Dean William Reynolds Vance

(1870 – 1940)

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On October 23, 1940 William R. Vance died at his home in New Haven, Connecticut. He was 70 years old. The next month, a tribute to him was published in *The Hennepin Lawyer*.

He served as Dean of the University of Minnesota Law School from 1911 to 1920. [1] Legal education would never be the same in this state after his arrival. He was, as Robert Stein documented in his history of the Law School, a quiet revolutionary. He immediately instituted the case method of teaching, a change from the modified form used by his predecessor. Faculty heads rolled. Dean Stein writes of Vance's blunt appraisal of the faculty he inherited:

> Although the abolishment of the night law school was vitally important to Vance's plans for the school, his work in recruiting a faculty was even more important. The Dean made it clear that an improvement in the quality of the faculty was essential to the goals he had established for the University of Minnesota Law School. "[W]e must not blink the unpleasant fact," he wrote to [University President] Vincent, "that we now have in the Law School a painfully weak faculty, with which we cannot afford to take any risks." Vincent agreed with this assessment.
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> Their solution was to attract nationally recognized scholars as full-time professors by offering them reduced classroom assignments that would free them to pursue research and writing in their fields of expertise. For the first time, professors would be selected from a national pool instead of a local one.

[1] Appointed Dean in 1911 while still on the faculty of Yale Law School, he did not arrive in Minnesota until 1912.

> For the first time, a premium would be placed on the quality of the applicants' academic training and their performance as scholars. And for the first time, the problem of expense, which had frustrated a similar proposal made by [former Law School Dean] Pattee fifteen years earlier, would be at least partially solved, since in seeking out Dean Vance and inducing him to accept the Minnesota position, the Board of Regents had committed themselves to paying for professors of national stature.[2]

In November 1912 the *Minnesota Alumni Weekly* ran a short article on the sudden, dramatic changes at the Law School. It follows.

Dean Vance raised the standards of admission to the Law School, which reduced enrollment, but he was, at least in one instance, flexible. Around 1913 he agreed to let Harold Cox, a high school graduate with a burning ambition to become a lawyer, enter the Law School provided he pass tests that would show he had the equivalent of a college education. To Vance's surprise Cox passed, did well in Law School and graduated in the Class of 1916.[3] The story of how his father persuaded the Dean was published years later by his son, Harold A. Cox, Sr.: "The Braham and the Barbarian: Entering the Profession in Another Era," *The Hennepin Lawyer* (December 1999) (posted on the MLHP web-site).

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[2] Robert Stein, "In Pursuit of Excellence -- A History of the University of Minnesota Law School, Part II: The Vance Years -- A Time of Ascendancy," 62 *Minnesota Law Review* 857, 867-868 (1978) (citing sources).
https://scholarship.law.umn.edu/faculty_articles/438.

[3] He was admitted June 9, 1916, 1 Roll of Attorneys, Supreme Court, State of Minnesota, 1858-1970, at 154 (Minnesota Digital Library).

8 *The Minnesota Alumni Weekly*, November 18, 1912, at 6.

CHANGES IN THE LAW SCHOOL.

During the last year there have occurred in the Law school a number of changes, which will be of interest to the older graduates of the school. These changes relate principally to the faculty, the schedule of recitations and the books used in the classroom, and these changes will be the only ones referred to at this time.

Dean W. R. Vance is now dean in praesentia, and his presence and leadership add much to the effectiveness of the Law school work. Dean Vance is a graduate of Washington and Lee University law school. He also began his law teaching in that school. From the school referred to he went to George Washington university law school, and thence to Yale university law school. He comes to Minnesota from Yale. Besides Dean Vance there have been added to the law faculty as professors, E. S. Thurston and W. M. Morgan, and as professorial lecturers and instructors—W. G. Graves and W. M. Jerome. All of these men are graduates of the Harvard law school. F. H. Stinchfield, another Harvard law graduate, and J. P. DeVaney, a Minnesota law graduate, are helping to conduct the work of the college moat court. The only members of the old regular law facul-

ty left are James Paige, H. J. Fletcher and Hugh E. Willis. Judge Hickman has retired on account of age and Professor Kolliner has withdrawn on account of sickness. Mr. Arthur C. Pulling, formerly connected with the Harvard law library, has been appointed law librarian in place of H. W. Stevens, resigned.

