

INTERVIEW WITH
DANIEL J. MEADOR

MAY 31, 1995

Jean Crockett: Today is May 31st, 1995. My name is Jean Crockett and it is my privilege to be speaking with Mr. Daniel J. Meador, Professor Emeritus at the University of Virginia, School of Law. Today, we will be recording another entry in the oral history of the University of Virginia.

Mr. Meador, the way these interviews usually begin is that the subject is asked to start with biographical information -- where you were born and grew up, where you went to school, what influenced you during your formative years. From there, we'll move on to the events of your professional career and how you started in your field, what brought you to the university, and any other issues you might feel comfortable discussing. So, with those words said, I would like to turn the floor over to you, Mr. Daniel Meador.

Daniel Meador: Well, thank you. To begin where you began, I was born in Selma, Alabama. I grew up there, and in Greenville, Alabama. I started my college career at The Citadel, in Charleston, South Carolina, and later transferred to Auburn. I graduated there with a bachelor's degree in History and then went to the University of Alabama Law School where I got my law degree. After a couple of years in the army during the Korean War, I went to the Harvard Law School for graduate work and got an L.L.M. degree there. Then I went to serve as a law clerk for a year with Justice Hugo Black on the U.S. Supreme Court. From there, I went to Birmingham, Alabama, with a law firm for about two and one half years, and from there I came here, to the University of Virginia Law School to join the faculty.

JC: That was in 1957?

DM: Yes, September of 1957, I arrived here.

JC: One of the questions I had for you was what was it that made you decide to become an academic lawyer, if you will, or assume an academic career?

DM: Well, beginning when I was in law school, I had a vague notion that I might want to teach someday, but at that stage I was pretty much intent on practice. After I did my graduate work at Harvard and while I was with the US Supreme Court, I still wanted to get into practice but the notion that I might want to teach was growing in my mind. I decided at that time, though, I would go into law practice. If I liked it, fine, I would stay. If I didn't, I would be better off, for having had that experience, in teaching. So I did go with a firm and my notion was confirmed as time passed. A year or two with the law firm increased my notion that I wanted to teach, and I finally reached the conclusion that was really the career I wanted, rather than active law practice.

JC: It was interesting in reading your book, His Father's House. You have your character, Rob Kirkman, who's a professor of law, say an interesting thing at one point. I wrote it down and thought about you with regard to it. He talks about being a professor of law and he calls that "alternating between a lecturer and an interrogator."

DM: That's right.

JC: You also have him say that he realizes that in being a teacher of law that he has "an unrivaled platform for pursuing the grand purposes of law and the shortcomings of mankind that made it all necessary."

DM: That's right! That's why law is here. There was a book called If Men Were Angels. The theory is if they were, we wouldn't need law! But they're not, so we have to have it.

JC: In the School of Education, we have a very different style of pedagogy, I'm sure, from the School of Law. I've never experienced that interrogative style. I gather that's a long standing tradition.

DM: Oh, yes. Teachers, of course, vary in their style a great deal. We do have law teachers who do a lot of lecturing, but they are in the minority, I think. Nearly all law teachers do engage in a fair amount of questioning of students during class. I think the best of the law classes, the most stimulating of the teachers, are very good at that. The whole point is to draw out of the students what it is you want them to understand and to get at it with an interrogating back and forth between the instructor and student.

JC: And I would imagine there is a fine art to that, so that you are really extracting the information without intimidating.

DM: Oh, there's a very fine art and that's one of the earmarks of the really fine law teacher. That's one of the really great talents you find among the best teachers. It's much harder than straight lecturing. It's much easier to walk into the classroom and lecture for fifty minutes. It's much more difficult to orchestrate a class through what's called the Socratic method in law school, somewhat misnamed, but that's what they call it.

JC: When you're preparing to teach a law class, do you develop the questions ahead of time?

DM: To a considerable extent. Not altogether. You can never script it out exactly because you never know what the students will say, and you don't know the responses you'll get. But the way I do it, is I know the major points I want to bring out in a given class hour, and I do have in mind some key questions I want to put out there. Then the follow-up questions are where the real agility comes in. You have to be quick on your feet with the repartee; you don't know what the student might say and you get some very surprising responses at times. You have to be able to pick up on that and build on it and make the most out of it, and keep the discussion going where you want it to.

