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Dedication to Dean Fred Hart

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DEDICATION

It is with pleasure that the staff of the New Mexico Law Review dedicates this issue to Dean Fred Hart. The pleasure stems not from his resignation but from having the opportunity to acknowledge publicly our gratitude to him. The following tributes to Dean Hart are examples of the high regard held for Dean Hart on the national and local levels.

As a member of the last class to be “hooded” by Dean Hart I would like to add a personal note of appreciation for his leadership of the University of New Mexico Law School for the past seven years. Books and buildings are important assets of every law school. Dean Hart saw to it that we had them in sufficient quantity and quality. More importantly Dean Hart saw to it that we had people—faculty and students—interested in quality legal education. Those people have proven for me to be the greatest asset of the school and the best resources for attaining an excellent legal education. Dean Hart, I hope you continue to assist law students so that they may gain an excellent legal education without losing their sensitivity to their fellow beings.

Maureen A. Sanders
Editor-in-Chief



FREDERICK M. HART

FRED HART—TEACHER, COLLEAGUE AND FRIEND

Eight years ago, the faculty of the University of New Mexico School of Law unanimously agreed to propose him as the new dean. In the view of the faculty, he was the obvious choice; no one else was suitable. He served as dean from 1971 to 1979. Now, on the occasion of his return to full-time teaching, this issue of the *New Mexico Law Review* is dedicated to Frederick M. Hart.

Fred is preeminently an educator. No person better understands the role of the teacher in legal education. Fred has administered the Law School programs with a sure sense that learning merely begins with the lesson plan and the classroom hour. Believing that the relationships between a student and teacher, among students, and within the faculty are at least as significant as the classroom component, he helped design a building that made an "open-door" policy by the faculty feasible and a forum for discussion by the entire Law School community a reality. His concern for the educational experience as a whole has dominated curricular choices as well.

Fred himself is an excellent classroom teacher. All his students, of which I am one, can attest to that. We remember his tossing chalk, sometimes catching it (behind his back), and more often missing. We remember his classes as valuable representative examples of the Socratic method. His teaching never ends in the classroom; his office is and always has been open.

Moreover, Fred is a teacher's teacher. Faculty members have always turned to him when they have a question or problem concerning a particular course or teaching in general. On any given day, a faculty member can be found sitting on Fred's office couch in animated discussion with him.

Fred is a scholar in the best sense of the word. He has not only published extensively, but he also understands the place of scholarship in legal education. Fred is an exceptional scholar in that his reputation arises in two distinct areas: commercial law and legal education. Most people in the legal profession are aware of Fred's commercial law publications. It is not uncommon to see the *Uniform Commercial Code Service: Forms and Procedures, Reporter-Digest*, and *Commercial Paper* on lawyers' bookshelves. Many people do not realize, however, that Fred is also an established scholar in the area of legal education. Through the Law School Admission Council and the Association of American Law Schools, he has been involved in the important issues confronting legal education. He chairs committees, lectures, and conducts research, both empirical and traditional, in the area. His findings have been published.

Fred is a leader. James MacGregor Burns, in his award-winning book *Leadership*, describes a leader as a power holder who mobilizes others to realize the goals of both the leader and the other persons. A dean of a law school is no doubt a person of power; but, as Burns tells us, a person in a position of power is not necessarily a leader. We have seen many people, including deans of law schools, who were merely power-wielders. Fred Hart has always understood that the purpose of this law school is to provide a quality legal education. He also recognized this to be the goal of the faculty and the students. As dean, he administered the Law School program so that the students and faculty could develop in a manner conducive to, and expected in, a professional school. He led, not by edict, but by providing the resources, people, motivation, direction, and support for the rest of us so that we could achieve our goals. He achieved his goal by facilitating the work of the faculty and students.

