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Law School to Be Quartered in New Complex

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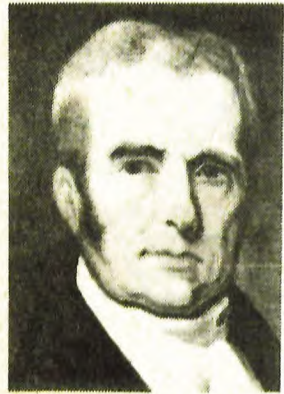
AT WILLIAMSBURG, VIRGINIA

Law School to Be Quartered in New Complex

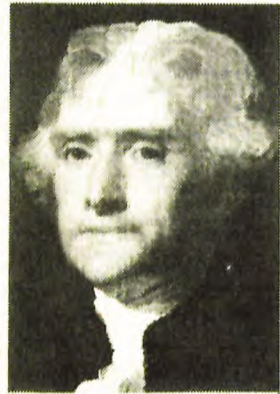
America's oldest law school is housed in Williamsburg, Virginia, where the developing bicentennial of the nation's independence eventually will include the 200th anniversary of the establishment of the chair of law and "police" on December 4, 1779.

By that date, the Marshall-Wythe School of Law of the College of William and Mary should be functioning out of a new law complex, consisting of its own building and a companion facility housing the headquarters of the National Center for State Courts — a \$3,000,000 building which will be the clearinghouse for work on judicial administration and court modernization in all parts of the United States.

The idea of the National Center was born at Williamsburg in March, 1971, when the National Conference on the Judiciary — the largest gathering of state and federal officials in this century to focus attention on the problems of the administration of justice — heard then President Richard Nixon and U.S.



JOHN MARSHALL



THOMAS JEFFERSON

Supreme Court Chief Justice Warren E. Burger call for creation of such an agency to continue the plans generated at the National Conference.

Two years later, when Williamsburg was selected as the permanent site for the National Center headquarters, the center's board of directors noted that one of the principal factors affecting the choice was the presence of America's pioneer law school.

With roots in the very beginnings of national legal and constitutional history — John Marshall, the great Chief Justice, had his only formal legal study at Marshall-Wythe in the spring of 1780 — the Williamsburg site offers the charm and inspiration of the restored colonial capital of Virginia, ready access to Washington, D.C. and the modern conference facilities of the Williamsburg restoration.

The law school is named for Chief Justice Marshall and his law teacher, George Wythe — pronounced with — a signer of the Declaration of Independence, one of the principal revisors of English common law for use in the new commonwealth and mentor for several generations of youthful candidates for the bar.

Thomas Jefferson, who led the movement to establish the chair of law and "police" — i.e., police power or public law — studied under Wythe for five years, 1762-1767. St. George Tucker, who followed Wythe as America's second professor of law, was a student in 1774.

For a number of years before the chair of law was established, Wythe had followed a practice common among leading attorneys of the colonial period, taking a number of young men into his household to read law under his direction. Later, when he resigned his professorship to become presiding judge of the chancery court in Richmond, Wythe resumed this practice. Among the students in his later period of preceptorship were other famous persons including Henry Clay, future congressional leader from Kentucky.

His academic appointment at William and Mary gave Wythe the opportunity to offer several innovative teaching ideas which eventually were rediscovered in the development of legal education in the last quarter of the 19th century. The case method of legal learning, moot courts and legislative procedure and drafting appear to have been established features of Wythe's teaching.

Tucker, who followed him in 1791, continued and expanded these practices, at the same time working on American notes on common law which led — in 1803 — to publication of his first American edition of Blackstone's Commentaries. Tucker's Blackstone was the first American printing of this classic work to contain notes and commentary on American variants of English law.

The first period in the history of the William and Mary law school extended from 1779 to 1861, when, with the outbreak of the Civil War, the entire college closed down. Sixty years later, in 1921, the first efforts to revive the historic program were launched, and the following year the first handful of students enrolled in law courses.

The college, once a wealthy and influential center of learning, was slow in recovering from the devastation of Civil War campaigns fought across its campus, the shift of state population away from the tidewater area and many decades of neglect by public and private sources. In an effort to save it, the state of Virginia had taken over William and Mary as part of its system of public higher education in 1906, but revival of the law program did not become practical until after the first World War.

