UT LAW.
125 YEARS.
The majority of American lawyers in the 1890s “had seen the inside neither of a college nor of a law school.”

Until a state examining board was established by the legislature in 1903, admission to the bar in Tennessee was open to anyone twenty-one years of age, of good moral character, and who either received certification by the faculty of a law school or could satisfy two state judges that the aspiring lawyer was qualified.

The idea of establishing a law department at the University of Tennessee came from its first dean, Thomas J. Freeman, who served as a justice of the Tennessee Supreme Court from 1870 to 1886. Freeman was admitted to the bar in 1843 and practiced law in Trenton, Tennessee, before serving in the Confederate Army during the Civil War. According to a 1941 Tennessee Law Review article, Freeman was a “tall, angular man with a long beard” who had a passion for books and a character that “was above reproach.” By reason of his vigor and independence of thought, which some regarded as “stubbornness,” Dean Freeman became known as “the great dissenter.”

On October 11, 1889, Freeman wrote a letter to the university’s new president, Charles W. Dabney, proposing to organize and conduct a law course for the university. Freeman proposed that the department follow a semi-independent financial life with the fees being used to pay instructional salaries. This idea appealed to Dabney, for as much as he was interested in expanding the professional offerings of the university, funds were limited. The fee was $50 per term or $100 per year, plus a $12 incidental fee and a $2 library fee. The dean’s salary was the total of the tuition fees collected, up to a maximum of $2,500 per year.

With the sounds of Knoxville’s first streetcar clanging outside the windows of a downtown office, Freeman held the Law Department’s first meeting on February 13, 1890. The class was attended by nine students. In September 1890, the department’s operations moved to North College on the Hill, and Freeman devoted himself to full-time teaching. Unfortunately, Dean Freeman’s ill health forced his resignation early in 1891, before the end of the academic year.

—Julia P. Hardin

Tennessee Law

FALL 2015◆SPECIAL EDITION

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Roger Hagy Jr.

WRITER
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1890

The beginning

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AT HOME ON THE HILL

In this photo of the UT campus, circa 1903, the buildings on the Hill seem to be castles overlooking a surrounding realm. The Hill was home to the College of Law from 1892 to 1927. (Photo courtesy Library of Congress)
TENNESSEE LAW FALL 2015

Sensor Lawrence D. Tyson (1894)

US Senator Lawrence D. Tyson (1894) was well-known for his military service in the Ninth Infantry in Wyoming, the Sixth United States Volunteer Infantry, and the Fifty-ninth Brigade of the Thirtieth Division, as well as his civic leadership and industrialism and generous philanthropy upon returning to civilian life in Knoxville.

As a United States senator, Tyson was notable for co-authoring the Tyson–Fitzgerald Act, which extended full pay to disabled temporary officers of World War I.

Tyson was all too familiar with the trauma of World War I, having lost his only son, Charles McGee Tyson, in air combat over the North Sea in October of 1918. Tyson and his wife, Betty, donated a large tract of land to be used as an airfield in West Knoxville a little over a decade later, with the contingency of the airfield being named in honor of their late son. Although McGhee Tyson Airport was later moved south of Knoxville to Alcoa in 1935, it retained the name of the late Tyson son.

Tyson purchased his home, situated at the corner of Volunteer Boulevard and Melrose Avenue, from its first owner, James M. Meek, in 1885. Under the direction of renowned architect George F. Barber, the home was extensively remodeled for the Tysons in the Beaux-Arts style and given many of its stately exterior features, which have endured for more than a century.

When the home was given as a gift to St. John’s Episcopal Church in 1934 to be used as a student center, the gift was contingent on the recipient preserving the grave of the Tysons’ puppy, Bonita. The church honored this proviso and included it in the deed of sale when the property was sold to UT in 1954. To date, the grave of the Tysons’ beloved pet is the only grave on campus. Today the Tyson House is home to the Office of Alumni Affairs and the University of Tennessee Alumni Association.

NOTABLE LATE ALUMNI

NOTABLE LATE ALUMNI

September 1890
The Law Department finds its first official home in North College on the Hill.

1891
Five students become the first UT law graduates.

1892
The Law Department is relocated to South College on the Hill.

OT President James D. Hoskins (1897)

As a student, James D. Hoskins (1897) was one of the most prolific scholars in his class and was awarded a scholarship—one of UT’s first—in his junior year and a medal of excellence for debating in 1890. Hoskins acquired a Bachelor of Science degree in 1891 and a Master of Arts degree in 1893. He then decided to work as an educator in Ft. Jesup, Louisiana, and Knoxville for several years before returning to UT to acquire his law degree, which was his original educational goal. Throughout his lifetime, in addition to his three UT degrees, Hoskins was awarded honorary doctorates from Maryville College, Cumberland University, and the University of Chattanooga (now UT Chattanooga).

