Foreign observers have frequently noted an unusual characteristic of the better law schools in the United States: their power to attract their most talented graduates to a career of teaching and critical scholarship. The situation is different in Canada and other common law countries where academic teaching and critical writing are not thought to occupy the important place in the legal system that they occupy in the United States. This unique characteristic of the better American law schools is due to the aggressive tactics of their teachers in the late nineteenth and early twentieth centuries. In an open market for the best available training for success in the practice of law they proved conclusively that their demanding teaching methods and high standards imposed in grading examinations produced attractive young men and women who rapidly became more competent practitioners than the products of inferior schools or apprenticeship training. Moreover, the great teachers of those times did more than teach. They accepted responsibility for a task that judges and practitioners were much too busy to perform—the task of evaluating the work of the judges and legislators. Moving from a purely historical basis of criticism, they called for a candid recognition of competing social interests and an informed sense of injustice in the decision of each particular case. They compared thoughtful, articulate opinions with those based on mechanical application of black-letter rules. They encouraged the judges to cast off the deluding fiction that, in a democracy, judges should not frankly discuss competing social policies. It is the challenge of this great tradition of training the judges and counsellors of the future while providing specialized research and commentarial guidance for those presently in positions of power that constantly attracts the ablest of law school graduates into the teaching branch of this profession.

As long ago as 1919, this great tradition stirred the heart and mind of one of the Harvard Law School’s most outstanding graduates, George Edward Os-
borne. When, having served as Editor-in-Chief of the Harvard Law Review, he graduated with high rank, he might have gone directly to a teaching position as many Harvard law graduates have done before and since. But George wanted the very best preparation for his career as a teacher and scholar. So he returned to the Harvard Law School for a fourth year of classes and difficult, competitive examinations. What a contrast between George’s ambition for self-improvement and the complaints of some all-knowing present-day students that they cannot stand the pressure of competitive grading, and that a third year of law school is a time-wasting bore.

Having received the coveted S.J.D. degree at the end of his fourth year, George became an Assistant Professor of Law at the University of West Virginia, where he stayed for only one year. For during that fateful year he met two men who became his close friends and greatly influenced his career. One was the celebrated property teacher, Everett Fraser, also a Harvard Law School graduate. As Dean of the University of Minnesota Law School, Fraser was building a strong faculty to rival the two great midwestern law schools of the day: Chicago and Michigan. He persuaded George to join his faculty in 1921. But Marion Rice Kirkwood, whom George also met in his first year of teaching, was destined to have a much more lasting impact upon his future. Though only six years older than George, Marion had been teaching for eight years and was then a full professor in the Stanford Law School from which he had graduated in 1911. Marion realized that George, with his enthusiasm for the fine points of real property law and two degrees from the most renowned law school in the nation, could bring tremendous teaching power, scholarship and prestige to Stanford. At Marion’s suggestion, Dean Charles Huston invited George to be a Visiting Professor in the summer of 1921 before he went to Minnesota, and George accepted.

Stanford, in 1921, was not in a position to offer George Osborne a full professorship in its law school. That school had a full-time faculty of six full professors and one associate professor whose promotion was overripe and could not be deferred. President Ray Lyman Wilbur would probably have approved the addition of one more full-time teacher to his flourishing law school—but not one with the rank and stipend of a full professor. However, in the summer of 1922 Dean Huston died very suddenly, and Marion Kirkwood, at the age of thirty-six, became the new Dean. The untimely death of Dean Huston, who had graduated from the University of Chicago Law School only sixteen years before, left a vacancy that enabled Marion to offer a full professorship to George Osborne. It is said that President Wilbur raised his eyebrows when requested to approve the appointment of a young man with only three years teaching experience to the rank of full professor. But Marion, the dynamic young dean, carried the day. At the age of thirty, George began teaching at Stanford, and there he stayed until his compulsory retirement thirty-five years later.