JC: Throughout the three years of law school, is that same Socratic approach used?

DM: It's less used in the upper-class courses. It's strongly used in the first year. It tends to diminish in the second and third years and, indeed, there are courses and seminars where it just doesn't fit as well. Particularly in seminars, you don't employ that technique as much -- it's more of a sitting around the table, a conversational kind of thing. In a lot of the upper-class courses in specialized areas, it will not be used as extensively. There are also a lot of sub-techniques in here. Some professors call on students by name in this process, others rely on volunteers. Styles vary on that a good deal.

JC: That would be very different, I would think. It would extract different kinds of information.

DM: I tend to use a mixture of both; I call on some people, I also ask for volunteers and welcome volunteers. The trouble with relying on volunteers entirely is that you'll get the same half-dozen people talking all the time, and some people will never talk!

JC: They'll be so glad you relied on volunteers!

DM: That's right. It's more comfortable!

JC: What courses do you teach?

DM: I've been pretty much in the same field since I got here. Civil Procedure, which is a first year required course, has always been a course I've taught from the beginning, and it's probably my favorite teaching. The first semester of the first year in Civil Procedure I've always found the most rewarding, interesting thing to teach because you have brand new students who know virtually nothing about the law but they are very eager, and interested, and conscientious. I just find it fascinating to try to get across an understanding of this complicated system we have here. I've also taught for many years a course called Federal Courts. In years gone by, I've taught Evidence, and I had a seminar, once, called Constitutional Litigation that ran for several years. In more recent years, I've developed a new course called Appellate Courts, which is designed to fill a void in our curriculum. It's a study of the appellate courts and how they function, how they're structured, and the processes that are employed in those courts for reaching decisions. In fact, I just published a case book this past December on that subject in collaboration with a couple of other professors at other law

schools, so I hope that will catch on as a course in other American law schools. It's something new on the scene.

JC: When you refer to a case book, is that a synopsis of cases, or is it a teaching device?

DM: It's a teaching book. It's a generic term for books used in law school courses as distinguished from a text. In our world, a text would be a book of straight narrative text writing, almost like a history book or something like that. A case book is a book that collects a variety of material. It would be opinions issued by appellate courts, it would be statutes, rules of court. It would also be interspersed with the editors' questions and notes. It's used in classrooms. It's the kind of thing students use everyday in the classroom and you make daily assignments in it. Anywhere from maybe fifteen to twenty or more pages a day in the case book are assigned to be read and digested by students ahead of time and you come into class and that's the basis for class discussion. The material that was in that assignment will be the opinions of courts or statutes mixed up with notes and questions by the editors of the book. It's not a research book, it's not a text that would be used by a lawyer, normally. It's a law school teaching tool.

JC: I wanted to clarify it in my mind as opposed to case studies where one might tear the cases apart.

DM: That's heavily involved in it but it's not a case in the sense that, for instance, the Darden School talks about cases. That's a different sort of thing. They take a situation and examine it from the ground up in all its aspects and so on. What

we call, in law school classroom work, a case is really a tiny little tip of the iceberg of a case. It's the appellate opinion in the case which is the culminating stage of maybe months or years of litigation that's gone on in lower courts. We don't get into all of that in great detail. We analyze the opinion of the appellate court and often that is analyzed in great detail and at great length, and very meticulously. But that's all we have. It's a practical problem. If we tried to study a full case in law school, you'd have to wheel in a couple of wagon-loads of material and stay on it for about a week or two, or a month! And some of that is done in upper-class seminars in law school. When you get into specialized areas, we do get into that kind of thing, but in the basic courses it's simply not feasible to go about it that way.

JC: Well, you certainly came into the field of law at an interesting time, especially coming from the South, as you did. If you started here in '57, I'm considering when you got your law degree and thinking of Brown vs. the Board of Ed in 1954. Were you a new lawyer at that time?

DM: Well, I got my JD degree, the basic law degree in '51 and I got my L.L.M. in '54, so I came out of law school, so to speak, after the Brown decision. Not a whole lot happened after that decision for quite some years and by the time you really began to get some sort of movement and activity in the wake of the Brown decision, I was here teaching.

JC: Let's go back a little bit in terms of your years here at U.Va. When I was looking through Virginius Dabney's history of Mr. Jefferson's University, he refers to many major changes in the law school during the 1960s. I'm not so sure I have the names right, here: in 1963, I believe there was F.D.G. Ribble, was it?

