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Original Publication Information

Bench and Bar (Kentucky Bar Association), July/August 2018, Online.

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‘I’LL EXPECT A W.P.A. CHECK IN THE MORNING’:

THE PATH OF THE UNIVERSITY OF LOUISVILLE SCHOOL OF LAW TO BELKNAP CAMPUS

BY: MARCUS WALKER

2018 marks the 80th anniversary of the construction of the home of the University of Louisville Brandeis School of Law. Remaining in a single location for such a long period might have astonished and pleased many early graduates, as the law school moved nine times during its first 80 years.¹ The school had remained in one location for longer than a decade only once, and each location had been shared with other occupants for some amount of time.² The move to 312 Armory Place in the summer of 1923 thus could be regarded as a significant step forward.³ The law school was to be the sole occupant, and the additional room afforded space for faculty offices and a school library.⁴

Faculty and students praised the location publicly,⁵ but it was almost immediately clear why the move was deemed temporary.⁶ The building, already worn and in need of repair,⁷ was underequipped for the expanding School of Law. The largest classroom only sat 32 students, limiting enrollment or requiring hiring of additional faculty to allow the split of the classes into sessions.⁸ Generosity from friends and alumni of the law school caused the new library to quickly outgrow both its original designated space and its relocation to the top floor.⁹ When the Association of American Law Schools approved the School of Law in December 1933, they explicitly noted the inadequacy of the facility.¹⁰

Those concerns led Dean Joseph A. McClain to propose construction of a School of Law building on the recently acquired Belknap campus.¹¹ Connecting the law school with the rest of the University would enhance morale, scholarship, and leadership, while the school would remain a short distance from downtown, he believed.¹² The Legal Aid Society supported the move and planned for a satellite office at the new site.¹³

During the winter of 1934-1935, the Board of Trustees invited architect Jens Fredrick Larson to campus to discuss the “physical needs of the University, particularly with respect to buildings.”¹⁴ Neither the immediate reaction of the Board to the law school proposal nor whether the School of Law was discussed with Larson that January are clear.¹⁵ However, in early August 1935, Dean McClain returned to Louisville from business in Georgia for a meeting with Larson at the behest of University President Kent.¹⁶ The next month, an almost identical board that met with the architect in January voted unanimously to apply for funding from the Public Works Administration (PWA).¹⁷

Dean McClain anticipated difficulty with receiving a loan from the PWA,¹⁸ but the Trustees had a history of success with the New Deal department, having by that time secured two grants for the medical

school.¹⁹ Unfortunately, the Dean's more pessimistic outlook essentially proved to be correct, as the PWA denied the application for the law school based on the ruling that the University of Louisville was a private institution.²⁰

On November 21, 1935, the School of Law underwent its probationary AALS inspection. Although the program "made satisfactory progress since its admission, and [gave] every evidence of being on a sound academic basis," the lead inspector reiterated that the building was still insufficient.²¹

Around the same time, another attempt at obtaining federal funding for a new building had been made in cooperation with city government. According to the plan, the University would lease the land of the law building site to the city, the city would apply for the construction grant, and the construction debt would be retired over time by the rent. Once the debt was retired, the university would assume ownership of the building.²² The agreement, however, required approval of the General Assembly.²³ The Senate passed the plan in the 1936 session,²⁴ but it stalled in the House.²⁵

In fall 1936, new Dean Jack Neal Lott, Jr., reported falling plaster in the classroom to the University President.²⁶ The alarm for student safety seemed to have some effect, though not as significant as Dean Lott would have wanted.²⁷ At the December 9 meeting, the Board of Trustees considered the vacated Conservatory of Music building as a temporary location until more permanent arrangements could be fulfilled.²⁸ However, the building was deemed unsuitable by the Law School, with the only advantage of the Conservatory being its relative safety.²⁹

Fortunately, the plan of the university and the city received a reprieve in a special session.³⁰ The bill was reintroduced by Senator J. Joseph Hettinger on December 23,³¹ and by January 17, 1937, both the City and University of Louisville finally had the authority to pursue funding for the new law school building.³²

However, on January 9, rain started to fall along the banks of the Ohio River, and continued for a week. The day the act took effect, it began raining again for another seven straight days. By the end of the Great Flood of 1937, the river crested at over 57 feet—more than double the height necessary to trigger overflow of the Ohio—and swamped the majority of Louisville.³³

