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Willard K. Pedrick

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IN PRAISE OF LEHAN K. TUNKS

Willard K. Pedrick*

If you are reading this, you must be a lawyer. If so, can you recall the sheer terror of the first year of law school? Suddenly, from the euphoria of your final year in undergraduate school, from recognition as one of the anointed and the object of prophecies of greatness you became a quivering mass of indecision, aware of limitations never dreamed of and driven to find the key that would unlock the mysteries of the law—which you had picked for pursuit because you wanted to live in a world where the rules were fixed and problems had right answers. It was indeed a desperate time, if you can cast your mind back that far. It was a time, as well, when you were actually modest about your capabilities, when you really suffered from self doubts. Perhaps the worst feature of the situation was the circumstance that there were in plain view, all about you, upper-class law students of authenticated ability, smug in the official recognition of their mastery of law study and secure in the knowledge that they were on their way to greatness in the profession.

I was such a first-year law student in 1936 at the Northwestern University Law School, newly conscious of my limitations, painfully aware of the prestige of the undergraduate schools attended by many of my competitors in the first-year class and very much in awe of certain upper-class law students. These were the students who had not only survived but had been officially recognized as the brightest and the best, as second-year law students invited, because of their stratospheric first-year law grades, to write in competition for the Law Review. They were a formidable crew, that second-year law class at Northwestern University Law School in 1936. It can be said as well that they were a bit impressed with their own capabilities. Nor was their serene inner confidence to prove unfounded.

From the law review competitors' group of the class of 1938, came, among others, a leading Justice of the Supreme Court of Illinois, another who became one of the founding fathers of the Alaska Constitution and a legendary trial lawyer of the state, still another now a senior partner of one of the largest law firms of Los Angeles, who served as a national committeeman for the Democratic Party and most recently as Chairman of the Olympics Committee for Los Angeles, along with a distinguished woman judge in Philadelphia, much published in the field of family law, and another, now a senior partner of one of the leading law firms of Phoenix and

* Professor of Law, Emeritus, Arizona State University.

a public figure in the state. There were these and other distinguished-to-be members of that editorial board, and, of course, Lehan K. Tunks.

From so talented a collection of competitors, it was Lehan K. Tunks who was selected to serve as Editor-in-Chief of Volume 32 of the Illinois Law Review, now known as the Northwestern University Law Review. It is my considered judgment that Volume 32 of the N.U. Law Review, under his editorship, was probably the second best volume of that Review ever published. It was exceeded in quality only by its successor Volume 33 under editorship surely needing no explicit identification. I was, therefore, early on, a follower of Lehan K. Tunks. Thus, he became one of my heroes at an early and impressionable age. Still, looking back at Lee Tunks (as we knew him then, for who ever heard of the name Lehan?), his stature as a hero was authentic. He was tough-minded, keen of intellect, creative, resolute of purpose, a dynamo of energy, eloquent of expression, and he insisted on the very best from everyone, himself included.

As Editor-in-Chief, one of the first things he did was to undertake a scientific study to determine whether the wide single column format then and now affected by the law reviews, was really functional in terms of reading efficiency, having in mind the natural eye span and related matters. Persuaded by his study of the matter that a double-column format more like that of newspapers and some other periodicals would be a leap forward, he suited action to thought and Volume 32 appeared in double column format. So did Volume 33. I thought he was right. The Review's great pioneering effort to ease eyestrain for those who read the Law Reviews by the hour (an uncounted multitude) vanished from the scene with Volume 35. Thus, the new enlightenment perished when its champion was no longer there to do battle with the forces of darkness.

As the Editor-in-Chief of the Review, Lee Tunks, to me as a lowly competitor, was both a friend and a tyrant. He once managed to make me believe that I could completely rewrite a twenty-five page student comment in three days, if I largely forgot about sleep. He made the idea seem plausible—so much so, that I acted on it.

Now, nearly half a century later, our generation is stepping aside, retiring. Lee Tunks, too, has come to that stage in his life and I have been invited to reminisce a bit about my impressions of him as a legal scholar, a legal educator and law school dean. Perhaps I should have declined, as one affected by an incurable case of hero worship. I certainly do not propose to search for any lacunae in the makeup of my long-time friend and fellow toiler in the vineyard of legal education. But I can testify that he is nationally known and respected for what he has done for legal education in our time.