DM: He ended his deanship that year after twenty-four years, I believe, in the position. In those days, we had long-term law school deans all over the United States. That's pretty well gone and has been gone now for twenty, twenty-five years.

JC: What do you think caused the demise of the long-term dean?

DM: Part of it was the pressures of the job, I think. It is so demanding. A dean is pulled and pushed in so many directions. It's so hectic and frantic now that people simply, I think, burn out in it. They don't want to be in it forever. And most people who are in law teaching are in it because they like teaching, and research, and scholarship, and writing. They're not in it because they love administration. Now, a few do. Most of them don't, though, and they take deanships for a few years and then are happy to get out of it. In the old days, it was much less stressful, I think. Dean Ribble's was rather a relaxing, calm, peaceful life to lead, it seemed! Not so, now!

JC: Now he was succeeded by Hardy C....

DM: Dillard. Hardy Cross Dillard.

JC: Now, according to my notes, he was named to the International Court of Justice.

DM: Right. He was dean for five years. Starting in his time, there were five year terms set up by the university for all deans. That came about somewhere around

his time in the early '60s. So he held a five year term. There's another reason why he left that office. At that time, there was a rule in the university that no one could hold an administrative position beyond the age of sixty-five and Dillard turned sixty-five in his fifth year of deanship. So it happened that the end of a five year term coincided with his sixty-fifth birthday. So, for two reasons, he left the deanship at that moment but then he reverted to his professorial status for another, perhaps, two years when he was then appointed to the International Court of Justice. And that explains why I am here.

JC: I thought it might. What happened then?

DM: I was then dean of the University of Alabama Law School. I had left here to...well first I went on a one year Fulbright lectureship to England in the Fall of 1965 with the intent of returning here in the Summer of '66 from a one year leave of absence. When I was in England, I was offered the position of dean of the University of Alabama Law School. After a great deal of travail, and hemming and hawing, I decided to accept it, not because I really wanted to be a dean, I certainly didn't want to be a career dean, but it was my home base and my home law school and I felt this sort of sense of responsibility to help them out. The president of the University of Alabama at that time was very much committed to building up the law school. Indeed, that was an important factor in my deciding to accept the position. There was a commitment to put a lot more money in it, to do a lot more by raising private funds for it, in other words, to just really accelerate greatly the development of that law school and bring it up to quite a different plain. And that was kind of an exciting proposition. As I say, that, coupled with my sense that, well, I sort of owed something to help out in that effort. . . So I accepted that, and I came back here in the Summer of '66 only to pack my bags

and move to Alabama. So, I was gone when Dillard went out of the deanship and then Monrad Paulsen came in as dean in 1968. It was in the Fall of 1969 that Dillard was appointed to the World Court. They contacted me then, Monrad Paulsen did and Hardy Dillard, also, and other people, to inquire whether I would be interested in coming back to take Dillard's position which carried with it the James Monroe Professorship, a Chair. It was a very inviting proposition. That coupled with the fact that I knew I didn't want to be a dean for the long run. . . I said when I went to Alabama, I could imagine holding the position for as much as seven years, but I couldn't really see being a dean longer than that. I'd been there four years and I felt, also, that I had done about what I could do for that law school. I had played out all the ideas I had. I'd done a lot of things, I thought. From there on, I'd just be repeating myself, perhaps. And I thought if I'm ever going to leave the deanship and revert to teaching, which I really wanted to do, that I would never have a better chance than this. I could think of no law school I would rather teach at than the University of Virginia, and here was this grand opportunity to come back, with a Chair. So, the long and short of it is that I decided to make that move, and I came back in the Summer of 1970. I've always wondered what would have happened had Hardy Dillard never been appointed to the World Court. I might not be here now!

JC: Isn't that something! Fascinating little twists and turns . . . What did the receiving of the Chair allow you to do?

DM: Well, there's really not a great difference. Chairs in the law school, historically, have not meant that much. It's not like Chairs at some other institutions, particularly private institutions, where it means a great deal in terms of salary. It means virtually nothing, here, in terms of salary. It's just a kind of

distinction to hang around your name! In more recent years, it has carried some benefits in that there is something called a "Chair Fund". Every Chair holder in the law school has a fund available (it's been running about two thousand dollars a year, for some years) that can be used for things like travel to professional meetings, purchase of books that the professor wants in his office, purchasing certain equipment like computers, and so on. There's this Chair Fund available to every Chair holder, now, that is a nice little benefit to have available. That was not there originally when I first came back. That's come along in the last ten or fifteen years.