In light of the disaster, the law school was not an immediate concern, yet by May, the city appended the building project to other requests for funding from the PWA.³⁴ Unfortunately, the department expended its funds for the year by the end of September, and the grant for the law school was again denied.³⁵

With accreditation trouble looming, the *Louisville Courier-Journal* printed a full-page article in October, detailing to readers the "[i]ncredible bad luck" the School of Law and the University faced seeking federal grants.³⁶

That report may have been just what the law school needed. During the November 3 Board of Trustees meeting, trusts totaling \$125,000 from Bernard Flexner of the Class of 1898 were announced, on the stipulation that the new law school building was placed on Belknap campus.³⁷ Two months later, Carrie Roberts Gaulbert Cox,³⁸ widow of Louisville attorney Attila Cox, donated \$50,000 to build the law school library in honor of her late husband.³⁹

On January 18, 1938, the Works Progress Administration (WPA, not to be confused with the PWA) approved funding for the construction of the School of Law Building.⁴⁰ President Kent broke ground in a ceremony February 5.⁴¹ On June 7, U.S. Supreme Court Justice Stanley Reed, a Kentuckian, laid the cornerstone.⁴² Construction continued throughout the summer and fall,⁴³ when, in December, the School of Law received another gift. The children of another departed local lawyer, which included Lafon Allen of the Class of 1894, chose to donate \$30,000 to complete and furnish the law school court room in Charles James Fox Allen Jr.'s name.⁴⁴

The School of Law held classes for the first time in the new building on May 1, 1939, to the collective—and honest—gratitude of both students and faculty.⁴⁵ Dean Lott predicted expansion of the law school building would take time,⁴⁶ although he perhaps did not anticipate the extent. A library and office wing opened in 1974.⁴⁷ The classroom wing, along with additional offices and space for the library followed in 1982.⁴⁸ The building itself was renamed in 1995 for Wilson Wyatt, Sr. Mr. Wyatt graduated from the Jefferson School of Law in 1927, which merged with the University of Louisville in 1950.⁴⁹ He served as both mayor of Louisville and lieutenant governor, and founded one of Kentucky's most prominent law firms.⁵⁰

ABOUT THE AUTHOR

MARCUS WALKER is the librarian in charge of the Archives of the Louis D. Brandeis School of Law. He maintains, curates, and seeks historical material from both the University of Louisville and Jefferson schools of law, and is happy to help with any research about alumni or the history of either school.



ENDNOTES

1. Kentucky Writers' Project of the Work Projects Administration, A Centennial History of the University of Louisville 95, 172 (1939) [hereinafter Kentucky Writers' Project]; Allan M. Trout, *Law School Second in South*, Louisville Courier-Journal Magazine, Aug. 23, 1936, at 6.
2. Kentucky Writers' Project, *supra* note 1, at 95.
3. Minutes of the Meeting of the Board of Trustees of the University of Louisville (Aug. 7, 1923) (on file with the University of Louisville Archives and Special Collections). Center Street was officially renamed Armory Place earlier in the year. Louisville, Ky., An Ordinance Changing the Names of Certain Streets in the City of Louisville (Apr. 25, 1923).
4. *Compare, e.g.*, School of Law Announcements 1923-24, University of Louisville 9-10, where none of the professors have offices within the building the classes are held and no internal library is mentioned (despite the date, the law school is still placed at its prior address at 111 West Chestnut

