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DEAN HARRY SANGER RICHARDS[1]

Harry Sanger Richards was born at Osceola, Iowa, November 20, 1868. He attended the preparatory department of Parsons College at Mt. Pleasant, Iowa; entered the University of Iowa, where he graduated in 1892 with the degree of Ph.B.; and then studied in the Harvard Law School, where he graduated in 1895, receiving the degree of LL.B., *cum laude*. He practiced law for three years after his graduation in St. Louis, Mo., and in Ottumwa, Iowa.

Then came the call to the University of Iowa where he was offered a law professorship in 1898. He may not have known that his acceptance of this position was a decision that would shape his entire life; but so it was. He taught at Iowa until 1903, when he accepted the deanship at the Law School of the University of Wisconsin, which position, as we all know, he held until his death.

On the resignation of Professor Howard L. Smith, Dean Richards was made Jackson Professor of Law at the University of Wisconsin.

He left the active charge and control of the law school only twice; once for a leave of absence for a year to study the workings of the English courts; and once during the World War when he served as Chief of the Editorial Division of the War Trade Intelligence Bureau.

He was, in point of service, the senior dean in the University of Wisconsin; and with one exception the senior dean in the Association of American Law Schools.

He was a member of several honorary societies, among them Phi Beta Kappa and the Order of the Coif. In 1904, the

[1] This and the following appreciations of the late Dean Harry S. Richards are, in substance, the speeches which were delivered at the Memorial Meeting held in his honor at the Wisconsin Memorial Union, Wednesday evening, November 6, 1929.

University of Iowa conferred upon him the honorary degree of Doctor of Laws.

While a student at the University of Iowa, he first met Mary Holt. They were married in 1901. Mrs. Richards, and their only child, John W. Richards, survive him.

For years Dean Richards was one of the leaders of legal education and of the improvement of the law. He kept in close touch with the organizations which strive to better the law and law teaching—the Association of American Law Schools,[2] the Wisconsin State Bar Association,[3] the American Bar Association,[4] and the American Law Institute,[5]—serving here as adviser, there as president, now as chairman of a committee—presenting a formal address occasionally—more frequently an informal discussion of some new theory, or of some old failing, —in which activities his sanity, his common sense, his saving grace of humor, were most effective.

Probably no one in the last quarter of a century has done more to advance legal education and to strengthen the standing and the standards of the Association of American Law Schools than Dean Richards.

For the last five years he was one of the Commissioners on Uniform State Laws from Wisconsin; and was a member of several important committees, including that on the Uniform Corporations Act.

His articles on law which have from time to time appeared in legal periodicals[6] have been marked by his characteristic

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[2] Member since 1905; President in 1915; member of Executive Committee, 1916-1919; member of committees on curriculum, 1922-1929; on juristic center, 1924; on cooperation with bench and bar, 1925-1927; member of committee on round table conferences on Corporations and on Business Associations; chairman of round table conference on Corporations, 1919, and on Business Associations, 1920.

[3] Chairman of Committee on Legal Education, 1914-1929.

[4] Chairman of Committee on Legal Education, 1908-1909; member of Council from Wisconsin.

[5] Advisor in Agency and Business Associations.

[6] *Liability of Corporations on Contracts made by Promoters* (1905) 19 HARV. L. REV. 97 *Exchange of Stock for Capitalized Profits* (1906) 4 MICH L. REV. 526; *Uniform Partnership Act with some Remarks on other Uniform Commercial Laws* (1920-21) 1 WISCONSIN LAW REVIEW, 5, 90, 147; *Watered Stock and Blue Sky Legislation* (1922) 2 WISCONSIN LAW REVIEW 1, 86; *The Doctrine of Ultra Vires with a Consideration of Wisconsin Decisions* (1925) 3 WISCONSIN LAW REVIEW, 129.
Also an address on Taxation, Iowa State Bar Association Report, (1902) pp. 91 *et seq.*; and a report on Legal Education in Great Britain, United States Bureau of Education, Bulletin No. 643.

thoroughness and directness. Many of his addresses have unfortunately never been printed.[7]

The great work of his life was the law school of the University of Wisconsin. When he came to this school as dean in 1903, he found a school of position and standing, but one which was committed quite generally to the older method of teaching; a method which was just beginning to be displaced by the new, and in the displacing of which, in the West, Mr. Richards was one of the prominent leaders.