Fred is a man of vision, which is evidenced by the advances this law school has made in its educational program. Fred foresaw the coming changes in legal education and, in fact, argued for them before they were popular. He pushed for clinical legal education eight years ago, before the Chief Justice of the United States Supreme Court made it a common topic. He recognized that the use of audio-visual equipment and computers would become a necessary part of legal education and incorporated them into the Law School and its educational program. He saw that although the traditional case method is at the core of legal education, different pedagogical techniques and methodologies are necessary if law schools are to provide the kind of education expected of them. The present first-year curriculum, especially Introduction to Advocacy, is representative of this. The ability to foresee this movement and then to implement the necessary changes in a manner acceptable to others is a difficult task. Fred accomplished it with little disruption. It is only by looking back that we can see how far Fred has brought this law school.

What has impressed me the most, however, is that Dean Frederick M. Hart was not much different from Professor Frederick M. Hart or from Fred Hart. His love of people and his empathy for them is and always has been evident. We appreciate, we admire, and we honor him for his special qualities of compassion and thoughtfulness.

I recall stating a few months ago at a "roast" for Fred Hart when my turn to speak arrived: "I have waited 13 years for this." It has been 13 years since I first walked into his Contracts class at Boston College. Over the years, he has been my teacher, my colleague, my

dean, and my friend. The years have been productive and rewarding for me and I believe for him. I have waited 13 years to say "thank you."

Robert J. Desiderio
Dean, School of Law
University of New Mexico

DEDICATION TO FRED HART

One of the more pleasant events during my tenure as a Regent of the University was that of presiding at the meeting of the Regents in the summer of 1971 when the appointment of Fred Hart as Dean of the School of Law was ratified and publicly announced. Under the deanship of Tom Christopher, the School had made notable advances, and whoever succeeded him had to be an extraordinary person with talents in a number of areas if the great purposes were to continue. I had known Fred since he first came to New Mexico in 1965 and I felt that he would certainly prove to be a worthy successor of Tom. I am happy to state that he more than fulfilled such expectations. In his appointment the University and the Law School not only obtained the services of a capable administrator and legal educator, but also those of a nationally recognized scholar; particularly in the area of commercial law where he is considered a "lawyer's lawyer."

Although Fred's manner was relatively "low key," his steely determination enabled him to promote and to get broad support for the School from all quarters. He was quite persuasive in advancing his positions, not only internally before the University's central administration and the Regents, but also externally before legislative committees and in the School's relationship to its alumni and to the State Bar. Due to his unceasing efforts we have, at the end of his distinguished deanship, a law center which is not only very sound academically, but second to none for the size of its faculty and student body in terms of "bricks and mortar."

As an example of his effectiveness, one can point to his brilliant success in getting an unprecedented "line item" legislative appropriation for the construction and equipping of the latest addition to the Law School. Although originally conceived as a badly needed addition to the law library, the new addition also resulted in the much

needed expansion of space for faculty offices, classrooms and the clinical law program.

During his tenure we also saw the results of his sensitivity to the desires of men and women from varied ethnic and economic backgrounds to have the opportunity, theretofore perhaps more unavailable than available, to obtain a quality legal education. He was responsible for the institution of admission and remedial programs which have helped many to fulfill their dream of obtaining a quality legal education and becoming members of our noble profession. Without such sensitivity to such a need on the part of Dean Hart, many of those dreams would have gone unfulfilled.

For many years, one of the major criticisms of legal education was that it did not give the student the benefit of obtaining some practical experience while still in school. Under Fred's administration, the Clinical Law Program, which has become a nation-wide model for such programs, was innovatively and strongly supported, strengthened and expanded. Those of us in the profession who have participated in this program by having students in our offices have learned how worthwhile such a program is and how much was lacking in our own legal educations. Although the clinical law program has occasionally brought criticism, Fred's perseverance and continued support has enabled it to withstand such criticism. I am convinced that the advantages of such a clinical program for students far outweigh its disadvantages, if any.

