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The Nation's First Law School

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Letters

The nation's first law school

"The Future of the Law School" (Cover Story, January 2000) refers to Harvard as "the nation's first" law school, "founded [in] 1817." In fact, the teaching of law in a university setting began in this country in 1779 at the College of William and Mary. The instigating force was Thomas Jefferson, then governor of Virginia and a member of William and Mary's Board of Visitors. Jefferson felt strongly that lawyers should be trained in a university setting, not simply in practitioners' offices as was then the norm.

George Wythe—a leading lawyer, legal scholar, jurist, and statesman of the revolutionary era—held the first chair in law at William and Mary. He ran the college's law school from 1779 to 1790. Wythe, widely acclaimed by his generation as a master teacher, got legal training at William and Mary off to an innovative start, adding two new and extremely important dimensions to his students' experience: a moot court and a model legislature. In a letter of July 26, 1780, to James Madison, Thomas Jefferson was enthusiastic:

"Our new institution at the college has had a success that has gained it universal applause," Jefferson wrote. "Wythe's school is numerous. They hold weekly courts and assemblies in the capital. The professors join in it; and the young men dispute with elegance, method and learning. This single school by throwing from time to time new hands well principled into the legislature will be of infinite value."

Jefferson and Wythe wanted legal training at William and Mary to produce people who would be not simply able legal craftsmen but also constructive citizens of their communities, states, and nation. The new school met this challenge. For instance, John Marshall, the seminal chief justice of the U.S. Supreme Court (1801-1835), was one of the first alumni of the legal program at William and Mary.

In short, a U.S. law school was vibrantly alive long before 1817 in Massachusetts. Legal training at a university in this country began 38 years earlier in Virginia.

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Harvard Law School states on its web site that it is the "oldest law school in the United States" (not the "first," as the article incorrectly put it). When asked about William and Mary's claim, Harvard spokesman Michael Chmura explained that although other law schools opened their doors earlier, Harvard has the nation's oldest continuously existing law school. (William and Mary's school closed during the Civil War and reopened in 1920.) To bolster William and Mary's claim to primacy, Dean Reveley cites a statement in a 1974 lecture by former Harvard law dean Erwin Griswold: "... Wythe [and his successors] were engaged in a substantial, successful, and influential venture in legal education, and... their effort can fairly be called the first law school in America" (quoted in McManis, "The History of First Century American Legal Education: A Revisionist Perspective," 59 Washington University Law Quarterly, 597, 617, n. 127 (1981)).

—The editors

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