- Street), *with, e.g.*, School of Law Announcements 1927-28, University of Louisville 13, 15-16, 19, where two professors (including the one serving as Secretary) have their listed offices in the building, another on site is reserved for the Dean, and the realization of “a library of [the law school’s] own”. See also Letter from A.Y. Ford, University of Louisville President to Edmund F. Trague (Apr. 28, 1924) (on file with University of Louisville Archives and Special Collections) (response to a letter from Mr. Trague stating that there was “no place for a law library until we occupied the building we are now using on Center Street.”).
5. *E.g.*, Thoroughbred 209 (Norris Boyd & Virginia Jarvis eds., 1925); *e.g.*, School of Law Announcements 1927-28, University of Louisville 15; *Building Leased for Law School*, Louisville Times, July 21, 1923 (on file with the University of Louisville Law School Archives); *Law School of University of Louisville expects to have real legal atmosphere in its new building on Center Street, near courts*, Louisville Courier-Journal, Sept. 27, 1923, at 5.
 6. Minutes of the Meeting of the Board of Trustees of the University of Louisville (June 27, 1923) (on file with the University of Louisville Archives and Special Collections).
 7. *E.g.*, Bill Biggs, *Old and New Buildings, Cardinal*, Nov. 29, 1939, at 3; Trout, *supra* note 1; Letter from A.Y. Ford, University of Louisville President, to Towle Realty Company (July 28, 1923) (on file with the University of Louisville Archives and Special Collections).
 8. Joseph A. McClain, Proposal for a New Law Building Showing the Present Needs and Sources for Paying Building Cost 1-2 (1934) (unpublished manuscript) (on file with the University of Louisville Law School Archives).
 9. See, *e.g.*, Bernard Flexner, Mr. Justice Brandeis and the University of Louisville, 66-75 (1938); School of Law Announcements 1927-28, University of Louisville 15-16; School of Law Announcements 1928-29, University of Louisville 20; School of Law Announcements 1930-31, University of Louisville 13; McClain, *supra* note 8, at 2.
 10. Letter from Herschel W. Arant, Association of American Law Schools Secretary, to R.A. Kent, University of Louisville President (Feb. 28, 1936) (on file with the University of Louisville Archives and Special Collections); H.C. Horack, Inspection of the University of Louisville School of Law 4 (Nov. 21, 1935) (unpublished manuscript) (on file with the University of Louisville Archives and Special Collections); McClain, *supra* note 8, at 1-3.
 11. Minutes of the Meeting of the Board of Trustees of the University of Louisville (Oct. 19, 1934) (on file with the University of Louisville Archives and Special Collections). The proposal mentioned is believed to be the one in note 7, as correspondence from Dean McClain to University President Kent dated October 18, 1934 reads: “According to the discussion I had with you on October 10, relative to the possibility of securing new law quarters, I wish to submit, herewith, several copies of a Proposal setting forth the needs of the Law School for a new law building and the financial prospects for paying for such building. I have prepared eleven copies as I thought you might like to put this in the hands of the Trustees.” (The letter is available in the Law School Archives.)
 12. McClain, *supra* note 8, at 7-9. It is worth the reminder that the legal education was still an undergraduate program at the time, and for all purposes remained so for nearly another three decades. Also, all persons who have driven between Belknap Campus and downtown Louisville and attempted to park in either location may finish laughing before continuing.
 13. Letter from Joseph McClain, Dean of the University of Louisville School of Law, to R.A. Kent, University of Louisville President (Oct. 20, 1934) (on file with the University of Louisville Law School Archives); McClain, *supra* note 8, at 8-9. See also, *e.g.*, School of Law Announcements 1939-40, University of Louisville 9.
 14. Minutes of the Meeting of the Board of Trustees of the University of Louisville (Dec. 3, 1934) (on file with University of Louisville Archives and Special Collections); Minutes of the Special Meeting of the Board of Trustees of the University of Louisville (Jan. 7, 1935) (on file with University of Louisville Archives and Special Collections).
 15. The latter, at least, is very likely, as the School of Law Building was the first of “the Larson Plan.” See, *e.g.*, *U. of L. Enrollment Passes 4,000 Mark First Time*, Louisville Courier-Journal, Apr. 9, 1939, Sec. 4, at 1, 1.
