

Arizona Bar Foundation  
Oral History Project:  
Arizona Legal History

Interview with Willard H. Pedrick  
Alan Matheson, interviewer  
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ARIZONA BAR FOUNDATION  
ORAL HISTORY PROJECT:  
ARIZONA LEGAL HISTORY

HISTORICAL NOTE

Although Arizona was frequently referred to as "the Baby State," due to its twentieth-century entry into the Union, the history of the legal profession in the state is rich and colorful. In the earlier days, lawyers were mostly self-educated men, who practiced alone, or with one partner at the most, and spent much of their professional time alternately defending and prosecuting some of the most colorful characters of the Old West, and trying to collect on bills from people who had come West to escape their creditors.

Through the first half of this century, some of the nation's finest lawyers took up practice in Arizona. As the state's population grew, a law school was added to the University of Arizona and lawyers formed an integrated state bar in 1933. After World War II, the state exploded in development with the rest of the Sun Belt, and the law profession kept up with this growth, experiencing many changes in the process.

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona, such as *In re: Gault*, and *Miranda*. Arizona can claim the first woman to sit on a state Supreme Court: *Lorna Lockwood*. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

However, because Arizona is a young state, there are still attorneys living who knew and remember Arizona's earliest legal practitioners during Territorial days. Many of these senior members of the Bar practiced or sat on the bench before the profession, and indeed society itself, experienced the changes of the last forty years. In an effort to preserve their

memories, the Archives Department of the Arizona Historical Society/Tucson developed the **Evo DeConcini Legal History Project**, an oral history project. From 1986-1988, twenty-one oral history interviews were conducted, focusing on the reminiscences of lawyers and judges in the Southern Arizona area.

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History**.

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to achieve the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and

judges from their project available to researchers here in Arizona.

The Arizona Bar Foundation Legal History Project is important not only because it is documenting the history of the profession in Arizona but because legal history encompasses every aspect of society's development. To study legal history means to study land development, environmental issues, social and educational issues, political history, civil rights, economic history--in short, the history of our society. All of these topics are, and will continue to be developed in these oral history interviews. They may be seen as a valuable and unique supplement to the written record as scholars begin to write the history of the legal profession in Arizona.



WILLARD H. PEDRICK INTERVIEW

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## WILLARD H. PEDRICK INTERVIEW

### *INTRODUCTORY NOTE*

Willard Hiram Pedrick was born in Ottumwa, Iowa on October 11, 1914. He received his B.A. from Parsons College in 1936 and his JD from Northwestern University in 1939, being accepted to the Iowa Bar that same year. Following a one year clerkship with Judge Frederick Moore Vinson, U.S. Court of Appeals for the District of Columbia Circuit, he taught for one year at the University of Cincinnati and then taught at the University of Texas at Austin from 1941 to 1942. He returned to Washington D.C. to work in the tax section of the Justice Department and subsequently in the Office of Economic Stabilization. In 1943 he joined the U.S. Marines Corps and served as an intelligence officer until 1945, earning the rank of 1st lieutenant.

Mr. Pedrick taught at Northwestern University Law School in Chicago for twenty years beginning in 1946. Arizona State University sought him in 1966 to organize their newly created Law School. There he stayed on as founding dean until 1976 and as professor of law until his retirement in 1983. He has written a number of noted books and articles in his specialties, tort and tax law, and in Australian law, a subject of personal interest for him.

The interview with Alan Matheson deals primarily with Mr. Pedrick's tenure at the Arizona State University Law School. He discusses at length the early stages of the school, from the recruitment of faculty to his influence on the design of the building. The interaction between Mr. Pedrick and the University of Arizona Law School, the state legislature and the Arizona State University officials are of special note. Also in the interview are Mr. Pedrick's reflections on legal education, the law of torts, his work for People's Legal Services, and the development of his interest and subsequent participation in Australian law.

Alan Matheson, the interviewer, is a longtime friend of Mr. Pedrick. He is part of the charter faculty at the Arizona State University Law School.



## WILLARD H. PEDRICK INTERVIEW

Matheson: Today is August 8th, 1990, and I'm interviewing Emeritus Professor and founding Dean of the Arizona State University College of Law, Willard H. Pedrick. [Interviewer is Alan Matheson. Adelaide Elm of the Arizona Historical Society is also present.] Ped, if you will, tell us something about your family background and early education.

Pedrick: Well, I assume you want the short version.

Matheson: Yes.

