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LEE TUNKS: GUIDE, PHILOSOPHER, AND FRIEND

Robert S. Hunt*

Of all the present members of the Washington Law School faculty, perhaps I have known Professor Tunks the longest time. I knew him first when I joined the faculty of the College of Law at the University of Iowa, directly out of law school, hardly dry behind the ears. Professor Tunks was then a young professor, his career there having been interrupted by service with the Office of Price Administration in World War II. He took me by the hand and led me through the groves of academe. As a brash youngster, I tried to institute some internal reforms: to change the grading system (at that time they gave no individual grades in courses, only the yearly average) and to institute the honor system. I was shot down decisively by the dean and the faculty, but in both matters Professor Tunks supported me with diplomacy and guile. One does not forget those incidents. It was in response to his call, of course, that I joined the faculty of the School of Law at the University of Washington in the fall of 1966.

Even before meeting him I had heard of him by reputation. While editor-in-chief of the *Northwestern Law Review* (then called the *Illinois Law Review*), he wrote an article on the impact of *Erie Railroad v. Tompkins*,¹ which has lasted through the years; there has been very little written that is any better. At that early date he foresaw the plague of problems that would confront the federal courts in the wake of that historic decision. As a graduate student at Yale, in partial fulfillment of the degree of Doctor of Juridical Science, Professor Tunks wrote a dissertation on the tax system's impact on charitable giving,² which, according to Professor Myres McDougal, then supervisor of the Yale graduate program, was as good as anything written on the subject. It is one of the unfortunate aspects of commercial publication that it was not bound in boards.

Even as a youngster in his native Nebraska, Lee Tunks's goal was to become a legal educator. In any event he has devoted his adult life—and that includes his years at Northwestern Law School—to that objective. His innovative notions of legal education—again, in a location all too obscure—are set forth in a report of the Committee on Legal Education of

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1. Tunks, *Categorization and Federalism: Substance and Procedure after Erie Railroad v. Tompkins*, 34 ILL. L. REV. 271 (1939).

2. L. TUNKS, *THE MODERN PHILANTHROPIC FOUNDATION AND PRIVATE PROPERTY* (New Haven 1947) (dissertation in partial fulfillment of the Degree of Doctor of Juridical Science from Yale).

the Association of American Law Schools.³ There for all the world to see is Lee Tunks on legal education.

Some years before the ubiquitous LSAT, Professor Tunks at Iowa, in conjunction with a colleague in the Education Department, designed a law school admission test that was used by some schools and was a precursor if not the model of the Law School Admission Test we all know.

But it was the administration of legal education that became his primary concern. Even at his first post—the University of Iowa College of Law—he was the right bower of the dean in administering that school's affairs. From there he went, as dean, to Rutgers Law School, where he was instrumental in transforming a small private school into a public institution of national significance.

An institution, according to Emerson, is but the lengthened shadow of a man. The University of Washington Law School we know today is, in good part, the lengthened shadow of Lehan K. Tunks. When he came as dean in 1963, he made a sensational bargain with then-President Odegaard who, as we all know, was no one's patsy. It would have been fascinating to have sat in, unbeknownst, on those negotiations. Out of that arrangement came a law faculty almost doubled in size and a salary scale equalled at the time, we are told, by very few law schools in the nation.

Innovation was his middle name. The procedures and techniques at the University of Washington Law School today that, in many ways, set it apart from most law schools were products of Dean Tunks's administration: the serious legal research and analysis program; the small sections in the first year; the long and short versions of certain popular courses in the second and third years—i.e., Corporations, Commercial Transactions, Federal Income Taxation; the mandatory seminar requirement and the full-scale orientation program. It is a matter of regret that some of these innovations have fallen by the wayside since Lee Tunks left the deanship.

Nearly forty years ago when the rest of legal educators were wedded to Langdell's case method—as most of us still are today—Lee Tunks taught Administrative Law as a statute course. In his absence one summer it was my fate to teach the course and he graciously lent me his notes. These, too, were worthy of publication.

But Lee wasn't concerned with publication. He was first and foremost a teacher; his intellectual efforts were all devoted to his students. I had

3. ASSOCIATION OF AMERICAN LAW SCHOOLS SPECIAL COMMITTEE ON LAW SCHOOL ADMINISTRATION AND UNIVERSITY RELATIONS, ANATOMY OF MODERN LEGAL EDUCATION, AN INQUIRY INTO THE ADEQUACY AND MOBILIZATION OF CERTAIN RESOURCES IN AMERICAN LAW SCHOOLS (1961).

occasion to peruse the materials he prepared for students in his Associations course. I have seen very few, if any, teaching materials as comprehensive, incisive, and challenging. A former Tunks student, now a leading practitioner in Washington, told me the same thing.

He had a distaste—amounting to an abhorrence—for superficiality. As one student told me, “When Dean Tunks briefs a case, it stays briefed.” It was said that he could take any reasonably complicated case and teach the whole course out of it. Many students—and I fear I have to say most—do not like that procedure. They prefer to go, clippety clop, five cases or twenty-five pages a period in order to “cover the material.” But there were others—and they are the anointed—who, with patience and fortitude, followed Professor Tunks’s procedure and took to heart what he had to say. Accordingly, there are lawyers today, whether in New York City, Des Moines, Iowa, or Seattle, Washington, who have learned the lesson of Lee Tunks’: in the life of the professional, superficiality is a mortal sin.

Lee Tunks suffered fools gladly. How many times have members of the faculty and students alike burst into his office, knowing he was busy, only to be asked to sit down for a chat or a smoke? In the course of those visits he generally exposed, if he did not solve, the problems that were bothering us.

He dedicated his professional career to a search for excellence. It was the way of life for Tennyson’s Ulysses to strive, to seek, to find, and not to yield. That was Lee Tunks all over.