JC: In looking through the history of the law school it seems to have enjoyed tremendous support from financially generous benefactors. What has made this law school such an attractive recipient, do you think?

DM: Well, I think looking back historically, the law school has always been an institution that generated within it's graduates a very warm feeling, a sense of attachment. With carrying out recollections of a very fine experience here, that helps a lot down the line later. And so you've got that working for it. It's the kind of institution that leaves people with warm memories about it and wanting to maintain connections and attachments, and so on, and it's always been a very, very good law school, among the sort of top tier of American law schools for generations. That always helps! A good law school, a good institution of any kind, I think, tends to attract financial assistance to a greater degree than one that's viewed as so-so, or marginal. That has helped. Then, in the mid to late 1950s, while Ribble was still dean, there came an upsurge of interest in alumni in the institution. I think you have to give a lot of credit for that to Frances Farmer who became law librarian here in the early to mid 1940s. She had a kind of

single minded devotion to this library and part of that was to get alumni to assist her financially to build up the collection. So I think her efforts among alumni to build up the library collection really, in a way, begins the mid and late twentieth century upsurge in alumni interest. She started it from the library standpoint. And then Dean Ribble was instrumental in starting the Law School Foundation in the mid 1950s, with a handful of alumni, mainly those whom Frances Farmer had gotten interested through the library. The Foundation has, ever since then, been the fund raising arm of the law school for private fund raising, coupled with the Law School Alumni Association. The Foundation receives and holds the money but is also a very important factor in raising the money. Dillard came in '63 and I think one of his major contributions was to step up all of that greatly; to accelerate it. He established a regularized formal annual giving program and also got out and beat the bushes among alumni in a much more active way than had been done. And so beginning in Dillard's deanship, and accelerating from then onward through every deanship right on up to now, the alumni giving has accelerated; it's been an object of much more attention. Right now, it's at the forefront of concern with all of this law grounds development about to get under way.

JC: Even with the search for a new dean in the ed school, I know that looking for someone who was going to be capable of raising funds was an important consideration.

DM: Right now, it's become more important everywhere with everybody, I think. Everybody needs more money, and there's a shrinkage of public funding going on. Unfortunately, it's come to loom larger in the life of educational institutions

than ever before, which is unfortunate because it drains off a lot of time and effort that might better be spent elsewhere.

JC: Yes, it does. And I worry, too, sometimes, that it doesn't tap the strengths of the scholar.

DM: That's right. That's right. And yet it's been crucial in the life and development of this law school. There's no doubt that this law school would not be the sort of pre-eminent institution it is without that private funding over the years. Dillard used to call it "the margin of excellence"; it's now become the essential element of excellence, no longer just a margin, since public funding has shrunk so much. The state funds now provide about 7.6% of the law school's annual operating budget. That's all. That's all. So, we are, for all practical purposes, almost a private institution. We've always had far more private support than any other law school in the country, with the exception of the University of Michigan, -- any other public law school, I should say.

JC: In terms of the money that has been raised, my assumption is that some of it goes to fund international scholars, some of it has been used to start unique programs. Am I on target with that?

DM: Actually, every aspect of law school life -- library collection, Chairs, we now have many, many professorial Chairs in the law school, scholarships for students of all sorts, research grants for faculty members. Fringe benefits for faculty members have been provided from that. It really cuts across the whole range of law school life.

JC: In terms of the unusual spirit of this law school, I believe it was even referred to in the US News and World Report issue on colleges and universities, and I believe the University of Virginia was ranked number one.

DM: Number one law school among all public law schools in the country. Within the top ten on every other count, also. That's the US News and World Report rating. Most people in the academic world look very skeptically on ratings, you know, because they don't take into account a lot of the intangibles that really make a difference in the quality of an institution or the life of an institution. Nevertheless, it's nice to be counted in the top ten by anybody! We think we've always been there anyway, nobody had to tell us, you know!

JC: In talking with some of the students in the law school, they've spoken about the spirit of cooperation which is not to say that competition is not present, but that it's not savage.

