

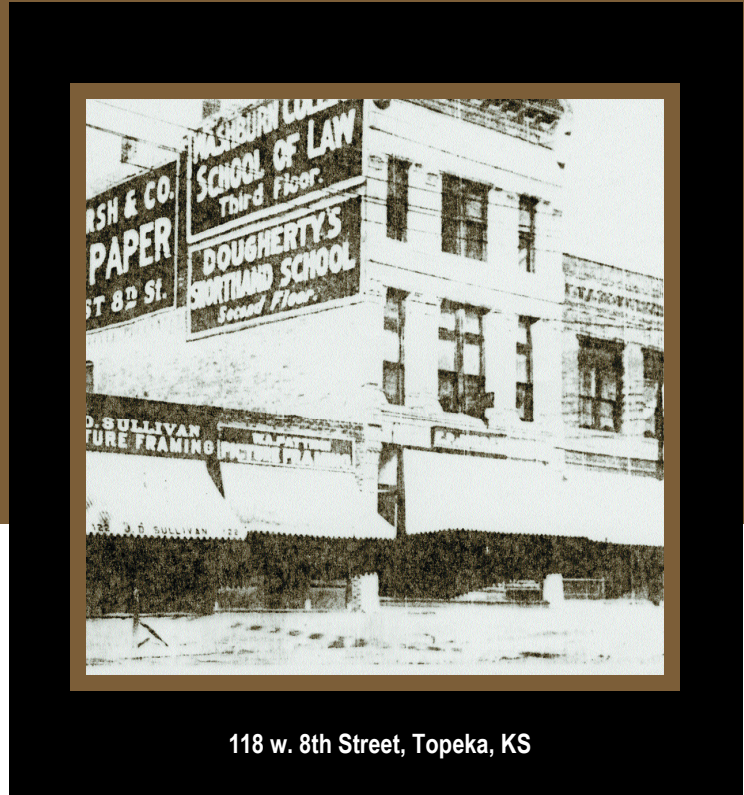


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118 w. 8th Street, Topeka, KS

*The school's mission would be  
"to furnish facilities for legal training  
and preparation for the  
practice of law as a profession,  
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principals of government."*



Norman Plass

– Norman Plass, 1902

# 1903

## THE FIRST CLASS AT WASHBURN LAW SCHOOL

In the fall of 1903, Washburn College opened its new law school in downtown Topeka on the third floor of the building at 118 W. 8th Street. The leased space consisted of three lecture rooms, a large reading room and library, coatrooms, bathrooms and offices—“more than could be desired for the purpose,” observed *The Washburn Review*.

Forty-one students took law classes that first year, including five women. Seven of the students were already lawyers. Tuition was \$50 per year, with expenses for books, room and board, and laundry costing another \$123 to \$254 per year.

Three years later, in 1906, seventeen students would graduate in the law school’s first commencement. They were the beginning of what would become a century of exceptional legal education at Washburn.

## ESTABLISHING A GREAT LAW SCHOOL

# 100 YEARS of Washburn Law Students

In his first year as president of Washburn College, Norman Plass set about the business of establishing a law school. In his inaugural address of October 7, 1902, Plass declared Topeka “the ideal place for such a school,” and shortly thereafter appointed local lawyer Robert Stone to chair a committee to form the new school. The school’s mission would be “to furnish facilities

for legal training and preparation for the practice of law as a profession, equal to those offered anywhere, and to encourage the systematic study of general jurisprudence, legal history, and the fundamental principals of government.”

It was a huge challenge, not the least of which was attracting law students. At the turn of the 20th century, attending law school was not required to practice law, nor was completion of law school sufficient for admission to the Kansas bar. Applicants for admission to the bar in Kansas were required to show only that they had “read law for two years, the last of which must be in the office of a regularly practicing attorney.” There was no statewide bar examination. Until 1903, an applicant who satisfied any district court that he possessed the requisite learning was admitted to practice in all district and inferior courts, and then could be admitted upon



Class of 1906

# 100 YEARS of *Washburn Law Students*

motion to practice in the Supreme Court. With such lax standards, why attend law school? Not surprisingly, as of 1900, more than half of America's lawyers had not attended law school or even one year of college.

Fortunately, in the spring of 1903, as Washburn prepared to open its law school, the Kansas Legislature transferred responsibility for admitting applicants to the bar from the district courts to the Supreme Court, which in turn created a Board of Law Examiners to administer written exams to qualified applicants. Applicants were required to have read the law for two years in the office of a regularly practicing attorney or to be a graduate of the University of Kansas Law School "or some other law school of equal requirements and reputation."

In addition to attracting students, the new school would have to attract qualified teachers. Stone's committee began recruiting local lawyers and judges willing to teach one or more courses without pay. The list of 25 volunteer instructors reads like a Who's Who of the Topeka Bar: four Kansas Supreme Court justices (William R. Smith, John C. Pollock, Rousseau A. Burch and Henry F. Mason); former Chief Justice Frank Doster; Kansas Court of Appeals Judge Theodore Garver; District Judge Lee

Monroe; Judge of the Court of Topeka and Washburn Trustee Arthur J. McCabe; and Judge of the Police Court Clad Hamilton.