 16. Telegraph from R.A. Kent, President of the University of Louisville, to Joseph McClain, Dean of the University of Louisville School of Law (July 30, 1935) (on file with the University of Louisville Law School Archives); Letter from R.A. Kent, President of the University of Louisville, to Joseph McClain, Dean of the University of Louisville School of Law (July 31, 1935) (on file with the University of Louisville Law School Archives).
 17. Minutes of the Special Meeting of the Board of Trustees of the University of Louisville (Sept. 25, 1935) (on file with University of Louisville Archives and Special Collections). One member in the January roll call, *supra* note 14, is not mentioned in the September minutes.
 18. McClain, *supra* note 8, at 4. The full quote regarding the PWA is as follows: “No suggestion is made for borrowing from the PWA because even if such a loan could be made the construction cost would be much higher due to the PWA policy of setting wage scales and other specifications.”
 19. Minutes of the Special Meeting of the Board of Trustees of the University of Louisville (Mar. 24, 1934) (on file with University of Louisville Archives and Special Collections); Minutes of the Meeting of the Board of Trustees of the University of Louisville (June 4, 1934) (on file with University of Louisville Archives and Special Collections); Minutes of the Meeting of the Board of Trustees of the University of Louisville (Nov. 5, 1934) (on file with University of Louisville Archives and Special Collections); Minutes of the Meeting of the Board of Trustees of the University of Louisville (Mar. 4, 1935) (on file with University of Louisville Archives and Special Collections).
 20. Morton Grodzins, *Why the U. of L. May Lose Both A New Building and Its Law School*, Louisville Courier-Journal Magazine, Oct. 17, 1937, at 1 (an explanation of the standing of the then-municipal University of Louisville being both public and private can be read there); Kentucky Writers’ Project, *supra* note 1, at 243.
 21. Horack, *supra* note 10, at 1.
 22. Grodzins, *supra* note 20. The means of securing the building is also found in the full title of the bill, see, *e.g.*, S. Journal, Reg. Sess., at 435 (Ky. 1936) or S. Journal, Extra. Sess., at 97 (Ky. 1936).
 23. Grodzins, *supra* note 20.
 24. S. Journal, Reg. Sess., at 971-78 (Ky. 1936) (the Senate passed S.B. 138 on January 29, eight days after its introduction); Grodzins, *supra* note 20.
 25. H. Journal, Reg. Sess., at 1431, Index xxi (Ky. 1936); Grodzins, *supra* note 20.
 26. Letter from Jack Neal Lott Jr., Dean of the University of Louisville School of Law, to R.A. Kent, President of the University of Louisville 1-3 (Nov. 10, 1936) (on file with the University of Louisville Law School Archives).
 27. See Letter from Jack Neal Lott Jr., Dean of the University of Louisville School of Law, to R.A. Kent, President of the University of Louisville (Dec. 16, 1936) (on file with the University of Louisville Law School Archives) and Letter from R.A. Kent, President of the University of Louisville, to Jack Neal Lott Jr., Dean of the University of Louisville School of Law (Dec. 18, 1936) (on file with the University of Louisville Law School Archives). The former reflects Dean Lott’s desire for a definitive plan for new school quarters to state if asked at the AALS conference, while the latter from President Kent quotes the more open-ended plan the Board of Trustees passed at its meeting. As such, the report *infra* note 29 could have been a response from the Dean to President Kent.
 28. Minutes of the Meeting of the Board of Trustees of the University of Louisville (Dec. 9, 1936) (on file with University of Louisville Archives and Special Collections).
 29. An undated, untitled one-page document found in the same folder as the Dean McClain report, *supra* note 8, along with other contemporaneous School of Law materials in the Law School Archives lists the considerations of relocating to the Conservatory of Music. While not definite, this report is believed to have been authored either by Dean Lott or his office, because of it and his letter, *supra* note 26, including similar language regarding the respective buildings being “utterly unsuitable for the teaching of law” as well as the need to “avoid damaging action” by the Association of American Law Schools.
 30. H. Journal, Extra. Sess., at 3 (Ky. 1936); S. Journal, Extra. Sess., at 3 (Ky. 1936).
 31. S. Journal, Extra. Sess., at 97-103, 347-55 (Ky. 1936).