Pedrick: If you've never been to New Jersey, you probably never have visited Pedricktown, New Jersey. But some element of the family came to the United States, before it was the United States, in colonial days. And a branch of the family meandered to the midwest. My grandfather, I think, was a farmer, a modest farmer in Iowa. My father was a travelling hardware salesman. And I had a brother and a sister and grew up in the little town of Fairfield, Iowa. And went to college there at a little school named Parsons College, which has since disappeared from the scene to be succeeded by Maharishi University, where they claim to not only meditate but they claim to levitate as well. But I've always wanted to see it but never have been able to. And then I went on from college to the Northwestern Law School and graduated way back in 1939. My fiftieth class reunion was last year. And after law school, I clerked a year for Judge [Frederick Moore] Vinson, who was then on the Court of Appeals in the District of Columbia, later, of course, he became Chief Justice.

And I moved a bit. I taught a year after my clerkship, in Cincinnati; went to Texas. I remember I had the offer from Texas, I went to the dean of Cincinnati and said, "I've got this offer of thirty-two hundred dollars a year," which was a bit better than my twenty-six hundred at Cincinnati. I

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thought he would say, Pedrick, we can see you're going to be one of the great ones; we'll match it. Instead he said, "It's a great offer." In effect, pack your bags, which I did.

Then the war came on and I could see that law students were going to be very, very few and far between, so I went to Washington as a civilian for a year, in the Tax Section of the Justice Department. Then Vinson sort of drafted me into his Office of Economic Stabilization, where he was director. Then, with the hot breath of the draft on my heels, I had a sudden surge of patriotism and joined the U.S. Marine Corps as an air intelligence officer, and had a marvelous time. I saw enough of the war in the Pacific to see that wasn't my line of work.

Then after the war, I joined the Northwestern law faculty, where I remained, with visits here and there, for about twenty years. At which point I then had the opportunity to come out here to Tempe and organize, start the ASU Law School.

Matheson: Ped, tell us something about the faculty at Northwestern when you were teaching there.

Pedrick: Well, our contracts professor was Harold Havighurst who became dean of the school in the latter years of my period there. Leon Green was the torts professor, a great legal scholar. And they had a very, very fine teaching faculty. It was a faculty relatively small by modern standards. I think no more than twelve or fifteen at the outside. Today Northwestern has a faculty of about forty-five or fifty. So things have changed a lot. But it was a fine law school. Walter Wheeler Cook, one of the great figures in the

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field of conflicts of law was one of the members of the faculty. They were all distinguished.

Oddly, it was a faculty that had a reputation in those days, the New Deal days, of being a rather advanced, forward-looking faculty. But the professor who taught constitutional law was a hide-bound, rock-ribbed conservative. A bit anomalous under the circumstances. But it was an excellent law school.

And when I came out here--I was in my early fifties--and I said to myself, "I can't wait to get a really strong law school put together. So it's got to be strong from the beginning." And my aim was to try to put together the Northwestern of the Southwest, and I hope we've come very close.

Matheson: What convinced you to accept the position as dean at Arizona State?

Pedrick: Well, I think probably a mid-life crisis of some sort. I was in my fifties, as I said, and I'd done a variety of things and been to a number of schools, but I was ready to try my hand at a period of administration. Just a change of life. And the opportunity to work with others to put together a brand new school was something that only a very few people in a generation today get a chance to do. So I really jumped at it when the opportunity came along.

Matheson: What did Homer Durham indicate to you that tipped the scale to bring you here?

Pedrick: Well, Homer was a marvelous salesman, sang a siren song to perfection. And I recall when we first met in Chicago--we met there because when he called me, I said, Well, I didn't think it was at all likely that I'd want to

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come to Arizona; and I didn't want to spend the school's money to come out for what might well be a fruitless visit. So I said, "You've got to be going through Chicago from time to time, all university presidents do that, and we can meet at the airport." And he said, "Okay."

So without any further conversation on the subject of how I would recognize him except that it was to be at the airport and I knew which flight he was coming on, I recognized him at once. And I later said, "I just looked for that harried look which a university professor has."

Then he told me about the marvels and wonders of Arizona and how this was the last big city without a law school, a university law school, and that the school could do great things for the university, the city, the state. And I said, "Well, maybe I'd better spend some of your money and come out and have a look."

So I did so, and it's a bit amusing. When I got out here for, I think, the first visit, Homer Durham drove me by some circuitous route from the airport to Tempe so that I never got a whiff of the stockyards, which were then located between the airport and Tempe. Of course they're gone now. (laughs) And he was right in down-playing the importance of that element.

Matheson: As you accepted the position, what did you envision with respect to this law school? What were your plans? What kind of a law school did you intend it to become?