By May 1903, the Law School had its first dean. Ernest Bancroft Conant had graduated from Harvard Law School five years earlier, in 1898. He practiced law in Boston through 1902 and taught classes in the evening law program of the Boston Y.M.C.A. In January 1903, Conant moved to Chicago, where he practiced law and taught Torts and Damages at the Illinois College of Law. When he began his appointment at Washburn, Conant, 33, was younger than many of his students.

In June 1903, Washburn published a 20-page catalog announcing the Law School would open for academic year 1903-04. It included a list of the faculty, admission requirements, courses and degree requirements. To be admitted to the Law School, a degree-seeking student was required to be eighteen years of age and a graduate of a four-year high school or to have completed the subjects required for admission to Washburn College. Applicants who lacked these credentials could be admitted conditionally or by passing an examination covering the required subjects. Special students, those who were at least nineteen years old but were not seeking a law

degree, including practicing lawyers, could be admitted without examination.

The College rented space on the third floor of 118 W. 8th, above the Daugherty Shorthand School. The downtown location not only offered students convenient access to the State Law Library, the courts and employment opportunities, it was also convenient for the part-time faculty who might not have been willing to travel to the campus to teach.

### CLASSES BEGIN

Registration for the first semester was held September 15, 1903. Classes began two days later. Classes were scheduled to accommodate those students who worked. Initially, only the dean taught full-time, and Dean Conant taught three classes during the fall term: Contracts each day at 8 a.m., Evidence at 5 p.m. each day except Wednesday, and Torts on Tuesdays from 7:15 p.m. to 9:15 p.m. Students in Torts also met on Friday evenings or on Thursday and Friday afternoons. Thereafter, Dean Conant taught three and sometimes four courses each semester, including Common Law Pleading, Quasi-Contracts, Suretyship and Guaranty, Trusts and Municipal Corporations. Occasionally he also assisted with courses in International Law and Private Corporations.

Other instructors included Harry G. Larimer, who taught Bills and Notes; A.W. Dana, who taught Real Property; and L.H. Greenwood, who taught Personal Property and Bailments.

The local lawyers and judges who taught part-time during the Law School's early years were indispensable to the School's



success. During the school's first twelve years, no fewer than twelve Kansas Supreme Court justices and one judge of the Kansas Court of Appeals taught courses, adding luster to the school while bringing "real world" experience to the classroom. However, one drawback of the heavy reliance on part-time faculty was the frequency with which they cancelled classes because of other commitments. "Competition is the life of trade; but irregularity of classes is death to the school," complained one student in the October 14, 1904, issue of *The Washburn Review*.

Students seeking a Bachelor of Laws degree had to complete the required course of instruction and pass the regular exams in all subjects; however, the content of the "required course of instruction" varied from year to year. Although no mention of the number of credit hours required appears in the earliest catalogs, the March 1913 catalog states that 72 credit hours are required. The normal semester load was 12 hours, the maximum 14 hours, and third-year law students were required to take at least 10 hours. Also explained in the 1913 catalog is the grading system. Noticeably absent is the grade of F. Instead, failing students received an E and were required to retake the course. D was also a failing grade, but the student was only required to retake the course examination. In this way, students had to demonstrate minimal competence in every subject to graduate.

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“Competition is the life of trade; but irregularity of classes is death to the school.”

-1904 Student quote

## THE FIRST STUDENTS

Forty-one students took classes during the Law School's inaugural year, eighteen regular first-year students and twenty-three special students. Of the twenty-three special students, three women, Maude Bates, Anna Marie Nellis and Ruth Welles, completed the first year. Two other women, Zeva Bradshaw Edworthy and Louise Mary Morrison, took at least one class. However, none of the women returned to the Law School the following year.

"[Some women] quit, of course, when they first realized the status of women at common law," said a classmate. "They did not tarry long enough to ascertain that all the rights a woman has, even now, depend upon the statutes and are liable to be repealed at any session of the legislature, or forever wrested from her by a constitutional convention in which she has no voice."

Seven students were already lawyers, and five of them would go on to complete the course of study and graduate in 1906.

One of these lawyer-graduates was John S. Dawson. At age 34, Dawson was older than Dean Conant. Dawson emigrated from Scotland to the U.S. in the 1880s and began farming with relatives in Illinois. He later moved to western Kansas, where he taught school and eventually became principal of the Hill City schools. The president of the Hill City schools was Henry J. Hawri, described as "one of the most brilliant of the many able lawyers in Kansas." After reading law in Harwi's law office, Dawson was admitted to the bar in 1898 in Wakeeney.



John S. Dawson '06

A year later, Dawson came to Topeka to serve as bond clerk in the state treasurer's office, and in 1903 was named chief clerk in the attorney general's office. He continued attending the Law School even after he was named special assistant attorney general in 1904, although he did not enroll in the fall of that election year due to his political responsibilities. He remained in that position after graduating in 1906, and later was elected attorney general for two terms. In 1914, Dawson was elected to the Kansas Supreme Court, where he served for 30 years, including as chief justice from 1937–1945.