Today, the Marshall-Wythe School of Law stands as the heir of great traditions in American legal and political history and finds itself back in the mainstream of public affairs. Colonial Williamsburg is known throughout the world as a showcase of historical restoration and as a major tourist center, but what is more important to contemporary professional development is the focus of the college community and "the restoration" on activities which exemplify Colonial Williamsburg's own basic guideline — "that the future may learn from the past."

Two specific and concrete evidences of this restoration objective have provided unique opportunities for the William and Mary law school. One is the development of the conference facilities of Colonial Williamsburg — the Williamsburg Conference Center, which attracts meetings of professional groups up to 1,000 attendees at a time, and the smaller Cascades Meeting Center, where similar programs are held.

Since substantial portions of these meetings are law-related, they provide the Marshall-Wythe School of Law with ready made opportunities for continuing legal education.

The government contracts courses — sponsored jointly with Federal Publications, Incorporated, of Washington, D.C. — have been offered for nearly 10 years and have a national reputation for excellence. The 1971 National Conference on the Judiciary was perhaps the most spectacular of this type of activity, and the obvious interest of the new headquarters of the National Center for State Courts will be to take advantage of these meeting facilities on a year-round basis.

The other product of the joint ventures of the College and Colonial Williamsburg is the Institute of Early American History and Culture, a research and publishing agency which has its own unique reputation in advanced historical scholarship in the English-speaking world.

Law school personnel have been involved in recent years in a major publishing undertaking of the College and the Institute — the collection, editing and publishing of the Papers of John Marshall. In November 1973, copies of the first volume of these papers were presented to the Chief Justice and other members of the U.S. Supreme Court.

A third activity which evidences the law school's recognition of modern professional opportunities is its pioneering summer school of law in England for American law students. Begun in 1967, this six-week program now annually attracts 80 or more students from several dozen American law schools for courses focusing on modern developments in Anglo-American law, common market law, comparative and international legal studies.

Offered on the campus of the University of Exeter in southwestern England, the summer sessions are the product of an exchange program between the law faculties of William and Mary and Exeter.

The Marshall-Wythe Medallion — a bronze medal displaying the profiles of the first law teacher and his famous student — was struck in 1967 for presentation on an annual basis to an outstanding practitioner in English or American law, and has now become a coveted recognition of professional eminence by the nation's oldest law school.

Recipients of the medal include Norris Darrell, president of the American Law Institute; Arthur Goodhart, Oxford University's venerable educator and long-time editor of the Law Quarterly Review; Roger J. Traynor, one-time chief justice of California, and Bernard Segal and U.S. Supreme Court Justice Lewis F. Powell, past presidents of the American Bar Association.

For the past 20 years, the William and Mary law school has offered a highly selective graduate program in law and taxation. Its annual tax conference, an intensive one-day session reviewing the year's significant developments in the field, draws several hundred lawyers and accountants to the campus each December. The published papers from this conference are distributed annually to more than 7,000 specialists.

Although the law school remains relatively small — it has approximately 450 students and expects in its new quarters to expand to about 600 — it maintains a full schedule of professional service activities, including a post-conviction project, legislative research service for members of the Virginia General Assembly, various legal aid programs and active student societies in international law and environmental law. The William and Mary Law Review regularly features prominent scholars from various parts of the country and from British law schools.

In recent years the law school has provided specialists from its faculty to aid in a number of state and national task forces. For the past two years an adjunct professor, W.A. Fitch, has been director of the Metropolitan Criminal Justice Center in Norfolk, a pilot project funded by the Law Enforcement Assistance Administration.

Professor Richard A. Walck recently directed a study — comparing the American Bar Association Standards of Criminal Justice with Virginia law and practice — for the state supreme court.

Dr. Thomas C. Atkeson, professor of law and taxation emeritus, and Professor Emeric Fischer, specialist in taxation and insurance law, have served regularly on state and national advisory groups in these fields. Dr. William F. Swindler, John Marshall Professor of Law, served as general counsel for the Virginia Commission on Constitutional Revision in 1969 and as coordinator of the 1971 National Conference on the Judiciary.