Hoskins began his career at UT in 1900 as an assistant professor of history. By 1907 he had full professorship status, and four years later he was made dean of the College of Liberal Arts. From that point until the end of his career, Hoskins served the university in numerous administrative capacities—including president—so much so that he once referred to himself as UT’s “general utility man.” Throughout his tenure as dean and president, Hoskins oversaw the establishment of the College of Education (1938) and the School of Business (1938), as well as a number of now iconic UT facilities, such as Ayres Hall (1921), Sophronia Strong Dormitory (1925), and the Hesler Biology Building (1935).

Hoskins retired as president in June 1946, as popular among students then as he was at his prime. The library built during his tenure was given his name in 1950. On April 3, 1960, Hoskins died at the age of ninety, leaving behind a legacy of impacting thousands of UT students.

NOTABLE LATE ALUMNI

UT President James D. Hoskins (1897)

Lawrence D. Tyson, an 1894 graduate of the College of Law (photo courtesy Library of Congress)

James D. Hoskins, an 1897 UT Law graduate who served as president of the university

Henry H. Ingersoll

Due to poor health, Dean Freeman resigned before the end of the law school’s first academic year. Henry Hubert Ingersoll, a former judge, succeeded him to become the second dean. Ingersoll was notable for keeping tuition at UT Law low, at $50 per year, which drastically increased enrollment through the end of the nineteenth century.

OUR SECOND DEAN (1891–1915)

Henry H. Ingersoll

Lawrence D. Tyson, an 1894 graduate of the College of Law (photo courtesy Library of Congress)
NOTABLE LATE ALUMNI

Maude Riseden Hughett (1909)

When she was admitted in 1907, Maude Riseden Hughett (1909) became the first woman to study law at UT.

A native of Wartburg, Tennessee, Hughett was born from legal stock, her father having served as the first judge of Morgan County, Tennessee. While Hughett’s three brothers opted to move to California, Hughett, along with her sister, Mae, made the decision to stay in Tennessee. Like Hughett, Mae would also go on to become a lawyer.

When Hughett graduated from the College of Law in 1909, she was not only the first woman to graduate with a law degree from UT, but also the first female law graduate in the South. Women nationwide would not be granted the right to vote until a decade later.

Upon passing the bar exam, Hughett moved to Louisville, Kentucky, and founded her own practice, Hughett & Hughett, with her husband, John. The couple was later joined by their daughter, Josephine, who followed a nearly identical path as her mother, and the practice was later renamed Hughett, Hughett, & Hughett.

Hughett’s legacy paved the way for female law school students both at the College of Law and throughout the South. To honor this legacy, on behalf of the College of Law, the Class of 1999 commissioned a portrait of Hughett painted by nationally renowned artist Steve Moppert. The class gift was dedicated to the college on November 9, 2013, during Homecoming Week. The painting can be found on the first floor of the college, where it serves as a testament to Hughett’s trailblazing life and career.
The law professor who rarely bathed, got fired from UT, and was lead counsel in the Scopes Monkey trial

Once referred to as “the epitome of the absent-minded professor,” John Randolph Neal Jr., a member of the UT Law faculty from 1909 to 1923, garnered a notorious reputation among his peers as one of the most eccentric figures the university had ever known. In contrast, among students he was both revered and respected, despite his highly unorthodox pedagogy.

Neal’s eccentricities, such as rarely bathing, sleeping in his suits, and lecturing on current events instead of law, as well as his staunch advocacy for liberal causes, made him a sage-like figure among students and alumni. However, he eventually met his match in Dean Malcolm McDermott. Although the two had once been contemporaries as instructors at the college, McDermott was eventually appointed to the position of dean in 1920 and would come to develop a highly contentious relationship with Neal for his forgetfulness and lax grading standards.

The situation reached its boiling point in 1923 when McDermott testified at a public hearing before the UT Board of Trustees that in Neal’s classroom, “it was not unusual for an entire class to receive 95 on an exam; needless to say, the examination was never really graded.” Despite Neal’s considerable popularity and support among students and alumni, in 1923 he was ousted with six other professors by the board in what came to be known as the “Slaughter of the PhDs.”