32. Carroll's Ky. Statutes, sec. 2948c (1936, Baldwin's 1939 supp.). See also S. Journal, Extra Sess. 347-55 (Ky. 1936) (the act going to effect "immediately" – it was passed on January 11 – compared to the effective date of January 17 given in the code) and Carroll's Ky. Statutes, sec. 2740 (1936, Baldwin's 1939 supp.) (Louisville was the only "city of the first class" listed, meaning the law could only apply to the University of Louisville.)
33. Aaron D. Purcell, *Flood of 1937*, in *The Encyclopedia of Louisville* 296, 296-97 (John E. Kleber ed., 2001).
34. Louisville, Ky., Ordinance No. 612 (May 11, 1937). See also Minutes of the Meeting of the Board of Trustees of the University of Louisville (May 5, 1937) (on file with University of Louisville Archives and Special Collections).
35. Kentucky Writers' Project, *supra* note 1, at 243-44; Grodzins, *supra* note 20; see also Letter by J.B. Everhart to University of Louisville School of Law (Sept. 1937) (typewritten copy of letter from M.H. McIntyre, Secretary to the President of the United States to J.B. Everhart).
36. Grodzins, *supra* note 20.
37. *Law School Need Is Explained*, Louisville Courier-Journal, Nov. 23, 1937, at 5; Minutes of the Meeting of the Board of Trustees of the University of Louisville (Nov. 3, 1937) (on file with University of Louisville Archives and Special Collections); Kentucky Writers' Project, *supra* note 1, at 244.
38. William Elsey Connelley and E.M. Coulter, *Attila Cox, Jr.*, in 3 *History of Kentucky* 379, (Charles Kerr ed., 1922) (the sources *infra* note 39 only name her as, at most, "Mrs. Attila Cox").
39. Kentucky Writers' Project, *supra* note 1, at 244; *Mrs. Cox Gives \$50,000 to U. of L. For Law Library*, Louisville Courier-Journal, Jan. 9, 1938, at 1; Minutes of the Special Meeting of the Board of Trustees of the University of Louisville (Feb. 16, 1938) (this acknowledges \$25,000 of the donation) (on file with University of Louisville Archives and Special Collections).
40. Works Progress Administration, Index Reference, Original Project 465-43-2-156: University of Louisville, Jan. 18, 1938 (on file with the National Archives and Records Administration). The WPA was renamed Work Projects Administration, as seen *supra* note 1, in 1939. *Works Progress Administration*, Encyclopædia Britannica, <https://www.britannica.com/topic/Works-Progress-Administration> (last visited Apr. 24, 2018).
41. *Kent Starts U. of L. Law School Building*, Louisville Courier-Journal, Feb. 6, 1938, at 1. As an aside, the title quote comes from this article.
42. *Reed Says Need Increasing For Those Trained In Law*, Louisville Courier-Journal, June 8, 1938, at 1, 11.
43. See, e.g., *New U. Of L. Law Building*, Louisville Courier-Journal, Nov. 27, 1938, Sec. 4, at 8.
44. The amounts given for the donation in each source vary, but all indicate a bequest of \$30,000 or greater: Kentucky Writers' Project, *supra* note 1, at 244-45 ("The Allen Court Room . . . has been named in appreciation of a special gift of \$31,500 . . . by his four sons and one daughter: Judge Lafon Allen, William Allen, Arthur Allen, Charles W. Allen, and Mrs. Harold M. (Ethel Allen) Gage."); *U. of L. Trustees Accept \$30,500 Allen Law School Gift*, Louisville Courier-Journal, Jan. 12, 1939, Sec. 2, at 1; Minutes of a Special Meeting of the Board of Trustees of the University of Louisville (Dec. 12, 1938) ("The amount of the gift is to be \$30,000.") (on file with University of Louisville Archives and Special Collections); Minutes of the Meeting of the Board of Trustees of the University of Louisville (Jan. 4, 1939) ("Dr. Kent reported that \$4000 more had been paid on the Allen Memorial Fund. A motion was made, seconded, and approved that the announcement of the gift be released." "There is no clear indication of what "\$4000 more" is in addition to; however, considering the Courier-Journal only reports the gift after this date, *supra*, it may be that it is an installment of the \$30,000 referred to in the December 1938 Board minutes.) (on file with University of Louisville Archives and Special Collections).
45. See, e.g., Jack Neal Lott, Jr., *A Report by the Dean to the Alumni* (U. of Louisville Law Sch., Louisville, Ky.), Aug. 29, 1940; *\$100,000 Law School Of U. of L. Is Opened*, Louisville Times, May 1, 1939, at 3; Biggs, *supra* note 7.
46. Letter from Jack Neal Lott, Jr., Dean of the University of Louisville School of Law, to Jens Frederick Larson 1 (Nov. 19, 1938) ("As you know, in all probability, it will be some time before we will get any additional wings. . .") (on file with the University of Louisville Law School Archives).
47. See, e.g., *UL Gets New Law Library*, Louisville Lawyer, Spring 1974, at 1, 11 (the structure was completed in December 1973, but shelving was not yet in place at time of publication); *School of Law Announcements 1983-85*, University of Louisville 9.
48. See, e.g., Bill Savarino, *Construction Enters Final Phase*, Louisville Law Examiner, January 25, 1982, at 4-5 ("This semester's classes are in the far end of the new wing."); *School of Law Announcements 1983-85*, University of Louisville 9.
49. A result of the merger was that Jefferson alumni became University of Louisville alumni. See, e.g., A.C. Russell, *University of Louisville and Jefferson Schools of Law Merge*, Kentucky State Bar J., Sept. 1950, at 197-98 or Minutes of the Meeting of the Board of Trustees of the University of Louisville (Apr. 19, 1950) (on file with University of Louisville Archives and Special Collections).
50. See, e.g., Terry L. Birdwhistell, *Wyatt, Wilson Watkins, Sr.*, in *The Encyclopedia of Louisville* 957, 957-958 (John E. Kleber ed., 2001).