Pedrick: Well I had a few, I thought, mildly innovative ideas. And I knew we would start with a relatively small faculty and of course, a relatively small student body too. But my idea was that, we felt in legal education generally, that

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the first year in law school was a resounding success. But the problem was with the third year, when students were sort of used to the system and bored and working in law offices, many of them, and not really giving the school a great lot of their time, interest and energy.

And so the idea which I managed to persuade the new faculty to accept was that we would have a prescribed curriculum for two years, which was different a bit from other law schools, and then provide a third year of unrestricted electives, with a heavy emphasis on clinical education, seminars and a variety of experiences designed to make the third year as different as possible from the first two. And we thought that had real promise and I think, looking back on it, although we're now much more in the pattern of other law schools with a prescribed first year and electives in the second two years, still our modest experiment in legal education those early days of the school were very, I think, still were very successful. We ran a poll of our graduates eight years or so into the life of the school and the indication was the students who looked back on it felt it had been a good beginning.

When I came out here I told President Durham that we had to have a new building, because you can't be proud of an old building. And he finally agreed to that. And the building has been a great element in the recognition this school has received, really, from the outset.

The fact that we had a modestly innovative curriculum got us some attention in the law school world, and that's an important audience for us. And I think that, and then the quality of the faculty that we recruited at the outset--you yourself were one of our early recruits, so I can say to you

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without blushing myself that I am very proud of the fact that we did recruit a marvelous beginning faculty for this law school.

Matheson: Tell us something about that charter faculty.

Pedrick: Well, the first recruit was professor Ed [Edward W.] Cleary, then at the University of Illinois, who was later the draftsman of the federal Model Code of Evidence, and a great scholar recognized nationally and internationally. And then we got Dick [Richard] Effland from the University of Wisconsin. Both Cleary and Effland were regarded as really outstanding law teachers at their respective schools. And then I recruited a young law teacher, prospective law teacher, William Canby, who was a brother-in-law of Fritz [Walter F.] Mondale, had worked in the Peace Corps and of course turned out to be a marvelous catch in the field of constitutional law. He's now on the Ninth Circuit Court of Appeals. And if we had a president of the right party he'd probably be on the Supreme Court. And then--let's see, there was Mike. . . . Well, Harold Havighurst, the former dean at Northwestern, taught contracts. I'd been teaching torts for years and years, so I taught the first-year torts course. And . . .

Matheson: And our librarian? Dick [Richard] Dahl?

Pedrick: Yes, Dick Dahl was our initial librarian. He had had very good experience in the library field, was librarian for the State of Washington. He put together the library in a great hurry. I have to concede that the law school at Brigham Young in Provo [Utah] did every bit as well if not better at putting their library together, but they had an organization behind them which was a little different from the one we were working with. (laughter)

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Matheson: Ped, I recall that you had a rather busy first year as dean. You've described it as one of the best in your career as an administrator. Will you tell us about that?

Pedrick: Well, the first year was marvelous, because I had no students, no faculty and I say, best of all, no alumni. (laughs) And so it was an easy matter. I could have a faculty meeting by just sitting down and collecting my thoughts.

But it was an interesting year. I really worked the territory. I went to every little town that was willing to hear a speech about the new ASU Law School. And I think it was useful to me.

One of the very first things I did for the school was to write the copy for the announcement of the new law school. And somewhere in this office--ah, yes, there are a number of those posters still on hand. It's now a historic document. (laughs) And it's reasonably accurate in the claims made.

One of the interesting things about the accreditation of the school was the fact that the American Bar Association, which is one of the accrediting groups, visited us early, and in the first year announced they were going to accredit us. Then another new law school, Texas Tech, heard about this and approached the ABA and they said, "If you're going to accredit ASU on the basis of the first year, you've got to do it for us too." Whereupon the ABA realized that they had sort of violated their own principles and, in a somewhat embarrassed fashion, gave me a call and said, "Well, you'll have to wait until you've graduated your first class." My bargaining position

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wasn't very good because they, after all, do it or don't. So, okay! But we were accredited at once on the graduation of our first class, which is as fast as is possible to do it.

Matheson: You mentioned speaking in the towns around Arizona. I've seen your schedule; it was a busy one. But I remember something about an incident in Globe with respect to an address before a local group.

