

# THE STUDY OF LAW AT YALE UNIVERSITY

## A BRIEF HISTORY OF YALE LAW SCHOOL

The origins of Yale Law School trace to the earliest days of the nineteenth century, when there was as yet no university legal education. Instead, law was learned by clerking as an apprentice in a lawyer's office. The first law schools, including the one that became Yale, developed out of this apprenticeship system and grew up inside law offices. The earliest of these law-office law schools, located in Litchfield, Connecticut, trained upwards of a thousand students from throughout the country over the half-century from its beginnings in the 1780s until it closed in 1833.

The future Yale Law School formed in the office of a New Haven practitioner, Seth Staples. Staples owned an exceptionally good library (an attraction for students at a time when law books were quite scarce), and he began training apprentices in the early 1800s. By the 1810s his law office had a full-fledged law school. In 1820 Staples took on a former student, Samuel Hitchcock, as a partner in his combined law office and law school. A few years later, Staples moved his practice to New York, leaving Hitchcock as the proprietor of the New Haven Law School. (Staples went on to become counsel to Charles Goodyear in the litigation that vindicated Goodyear's patent on the vulcanizing process for rubber manufacture, and Staples served *pro bono* as one of the lawyers who won the celebrated *Amistad* case in 1839.)

The New Haven Law School affiliated gradually with Yale across the two decades from the mid-1820s to the mid-1840s. David Daggett, a former U.S. senator from Connecticut, joined Hitchcock as co-proprietor of the school in 1824. In 1826 Yale named Daggett to be professor of law in Yale College, where he lectured to undergraduates on public law and government. Also in 1826 the Yale College catalogue began to list "The Law School's" instructors and course of study, although law students did not begin receiving Yale degrees until 1843.

Yale Law School remained fragile for decades. At the death of Samuel Hitchcock in 1845 and again upon the death of his successor, Henry Dutton, in 1869, the university came near to closing the school. Preoccupied with the needs of Yale College, the university left the Law School largely in the hands of a succession of New Haven practicing lawyers who operated the school as a proprietorship. Thus, instead of receiving salaries, they were paid with what was left of the year's tuition revenue after the school's other expenses. The school was housed in rented space in a single lecture hall over a downtown saloon until 1873, when it moved to premises in the New Haven county courthouse. (The school acquired its first home on the Yale campus, Hendrie Hall, in the 1890s, and moved to its present home, the Sterling Law Building, in 1931.)

In the last decades of the nineteenth century Yale began to take the mission of university legal education seriously, and to articulate for Yale Law School two traits that would come to be hallmarks of the school. First, Yale Law School would be small and humane; it would resist the pressures that were emerging in university law schools elsewhere toward large enrollments and impersonal faculty-student relations.

Second, Yale Law School would be interdisciplinary in its approach to teaching the law. Yale's President Theodore Dwight Woolsey, in a notable address delivered in 1874, challenged the contemporary orthodoxy that law was an autonomous discipline:

Let the school, then, be regarded no longer as simply the place for training men to plead causes, to give advice to clients, to defend criminals; but let it be regarded as the place of instruction in all sound learning relating to the foundations of justice, the doctrine of government, to all those branches of knowledge which the most finished statesman and legislator ought to know.

Yale's program of promoting interdisciplinarity in legal studies within a setting of low faculty-student ratios took decades to evolve and to implement. Initially, the Law School achieved its links to other fields of knowledge by arranging for selected members of other departments of the university to teach in the Law School. Across the twentieth century, Yale pioneered the appointment to the law faculty of professors with advanced training in fields ranging from economics to psychiatry. This led Yale Law School away from the preoccupation with private law that then typified American legal education, and toward serious engagement with public and international law.

The revival of Yale Law School after 1869 was led by its first full-time dean, Francis Wayland, who helped the school establish its philanthropic base. It was during this time that the modern law library was organized and Hendrie Hall was constructed. It was also during this period that *The Yale Law Journal* was started and Yale's pioneering efforts in graduate programs in law began; the degree of Master of Laws was offered for the first time in 1876. The faculty was led by Simeon Baldwin, who began teaching at the school at age twenty-nine and retired fifty years later in 1919. Baldwin became the leading railroad lawyer of the Railroad Age. He wrote dozens of books and articles on a wide range of legal subjects. He also served as governor of Connecticut and chief justice of the state Supreme Court. Along with other members of the Law School faculty, he played a significant part in the founding of the American Bar Association (he also served as president of that organization) and what ultimately became the Association of American Law Schools.

After 1900, Yale Law School acquired its character as a dynamic center of legal scholarship. Arthur Corbin, hired as a youngster in 1903, became the dominant contracts scholar of the first half of the twentieth century. Among those who joined him in the next decade was Wesley N. Hohfeld, whose account of jural relations remains a classic of American jurisprudence.

In the 1930s Yale Law School spawned the movement known as legal realism, which has reshaped the way American lawyers understand the function of legal rules and the work of courts and judges. The realists directed attention to factors not captured in the rules, ranging from the attitudes of judges and jurors to the nuances of the facts of particular cases. Under the influence of realism, American legal doctrine has become less conceptual and more empirical. Under Dean Charles Clark (1929–1939), the school built a faculty that included such legendary figures as Thurman Arnold, Edwin Borchard, future U.S. Supreme Court Justice William O. Douglas, Jerome Frank, Underhill Moore, Walton Hamilton, and Wesley Sturges. Clark was the moving figure during these years in crafting the Federal Rules of Civil Procedure, the foundation of modern American procedure.

Yale Law School's tradition of emphasizing public as well as private law proved ever more prescient as events of the twentieth century increased the role of public affairs in the life of the law. Yale graduates found themselves uniquely well prepared to play important roles in the rise of the administrative state, the internationalization following the World Wars, and the domestic civil rights movement. In the 1950s and 1960s, the school became renowned as a center of constitutional law, taxation, commercial law, international law, antitrust, and law and economics. In recent decades the pace of curricular innovation has if anything quickened, as the school has developed new strengths in such fields as comparative constitutional law, corporate finance, environmental law, gender studies, international human rights, and legal history, as well as an array of clinical programs taught by a clinical faculty of exceptional breadth and devotion.

### DEANS OF YALE LAW SCHOOL, 1873–PRESENT

| Years     | Deans                        |
|-----------|------------------------------|
| 1873–1903 | Francis Wayland              |
| 1903–1916 | Henry Wade Roger             |
| 1916–1927 | Thomas Walter Swan           |
| 1927–1929 | Robert Maynard Hutchins '25  |
| 1929–1939 | Charles Edward Clark '13     |
| 1940–1946 | Ashbel Green Gulliver '22    |
| 1946–1954 | Wesley Alba Sturges '23      |
| 1954–1955 | Harry Shulman                |
| 1955–1965 | Eugene Victor Rostow '37     |
| 1965–1970 | Louis Heilprin Pollak '48    |
| 1970–1975 | Abraham Samuel Goldstein '49 |
| 1975–1985 | Harry Hillel Wellington      |
| 1985–1994 | Guido Calabresi '58          |
| 1994–2004 | Anthony Townsend Kronman '75 |
| 2004–2009 | Harold Hongju Koh            |
| 2009–2017 | Robert C. Post '77           |
| 2017–2025 | Heather K. Gerken            |
| 2026–     | Cristina Rodríguez '00       |

### THE CHARGE TO STUDENTS

The following sections contain the course offerings, a general description of the requirements for graduation from Yale Law School, and information concerning various academic options. Students are charged with notice of the contents of this bulletin.