The United States, partly from the very fact that it was a new country, with little background of tradition or culture, laid far more stress on the systematic teaching of law than England was doing in the corresponding period. From the rather haphazard methods of early days, the better American law schools had standardized a method of teaching which consisted in readings in recognized text books with lectures paralleling such readings. Occasionally a case might be used to illustrate the meaning of some more or less abstract principle; but it was only an illustration. The principle or definition in its abstract form, was what the law student was expected to remember, and to be able to repeat. The test of the success of the student was his ability to memorize and repeat the greatest number of these principles and definitions in language which was the closest approximation to the language of the text book of the lecturer.

This method of teaching might have done very well for a student of the Roman law, for that law exists chiefly in the form of general principles. In that system of the law authority manifests itself in the statement of principles; and not in their application to adjudicated cases. Indeed, the application of a principle to any given combination of facts is of no value or significance as a factor in the development of the law. No record of such adjudication is kept for that purpose. The adjudication is of importance only as determining the rights of the parties to the litigation.

As we all know, our law has developed in exactly the opposite way. Apart from legislation, the only authority to state

[7] Among them are *Law Enforcement; The Jury System;* and *Modern Movements in Legal Education.*

the law has been the power of the courts to decide the cases which were submitted to them for decision. In so doing, they necessarily apply general principles which are more or less clear in their minds and which they attempt to state in more or less exact form; but it is, after all, the adjudication which is within the jurisdiction of the court and not the declaration of the broad principle. Only by a comparison of a number of adjudications can we evolve a form of statement of principle which harmonizes most, if not all, of the decisions; and this statement of principle is lacking in authority. Why then study our law by beginning with that part of it, back of which there is no authority; and ignore that part of it which is stated with authority?

This question had gradually been rising in the minds of many students of the law; possibly because of the growing understanding of the vital difference between the building up of Roman law, and the building up of the common law and quite possibly without any regard to this at all but solely from the inherent nature of our law.

These questions finally found an answer when President Eliot of Harvard appointed Christopher Columbus Langdell as dean of the Harvard Law School for the avowed purpose of conducting an experiment in legal education, by beginning the study of law with the study of adjudicated cases instead of beginning with an attempt to memorize more or less abstract legal principles.

This was really a change from elementary methods to research methods. It was the application of the laboratory method to the study of law as nearly as a parallel could be drawn between natural sciences and social sciences. As an experiment, it seemed for a while as though it would bring the Harvard Law School to the brink of ruin. Eventually it proved a brilliant success; and gradually it began to displace the older method. And while it is to be hoped that law will not suffer an arrested development, that progress will not cease, and that the case system will not prove to be the last and final word in the teaching of law, it is not too much to say that the newer methods with which this school and other schools are experi-

menting are extensions of the case system, rather than an abandonment of it; that they aim, on the one hand, to extend the field of research beyond the limitations of a casebook, and on the other hand to extend inquiries into different combinations of fact beyond the barriers of the adjudicated cases.

The new method of teaching was not unknown in Wisconsin before the advent of Dean Richards, but it was tolerated as a peculiarity of the law teaching of individual instructors rather than approved as the standard method of teaching. To establish it in the Middle West as the standard method of teaching law was his task.

Like everything that has become an established fact, the success of the new system in the West seems now to have been easy and inevitable. Perhaps it was inevitable eventually; but not when Dean Richards came. It was no easy victory, no judgment by default. Many, not all, of the men trained under the old system were unwilling to admit that it could be improved upon.

The proposed change in method carried with it the promise or threat of an eventual change in personnel of the faculty; and in the whole theory of the career and training of the law teacher. Under the old method, a busy lawyer or a judge could take an hour or so now and then to repeat to law students a few of the principles which he had learned and applied. Under the new system, the amount of research necessary to guide students who were themselves engaged in research required so great a degree of preparation and so high a type of specialization as to eliminate the earlier type of law teacher, except in a few cases of men who specialize in their own fields and conduct their own research along definite lines. Under the new type of teaching, the law teacher must give his life to it, not merely an occasional hour or so.