Pedrick: Well, that was mildly amusing, at least. In expounding on what a marvelous thing it would do for the state to have another law school here at ASU, I referred to the case of *In Re Gault*, a case that had been litigated by Amelia Lewis, a very distinguished, still living, elderly lady now, a woman lawyer who was a very good lawyer. She got the Supreme Court of the United States to announce that a juvenile defendant was entitled to have counsel. And I said that the law school would sensitize the community and the judges to the importance of proper procedure in cases of this sort. It was just an off-hand illustration. After the talk a gentleman came up and introduced himself as the judge in the lower court in *In Re Gault*, who had decided it the other way. (laughter) He proceeded to tell me all about young Gault and why it was in his best interest to do with him, or to him what the judge had done. Later he introduced me at a talk that I gave to a local Rotary Club or something, and he did me to a turn. (laughter)

Matheson: You referred to the new building. You personally had something to do with planning the building. How did you go about the design?

Pedrick: Homer Durham had already selected the architects. They were local architects, Cartmell and Rossman. One that was an Austrian by training and



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one was a graduate, as I recall, of the University of Southern California Architectural School. They found that I was interested in modern architecture because I had been chairman of the Cook County Zoning Board of Appeals for three years in the latter days of my stay at Northwestern. And I had become interested in architecture and when they found that I was open-minded and willing to think about new shapes and designs, they were off and running. I sent them around to visit several law schools that I thought had good features in their buildings. The result is the building that we have here now, the present building and I think it has worked over the twenty-one year period of our life quite well.

In the Great Hall I made a modest contribution because I came up with this idea of stadium seating which enables you to put a rather large crowd in rather comfortable quarters for public lectures.

Matheson: That Great Hall is the assembly hall of the law school and, I might add, it is now named the Willard Pedrick Great Hall.

Pedrick: Which I think you had something to do with as I recall.

Matheson: The classrooms in the Law Building are somewhat different. How did that design come about?

Pedrick: Well, I gave the architects stuff I'd written about legal education, what happens in the classroom and so forth, and sort of got them to understand that legal education is conversational between the student and the teacher and student and student. So the design of the classroom can facilitate this conversational exchange if you have in mind what's going to go on in the classroom.

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So we have two classrooms that I think are really innovative in design in that they are really, in a sense, built around a triangle, and the apex of the triangle is really the teacher's position. The students are elevated in tiers. The teacher is not elevated, he's in the pit, so to speak. Our larger classroom, I think, has a capacity of about a hundred and fifty. And we have one other classroom a little smaller but on that same plan. And I think that the design has worked out really quite well, along with the rotunda area off of which all the classrooms presently open.

Now, the faculty is on the second level, so if the student wants to see a faculty member he's got to be willing to expend the energy to climb the stair or take the elevator. So there's a bit of a slight barrier but not a very significant one. And then on the other hand, when the faculty member goes to class he's got to go through the rotunda area and he's fair game. You know, the students can interrupt or intercept and detain and so forth. I think the building contributes greatly to the atmosphere of the school, the closeness of the relation between the faculty and the students. It's harder to do that with the larger enrollment which we now have.

Matheson: Ped, when you came west to build the new law school and began your activity, what was your reception among the members of the Bar and the business persons in Arizona?

Pedrick: Well, when I was negotiating with Homer Durham, I said, "I'd like to find out whether the local profession will be supportive or whether it will not." So he arranged a luncheon of a good many--and there must have been eighteen or twenty--representing the legal profession and the bench and

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members of the Arizona Supreme Court. And they really promised in blood that they would really be supportive of the school. Directly on my sort of arrival in residence here, I set about sort of securing commitments to make good on their promises of support and we organized what we call the Law Society of Arizona State University, and a great many, in fact virtually all of the leading lawyers of the community, without regard to where they themselves had gone to law school, adopted this brand new orphan law school as worthy of their support. That, I think, was very, very helpful in securing opportunity for our graduates and financial support as well.

Matheson: As I recall, at least one of those persons had known you at Northwestern. Philip [E.] von Ammon, who is your . . .

Pedrick: Yes, that's right. He was a leading lawyer here and had actually been a student a year ahead of me at Northwestern and edited one of my notes for the Law Review. Phil and I are very good friends, with very different political points of view, but that didn't seem to matter, with him or with others. I had a number of very good supporters who were quite conservative from my point of view. And I admit that I am a "bleeding heart liberal" and proud of it. But when it came to the law school and how it should be supported we didn't have any difficulty getting together on it.

Matheson: At the time this law school was founded, there was another law school in the state, at Tucson. What was the reception of the dean and the faculty at the U. of A. with respect to this law school and what was the relationship with those people?

