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Hyman Remembers

WHY "JOHN LORD O'BRIAN HALL"?

By Jacob D. Hyman

John Lord O'Brian, in whose honor the Law School building is named, had a long and illustrious career. In 1973, Chief Justice Warren Burger said in open court, taking note of his death: "He epitomized the highest standards of the legal profession." Eleven years earlier, recognizing Mr. O'Brian's 50th year at the Supreme Court Bar, Chief Justice Burger said: "Few men in history have had a longer or more active practice before the Court in the highest sense."

Mr. O'Brian's career was primarily in private practice, where he achieved national recognition as both a superb trial and appellate lawyer. From 1898, when he graduated from Buffalo Law School, until 1945, his practice was based in Buffalo—and he always retained close ties to the School of Law. He taught part time from 1899 to 1914, served on the University of Buffalo Council from 1903 to 1929, and was a Regent of the State University of New York from 1931 to 1947.

But his practice was always punctuated by public service assignments. In 1915, he chaired the Rules Committee of the New York State Constitutional Convention. From 1917 to 1920, he was in charge of war-related problems in the United States Department of Justice in Washington, D.C. He was assistant attorney general in the Anti-Trust Division from 1929 to 1933. In 1935, retained by the federal government, he successfully defended the constitutionality of the Tennessee Valley Authority, one of the most important



Jacob D. Hyman recalls the contributions of John Lord O'Brian.

New Deal undertakings.

Probably his outstanding achievement in public service was as general counsel to the War Production Board from 1941 to 1944. That agency was responsible for the spectacular conversion of the American economy from a peacetime to a total war production basis. The agency's exemplary fairness, procedurally and substantively, was one of the triumphs of the American administrative law system.

Outstanding members of the Law School faculty were closely associated with Mr. O'Brian in private and public service. Francis Shea, who was dean from 1936 to 1939, had been an associate of his in private practice, as had Ernest Brown, who was a full-time faculty member, and served as assistant dean in 1945-46. Manly

Fleischmann and John Hollands, who had been on the legal staff of the War Production Board, taught at the Law School.

Although frequently called upon to exercise governmental power, Mr. O'Brian throughout his career was aware of and spoke forcefully of the need to prevent the nation's traditions of individual freedom from being trampled, even under the pressures arising from efforts to protect the national security. His actions and writings on this theme culminated in his Godkin Lectures at Harvard in 1955 under the title "National Security and Individual Freedom." This influential statement came at a time when the wave of repression led by Senator McCarthy's inquiries was still strong. ■