The coming of George Osborne marked a dramatic turning point in the austere, but heroic, history of the Stanford Law School. In 1893, when instruction in law was first offered at Stanford, the great majority of university law schools in the United States were hopelessly inferior to the Harvard Law School and the very few other schools that had followed its example. Most schools admitted high school graduates to a two-year program of lectures and easy examinations. On completing this program they received an LL.B. degree. Most of the lectures were delivered by practicing lawyers or judges on a part-time basis. But Nathan Abbott, the first executive head of the Stanford law department (as he was then called) had no intention of operating an institution of that kind. He would not permit the department to advertise a professional program or confer a professional degree until it had five full-time teachers, each one teaching from a casebook by the catechetical method. Such a program was first announced in 1900. Three years of pre-law study at an approved college was required for admission. Three more years of professional courses in law were required to attain the LL.B. degree. Only a very few other law schools had such strict standards for admission and graduation.

Though Dean Abbott’s personal charm and high ideals for the pursuit of excellence attracted some very talented young teachers to his faculty, the University’s financial problems made it difficult to keep them on the faculty when other progressive schools offered them better compensation. But near the close of his deanship in 1907, he persuaded to join his faculty two young men who, within a few years, attained national and international prominence as pioneers in the field of advanced analysis of legal reasoning and judicial methodology. They were the Stanford Law School’s first outstanding scholars; their achievements brought a kind of fame that few other schools could boast of. Their names were Wesley Newton Hohfeld and Joseph Walter Bingham. After eight years at Stanford, Hohfeld went to Yale where he unfortunately died three years later. But Bingham remained at Stanford until his retirement in 1943.

Thus, when George Osborne, a young man with the highest credentials and proven teaching ability, left the University of Minnesota to join Stanford’s faculty of law, it was made manifest to the law school world that Stanford not only maintained the highest standards for admission and graduation, but that it had emerged from its financial doldrums; it was on the march and planning to become a law school of high degree by drawing to its faculty the keenest legal minds in the country.

In the decade following George’s appointment, the school made steady progress on various fronts. Enrollment continued to increase. The library acquired more space, more books and a full-time staff of three. New faculty members were added, including George Osborne’s friend and Harvard classmate, Stanley Morrison. An optional fourth year of legal studies, emphasizing research and writing, was offered with the J.D. degree to be awarded on its completion. The psychological impact of the Stanford brand of law teaching is evidenced by the fact that in 1929 seventeen graduates had become full-time teachers in “recognized law schools.” A year after George’s arrival, the Trustees resolved that the law school must have a building of its own, and a campaign to raise funds was started.

During the 1920s George must have felt that he and his colleagues were building a school with high standards that would eventually attract qualified students, not only from California and adjoining states, but from every part of the nation. Unfortunately, the harsh impact of the economic depression in the 1930s and of World War II upon the
budding Stanford Law School postponed the realization of his expectations until the 1960s and 1970s. Looking backward to those sad days, it is difficult to believe that the school of Joseph Walter Bingham, George Osborne and Marion Kirkwood had to endure such economic privations. Plans for the new building were abandoned. Year after year went by with no new faculty appointments. Young men, carefully chosen as promising teachers, who did not have tenure, had to be told that Stanford could not afford to retain them. Deep cuts in the library budget forced Jim Brenner to cancel subscriptions to important sets of reports and law reviews. Faculty members not only ceased to receive their usual modest annual increases; their salaries were reduced. And in the dark year of 1943, when George Osborne reached the age of fifty, the total law school enrollment amounted to only thirty students. But through all the disappointing years George never lost faith in the future of the Stanford Law School nor in his long-time friend, Marion Rice Kirkwood. Marion's hopes and plans for the school had inspired George in the days of his youth to leave the secure haven of Minnesota, a state-supported school, to join Marion in the exciting task of making Stanford an elite, private law school of national prominence. George's Scottish stubbornness (to which he occasionally alluded) was never more admirably equal to the occasion.