Taking his dismissal in stride, in 1925 Neal founded the John Randolph Neal School of Law, named in memory of his father, only minutes away from his former place of employment. The school was immensely popular for its part-time and night class offerings, graduating more students in its first few years than even UT Law. However, in 1943 the school was forced to close due to declining enrollment and new state regulations requiring full-time attendance.

The true milestone of Neal’s career was also in 1925, when he served as chief counsel for defendant John Scopes during the so-called “Scopes Monkey Trial” (State of Tennessee v. John Thomas Scopes). Although Scopes never actually asked Neal to act as his counsel, Neal didn’t give him much choice in the matter, telling Scopes that he would act as his counsel whether he was wanted or not.

In the years between the Scopes Monkey Trial and his death in 1959, Neal was instrumental in the creation of the Tennessee Valley Authority and continued to staunchly advocate for liberal causes of the day, such as worker’s rights.

After his death, a eulogy published by the Associated Press read, “Known over the state for his eccentricities, Dr. Neal was nonetheless beloved. It was conceded by all that he was endowed with a brilliant mind. [He] was a friend alike of the great and humble, a helper of the helpless.”

Henry B. Witham

Witham was notable for advocating for higher standards for law schools and admission to the bar in Tennessee, so much so that he led efforts at UT to experiment with an unsuccessful admissions test for law school, approximately two decades before the adoption of the Law School Admissions Test in 1958. Witham successfully kept UT Law open during World War II, despite enrollment dropping from 102 students to nineteen during the height of the war.

Former UT Law professor John Randolph Neal Jr. (left) and his client, John Scopes, during the historic “Scopes Monkey Trial” (photo courtesy Library of Congress)

The Class of 1932’s composite photo

OUR FIFTH DEAN (1931–1944)

Henry B. Witham

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Dissent and decline during the Great War

Dissent at the College of Law

At the onset of World War II, the College of Law and the University of Tennessee at-large remained neutral about US foreign policy. However, one anti-war letter written by a faction of UT Law students set off an unprecedented firestorm.

In the spring of 1940, as reported by the Knoxville News Sentinel, thirty-five UT Law students (out of a class of approximately 100) wrote a letter addressed to President Franklin D. Roosevelt asking him to “be less belligerent,” to avoid embroiling the United States in the escalating war. Their letter was in direct response to the president’s public commentary on Adolf Hitler, who the president accurately believed harbored goals of world domination.

The students argued that “the emotions of man are highly inflammable [sic] and dangerous and should not be needlessly or unduly aroused, for it is of such hates and fears that wars are born.” While the students attempted to emphasize that they did not speak for the College of Law or UT at-large, their letter nevertheless sparked considerable controversy and public debate on its appropriateness and resulted in extensive withdrawal of alumni support for the college.

Reaction to the letter was so vitriolic that Dean Henry B. Witham was nevertheless faced with the difficult task of fighting against the suspension of operations during the war years, as many other institutions of higher education were forced to do. In a letter, Witham asked UT President James D. Hoskins—who happened to be an 1897 graduate of the college—to look at the continuation of the college in far-sighted terms. Hoskins conceded. Despite increasing the burden on the university’s already strained finances, the College of Law remained open throughout the duration of the war.

In the long run, this continuation better equipped the college to accept the surge of veterans enrolling in droves at the college after the conclusion of the war. When Witham retired in 1944, enrollment was at twenty-three students. Five years later, enrollment skyrocketed, with 304 students—out of a class of approximately 100 students—enrolling in 1949.

The Decline Before the Boom

After the United States entered the war following the bombing of Pearl Harbor in December 1941, the writing was on the wall for enrollment at the College of Law. While enrollment in the years preceding the war hovered around 100 students, once America entered the war, enrollment dropped to a low of nineteen.

While the College of Law was certainly not alone in facing historically low enrollment during the height of US involvement in the war, Dean Witham was nevertheless faced with the difficult task of fighting against the suspension of operations during the war years, as many other institutions of higher education were forced to do.

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The phenomena of law in society without books is to sail an uncharted sea, while to study books without clients is not to go to sea at all.
Two centers for advocacy and business law

**Advocacy Center**

In the 1990s, giants in the Tennessee legal community envisioned a law school curriculum that would better prepare students for a career in advocacy. Together, they founded the Center for Advocacy and Dispute Resolution. Professor Paul Zwier became the center’s first director.