To lead the way from the old method to the new was the task of Dean Richards. Only he knew how hard at times that task was. As was characteristic of him, he did it with so little external effort that it seemed almost as though it came of itself.

Far more support for the new venture came from those who had taught under the old system than from those who had

merely studied under it. Two men of great ability, both deeply and sincerely interested in the welfare of the law school, trained under the old system, teaching under the old system, John M. Olin and Burr W. Jones, supported Dean Richards in the introduction of the case system and used it themselves with great effect.

Success, though not easy, was decisive; and that, without undue delay. The new method of study was recognized as an improvement on the old. To many it seemed the ultimate fruition of law teaching; to Dean Richards it seemed merely a new starting point, on a higher plane, giving a wider view, and a surer approach; but never, in itself, a finality which should lie as a bar across the path of progress.

At his death he was working out plans which were in one sense a departure from the case method, and in another sense an extension of it—the investigation of the actual working of our legal institutions in actual life on the one hand, and, on the other, a means of giving to students of higher capacity, an opportunity to engage in research in a deeper and more intensive way than the usual and necessarily elementary courses afforded.

For the first, a detailed study of the answers which the law has given to the problems actually presented to it by life—a survey of actual conditions of the law, beginning with Wisconsin, and an investigation into the actual workings of our legal machinery, beginning with some of the commissions, were within the scope of his plans; for the second, a series of seminars in which the work of a number of students of ability and zeal could be focused upon some of the problems of the law.

Under his direction, the law library was built up as rapidly and as thoroughly as our limited resources would permit, until now it is one of the best working libraries among the law schools of the West; containing much that would be difficult or impossible to replace.

The housing of the library and of the law school had for years seemed to him to be inadequate. He had made every effort to secure a modern fire-proof building in which the library would be safe, and in which work could be done to the greatest

advantage. This is as yet but an ideal hoped for and an evidence of things unseen.

All these things were, however, mere matters of method, of detail, of material equipment—of little value as compared with the personnel of the teaching force, of the quality and character of the student body, and the living and vital quality of work which was done in the school. He found some admirable material in the teaching staff when he came. He surrounded himself with the strongest men that he could get, and in a comparatively short time he had built up a school which was generally recognized as among the best in the country; and that, in spite of a budget which has always been small when compared with those of most of the competing schools.

The requirements for admission were raised steadily, and as rapidly as could be done. Before he took charge of the law school, high school work was sufficient for admission. This was advanced until three years of college work are now requisite. At the same time the internal standards of the school were raised gradually; and more and more thorough preparation for the career of a lawyer was constantly demanded.

His idea of the law was not that of a mere, dry, technical, aloof science. He regarded law as a part of life itself. The relations between the law school and the departments in which the other social sciences were taught were never closer or more intimate. The new law building which he so desired was to be one wing of the building in which all the social sciences were to be housed.

But this catalogue of his offices and titles, this list of his acts and his deeds, leaves out most that was real and vital. He was more than the offices that he held—more than the things that he did.

Of New England pioneer stock, his father, John Willis Richards (so an intimate friend of the family tells us), "was a business man, shrewd, kindly, prudent, conservative," a rather "silent man, for he talked but little," yet "of keen wit and kindly humor"; "honest, just, and friendly,—a good neighbor"; his mother, (Phoebe Ann Currier Richards), "a bright

vivacious woman;" his most striking characteristics prove the theory of heredity.

His humor, quaint and whimsical, his balance, his sanity, his freedom from envy and jealousy, inspired the admiration and affection of all who were so fortunate as to work with him and of all who knew him. His was a personality both stimulating and pleasing. His view of life and new problems was always fresh and original; but with a freshness and originality which was tempered by thoughtful experience. His analogies and illustrations were always apt, always witty, and generally drawn from the background of the rural Middle West, tempered by a shyness and reserve reminiscent of his New England ancestry.

With genuine and sincere feeling he was sympathetic, even when he thought it misguided. With sham and pretext he was impatient, and, without malice, loved to impale it on the point of his wit.

He worked steadily and unflinchingly to the very end, leaving the memory of a lofty, noble, and useful life to soften our grief. The world is the better because he has lived in it.

W. H. PAGE