The schedule of courses has been entirely changed. Instead of the system of scheduling subjects for every day in the week for two weeks, three weeks, four weeks, six weeks, etc., according to the importance of the various subjects, all subjects are now scheduled for one, two or three hours a week for a semester or for a year, according to the practice prevailing in most other institutions. For example: In the First year eight subjects are taught—contracts, torts, criminal law, personal property, bailments and carriers, real property, agency, and domestic relations. Contracts is scheduled for four hours the first semester and three hours the second semester; torts, three hours each semester; criminal law, three hours the first semester, personal property two hours the first semester; bailments and carriers, two hours the first semester; real property, three hours the second semester; agency, three hours the second semester, and domestic relations, two hours the second semester. The second and third year work is scheduled in the same way. A system of electives for the second and third years will probably be provided in the near future, but it has not been worked out as yet. First year students are now required to take fourteen hours of classroom work a week, and second and third year students each twelve hours a week.

Some changes have been made in the books used in the classroom. The school has always employed a modified case system of instruction, but the pure case system is now taught. Note books with printed lectures have been abandoned, and the students are supplied with nothing but case books. A few of the collections of cases formerly used are still retained, like Beale's Cases on Damages, Lorenzen's Cases on Conflict of law, and McClain's Cases on Constitutional Law; but new collections of cases have been substituted for most of those formerly used. Most of the new collections are case books compiled by the members of the Harvard Law faculty, but some other collections have been adopted. The new case books are adapted, not only to show what is the existing state of the law, but to show its historical growth and development, especially through the English decisions.

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William Reynolds Vance

Students at Washington and Lee law school between 1899 and 1903, at Columbia law school between 1905 and 1910, at Yale law school between 1910 and 1912, at the University of Minnesota law school between 1912 and 1920, and again at Yale law school since that time, as well as many members of the local bar who knew him during his eight years' residence in Minneapolis, note with sorrow the passing of William Reynolds Vance. Born in Middletown, Ky., in 1870, he died October 23 at his home, 36 St. Ronan Terrace, in New Haven, survived by his wife and three children: Frances, Thomas and Anne. When at the age of 42 he came to Minneapolis as dean of the university law school, he already had made a distinguished name for himself as law teacher, as writer (a history of slavery in Kentucky, besides editorial work and books on insurance law) and as administrator (secretary of the Association of American Law Schools). In 1920, after being very prominently mentioned for the presidency of the university, he left Minnesota to return to Yale. One of his greatest national services was performed while he was among us, during the war, when he was general counsel for the bureau of war-risk insurance. A graduate of Washington and Lee (where he was a roommate of John W. Davis, democratic presidential candidate in 1924), he took his professional degree and doctorate also from that institution, and later received an honorary Ph.D. from Yale. He visited and spoke at Minneapolis a couple of years ago, when he was about to retire from active teaching.

DEAN VANCE and the New Training

A historic change in the character of the University Law School provides a springboard for thought about the future statues of the bar. General discussion invited.

News of the passing of William Reynolds Vance last month recalled the conditions preceding his coming to the University law school in 1912 and the important part he played in adapting the bar to this section's rapid change from social youth to maturity.

Of the many innovations put into effect by George E. Vincent when that extraordinary personality took the University of Minnesota's presidency, one of the most striking was the reorganization and modernization of the law school. His judgment on the existing school was interesting, though not entirely favorable. He found it to be an indigenous growth, which had taken root through the efforts of sincere, high-minded members of the craft at that critical point in professional history when such innovations as the typewriter, telephone and female stenographer were destroying the economic value of apprentices, and when a bar that was busy and sloppily-trained was for the most part little interested in passing along its learning to the young. Law school training had therefore won its case by default, instead of by hard-fought battles that would put its theories to the test. Standards of any kind for law school operation had yet to be erected when the institution opened in 1888. Even the auxiliary text-books and quizzers that featured the early, pre-case-system period were such as certain of the more scholarly local members of the bar had worked out on the basis on local experience, colored by personal prejudice and habit.

The Good Old Days

The pioneer days were gone, but pioneer ideas still were in control. On the personal side nobody doubted, for example, that opportunities were lurking everywhere, and nobody recognized that a permanent limit was being approached in the state's and

community's rate of growth. On the educational side, there was no professional training in commerce; accountants were content to be "expert" rather than "certified," and by whatever name they might be called the average citizen still smiled at them as bookkeepers with the big-head; law and speculation still maintained their pioneer reputation as the great stepping stones to wealth and influence. The campus in 1912 was full of pioneers' sons—rich, poor, cultivated, barely literate, headed for practice, headed for business, many of course headed nowhere at all—pioneers' sons rubbing shoulders with the tail-end of that army of striving youths from alien lands who were pioneers of a sort, themselves.