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Pedrick: Well, my recollection is that John [D.] Lyons was dean at the U. of A. at that time. And while I was negotiating with Homer Durham, I stopped off to visit with the faculty at Tucson, because I felt that it was important that they be friendly and supportive if I was to come. They said, in effect, after a few sort of social comments, "What kind of a law school do you propose to have?" And I explained what I proposed, which was to try to reproduce as well as we could something on Northwestern scale, quality-wise. They said, "Well, if that's the kind of school you're going to go about setting up, by all means come. And we'll be friendly and helpful." And in fact they were. Throughout the early years of the school we had a rather close relationship with them and used to trade visits back and forth, generally at the football game between the U. of A. and the ASU. Of course that meant that half of our crowd, from one place or the other, was always disappointed with the outcome of the game. But we remained quite good friends.

Charles Ares, who later became dean of the school, was a very good friend of mine. I split a tennis match with him. We played two sets. I won one, he won one. And it was so hot, even in Tucson I think it was about a hundred and five, we decided that it was a good way to leave it.  
(laughter)

Matheson: As you look at the law school, and you have been dean and professor here since its inception, how do you assess the law school after some twenty years?

Pedrick: Well, we were very pleased when, early in the life of the school--I've forgotten when, we'd only been in operation five or six years--and somebody

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who was willing to do the work queried law deans I believe it was and reported on the whole study, and referred to us as sort of in the rank of the first thirty law schools in the United States and one with great prospects of significant improvement. Since there are about a hundred and seventy-five law schools in the United States, we were very pleased.

My own notion, my own view is that I think in the world of legal education where people really know something about the quality of law schools, that we are very well regarded. That's not to say that we're number one or number ten or anything of that sort, but to say that actually we are an excellent law school and recognized as such. And our graduates are received by the profession both here and elsewhere. So I think it's worked out.

I've always said that luck is better than planning and we've had very good luck in the fact that we came into a very large city without a law school but a growing university and have been treated in friendly fashion by everyone, really, in the state. Occasionally some benighted legislature would say, "Well why do we have two law schools?" But I think it's worked out that two medium-sized law schools would be better than one larger school. And that's the situation that we're in at this point.

Matheson: You have taught at many law schools as a permanent member of the faculty and as a visitor. At the present time, there are many comments about legal education and many changes it might be facing to meet the demands of the modern times. How do you see legal education at this point and will it be changing from what it has been in the past?

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Pedrick: Well, there are always cross-currents. One of the questions, you know, is law regarded as a classical avenue for a liberal education? On the other hand, the practice of law has its workaday world aspects, and so the question as to whether you're going to have a sort of a classical liberal education in the law or whether you're going to have sort of a trade school approach is a never ending source of tension. And every now and then, of course, a younger generation comes along and they have blinding new insights.

The law and the practice of the law has changed in our time and I think the law schools have changed quite a lot in the half-century that I've been with it. So the one thing you can be certain of is that there will be further changes. But I do believe that while counselling business, large corporations and advising the government and so forth and other large entities will always be a very, very important part of the work that the profession does, at the same time there will always be, it seems to me, in any society you can visualize, problems of the individual. And the business of ministering to the individual with counselling skills and knowledge of the technicalities of law and the opportunities that are provided will always be a central part of it.

So I say, of course there will be changes. For example, clinical education has come along as a new thing. And the computer is impacting on law and how it's practiced. So change is the order of the day and always will be. But basically, at heart, at the heart of legal education, the process

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of training advocates and, I would hope, conciliators, negotiators will continue to be, with all of the new gadgetry, still at the heart of the process.

Matheson: Over the years that I've known you, your focus has been upon the law. But you have many interests, Ped. You belong to more organizations than anyone I know, and you usually lead them. You have an interest in music and other matters.

Pedrick: (laughs) Well, we share that interest, Alan [Matheson]. One of the great scholars in the field of tort law was William Prosser. He taught several places, but wound up at Berkeley. And Prosser, as a student at Harvard, had done what I think is called the Hasty Pudding show, which is a student musical. And he, in his latter years, decided to do this for the law school world and in nineteen, I think it was 1956 produced what many think is his greatest show of all called My Share Brady, which was based on the music of My Fair Lady and a story of a law school that got off the track because Prosser thought the foundations were unduly influencing law curriculum. Well, he invited me to be one of the cast and I enjoyed it. Then--he did three or four more shows over the years. Not every year but every other year or so.

Then when he retired I did three or four shows. In fact, you've been involved and helped me on those. And I thought that it provided good fun for the Association and enabled us in a light-hearted way sometimes to raise questions about whether legal education was going in the right direction or not. (laughs)

So it's true. That's one of my interests. But I've retired.