DM: That's always been the tradition here. We like to think we have a more civilized atmosphere, a more relaxed ambiance, more camaraderie among students and faculty than many other law schools. And I don't have any doubt that that is true. I have some concern in recent years whether it will continue. There does seem to me to be somewhat more of a kind of competitive edge among some students than there used to be, but I still think that compared to other law schools, we're way ahead on that score.

JC: In terms of the honor code, does that work here the same as it does elsewhere on grounds?

DM: Of course, the law school, as every other school in the university, is subject to the honor system. It is a single, university wide honor system. It's very difficult, always has been for me, to assess exactly the degree to which the honor system functions fully effectively, to what extent there are lapses here and there and yonder. It's very difficult to get a handle on that. We rely on it heavily in the law school through our flexible exam system. I don't know whether other schools in the university have anything like this or not, but many of our exams are given on a flexible basis. This means that during a two week examination period, at the end of each semester, a student can select the time at which he or she will take the exam. There are blocks each day. There's a morning block and an afternoon block during the two week period and a student in the flexible exam system can come in on any day during that period, either morning or afternoon and pick up the exam, take it, and turn it back in. Now, that could not exist without an honor system. There's no way you could maintain that kind of thing where some students will take an exam before others in the same course take it. So we rely on it very heavily in that way and we assume that it's functioning. We have occasionally had a case in the law school, not in the last year or two that I am aware of, but occasionally, regrettably, there will be a case in the law school. I can remember two or three in my time here.

JC: It was interesting to listen to an interview that my predecessor in this assignment had done with T. Braxton Woody, who I understand would annually give a speech in the College of Arts and Sciences on the honor system. He speaks rather poignantly of, in about 1967, having to change that speech.

DM: How did he say he changed it?

JC: As I recall, what was happening was that students were saying that "when we're outside of Charlottesville we don't have to be gentlemen from the University of Virginia, we can do as we please." I don't exactly recall whether the text of the speech changed or the tenor with which he gave it.

DM: I've always been a great supporter of the honor system. I think it's very important in the institution as part of the training and educational experience students get. The idea of adhering to concepts of honest behavior, I think, is something the institution ought to impart. Now, the honor system has changed, always changed. If you go back to its very inception in 1842 and track it over time, from say one decade or one generation to another, you will find that it has never been entirely static. It's changed in various ways in its procedures and its scope, in its coverage, you might say, etc. I've been concerned in recent years, say the last ten to fifteen years, about some of the changes that have taken place. In fact, I have served twice, now, on something they called the Faculty Advisory Committee to the Honor Committee. That committee has been set up from time to time by the Honor Committee just to get advice. It's not permanent, and it goes and comes. I've been on it twice and I tried to make points. I think my main concerns about the honor system right now are that it is procedurally too complex, too difficult. The delays in handling cases are far too long; it's gotten too legalistic, I think. I have a variety of procedural and structural problems with the way it is now handled. I've made these points to the students over the years, to very little avail, I might say. I have one proposal that I think is important, that I put out two or three times in the last few years. There's been some discussion about it but nothing serious done about it. My view is that it's important to have a single, university wide honor system, but, today, with an institution that is now about eighteen thousand students and getting gradually larger, we can't

administer the system in the way it was done when I first came here. Then, there were maybe seven thousand students in the university. Years ago, they had two thousand, three thousand, now eighteen to twenty thousand. My suggestion, is that the administration of the system be decentralized by maintaining a single university wide Honor Committee, single university wide system, but that you create honor system panels, maybe five, or six, or seven, throughout the university. For example, you could have a North Grounds honor panel. It would administer the honor system for the law school and the Darden School. You might have a medical honor system panel that would administer the system for the medical school and the nursing school and everything over in that medical complex. Then you might have an honor panel that would, say, preside over the architecture school, the education school, maybe put together a group like that in a unit. You might need to have two or three honor panels for the Arts and Sciences, since its so large. But each of these panels would have members elected by the schools under its aegis, so students would have a greater sense of contact with the honor panel. The one university Honor Committee seems very remote for many, many students. You could bring it down closer to home. Students would actually know people who were on the honor panel that they were connected to and this would also greatly increase the manpower to administer the system. So anyway, that's basically the scheme I would put forward to preserve the system. But it hasn't gotten very far, yet.