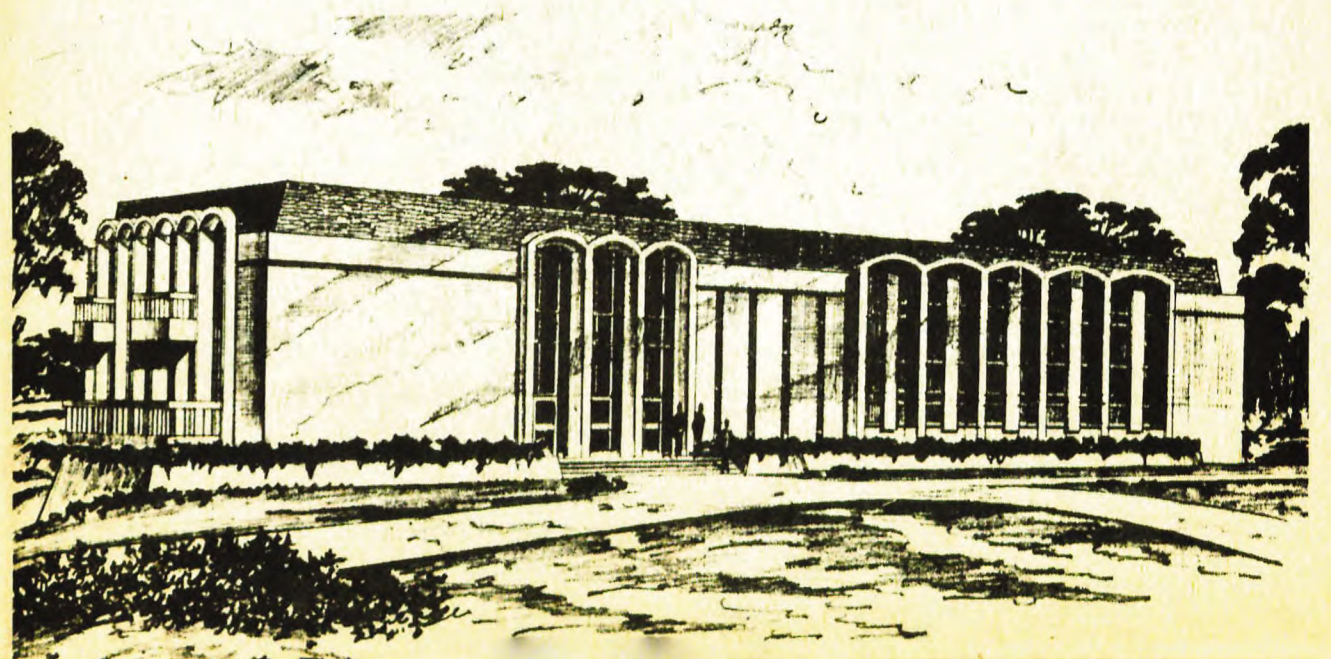
High ranking judicial and law enforcement officers are frequent visitors to the Williamsburg community and the law school. Retired U.S. Supreme Court Justice Tom Clark — another recipient of the Marshall-Wythe Medallion — has presided over the law school's invitational moot court competition since its inception.

Justice Powell, a Richmond resident and former general counsel for Colonial Williamsburg, is also a frequent visitor. The most regular visitor — his quiet arrivals are largely unknown by the general public — is Chief Justice Burger, who slips away from Washington for weekends at Williamsburg, where he alternates between concentrated work on his opinions and leisurely walks along historic Duke of Gloucester Street.

As it rounds out its second century, the Marshall-Wythe School of Law regards its unique heritage as a charge not to rest on past achievements, but to continue to seek ways to serve the legal profession better and more effectively. The school, founded by Thomas Jefferson and attended by John Marshall, cannot be satisfied with lesser goals.

... Text by Dr. William F. Swindler, John Marshall Professor of Law at Marshall-Wythe School of Law; photographs, courtesy of the school.