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Matheson: You've retired from writing? I can't believe that, Ped, I expect you to an impresario. (laughter) You've had international interests as well, Ped, and you have adopted, kind of as a second home, Australia. Tell us about your contacts there and your interest in that country.

Pedrick: Well, Erwin Griswold, dean of the Harvard Law School in 1954 or 1955, sent a memorandum around inquiring whether any American law teacher would like to go to Perth and show the Australians how we teach by the case method. I responded and told him--I knew him a little--torts was the ideal vehicle because it's much the same in Australia as it is here in the U.S. And eventually he arranged a Fulbright Grant. So I spent a year in Perth. And in the subsequent years I think I've visited Australia, on teaching assignments, five times, enjoying it greatly and finding it a very stimulating experience. I did a reasonable amount of writing about the law in Australia and so forth. But these experiences added a dimension to my professional career that really has been very pleasant. And I have a considerable number of friends over there.

Oddly enough, on my first visit I had a call from the then-dean of the Melbourne Law School, Zelman Cowen, who said Justice Frankfurter had been scheduled to address the bi-annual convention, but at the last moment had sent a cablegram to Sir Owen Dixon, Chief Justice of the Australian high court saying he just could not come. So Cowen called me and said, "I think I can run you in as a substitute if you're willing to do a paper." So I said, "Of course I'll do the paper." I did my paper about the sad state of the tax practice in Australia. The lawyers were neglecting it. That turned



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out to be, really, one of my most satisfying moments, because the Australian lawyers who read my paper and heard me talk about it agreed with me. And they since have done something about it. So I think I had a little something to do with sort of establishing tax practice in Australia as a respectable part of the legal profession's tasks.

Matheson: Your main areas of study have been torts . . .

Pedrick: Torts and tax.

Matheson: . . . and tax.

Pedrick: Right.

Matheson: And you've written case books in both and many, many articles. At one of the last meetings of the AALS [Association of American Law Schools], you were awarded the special Prosser Prize for contributions in torts.

Pedrick: It greatly surprised me, but I was honored and pleased.

Matheson: Would you comment about the direction of the law of torts? You have taught that for many, many years.

Pedrick: Well, of course I'm a disciple of Leon Green. He was my teacher and then my co-editor of the case book. His view of tort law was that the law is really shaped and affected greatly by the facts out of which the case arises. *So instead of grouping the cases for study by doctrine: What is negligence? What is proximate cause? What is the duty problem? Et cetera.* He grouped the cases into categories like fights, traffic cases, newspaper defamation, and a variety of other classifications such as railroad accidents and product liability. That approach has had a considerable impact on other case books and now many other case books in the field of tort law reflect

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that same sort of transactional approach. I surely believed in that and was affected by his thinking in the field.

Now of course, we're in an era where there are many ideas percolating in this area and many people, including one of my former students who is now on the Berkeley faculty, Professor Steven Sugarman, thinks that we ought to supplant tort law with various types of no-fault coverage. That would in effect substitute accident insurance for inquiry into the question of whether a particular individual defendant was or was not careless or negligent. But that controversy, I think, will rage for at least another twenty years before it's settled, if it's settled then.

Matheson: I recall that at the time you came to Arizona you were appointed as a board member to the Navajo Legal services, the DNA [People's Legal Services, Inc.], among other organizations in the state. And you also, I believe, had an unusual experience in flying in a private plane to Window Rock. Do you recall that incident?

Pedrick: Well yes, indeed I do. Service on the board of the DNA, which is the legal aid program on the Navajo Reservation, was fascinating. And I believe that since you are now doing that yourself, so you know something about it.

But one of the interesting things about it is that everything--it's like the U.N.--everything is translated into Navajo as you go. And one of the things that struck me was the fact that you could say something in English rather quickly and to the point, but when it goes into Navajo it takes a long, long time to explain what is said. But I also noticed that the Navajos on the

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whole understand English so that if you said something that was mildly amusing, they would laugh right away before the translation.

But on the particular case that you refer to, we had two small, I think six-passenger airplanes, single-engine planes. We flew to Window Rock, had the meeting, and then at the end of the day, when we were scheduled to come back, one of the pilots said, "Well, the radio is out on one of the planes and so we'll have to ask for volunteers. And that plane will simply fly wing on the plane that has a radio." So I said, "I'll go." And I said, "Bill Mahoney will go also." And Bill did. But later he said, "Pedrick, you can volunteer yourself, but don't volunteer me again." (laughter)

Matheson: Ped, do you have any other comments to make about the law school and your experience as dean?