JC: That's too bad because it also seems to be sensitive to the different cultures that exist.

DM: That's right. You get people saying you don't understand our problems. I would preserve the single university wide Honor Committee to set policies and

procedures for the system and to serve as the appellate forum if there were an appeal from one of the honor panels. This would go to the university wide Honor Committee.

JC: That sounds like a very sensible way to proceed.

DM: Yes. I may try to revive it in the near future. The problem is, of course, we make a great deal out of the idea that the system is student administered so faculty have to be careful about intruding into it. So our hands are kind of tied a bit in trying to be too assertive in putting forward an idea like this. You try to get the students interested enough in it to try to discuss it and maybe do something about it, and that's not easy!

JC: One of the things that I was wondering about, that you just mentioned, was the difference in the university now from when you first came here.

DM: Yes. Probably one word could capture it all and that is size. When I arrived here, the law school had about six hundred fifty, upward of seven hundred students, total, in the three years of law school. The university as a whole, in my recollection, was in the neighborhood of seven thousand. We were all on what is now called the main grounds, the central grounds. We were all there together. There was much more sense of community about it. You could actually know a lot of students, and by the time a law school class graduated, I, at least knew of every student in the graduating class. If I didn't actually know that student, I knew of that student and knew a great many by sight, readily, face to face. Now, I can know only a small percentage of each law school graduating class. Faculty saw a lot more of each other from other departments and schools over there

when we were all together on the main grounds with only a seven thousand student enrollment. You actually saw faculty in other schools and departments -- ate lunch with them in the Newcomb Hall lunchroom or over at the Corner, frequently. That was very nice. That has gone to a very high degree. The geographical dispersion, now that we have size, just makes it difficult to know as many of the faculty, to know as many of the students. And there's been some loss, I think, of sense of community, collegiality with that. I don't know any cure for it, given the size we have. We try to do things that maintain some sense of community. Efforts are made in that direction and I think they should be kept up. Everything that can be done should be done, but nevertheless, you're not going to be able to recapture that same sense of community.

JC: That sense of community jumped out at me when I was reading your book, His Father's House, and the character Rob is sitting in Pavilion VII, and The Colonnade. I got such a kick out of that! You describe the different academic journals that would be spread about on tables and you gave a picture of people from different departments. Then it really gave me a jog when he leaves there and walks down to Clark Hall!

DM: It's interesting that you bring that up because in plotting that book, and in setting it in time, I wanted to catch the law school while it was still in Clark Hall and yet I had to think about relationships of that time back to the earlier time and so on. So, I picked the last year that the law school was in Clark Hall.

JC: I wondered about that! It was set in 1973.

DM: Yes. That was the latest year I could get and still find the law school over there. That took a little manipulating around to make the story fit back into other times.

JC: Well, I got a kick out of it because I had read Miss Haigh's description of, is it the Geology Department, something to do with rocks, that's over there now.

DM: Right. There are rocks in Mural Hall! The building is really a pale shadow of its former self. People who go in there now will get almost no conception of what Clark Hall was like when the law school was there. Classrooms have been cut up. There are now rocks in Mural Hall. The library looks nothing like it did. There are unbound papers all over the place. The old oil portraits are gone from the walls. The leather-bound brown law school buckram books are not there. It's just not anything like it was!

JC: So you really needed to capture that one.

DM: I thought so.

JC: I loved the business of describing the murals and how the young men would bring their dates and observe their reactions to the art work!

DM: Yes, a great conversation piece!

JC: Let me see, what else did I want to make sure we got on the record here. I had received something from Mr. Bice which were remarks by President Casteen that were given at a dinner in honor of retiring faculty last April, a year ago.

DM: Oh, yes. I was there.

JC: You weren't retiring, were you?

