"TO TEACH LAW IN THE GRAND MANNER"—A TRIBUTE TO DEAN JOHN WESLEY REED

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As one who has benefitted so richly, both professionally and personally, from an association with John and Dot Reed for nearly twenty years, I am grateful to the editors of The Wayne Law Review for inviting me to join them in honoring Dean Reed for his many accomplishments and contributions to both Wayne State University Law School and the legal community.

Justice Oliver Wendell Holmes, Jr., speaking to the Harvard Law School Association in 1886, said: 

"[the] business of a law school is not sufficiently described when you merely say it is to teach law, or to make lawyers. It is to teach law in the grand manner, and to make great lawyers." For forty-six years—since joining the law faculty of the University of Oklahoma in 1946—John Reed has been teaching law "in the grand manner."

Tributes such as this one—honoring retiring law professors and deans—appear with frequency in the pages of this country’s law reviews. Indeed, the Michigan Law Review dedicated its June 1987 issue to John and published five such tributes to him, including my own. These tributes were offered on the occasion of John's "retirement" as Thomas M. Cooley Professor of Law at the University of Michigan Law School to accept the position as Dean of Wayne State University Law School. Eloquent tributes to John


were offered by Judge Douglas W. Hillman of the Western District of Michigan, Theodore J. St. Antoine, Professor and former Dean of the University of Michigan Law School, Austin G. Anderson, Director of the Michigan Institute of Continuing Legal Education, and Wilbert J. McKeachie, University of Michigan Professor of Psychology. I commend these inspiring tributes to the reader. Rather than repeating or repackaging my earlier tribute, I offer my reflections on a unique facet of John’s academic career which I feel has particular significance for the future of American legal education and the future of the legal profession itself.

The State Bar of Michigan, on the occasion of John’s recent retirement as Dean of Wayne State University Law School, adopted a resolution expressing the gratitude of the Bar for John’s “countless, and much appreciated, contributions to his profession and to the public.” I will not repeat its glowing recitation of John’s distinguished accomplishments. I would, however, like to address one of the “whereas” clauses of the resolution, to wit: “WHEREAS John Wesley Reed, more than any other legal academic of our time, has been a critical and highly valued link between the legal academy and the legal profession in Michigan.”

I am prompted to single out this aspect of John’s unique contributions because I share—at least in part—an observation made by the 1991-1992 President of the American Bar Association Talbot (Sandy) D’Alemberote: “We are very much a divided profession. Our academic side is over here and the practicing lawyer is over there, and they don’t connect very often.” President D’Alemberote, himself a former Dean of Florida State University Law School, explained his point by saying:

[Most law professors] go to law school and teach essentially in a solo context—teaching their own classes, writing their own articles—and a vast majority don’t have a lot of further contact with the profession. . . . I think

8. Id.
we’re missing in legal education the people who really have a larger view of the law. It’s not clear to me that an overwhelming number of law professors see the practice of law as a noble choice of career.\textsuperscript{10}

John Reed, on the other hand, has bridged the gap between the profession and the academy; he has maintained contact with the legal profession; he believes the law is a noble calling; and he has strived to inspire students, lawyers, and judges to pursue the profession’s highest goals.

Robert A. Gorman, President of the Association of American Law Schools, reacting to the legal profession’s criticism of the academy, pointed to the “vast literature that stresses the difficulty, if not the impossibility, of reconciling our university-based mission of probing for new insights into law and legal institutions, with the seemingly more mundane demands of preparing our students for a professional career.”\textsuperscript{11} President Gorman argued:

Charges of law school failings are commonly based upon the mistaken notion that our graduates should be equipped to practice law with full competence and versatility upon receiving their diploma, or upon the mistaken notion that flawed professional behavior by attorneys or judges traces its source to (or can at least be redressed in) the law schools, or are attributable to a lack of knowledge about developments in American legal education.\textsuperscript{12}

I agree that it would be unrealistic for the profession to expect that, upon graduation, law students should be “equipped to practice law with full competence and versatility.” This should not, however, be an excuse for the failure of America’s law schools to do a better job of teaching practical legal skills through energetic clinical and legal writing programs and courses directed to practical as well as theoretical knowledge. This is particularly true since, as President D’Alemberte points out, after the first year, “[u]nless the faculty has a fairly rigid policy compelling attendance, you won’t find many people there, and those who are attending class

\textsuperscript{10} Id.
\textsuperscript{11} Gorman, President’s Message, Educating Lawyers: Tensions and Opportunities, A. Am. L. Sch. News., Nov. 1991, at 1, 2.
\textsuperscript{12} Id.
are hardly consumed with their studies. . . . This tells us a great deal about the quality of legal education.”