Pedrick: Well, I have a friend who has just become the new dean at the University of Wisconsin. And I wrote him a letter the other day and I said inasmuch as he'd already served as acting dean at one school, "Well you obviously have an acute case of deanitis. But," I said, "be of good cheer, in less than ten years you'll get over it and you can join the full-time faculty and have the good life once again."

I have to admit that I had a marvelous time being dean. It was a change of life. And because everybody, the faculty and the staff and the university administration and the legal community was so supportive it was really a great experience. It was not a personal triumph but an institutional triumph that this school has come along so well, so quickly. And it was just my good luck--and again I say, luck is better than planning--my good luck.

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I was under consideration for the deanship at Wisconsin and lost out to a local candidate. I was probably disappointed, but that's the best thing that happened to me because I wouldn't have been available for this post if I had taken that job.

So it's been really a delight and the relationships we had in the early years when we were small and knew the students personally was a marvelous period. We refer to it as the Camelot period. (laughs) And it's not possible to recapture that but I'm glad I had a chance to live through it.

Matheson: Well, we, the school and the state are fortunate that you were the founding dean. We appreciate your effort and your willingness to discuss it with us today.

Pedrick: Thank you.

Elm: We're going to turn the tape over now and start on side two.

*Tape 1, Side B*

Matheson: Ped, you referred to our distinctive classrooms and what happens in those classrooms. I think you have a rather unique teaching approach in the classroom, too. What is that approach?

Pedrick: Well, I'm a vanishing breed in one sense, in that as long as I was teaching torts I had the student who was reciting stand. I would ask them to stand, and that meant that they knew that all the students in the class were focused on them and they felt a little pressure. I explained to the students, I thought this was good for them because that's the setting in which a lawyer does

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quite a bit of his or her work. So I was just helping them along. Although I'm not sure they all regarded it as really that helpful. (laughs)

But the law classroom, in a sense, is the training ground for advocacy and the students have the opportunity, not every day, but from time to time, to expound their own views in answer to questions. And their fellow students listen and evaluate and the teacher of course pursues with more questions still. The teacher may not have good answers himself or herself to the questions but has an inexhaustible store of questions. And this process of dialogue enables the students to see, hopefully, that the better forms of expression, the better ways of saying things distinguishes between the advocate who is effective and one who is simply not able to persuade others to his or her point of view. So the classroom design can facilitate this type of exchange. And in a good session you may have two or three or four students entering in, some of them dragooned and some of them volunteering. I always like to call on students who hadn't volunteered, as well as some volunteers, so that they're all, I hope, at least in a state of readiness. My son, who is a lawyer now, would say, "Well, you try to keep them in a state of terror." But that's not really so. The object was to bring them along in this process of training advocates.

Matheson: Another question, Ped, concerning the two law schools in Arizona. When the ASU Law School was established, and subsequently, is it different from the University of Arizona in any respect?

Pedrick: Well, in the early days when we had our core curriculum we were different. But I think the differences have ironed out a bit now, because we have gone

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more to a first-year program required, with rather fulsome electives in the last two years. Sometimes people ask me, "What about the U. of A.? Is it a good school?" Well it is. It's an excellent school. And I think it's a better school because we're here, and we're a better school because they're there. And we know we've got to keep up to the mark. So do they.

Matheson: When you came to start the school, you mentioned that you prepared recruitment materials. How else did you obtain the students who came here in the charter class?

Pedrick: Well, in those days we didn't really recruit out of state to any great extent, so I think we--my recollection isn't too sharp on this--but I recall going up to NAU, and might even have gone down to the U. of A. where there was opportunity for prospective students to talk with me about the new school. Whenever we had a chance to get publicity in the local press we seized the opportunity and even made a few of the opportunities. I used to write letters to the editor about issues of the day.

Generally, by the time we were ready to receive students in 1967, there was a pent-up demand for legal education in this area. So we had a goodly number of applications. It was not anything like the present numbers, but enough to put together an entering class of about eighty or ninety students, as I recall.

Matheson: As I recall, there was an incident with respect to a rejected applicant who was denied admission into law school and proceeded to picket. Can you tell us about that?

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Pedrick: Well, actually, he was a splendid picketer because he was a sign painter and his signs were marvelous. (laughter) He thought anybody who was a taxpayer of Arizona ought to be entitled to enter this law school. But his credentials, in terms of his score on the Law Admission Test and his undergraduate grades, were not very good. But we disarmed him a little bit, because I had the office staff take doughnuts and coffee out to him during the day and he thought that was pretty remarkable since he thought we were the enemy. (laughter)

Matheson: You mentioned some changes about the school. As I recall, in the charter class we had very few women and now we have many women.

