

The Rebuilding of Duke University's School of Law, 1925-1947

Part I

BY ROBERT F. DURDEN*

The creation of a full-fledged, nationally recognized law school proved to be one of the most difficult tasks that President William Preston Few faced as he led in the organization of a major research university around Trinity College after December, 1924. Early in that month James B. Duke had announced the creation of the Duke Endowment and specified that the university, which Few had proposed to him several years earlier, was to be a prime beneficiary of the perpetual trust. When the trustees of Trinity College later in December, 1924, accepted the philanthropist's offer, Duke University was officially launched.¹ Although Few began almost immediately to search for an outstanding legal scholar to serve as dean and help plan and staff the law school, the search ended up taking five, frustration-filled years. Once found, the new dean of Duke's law school, Justin Miller, played the key role in getting it off to a brilliant start insofar as its faculty and program were concerned. Yet by 1934 President Few and some of his close advisers had, for a variety of reasons, grown disenchanted with the young, ambitious dean, and Miller resigned from his position at Duke in somewhat ambiguous circumstances early in 1935. Prior to that time, however, Few at one point felt that the long, careful search for a dean of the law school had ended up most auspiciously indeed. What initially justified that verdict and what happened subsequently to change it?

In launching a full-fledged law school, Duke built on a respectable foundation that had been laid in Trinity College. Although Trinity had offered an undergraduate course in law as early as 1868 and there had been intermittent attention to instruction in law after that date, not until 1904 did Trinity establish a school of law. Underwritten by annual payments from Benjamin N. Duke and his younger brother, James B. Duke, the school was headed by Samuel Fox Mordecai, a colorful teacher and strong legal scholar. At a time when many law schools required no previous college work of its

*Dr. Durden is professor, Department of History, Duke University, Durham. He is currently engaged in research for a history of Duke University and also one of the Duke Endowment.

¹For a fuller discussion of the relationship between the Duke Endowment and Duke University, see Robert F. Durden, *The Dukes of Durham, 1865-1929* (Durham: Duke University Press, 1975), 199-260.

