes-the-class-of-2023/> [<https://perma.cc/MC6F-4BAQ>].

378. 1985 FACEBOOK *passim* (showing Donnis Cowart, the only African-American graduate in 1985).

379. 1990–1991 FACEBOOK 7–48; 1997–1998 FACEBOOK 11–54.

380. 2005–2006 FACEBOOK 40–67.

381. *Alabama Law Welcomes the Class of 2023*, *supra* note 377.

As seen above,³⁸² by the mid-1980s, women typically made up more than one-third of a given law class. Over the course of two decades that percentage increased only gradually—but it did increase, partly thanks to market and demographic forces that caused a nationwide decline (2010–2021) in male attendance at law schools.³⁸³ From 35% in 1990 and 37% in 1997 and 2006,³⁸⁴ the percentages of women at the law school have grown until the number of women students entering in the class of 2023 topped 50%—a case in which recruiting goals and national trends meshed nicely.³⁸⁵

The classes admitted since 1985 have two striking demographic features: First, that a large number of their members (often a majority) come from cities in Alabama or elsewhere, and second, that increasing percentages of their members come from out of state. Of the 167 graduates of the class of 1990, for instance, 55% came from such cities as Birmingham (23%), Mobile (11%), Montgomery (8%), Tuscaloosa (8%), Huntsville (4%), and Dothan (1%), while 14% were raised out of state and 23% received their undergraduate educations out of state.³⁸⁶ The 2005–2006 Facebook does not provide hometown information, but 44.5% of the class of 2006 had attended out-of-state undergraduate institutions.³⁸⁷ This cosmopolitan tendency continued to such an extent that Dean Brandon could say that members of the entering class of 2023 had “lived, or worked in 34 countries outside of the United States, including those in Africa, Asia, Europe, Central America, South America, the Caribbean, and the Middle East.”³⁸⁸

CONCLUSION

When the author sat down with the editors of the *Alabama Law Review* to discuss this Article, they asked what he intended to do with it. Having thought about that very thing, he replied that he wanted to answer the question: “Who were we?” and perhaps make some suggestions about “who we have become.” To some extent, his thoughts about these questions were tied to awareness of the law school’s long context, namely the crises that it has endured, the ordeals and triumphs through which it has lived. Consider the obvious examples: the violence of Reconstruction, the tragedies of Disfranchisement and Jim Crow segregation, two World Wars and a Great Depression, the Korean conflict, the hard-won successes of the Civil Rights movement, the divisions incident upon

382. See *supra* notes 257–58 and accompanying text.

383. See *Demographics*, ABA PROFILE OF THE L. PRO. 2023: WOMEN, <https://www.abalegalprofile.com/women.html> [<https://perma.cc/S4BH-MNUY>].

384. 1990–1991 FACEBOOK 7–48; 1997–1998 FACEBOOK 11–54; 2005–2006 FACEBOOK 40–67.

385. *Alabama Law Welcomes the Class of 2023*, *supra* note 377.

386. 1990–1991 FACEBOOK 7–48.

387. 2005–2006 FACEBOOK 40–67.

388. *Alabama Law Welcomes the Class of 2023*, *supra* note 377.

the Vietnam War, and all of the uncertainties (military, economic, political) that have dogged the late twentieth century and the early twenty-first. Merely to have emerged from these situations while continuing to teach and learn, the law argues adaptability on the part of professors and students. It also argues staunch belief (faith, even) in the efficacy of the rule of law.

But if the people of the law school have come (by training, predisposition, or both) to have faith in the law, they have not always been completely true to that faith. Readers of the above Article will have read that adherence to Southern racial mores and laws marred the first century (1873–1969) of the school’s existence, and that the academic wars of the Meador and Smith years witnessed departures from the spirit of tolerance and rational discourse. But even though they have sometimes “fall[en] short of the glory,”³⁸⁹ law professors and their students have spent—have always spent—most of their time in earnest study and collegial exchanges. In particular, they have sought to both understand and apply the common law, thus setting a tone that has endured for a century and a half. This open (if argumentative) mindset has assisted law school people to embrace the better angels of modern academe and function smoothly in the diverse, pluralistic community that is today’s UA School of Law. There are still those moments when law students summon the ancient spirit of the Lupercal—for example, during the week of Homecoming—but if legal study is good for anything, it is good for sorting out the frailties of humankind.

389. *Romans* 3:23–24 (New International Version).