Pedrick: That's right.

Matheson: That forced some adjustments at the law school. How did you handle one of the most serious problems?

Pedrick: (laughs) Well, one of the problems was, we didn't foresee that women would come in the numbers which they have--and they're now, nearly half of the students body. In the design of the building, we unfortunately had not provided an adequate supply of rest rooms for women. And they were hurting, so to speak. They persuaded the men, who were quite decent about it, that they should yield some of their facilities, which they did. We converted one restroom from a male to a female restroom, and I posted a notice to the effect that "To relieve human suffering we are making this dramatic change." As I recall, we cut not the ribbon but an unrolled roll of toilet paper. (laughter)

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Matheson: And as I recall, you said that we were making these separate but equal facilities at the law school. (more laughter)

Pedrick: That's right.

Matheson: A question with respect to politics at ASU. Did you find any problems in dealing with university officials behind the scenes in the formation of the law school?

Pedrick: Well fortunately Homer Durham had had a law school in mind, I think, for a long time. He had been at UCLA [University of California at Los Angeles] and other places and saw what a law school meant to a university. He was absolutely stalwart in his defense. And any time that I could come up with a plausible argument in support of this additional support or that, he would figure out some way to get it accomplished. So the answer I would say, during my tenure, I didn't really have problems.

Matheson: Were there any other individuals besides President Durham who were particularly helpful to the school?

Pedrick: Well, Gilbert Cady was the business manager and he was marvelous. In the day when I think the accounting requirements weren't nearly as stringent as they are now, he managed to have funds available to help us get going in the proper fashion.

Matheson: Let me turn to a different subject, Ped. What role, if any, did state politics play, with respect to the creation of the school or the development of the school after it was started?

Pedrick: Well, it's my belief that the thing that occasioned the creation of the law school here was the fact that a commission or committee had been set up to



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study the question of where the medical school should be located. To the surprise, really, of the Arizona State University people the medical school was awarded to the University of Arizona in Tucson. I'm told, on the ground that it would be helpful to the Tucson economy, although obviously there are more patients in the Phoenix area.

But that, I think, from the point of view of President Homer Durham was not such a bad thing, because he knew that medical schools were fiercely expensive and much more expensive than law schools. And so at that point he said, "Well, if the U. of A. is going to have the medical school, then ASU should have a law school. The U. of A. was disarmed at that point. It was very difficult for them at that point to say, Well we can't have that. So they were quiet.

Then when President Homer Durham went to the legislature he only asked for an appropriation, I think, of five hundred thousand or something of the sort. Which, looking back now, seems kind of ridiculous. But what it did do was give the legislature a chance to vote on the question, "Should we have a law school at ASU?" And when they said, "Yes," well then it's like marriage, you know. It's not the initial cost, it's the upkeep. (laughter)

Matheson: Do you recall any instance, positive or negative, with respect to relationships with the legislature or legislators affecting the law school?

Pedrick: Well, we had, in the early days, some question about the number of out-of-state students [that] should be permitted to enter. And I think there was a time when we sort of had an unofficial quota of top enrollment of out-of-state students of twenty-five percent or something of the sort. But that

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wasn't too meaningful because in this state the view has been taken, I think, that a law student, who after all is commonly twenty-one or twenty-two years of age, can become a local resident after one year here. So that there aren't really very many who admit that they are non-residents after their first year in law school. So the quota did not really prevent us from taking a goodly number of very, very high-standing applicants for admission.

Matheson: Could you comment about the reaction to invitations to certain controversial speakers who came to the law school to address the law students?

Pedrick: Well, we wanted to have a reputation of being a forum for controversial speakers from both sides of the spectrum and that used to get us into hot water a little bit from time to time. We had a number of the sort of people who come from the left side that--I've forgotten some of those names, but. . . .

Matheson: I remember a public reaction, a negative reaction when we invited Chief Justice Earl Warren to be the dedication speaker.

Pedrick: Yes, and I think we had a Black Panther and then, what's the movie actress activist. . . .

Matheson: Jane Fonda?

Pedrick: Jane Fonda was here. And on the other hand we had Nelson Rockefeller and Hubert Humphrey.

We've had quite a notable parade over the years of outstanding speakers of all points of view. And sometimes, in the early days, we'd be attacked in the press or a letter to the editor attacking us for having somebody of dubious views. But the university was quite good in supporting

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our position that we thought this should be a place where the Great Hall would see the First Amendment guarantee of freedom of speech really flourish. And that's been our tradition.

Matheson: Thank you.

*End of Interview*

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