The development of the center’s curriculum was a collaborative effort between Zwier, Dean Richard Wirtz, and professors Doug Blaze and Jerry Black. The curriculum continues to be unique to UT Law, with no similar programs at other law schools.

After Zwier stepped down, Blaze became the center’s second director and served from 2004 to 2006. Professor Penny White (’94), a former Tennessee Supreme Court justice, is the third and current director of the center.

In 2012, the third-floor suite housing the center was completed. The suite was later named for alumnus Jerry H. Summers (’66), one of the Legal Clinic’s strongest supporters. Thanks to Summers’s generosity, the center began awarding the annual Summers–Wyatt Trial Advocacy Scholarship in 2008.

**Clayton Center for Entrepreneurial Law**

Professor Thomas Davies, who felt that students did not understand the importance of transactional practice, laid the foundations in the early 1990s of what would become the Clayton Center for Entrepreneurial Law, named for James L. Clayton (’64), founder of Clayton Homes. Professor Robert Lloyd, who had the most practice experience of anyone on the faculty at the time, was chosen to head the center at its establishment in 1995.

In 1996 Professor Carl Pierce took over as director, and in the same year, the center’s students began the process of creating a new law journal, *Transactions: The Tennessee Journal of Business Law*, that would address issues of business law in the Southeast and nationwide.

In 2001, Professor George W. Kuney became the center’s third director and continues to lead the center today. Under Kuney’s leadership, the center has expanded to include a visiting professor program and the addition of the Wills Clinic, the Business Law Clinic, and the Trademark Clinic among the college’s clinical programs.

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1968
The college begins conferring J.D.s to graduates.

1971
Due to continued growth of the college, an annex is added to the building.

1973
Upon graduating, Martha “Marty” S. L. Crow Black (’73) joins the college’s faculty. She becomes the first woman to become dean of a major American law school and was the first black woman to serve as dean of a Southern law school. During her tenure, Yarbrough persuaded UT to secure funds to renovate and structurally unify the college’s facility.

Dean Penegar takes a one-year leave of absence. James C. Kirby Jr., a UT professor since 1978, serves as acting dean.

1982
J. Otis Cochran becomes the college’s first black faculty member. N. Douglas Wells (’80) is hired as the college’s first black professional administrator, serving as assistant dean and responsible for recruiting minority students.

1985
Personal computers are introduced at the college.

1986
Following Penegar’s departure, Professor John A. Sebert Jr. serves as acting dean for the 1986-1987 academic year.

1988
Individual computers are added to faculty and staff offices.
Before arriving at the College of Law a few short months ago, I already knew this was a special law school. And coming to UT Law during its 125th anniversary has allowed me to learn that this college has always been a special school with a history of forward thinking.

Our college has been ahead of its time in many ways: In the early 1900s, we enrolled and graduated the first female law student in the South—a decade before women won the right to vote in the United States. In the ’40s, the man who founded the country’s first legal clinic came to UT Law to found the country’s second legal clinic, which today stands as the longest-running of its kind. In 1952, we enrolled one of UT’s first black students, two years before the end of racial segregation in public schools. And in the 1980s, we appointed the first female dean of color in the South.

It’s this pioneering history that guides us now. We already enjoy a close-knit community here at UT Law, and we’re taking steps to be more welcoming to every person who traverses our halls, regardless of his or her race, background, beliefs, or identity. We study and practice the law, but we’re also a family. Every student, professor, employee, alumnus, and friend of the college should feel—and be—included in our family.

We’re also building on our strong tradition of excellent legal education at a great value. In fact, U.S. News and World Report ranks us seventh this year for graduating students with the least debt. We’re generations ahead in clinical education, offer unique curricula in advocacy and transactional law, and emphasize experiential learning and community service. But we can’t rest on our laurels. We are examining what we do, how we do it, and how we can improve and soar higher, all while showing the world what an amazing law school we have here at UT.

Our future is as bright today as it was 125 years ago. Let’s not see what tomorrow will bring, but let’s live up to our history and see what we will bring to tomorrow.

Go Vols!

Melanie D. Wilson

Wilson is UT Law’s current dean, having taken office in July 2015. However, before even starting her tenure as dean, Wilson met individually with each faculty and staff member, as well as several alumni and friends of the college. During her first few months as dean, Wilson has already made strides to enrich and promote greater diversity in the college, most notably by creating the post of director of diversity and inclusion and naming Katrice Morgan (who also serves as assistant dean for student affairs) to the new position.

From the Dean

2015 and beyond...
To the next 125 years...