Anecdotally, attention should be called to what the central administration of the University considered to be a very effective technique on Fred's part, that of either threatening to tender, or actually tendering, his resignation as Dean when he sincerely felt that the School was not receiving the support that he and the law faculty felt it deserved and required. He must have done this on four or five occasions and each time he was dissuaded from doing so. I remember hearing that after the second time this happened some students suggested storing the placards that would blossom forth on the law campus on such occasion until the next tendered resignation. On a serious vein, there is no doubt in my mind but that Fred was sincere in not wanting to continue as Dean of a law school that was not going to be adequately supported. It is fortunate that he was considered by those concerned as such a capable and excellent dean as to motivate them to dissuade him from resigning.

Fred Hart had the full support and confidence of the faculty, the student body, and the alumni of the School of Law, as well as the respect of the Regents and the administration. It takes a man pos-

essed of unusual qualities of leadership to inspire such confidence and respect.

Arturo G. Ortega
Attorney-at-Law
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FREDERICK M. HART—A LEGAL EDUCATION STATESMAN

An advantage provided by the new custom for the tenure of deans is that it offers the dean's friends and admirers an opportunity to pay tribute to the dean in mid-career for her or his contributions to legal education. We need not wait for them to attain senior citizen status, when homage and honors are expected. Frederick M. Hart's relinquishment of the deanship at the University of New Mexico School of Law this past summer after eight years of service to the state and nation gives me that opportunity.

One does not think of law school admissions, the Law School Admission Test or the Law School Admission Council without thinking of Fred Hart and his signal service to law school admissions through work in a variety of capacities with the Law School Admission Council. I had the privilege as chairman of the Law School Admission Test Council, as we and the Council were called in earlier times, to enlist Fred Hart to his first committee assignment with the Law School Admission Council. He became a member of the Committee on Test Development and Research in 1966 and has been involved in its work ever since. He served as its chairman between 1969 and 1971. The first major task that he undertook for the Committee was to chair the Criterion Study. It was designed to determine the amount of agreement that existed among law teachers in the evaluation of the students' answers to the typical law school essay examination. The study found remarkable agreement among the sixteen teachers of contracts who were selected for their diversity. That finding demonstrated that law school grades across the schools are potentially quite predictable. During Fred Hart's service on and chairmanship of the Test Development and Research Committee important changes were made in the test. The afternoon General Background test was eliminated and certain item types eliminated and other more effective ones added. Fred Hart's understanding of statistical methods and empirical research equipped him to

give direction to Educational Testing Service professionals who undertook the research for the Law School Admission Council. With Harry B. Reese of Northwestern University and Vaughn C. Ball of the University of Georgia, he is one of a very small band of law teachers who know intimately the technical aspects of the test and legal education. Without them, we would have had to take this important element of law school admissions on faith. With them, we can accept it with confidence. His concern for the individual law school applicant and law student has informed his judgment not only about technical research questions but the more important questions of the educational purposes sought to be served.

Fred Hart's service in 1972-1973 as chairman of the Law School Admission Council's Finance Committee prepared him for his service as president in 1974-1976. Under the leadership of his predecessor, Norman Penney of Cornell University, the Law School Admission Council established by the new contract negotiated with Educational Testing Service the substantial independence and autonomy of the Law School Admission Council. Fred Hart played a major role in this as a member of the Council's Negotiating Committee. A product of this greater independence for the Council was a greater burden of responsibility on the leadership. Fred Hart and his successors—William G. Hall, Jr. of the University of Maryland, L. Orin Slagle of Ohio State University, and Walter B. Raushenbush of the University of Wisconsin—know this well. Dean Hart responded with enthusiasm and optimism to the growing challenge. Fred Hart's belief in man's basic decency and good will and a belief that the human condition can be improved permitted him to face as president of the Council the increasing complexities of the programs and growing challenges by external forces.