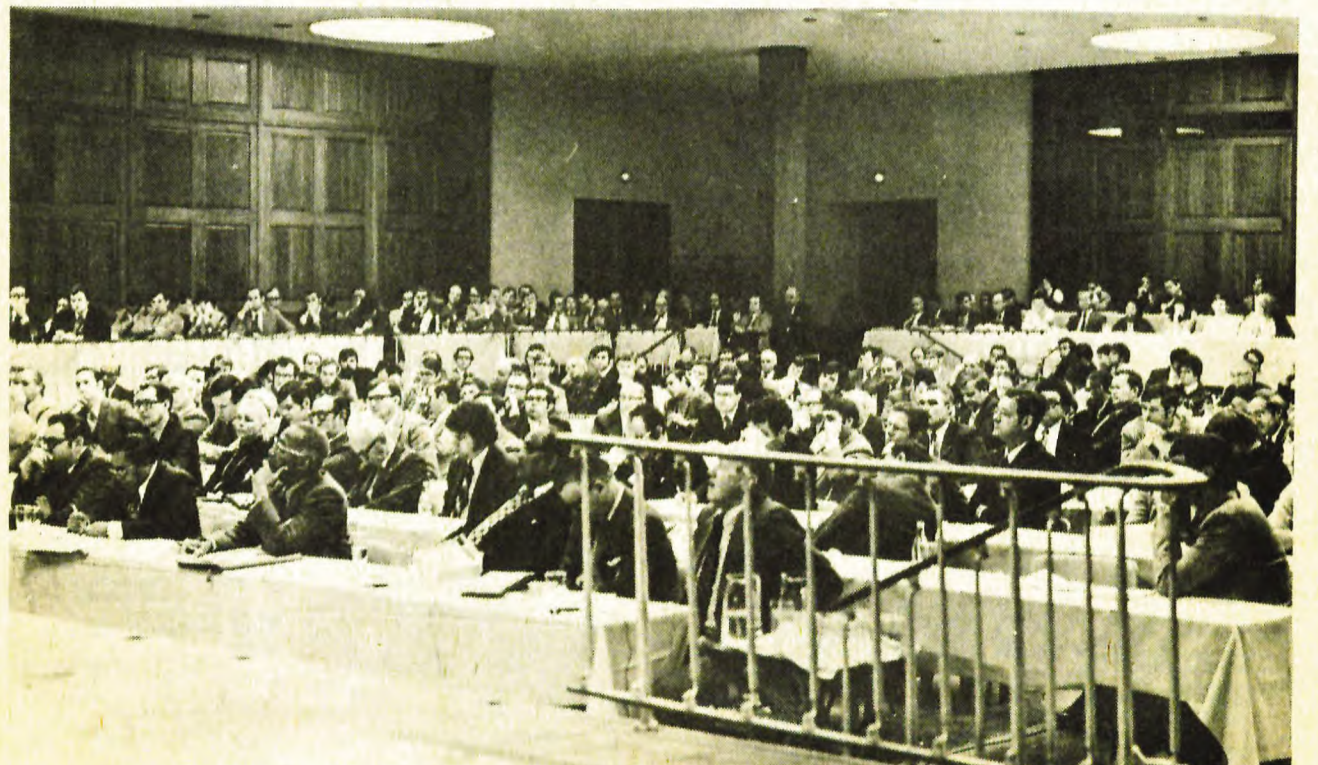
Dean James P. Whyte (left) presents the Marshall-Wythe Medallion to retired U.S. Supreme Court Justice Tom C. Clark. Initiated in 1967 by the Marshall-Wythe School of Law of the College of William and Mary, the medallion recognizes professional eminence.



When the proposed National Center for State Courts — shown in the artist's rendering — is completed in Williamsburg, Virginia, the nation's oldest law school, the Marshall-Wythe School of Law, will be housed in a new, companion facility. Groundbreaking for the complex is expected to take place soon.



U.S. Supreme Court Chief Justice Warren E. Burger (right) and Dr. William F. Swindler, John Marshall Professor of Law at Marshall-Wythe School of Law, discuss a point of law at a meeting in Williamsburg.



The spacious Conference Center in Williamsburg was the setting for a recent tax conference sponsored by the Marshall-Wythe School of Law.