My home state was Iowa. I have always had an interest in the University of Iowa Law School. I know that in his early years there, on the faculty of that law school, he was one of Dean Mason Ladd's prize acquisitions, one of the lively and productive members of that highly regarded faculty, frequently the object in those days of recurring piratical raids. When he fell from grace and became a law dean at Rutgers Law School (in the fifties), he was widely credited with enormously improving and strengthening that school. Indeed, it was because of what he had done for Rutgers that he was chosen to be Dean of the University of Washington School of Law, where he served in the sixties. At Washington, they know the school was strengthened by additional resources he was able to marshal.

I know too, that for many years he was active in the affairs of the Association of American Law Schools. In the Association, he was chosen in the mid-fifties to head a special committee to study, over a period of years, the situation and the problems of American legal education at mid-century. The special charge given to Dean Tunks and his distinguished dean-laden committee (all male, of course, in those days) was formidable. As reported in the preface to their final report they were to:

make a searching survey of existing policies and practices relating to law school budgets, faculty salaries, provision for clerical and secretarial assistance, work loads (both teaching and otherwise), leaves of absence, and retirement of faculty; appointment, promotion, tenure and separation of faculty personnel; administration of law school libraries; law school participation in public affairs; and the autonomy of the law school in the administration of all these matters.

Nor did the Committee and its Chairman take a mean or narrow view of their charge. As they saw it: "The Committee has viewed this assignment as that of an inquiry into the adequacy and mobilization of the financial and human resources in American law schools for research and education for the legal profession, with emphasis on administration and planning."

Looking back to the mid-fifties and the limited experience we then had in empirical research (data collection), the methodology of the Committee was most impressive. They constructed a searching questionnaire numbering 146 pages, reviewed by a Roundtable at an annual AALS meeting and then, in reconstructed form, sent to all 129 law schools then on the A.B.A. list. Still another inquiry of twenty-six pages was sent to specially constituted faculty committees at each school.

The committee must have been drowned with data in those pre-computer days as they secured a remarkable return rate of 91%. Finally, in 1961, seven years after this gargantuan study began (without, I believe, any outside funding), the report was published with its multiplicitous findings

and recommendations. Subjects included law school finance, recruitment and retention, faculty salaries and retirement, the instructional program, support for research, supporting services in the law school setting, the law library and law school administration. This may not have been the entire universe of legal education at that time, but an undertaking to assemble data on all of these subjects, analyze the resulting data, and develop recommendations for improvements was impressive then. It is still impressive today.

Of course, with the passage of nearly a quarter of a century, some of the recommendations are assuredly dated. Thus, under the heading of "Contemporary Costs and Revenues," it is reported that "[a] target indication of a minimum for direct costs, where needed [for law school operation], appropriate for the 1960's is \$317,000 per annum, which was the median in the top quartile for reporting members of the Association of American Law Schools as of 1956-1957." Again, on the subject of library acquisitions, the Committee recommended that for a collection of 100,000 volumes or more, there should be average expenditures, over and above costs of continuations, of at least \$10,000 per year!

But the cost-of-living index has multiplied by eight since 1961. An updated version of the *Anatomy of Modern Legal Education* could probably be done today with appreciably less effort, now that both the AALS and the Section on Legal Education of the A.B.A. so zealously collect all sorts of numbers on law school operations. More, however, is called for than a mere statistical updating of the *Anatomy* volume.

It would be splendid if someone who has lived closely with legal education, who has seen it develop and meet both recurrent and novel problems, would undertake to offer thoughtful insights on our present position as against our position in the mid-fifties and early sixties, as chronicled in *Anatomy*. Are we winning or losing?

Is it possible that Professor Lehan K. Tunks, now leaving the classroom, with his breadth of vision and experience, can be persuaded to give us, at least, an essay on how legal education has fared since his committee's assessment of nearly a quarter century ago? Such a piece would, I am sure, be both salty and provocative. How about it, Lee?