In October 1991 Wayne State University Law School’s Driker Forum for Excellence in the Law addressed The Future of the Law Firm As An Institution. During the question and answer period, I asked Yale Law Professor Geoffrey Hazard, one of the forum participants, what the law schools are doing, or should be doing, to prepare law graduates for the problems being discussed in the forum. He responded that: “I do think the law schools at least ought to talk about the problems we have been discussing today.” He went on, however, to state: “Personally, I have grave doubts about the relevance of sixty or seventy percent of the law school experience for those who go into practice.”

My point about John Reed, however, is a larger and, I submit, more significant one than simply improving the content of legal education, as important as that is—it is the need for more members of the academy to have John Reed’s “larger view of the law” and to be more directly involved, as he has been, with lawyers and judges in improving the legal profession and its institutions. I concede that law schools are neither the source of, nor the exclusive remedy for, the many problems that currently beset the American legal profession. As Professor Hazard recently wrote: “the contemporary problems of the American legal profession seem to run deeper than in the past. . . . [T]he public, and perhaps the profession itself, seem increasingly convinced that lawyers are simply a plague on society.” The academy should play a more constructive and proactive role in responding to the megatrends of the past quarter century that have threatened the legal profession’s traditionally constructive role in a free society. In my view, however, the academy will be impotent to offer such help without more law teachers like John Reed—teachers who reach out to the profession, who understand and elevate its basic norms, and who inspire law students, lawyers, and judges to fulfill the profession’s highest duties and obligations.

13. D’Alemberte, supra note 9, at 52.
15. Id. at 437
16. Id.
In emphasizing John's work outside of traditional law school "scholarship," it should be noted that his choice to concentrate elsewhere for most of his career was not for lack of capacity. Professor St. Antoine, discussing John's early legal writings, noted his "considerable capacity for substantial scholarship." 18 He said John's early work "makes one wonder how much important scholarship was lost when John increasingly turned his energies toward deanng, continuing legal education, assorted bar-related projects, and community and other public service activities." 19 I couldn't agree more, however, with Professor St. Antoine's conclusion that: "A goodly number of law teachers can produce the sort of work John left unwritten; only a handful have the versatility to accomplish what he has done." 20

By my observations I do not mean to suggest that the entire academy should be peopled with John Reed clones, even if that were possible—and alas, I fear they "broke the mold." Faculty diversity is critical to a robust academic environment and most have neither the interest nor the ability to follow John's noble path. But the academy should have—I believe—a far greater appreciation than I fear too many of its members have for the importance of the contributions of law professors such as John Wesley Reed.

A similar plea for greater law faculty diversity was made by Professor Kenneth Lasson in his Harvard Law Review commentary, Scholarship Amok: Excesses in the Pursuit of Truth and Tenure. 21 Professor Lasson's entertaining and thought-provoking piece took to task over-emphasis by the academy on published legal writing. He argued: "Analysis, research, and writing are overblown, while classroom competence, community service, and non-law review scholarship are under-credited. The system is askew. The academy has a problem." 22 Professor Lasson urges, and I concur, "that we move away from rewarding 'scholarship' alone—let's let the writers be writers, the scholars scholars, teachers teachers, and leaders leaders—and give them credit accordingly." 23

Lest I be misunderstood, I hasten to point out that Wayne State University Law School is blessed with an impressively diverse