With the ending of World War II the sun shone once again upon the law school. Enrollment soared. For the long-promised new quarters a large section of the outer quadrangle (north side) was designated, and George played a leading role in planning its renovation. Assuming his colleagues would spend many hours in their offices, pouring over dusty tomes, he had a wash basin installed in each faculty office—a convenience that is notably lacking in the otherwise attractive offices of the new Law Quadrangle. Ironically, neither George (nor anyone else) could have foreseen the extraordinarily rapid growth of the faculty, staff and library that was to take place under the school's new Dean, Carl Bernhardt Spaeith. A mere twelve years later, the law school had outgrown the building that had seemed so commodious and comfortable when first occupied in 1950.

The law school's first endowed professorship (it now has eleven), was the William Nelson Cromwell. In 1952, on the retirement of Marion Rice Kirkwood, the William Nelson Cromwell Professorship became vacant. George's record of scholarly publication made him the obvious candidate, and he was appointed. As a student of Beale, Scott and Williston, he had always recognized the obligation of the law teacher to critically evaluate the work of the judges in his particular field for the benefit of counsellors, judges, law teachers and students. George chose the field of Security Transactions within which the most complex set of multi-party problems are those involving security interests in land. The Editor-in-Chief of the American Law of Property (a multi-volume work, in which each of a group of renowned scholars covered his own field) asked George to write the volume on Mortgages. He also produced two different, well-annotated casebooks. His master work, however, was his comprehensive textbook on the law of Mortgages, first published by the West Publishing Co., when he was 58 years old. It probes thoroughly and deeply into every aspect of its complex subject. In 1976, a member of the publisher's staff suggested that since the book had been in print for a quarter century and had gone through a second edition, it might be desirable for the company to replace it with an entirely new work by a different author. But he was told by a senior editor that it would take a new author at least ten years to research and write such a book. Moreover, it was quite possible that the new book would not be as well written or reliable as that of George Osborne.

In 1958 George reached the age at which all Stanford professors must retire: sixty-five. More than a decade earlier, however, David Snodgrass, Dean of Hastings College of the Law, University of California, devised a brilliant plan for bringing to his school some of the nation's most renowned scholar-teachers. He decided to seek out those who, though still in their prime and enjoying good health, were about to be retired by their employers merely because they had reached the age of sixty-five. (Some schools set a slightly higher age limit.) The plan was a great success. George was naturally invited to join what had come to be known as "The Sixty-Five Club," and he accepted. Thereafter, he taught at Hastings for seventeen years, almost half the time that he had spent at Stanford.

In 1966 his undergraduate alma mater, the University of California (Berkeley) recognized his outstanding contributions to legal education and scholarship by conferring upon him the honorary degree of Doctor of Laws.

In December 1974, I wrote a letter to George, which, as I realize now, foreshadowed, in a strangely coincidental way, what is happening here today. I had been asked to write brief notes on behalf of the Stanford Law School to half a dozen donors, thanking them for their very substantial gifts in support of the new law school buildings then nearing completion. George Osborne's name was on the list; as you all know, one of the large classrooms in the new building bears his name. Having never written to an old friend under such circumstances, I considered the matter carefully. I decided to begin quite informally with some personal and family news; then I wrote something like this: "I am writing on behalf of my colleagues, George, to thank you for your generous and substantial financial support of the new law school buildings. But I want you to know that we are aware of your much greater gift that you made many years ago when you gave thirty-five of the best years of your life to teaching, to writing and to helping to guide the destinies of this law school in good times and in bad. That gift of dedicated service to this school was not only tremendously important; it was absolutely unique. No one can ever match it."

Unfortunately, George never saw the law quadrangle in its completed state or the classroom named in his honor. In the summer of 1975, a few weeks before the dedication ceremonies, he sustained a severe injury that made it impossible for him to travel from San Francisco to Palo Alto. "Some fine day," he used to say, "I'll ride out there and see the new law school." But that day never came.

There is a beautiful old epitaph that aptly epitomizes, I think, the feelings of George's former students, colleagues and friends at this time. It is quite short and runs as follows:

"To live in hearts we leave behind
Is not to die."

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