A Leader in Legal Thought: for 125 Years, the Work of SUNY Buffalo Scholars Has Shaped the Legal Landscape

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For 125 years, the work of SUNY Buffalo scholars has shaped the legal landscape

How has the work of SUNY Buffalo Law School scholars changed the rarefied intellectual world of legal scholarship? For an appraisal, we turned to the eminent legal historians already in-house who compiled a list of 10 events and movements that have made a difference – in the Western New York legal community, but also increasingly, as the Law School has gained in regional, national and global reputation, in ways that reached far beyond Buffalo.

“Of necessity, the list excludes the past decade or so, in which much intellectual ferment has taken place but for which the judgment of history will have to wait,” says SUNY Distinguished Professor Guyora Binder. But it includes many developments that continue to resonate today.

1. Establishment of the Buffalo Law School. At the time of the school’s founding in 1887, law was very much a craft that aspiring attorneys learned by apprenticing themselves to a practicing member of the bar. The system worked well enough for its time. But a handful of visionaries, seeing the limitations of law office training and acknowledging the presence of rigorous law schools in other cities, set out to change the landscape in Western New York. A dozen members of the bench and bar are credited as the founders of the Buffalo Law School – and among them, only three had themselves graduated from a law school. In a break with the tradition of the all-male bar, the Class of 1899 included two female graduates.

2. Dean Francis M. Shea and his Harvard recruits come to Buffalo. Shea, the Law School’s fifth dean, served from 1936 to 1939, amid the gathering storm of World War II. Shea hired a contemporary of his from Harvard Law School, Louis L. Jaffe, then added two more Harvard graduates, Mark DeWolfe Howe and David Riesman Jr. Some began calling the school “Little Harvard.” This nexus of faculty was familiar with the lessons learned from American Legal Realism – which recognized the sharp moral, political and social conflict that undergirded the creation and administration of the legal system – and the New Deal economics of President Franklin D. Roosevelt. The Law School continues that emphasis on understanding law in the context of its sociopolitical environment.

3. Establishment of the Mitchell Lecture. The James McCormick Mitchell Lecture is the signature lecture at SUNY Buffalo Law School. Endowed in 1950 by a major gift from Lavinia A. Mitchell in memory of her husband, Class of 1897, the lecture has been a forum for showcasing nationally important legal scholars and ideas in the Buffalo legal community. Speakers have included Irene Khan, C. Edwin Baker, Derrick Bell, Barry Cushman, Carol Gilligan, Elizabeth Holtzman, Stuart Macaulay, Catharine MacKinnon, Carrie Menkel-Meadow, Richard Posner and Clyde Summers, among many others. For a complete list of lecturers, go to law.buffalo.edu/Mitchell.asp

4. Founding of the Buffalo Law Review. The student-edited Law Review published its first issue in the 1950-51 academic year, assembled by five members of the Class of ’51. It featured 18 student case notes and an article by former Dean Louis L. Jaffe titled “Res Ipsa Loquitur Vindicata.” Today the Law Review staff publishes five issues each year, providing a forum for significant scholarship and affording its student editors valuable learning experiences in legal scholarship.

5. Establishment of the Muggle Tax Competition. SUNY Buffalo Law School has a long history of excellence in tax law, and the Albert R. Muggle National Tax Moot Court Competition – named for the longtime Law School professor – was one of the first specialized national moot court competitions. Each year, law students from across the nation come to Buffalo to present their written and oral arguments on cutting-edge federal tax law issues in this prestigious competition, now more than 30 years old and one of the cornerstones of the Law School’s rigorous tax law curriculum.
6. Founding of the clinical program. The current emphasis on hands-on learning that produces practice-ready attorneys has a long provenance at SUNY Buffalo Law School, and a special place in that history belongs to the school’s clinical program. One of the first education law clinics in the nation found its home at the Law School, to be followed by other innovative clinics that combined practical education and service to the community. Some of the Law School’s clinics, now numbering more than a dozen, have drawn national and international recognition for their work on, for example, the problem of domestic violence.

7. Law and Society comes to Buffalo. The Law and Society movement in legal scholarship studies the place of law in social, political, economic and cultural life. Five current or former faculty members have been president of the international Law and Society Association (including David Engel below left), and three have served as editor in chief of the Law & Society Review. The movement is a key part of the Law School’s focus on interdisciplinary scholarship that incorporates academic expertise beyond black-letter law. More than one-third of the faculty have earned Ph.D.s as well as J.D.s.

8. Establishment of the Baldy Center. The Baldy Center for Law & Social Policy was created in 1972 with a generous endowment from the estate of Christopher Baldy, a 1910 graduate of the Law School. The Baldy Center is the Law School’s premier vehicle for fostering interdisciplinary scholarship on law, legal institutions and social policy, including research, teaching and curriculum development. More than 150 UB faculty members from numerous departments participate in Baldy Center research, conferences, working groups and publications. The Baldy Center also hosts distinguished scholars from around the world as visitors, speakers and conference participants.

9. Birth of the Buffalo Model law school. There’s a continuous tension among those who study legal education over the pedagogical methods that make the best lawyers. The so-called Buffalo Model — home-grown at the Law School — has emerged as an innovative and highly effective approach. The model, which began to take form in the mid-1970s under the deanship of Thomas E. Headrick, moved the Law School’s curriculum in directions that took advantage of the multidisciplinary ethos of the school and focused on the increasing complexities of law practice.

10. Critical Legal Studies comes to Buffalo. Theorists of the Critical Legal Studies method apply the methods of semiotic deconstruction to law scholarship. The movement emerged in the late 1970s and has spawned offshoots including critical race theory. Buffalo became one of the first centers for CLS scholarship outside of the two law schools with which this important movement in legal thought was associated.