Fred Hart has played the major role for legal education in what is now called the Competent Lawyer Study. Launched as a joint undertaking of the Law School Admission Council, National Conference of Bar Examiners, American Bar Foundation and Association of American Law Schools the major responsibility for the project over the years has fallen on the Law School Admission Council and its leadership. Fred Hart now chairs the special committee directing that project. The project seeks to relate performance of individuals in college, on the Law School Admission Test, in law school, on bar examinations and in practice. Among other things, it is expected that the study may assist legal educators in planning their curricula of the future. It may inform us more systematically about what we can best do for our law students in law school that will be of greatest assistance to them in becoming competent lawyers.

An abiding concern of Fred Hart over the years has been that of increasing significantly the participation of disadvantaged minority groups in the legal profession and thus in our society. He has manifested that concern, in part, through his work with the Law School Admission Council. Under his chairmanship and during his membership, the Test Development and Research Committee has conducted several studies to determine the validity of the Law School Admission Test score and undergraduate grade point average in making admission decisions about minority group applicants. These studies have consistently shown that these quantitative predictors may be used in the same way for minority and non-minority and will have the same strengths and limitations. Assistance has also been given to admissions committees in the use of nonquantitative data in making admission decisions, especially concerning minority applicants. Dean Hart chaired the special committee of the Council on the *Bakke* case. His counsel and that of his committee was of great help to those who developed the *amicus curiae* briefs filed by the Law School Admission Council and the Association of American Law Schools with the Supreme Court of the United States in *Bakke v. The University of California*. Under the direction of the Council's Special Committee on Bakke, Franklin R. Evans, Senior Research Psychologist at Educational Testing Service conducted the historic study of the Fall 1976 entering class. It demonstrated beyond question the damaging consequences of a Supreme Court decision that would have denied law schools the right to take race and ethnic background into account in making admissions decisions. By precept and example Fred Hart has provided important leadership for legal education's efforts to increase the number of minority lawyers throughout the United States. For that all of us are in his debt.

The accreditation activities of the American Bar Association's Section of Legal Education and Admissions to the Bar and of the Association of American Law Schools is of great importance to individual schools and legal education generally. Those legal educators who chair and serve on the inspection teams that develop the reports for the use by the Accreditation Committees of the two associations and the Section's Council and our Association's Executive Committee and who provide counsel to their colleagues in the inspected schools through this peer review perform valuable and insufficiently known service to legal education. By the quality of his work and willingness to accept the responsibility Fred Hart has become one of the most respected law school inspectors.

Fred Hart has contributed importantly over the years to the work of the Association of American Law Schools. Especially notable has

been his service as a member of the Association's Committee on Government Relations, which has the responsibility for developing proposals for Association initiatives on behalf of legal education with Congress and the federal agencies. His concern for the law student was manifested in the contributions he made to developing the Association's recommendations for revision of the federal loan programs for professional and graduate students, including law students.

The University of New Mexico School of Law hosted the Annual Conference of Western Law Schools in the Spring of 1979. Under Dean Hart's leadership, the School organized and presented one of the Conference's best programs.

The foregoing is a partial list of the contributions that Fred Hart has made to legal education on the national scene. I trust that it gives the readers some measure of this remarkable man. He is a citizen of legal education who recognizes the responsibilities of citizenship. He has been willing to undertake tasks small and large if he were persuaded that they presented an opportunity to make a contribution small or large to the betterment of legal education and to the law schools' capacity to serve well its students, the bar, bench and public. He has worried little about the cost to him in convenience and comfort. Important has been the mission. By his example he has stimulated friends and colleagues to do likewise. All of these tasks he has performed with judgment, compassion for abiding human values and with a sense of humility and humor. Fred Hart takes himself not that seriously but his tasks very seriously.

Legal education is already substantially in debt to Fred Hart. And he is only at mid-career. I know that debt will be multiplied in the years to come.

For all of us in Legal Education, I say, "Thanks, Fred!"

Millard Ruud
Executive Director
Association of American Law Schools