From the first the law school's relationship with the rest of the institution had followed a definite pattern. The service expected of the law school was honorable but in some respects rather unexalted.

The Law School Helped

In the first place, it was a source of supply. The university was always short of money. Law school teaching was not dear and the classes were almost endlessly expansible. Students, no matter how poor, would find ways to pay for tuition in law.

There was another respect in which the law school could help, and it was this: to put it discreetly, the university administration was worried about a certain matter. Not that it had anything to be ashamed of, you understand, but the highbrows were fond of raising themselves even higher than usual, with a sly, even malicious, imputation that there was more to this business than met the eye. For the administration had recently had a child left on its doorstep. The child was intercollegiate athletics—a rowdy, un-academic infant, but yet one so lusty, so promising, and so possessed of popular qualities that a university, fighting its way up through a democracy, couldn't help liking it. Dean Pattee and his part-time profs were broad-minded. They sometimes took care of a little extra beef in their bull pen.

And then, there was still another respect in which the law school had almost from the first, been invaluable. Its students might not have had all the cultural units they could profitably have used, but they were practical. Maybe some of them couldn't even speak English very well, but there were lots of other people out in the state who were in the same fix—people who needed leaders able to peak their language and at the same time give them a sense of their share in the American dream. Every alumnus was, of course, a political missionary in *partibus infideliis*. But the law school graduates were in a class by themselves. They were a fifth column of unthriftiness in the camp of the farmer legislator; they held the university together in the presence of its enemies. Prexy Northrop had been known to shed tears while grasping the hand of a law school grad.

The pioneer days were over, but their ideas and attitudes lingered on. It was no longer necessary in 1912 to rely on the methods of teaching law I that a self-developed, semi-amateur faculty had evolved in the eighties and nineties. It was no longer necessary to make such great allowances for faulty preparation in matriculants. It was no longer necessary, in the face of the now highly developed football interest among the secondary schools of a large urban area (where the cost of attending the local university was too low for much danger of raids by competitors) to find classroom asylum for the tired Giants of the North. It was no longer necessary—indeed it was becoming grimly farcical—to crowd in all and sundry, day time and night, in order to make a good showing on fees. It was no longer necessary, very often, to build up a sympathetic reception in the legislature. Yet all these things had once been most necessary. They were the things one took for granted, the patterns that needed to be broken down.

The 1912 Revolution

Professor Vance was one of the new president's most brilliant importations—a man with a pioneer background who could look and act as common as a barnyard fence but who was at the same time a specialist with a national view and a philosophic concept of his field. From his intimate knowledge of national law schools, be

brought to Minnesota a full-time faculty of recognized profundity. The night school was discontinued as an enterprise too hard to whip into line with the new objectives. Two years of satisfactory academic work went into effect as a prerequisite for registration. The enrollment, which had been 600 in 1910, dropped to 160 in 1913. The law school had ceased to be the campus cow.

And Now?

There is no reason to believe that the founders of the university's law school were of smaller stature than the men who followed them. If in 1912 fundamental changes were necessary in the selection of students and in the emphasis to be placed on their training, as a means of warping the profession back into the trend of the times, those changes must have come as a result of something more important to us than any details that were then out of line; they must have come as a result of something relentless, like the rise of the power machine, or stubborn, like the tendency of thought to stiffen in persistent patterns. Assuming that Dean Vance and his contemporaries found the right answers in 1912 and that they managed to implement these answers with effective reforms, it does not follow that either answers or reforms would be correct today. To what extent has crystallization been counter-acted since 1912? To what extent do the law schools now make allowance for changes yet to come?

The impossibility of guessing how the next generation's world is going to be organized results, according to some, in all formal education being at least a generation behind the times. The fact is, of course, that we are all being re-educated every day for the parts we are called upon to perform. But there is no doubt that a large portion of the profession is working at less than healthy efficiency. There is also no doubt that the bar is now facing problems which are more rather than less serious than they seemed 10, 20, or 30 years ago. Undoubtedly some problems of those days are not so troublesome any more. What says the inventory? The contents of the inventory may be an excellent subject for future discussion; but at this point it is pertinent to quote from the preamble: "The training of recruits is an organic

part of the practice of any trade or profession." If, because that function of late has been delegated to a sort of sub-profession, the great body of lawyers has lost its sense of responsibility for the bar of the next generation, that is the first and worst of the things that are wrong with us. Have we lost this sense of responsibility? Are we off the track in other respects? Can we get back? And how? ■

Related Article

William R. Vance, "Trial by Battle," 23 *Case and Comment* 203-204 (August 1916) (MLHP, 2016).

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