18. St. Antoine, supra note 4, at 1496.
19. Id. at 1497.
20. Id.
22. Id. at 928.
23. Id. at 949.
faculty which combines outstanding classroom teachers with community service activists and able contributors to both law review and non-law review scholarship. Indeed, it was these very strengths, and Wayne's challenging role and mission, which lured John to Wayne as the cap to his distinguished career at the University of Michigan Law School—one of America's premier law schools. As John explained in a 1987 address before the International Society of Barristers:

Wayne's Law School is considerably stronger than its essentially regional reputation would suggest. It has a capable faculty, largely harmonious; it has a pleasant, mostly adequate building; and it has a strong student body. . . . Wayne supplies Michigan with many of its lawyers, more so than the University of Michigan, most of whose graduates leave the state. Wayne's impact on the community is more direct and more visible than that of national law schools like Michigan, where influence is more diffuse and less immediate. Each is valuable, but for my final years of academic life it is exciting to see the possibility of immediate, close-at-hand results.24

I believe John's work in three areas should be emulated by more law professors throughout the land: a) classroom performance; b) contributions to improvements in the administration of justice; and c) contributions to the legal profession.

THE "CLASSROOM"

John's classroom performance, whether before law students or seasoned lawyers, is without equal. Professor St. Antoine reported that he was a student of John's "a generation or so ago" and he captured the essence of John's teaching genius in describing his own Evidence class with John in the early 1950s:

The sessions could have been choreographed. John was constantly in motion, playfully juggling one idea after another before our bedazzled gazes. The timing was impeccable. Somehow, magically, he managed not to bore the quick-witted and not to leave the slower learners behind.

Did our attention begin to flag? Out would come the sly quip or the droll story, and once more we would be back under the conjurer’s spell. And it was all done so effortlessly, so spontaneously that it took years before we realized how much forethought and rehearsal time must have gone into the performance.25

John has employed the skill so exquisitely captured by Professor St. Antoine to teach practicing lawyers and judges in continuing legal education programs too numerous to recount. I had the good fortune of joining with John in many of these efforts through our common interest in evidence law. My own modest teaching skills benefitted greatly from John’s sterling example. Fortunately, John did not stop teaching his law students upon their graduation. As a result, members of the Bar have been better able to serve their clients, and judges have been able to conduct trials and decide appeals with less evidentiary error.

John’s work in offering continuing legal education (CLE) to the profession was not limited to his own lectures and writings. From 1968 to 1973 John served as Director of the Michigan Institute of Continuing Legal Education (ICLE). His lifetime of outstanding CLE work was recognized when he was presented the Harrison Tweed Award for Excellence in Continuing Legal Education. John also earned nationwide prominence for his leadership over many years of the ICLE’s prestigious and highly successful Advocacy Institute offered annually in Ann Arbor.

IMPROVING THE ADMINISTRATION OF JUSTICE

My friendship with John began in 1975 when we were asked by the Michigan Supreme Court to work together on a committee of judges and lawyers which drafted the Michigan Rules of Evidence (MRE). John served as the committee’s Reporter. His outstanding work on this important project resulted in the court’s adoption of the MRE in 1977. John also played a leadership role in the follow-up consultation with the court to improve the MRE; this effort resulted in important amendments to the MRE adopted as recently as March 1991. This work made a lasting contribution to the improvement of trial and appellate practice in Michigan.26

25. St. Antoine, supra note 4, at 1496.
Contributions to the Legal Profession

John has chaired the Evidence Test Drafting Committee for the Multi-State Bar Exam of the National Conference of Bar Examiners for over twenty years. He has made an outstanding contribution to fair, effective, and uniform screening of Bar applicants throughout the country. For the past sixteen years it has been my honor to serve with John on this committee. John’s strong leadership and his wit, grace, and style in moderating our committee sessions, coupled with the opportunity for my wife, Marti, and me to spend time with John and Dot in some of the country’s more appealing locations, has made this assignment my most enjoyable extracurricular activity.

