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1969–1975: James P. Whyte, Jr.

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1974

## W&M Law Situation Is 'Tense'

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### Repository Citation

Kale, Wilford, "W&M Law Situation Is 'Tense'" (1974). *1969–1975: James P. Whyte, Jr.* Paper 2.  
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Marshall-Wythe School of Law on William and Mary Campus

## W&M Law Situation Is 'Tense'

By Willford Kale  
*Times-Dispatch State Staff*

WILLIAMSBURG — The quiet, serene atmosphere of students busily studying for examinations these days at the Marshall-Wythe School of Law at the College of William and Mary belies the tense situation which the school and college officials currently face.

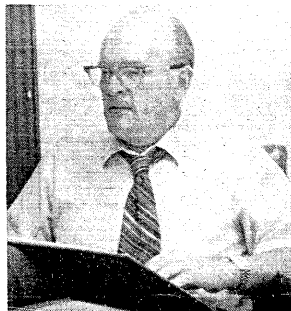
The underlying feeling is caused by the controversial, proposed appointment of black Richmond lawyer Jeroyd X. Greene as visiting associate professor at the nation's oldest law school. Greene would be the law school's first black professor.

Added to the tense feeling have been indications from Richmond State Sen. Edward E. Willey that state financial aid might be in jeopardy if the school hires Greene. Greene has said he will sue the college if the board of visitors fails to approve his contract at its meeting here this weekend.

In past years the law school faculty has been noncontroversial and has been working quietly, according to Dean James P. Whyte Jr., "to improve on what we believe is a good operation."

HOWEVER, EVEN current law school students and faculty will candidly acknowledge that several years ago, of the four law schools in Virginia — at the University of Richmond, University of Virginia, Washington and Lee University and at William and Mary — the Williamsburg school probably ranked last because the school was not widely known.

There were several reasons. The school was small then, with only about a hundred students in the mid-1960s, compared with today's enrollment of about 450. The staff, likewise, was small and there was virtually no special funding for the school. Admis-



Dean James P. Whyte Jr. in His Office Working 'to Improve... a Good Operation'

T-D Photos by Willford Kale

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sion demands also were not pressing because the school was not widely known.

"But times changed, and fortunately for William and Mary and Marshall-Wythe, the school was able to begin to move with the times. Demands for admission to law schools across the country grew and William and Mary began to receive its share of those demands.

To meet that particular challenge, then William and Mary President Dr. Davis Y. Paschall, working with law school officials, pressed for new expanded quarters for the school and its library.

For 188 years, off and on, the law school had lived in "temporary" quarters. From 1853 until 1867 it was housed on two floors of a men's dormitory. In September 1867, the school moved into its first permanent home, then "spacious" Marshall-Wythe Hall, the old college library building, renamed in honor of the law school.

But the law school quickly outgrew its space and now the school again faces need for more space. Also, for accreditation purposes, it needs a larger library.

**THE GROWTH IN** students and staff has made a better law school, said Whyte. "We increased enrollment to increase competition and therefore, quite naturally, had to expand our faculty and curriculum."

Whyte feels that the law school's academic strength lies in the fact that Marshall-Wythe, like the undergraduate strength at William and Mary, "gives people here a well-rounded education." In this case, he said, "for the general practice of law."

Whyte said he has received many "complimentary letters" from alumni who stress that their education at the law school was broad and strong.

"After schooling here," he said, "they can then seek their own speciality." The school's own program of tax law and the masters of law in taxation is known and respected on the east coast.

And the school's annual tax conference draws participants — attorneys, students, accountants and other business and professional groups — from a four-state area.

The Greene controversy is the first widespread controversy the law school has experienced since the summer of 1965 when a law school in Litchfield, Conn., suggested that it, not Marshall-Wythe, was the oldest law school in the nation. It was called another Virginia-New England controversy over a historical priority.

**EXISTING FACULTY** records at the college show that the country's first chair of law — a school, as law was taught then by students studying under a practicing lawyer — was established here on Dec. 4, 1778.

The venerable George Whyte, in whose Williamsburg law office Thomas Jefferson had studied for four years, was selected by the college's board of visitors as its first law professor. Whyte, a signer of the Declaration of Independence and a member of the federal Constitutional Convention, also taught John Marshall, later chief justice of the U.S. Supreme Court, and James Monroe, the nation's fifth president.

Law was classified as a department at William and Mary until the school was established in 1853. The courses offered qualified to be accredited as a "law school" in 1852.

The great leader in the resurgence of law and the development of the modern school was the late dean, Dr. Dudley W. Woodbridge. Known as a "teachers' lawyer," Woodbridge achieved national prominence in 1850 when Life magazine called him one of the nation's top eight professors.

Today, Marshall-Wythe School of Law has 19 full-time professors, a dean and two associate deans who also are on the teaching faculty. There are two part-time lecturers and a law librarian and assistant.

There is one woman professor, Dr. Erma M. Lang, who joined the faculty last September as visiting associate professor of law. Whyte said he is "hopeful" that Dr. Lang will remain as a permanent staff member.

**THERE ARE** 457 students at the school, of whom nine are black. There are 62 women. This fall, the school will enroll between 150-165 students selected from more than 2,300 applications.

The ratio of in-state to out-of-state students is, 60-40, Whyte said, and of the recent graduates about half have chosen to remain in Virginia in private practice.

The National Center for State Courts decision to establish its headquarters here in Williamsburg, was another plus for the law school.

There will be a significant relationship between the law school and the national center because of the center's selection of a site on William and Mary property.

Because of the site selection and continuing law school growth, the college, with the backing of former Gov. Linwood Holton, asked the 1974 General Assembly for \$4.8 million to construct a new law school complex adjacent to the courts center.

Holton recommended the project in his budget request, but when Gov. Mills E. Godwin Jr. took office he reallocated some budget funds, and the law school project, along with nearly all other major capital outlay projects in higher education, was deferred. The law school, however, received \$218,500 in planning money for the new facility.

The school also received specially allocated funds totaling \$300,000 for the next biennium as an enrichment program for faculty salaries and the law library. With these funds the total teaching budget for next year will probably be more than \$500,000.

"Those enrichment funds were critical," Whyte said. "We were slipping into a position where we could get good faculty members, but without proper funding and therefore salaries, we could not hold them."

The courts center "will certainly provide an opportunity for us to develop programs in judicial administration," Whyte said, unlike any other such program in the country, and the upgrading of salaries, the faculty believes, will make recruiting of professors less difficult.

William and Mary law alumni readily admit that the standing of the school is based nationally on its faculty and their qualifications, as well as its alumni and their positions of achievement and influence.

Since 1853, the small school of Marshall-Wythe, operating as a "real modern" law school, has graduated only about 1,000 students and their records are still being measured.