The impressive accomplishments of Dawson and the other members of the Law School's first graduating class would enhance Washburn's reputation and serve as an inspiration to future law students. "They have set an excellent example, and there is no reason why other classes should not try to achieve as much," wrote James Clark in the May 1912 issue of *The Washburn Review*.

## THE FIRST GRADUATING CLASS

There were seventeen graduates in the class of 1906, a number not matched until 1912 and not exceeded until 1914. Seven members had already been admitted to practice, and each graduate paid a \$5 diploma fee.

The class had adapted a motto from Shakespeare: "A fee! A fee! My advice for a fee!" Perhaps in response, William Rossington, the graduation speaker, gave the new graduates this advice:

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“A fee! A fee!  
My advice for a fee!”

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-William Shakespeare

# 100 Years of Washburn Students

“I presume that you all intend to make the law the business and chief concern of your lives or you would not have gone to the trouble, labor and the expense of this course of preparation. I need not tell you that, like young bears, you have all your troubles ahead of you. To begin with, you will have to wait....It is one thing to express a willingness to practice law and to assert your fitness to undertake its responsibilities by hiring a small office and hanging out a sign; and another thing to bear with cheerful heart the seeming unwillingness of clients with case to mount your stairs and entrust you with business. If you are depending upon the law for your living from day to day, you may soon be discouraged. If you have certain versatility of talents, you may still adhere to your purpose and retain your connection with the law until you can tide over this period.”

In many ways, Rossington’s words of caution would be appropriate for today’s law school graduate. However, he need not have worried about the class of 1906. Not only did all members of the first graduating class pass the bar exam, most would go on to have successful careers. Only two of the 1906 graduates chose to leave law practice: George S. Badders, who opened a clothing store at 7th and Kansas in Topeka, and David S. Salley, who opted for “educational work” with the International



George S. Badders '06



Edward R. Sloan '06



Llewellyn J. Graham '06



George A. Kline '06

Correspondence Schools in Los Angeles, California.

Edward R. “Ted” Sloan served three terms in the Kansas House of Representatives from 1923–1929. In March 1931 he was appointed by Gov. Guy Woodring to fill a vacancy on the Kansas Supreme Court, where he served with his former classmate John Dawson. Sloan chose not to seek another term on the Court and later served for 14 years as referee in bankruptcy.

Llewellyn J. Graham became a Kansas Supreme Court reporter, and first published Kansas advance sheets. His untimely death in 1911 was noted in the Kansas Reports, an unusual honor for one who did not serve on the Court. George A. Kline served as district judge in Shawnee County from 1928–1948, and Hugh MacFarland was the county’s probate judge. Class President William H. Vernon was selected as law clerk to Justice Henry Mason, one of his instructors, and he and Ernest R. Simon were asked to be lecturers at the law school the year after their graduation. Vernon moved to Larned and served three terms as Pawnee County attorney. He would later be speaker of the Kansas House of Representatives.

# 100 Years of Washburn Students

Simon was elected judge of the Court of Topeka in 1907 and later was Shawnee County attorney. *The Washburn Review* of May 1912 proudly describes Attorney General Simon as “using the legal broom with which the Washburn Law School has provided him to sweep up the refuse of the county and deposit it where it can do the least harm to society.” Simon, who also served as president of the Law School Alumni Association, was largely responsible for its decision in 1909 to begin offering \$50 annual scholarships to the top students in first- and second-year classes.

Benjamin Wright Scandrett taught Evidence during the 1909–10 school year before joining the Union Pacific Railroad as general attorney. “He is doing well,” noted *The Washburn Review*, “and would be instructing a class in his alma mater if it were not that the railway company is inclined to keep him too busy with legal matters.”

The remaining class members would go on to practice law in Kansas, Missouri and Oklahoma, sometimes in private practice, often in public service. In ensuing years, *The Washburn Review* would periodically report on the class of 1906, giving law students a glimpse of their predecessors’ rising careers and, no doubt, raising their own aspirations



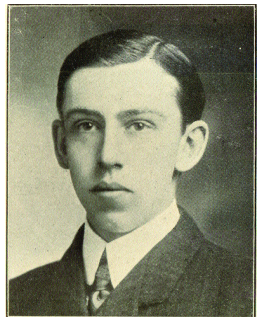
Hugh MacFarland '06



William H. Vernon '06



Ernest R. Simon '06



Benjamin W. Scandrett '06

and their pride in Washburn Law.

Early on it became evident that the Law School Plass and Stone set in motion was in many ways exceeding expectations. In fact, from the Law School's inception in 1903 through at least 1915, no Washburn graduate failed the Kansas bar exam. Speaking at the Law School's 10th anniversary banquet, Chief Justice William A. Johnston summed up the true measure of Washburn's success: “The best test of the school is its product...Washburn College and the Law School are the proudest possession in Topeka.”



# THE JOHN MARSHALL CLUB.



HUGH MCFARLAND.

R. A. MAXWELL.

W. H. VERNON.

F. M. LEACH.

J. G. STEWART.

C. B. DODGE.

L. J. GRAHAM.

B. W. SCANDRETT.

Photo from 1904