John Reed understands that one of a law teacher’s more important contributions to society is “to produce graduates with a high sense of professional responsibility.”27 Holmes said:

The aim of a law school should be . . . not to make men smart, but to make them wise in their calling—to start them on a road which will lead them to the abode of the masters . . . . Teaching should not stop, but rather should foster, production. The “enthusiasm of the lecture-room,” the contagious interest of companionship, should make the students partners in their teachers’ work. The ferment of genius in its creative moment is quickly imparted. If a man is great, he makes others believe in greatness; he makes them incapable of mean ideals and easy satisfaction.28

John Reed is such a man. He has led hundreds, if not thousands, to the “abode of the masters.” The lawyers and judges of the present and future, particularly in these difficult times for the profession, need teachers like John Reed—to show us the way, to lift our sights, to inspire us to higher goals.

John’s words to Wayne State University Law School’s 1992 graduates, exemplify the inspiring message and challenge to America’s future lawyers he has been urging for 46 years:

You have unique genes and you have had unique nurture by family and friends. And now, signalled by this commencement day, you have the beginnings of lawyering skills

27. Reed, supra note 24, at 365.
28. The Essential Holmes, supra note 1, at 226.
which give you a unique ability to affect the future. I challenge you to make a difference.

..."

You have the ability to make a difference. And because you have that ability, you have also the responsibility to use it to bring about a more humane society, to move us nearer the ideal of “equal justice under law.” You have been given much in the way of talent and, now, education. To him who has been given much, of him much is required.29

John’s efforts to urge the pursuit of professionalism has extended beyond law students to the profession at large. In 1989, John delivered the Banquet Address to the Annual Meeting of the State Bar of Michigan on professionalism. This address—First Person Singular—is one of many he has delivered on this subject to lawyers and judges throughout the country. This—as always—was a virtuoso performance. It produced a standing ovation and was later published in the Michigan Bar Journal.30 In it John made the point that each lawyer and judge—as an individual—has the responsibility to do his or her best to advance the cause of professionalism and to set an example for others in our profession. Speaking to the leaders of the Bar, John said: “Mentors, exemplars—that is what is needed most. And who better than you who represent the profession’s highest level of skill and accomplishment and, I sincerely believe, principle.”31

CONCLUSION

I can think of no more ideal mentor or exemplar for law students, law professors, lawyers, and judges than John Wesley Reed. He is loved and respected by all who have had the good fortune to know him. The legal academy cannot possibly have enough members who combine John Reed’s extraordinary qualities. While it will be rare to find persons capable of bridging effectively the gap between the profession and the academy, the academy should try to find them—and the profession should urge it to do so. The future of our profession depends upon it.

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31. Id. at 1185.
State Bar of Michigan Resolution Honoring  
John Wesley Reed

WHEREAS John Wesley Reed is retiring as Dean of Wayne State University Law School after five years of outstanding service, and

WHEREAS John Wesley Reed has well and nobly served the bench and bar of Michigan for over forty years as a distinguished law teacher and scholar; continuing legal education leader and innovator; evidence law reformer; inspirational speaker, author and role model on the vital issues facing the legal profession, and

WHEREAS John Wesley Reed has brought honor and distinction to the legal profession of Michigan through nationally recognized accomplishments such as the coveted Harrison Tweed Award from the Association of Continuing Legal Education Administrators, the prestigious Samuel E. Gates Award from the American College of Trial Lawyers, and the State Bar of Michigan’s highest award, the Roberts P. Hudson Award, and

WHEREAS John Wesley Reed has not only shared with Michigan judges and lawyers his unique skills as a teacher, scholar, author, law reformer and professional inspirator, but also inspired us by his sterling character, wit, compassion, integrity, gentleness and wisdom, and

WHEREAS John Wesley Reed, more than any other legal academic of our time, has been a critical and highly valued link between the legal academy and the legal profession in Michigan,

NOW THEREFORE, the Board of Commissioners of the State Bar of Michigan, on behalf of all of its members, expresses the heartfelt gratitude of the bar to John Wesley Reed, our valued friend and professional hero, for his countless, and much appreciated, contributions to his profession and to the public. The State Bar of Michigan further expresses its sincere best wishes to John and Dot Reed and looks forward with pleasure to their continued friendship and future contributions.

Fred L. Woodworth  
President