DM: Well, I was officially. My retirement has been very peculiar; in fact some people say it's been a phony retirement! I officially retired as an active member of the law faculty in May of 1994. However, I did not at that point give up the directorship of the Graduate Program for Judges because the law school was very much concerned about continuing that program and it was essential that I remain as director through this past academic year, down to this month. So, I was continuing in that capacity which meant I was heavily engaged last summer with our judges here, and through this past year in reviewing the theses of the judges, and getting them to graduation. This class just graduated on May 21, recently. So, I've remained active in that way. Also, we now have a system in the law school which has not been around until very recently, that retired faculty can be invited to teach a course from year to year by the dean if the school needs the course and if the faculty member wants to do it. So I was invited by the dean to teach again this Spring semester, which I did. So I've really been here as though I had not retired at all, basically, for this past year. Now the big change will come now, because I am now relinquishing the directorship of the Judges Program. George Rutherghlin, of our faculty, takes that over. In fact, he and I have been talking a great deal in the last week or two in transition here to get that into his hands, and I will not be teaching again next year. The dean asked me to teach next year, but after a good deal of thought, I decided not to do it next year. I have a number of other projects around that I would really like to pursue and I'd like more flexibility to get away from that lock-step academic calendar. I might

come back and teach again in another year or two. I'm leaving that open; I'm not saying no forever. I thought next year would be nice just to have a year free of it. So we do have retired faculty, I'm not the only one, we have two or three others, who teach a course every now and then. It's kind of a nice thing for both the school and the faculty member. So I may do that in the future.

JC: It's hard to stop teaching!

DM: So in other words, what you're saying is I don't look as if I've retired, yet!

JC: No, I don't think so!

DM: I've retired, yes, but not retired from work. Retired from active membership on the law faculty, so to speak. I've now got the word Emeritus stuck behind my title, you know, but I'm not retired from work, or from life. I've got a lot of things out there that I'm intending to pursue and stay active with indefinitely, I guess, as long as I'm able.

JC: Absolutely. It's only just beginning.

DM: Right. I'm shifting gears into another direction, here. That's my view.

JC: I wanted to ask you about the Graduate Program for Judges. What actually is that?

DM: Well, it was started in 1980, and we've graduated seven classes, now. It's a program unique in the United States that is designed for judges of the appellate

courts, the state and federal appellate courts. That is the supreme courts of the states, the state courts of appeals, and the United States courts of appeals. Those are the appellate courts of the country. The judges who sit on those courts are judges who write opinions that are published and therefore form part of the body of what we call the common law, the decisional law. This is very important in the Anglo-American legal world. This program is designed for those judges on those courts. We bring in a class of thirty judges, and they typically come from about twenty states, coast to coast, all parts of the country. They come in and they spend two summers with us, six weeks each summer. And during those six weeks, they take courses, very much like law students, regular law students. These courses are taught by our law faculty. The judges take final written examinations.

JC: Is that so?

DM: Yes. The average age of these classes has been forty-nine, and they behave like law students, though. They have regular law professors teaching them and these are academic courses. As I say, there's nothing else quite like this in the country. They have final examinations which are graded. So they are here for a total of twelve weeks, two consecutive summers. Those who finish those two summers and then write a thesis, which they have to do on their own time back home, will then graduate with a degree we call a Master of Laws in the Judicial Process. Each judge is assigned a member of our faculty as a thesis advisor. So the thesis is written by each judge under faculty supervision. We have a final faculty approval process for those theses. And so in this class that just finished, we had thirty judges, twenty-six of them graduated here, the week before last. The other four are still remaining as degree candidates. Each one

got a one year extension to complete the thesis. We have a policy that for good cause shown, a judge can get a year's extension on a thesis, and each of these judges had good reason why the thesis wasn't done. One had a house burn down, another had a stroke. I mean they were good reasons, so we gave them a one year extension. My expectation is that all four will, in fact, finish the thesis and graduate next year. We have one summer off, then. For example, this summer of '95, there'll be no judges here. Then applications will be received next Fall for the new class that will come in and be here in the summers of '96 and '97. That class will graduate in '98. So, it's on a three year cycle. It started out on a two year cycle but we switched to a three year cycle. So, that, in essence, is that program.

JC: That's very interesting. I like the way you said it in terms of contributing toward the body of common law so that how these individuals would express themselves and express the knowledge within that law would become very important.

DM: Oh, yes, and their understanding of the problems coming before them which means to a high degree an understanding of society because that's the grist of law, you know, the problems of society. The courses are a mixture of things. We say there are four themes that are pursued in this program through the various courses: historical, jurisprudential, interdisciplinary, and comparative. Those themes run through them all. We study some history, we study the English and German legal systems, and then we study newly developed subjects that these judges have had very little exposure to, things like law and medicine. You have a lot of bio-medical problems now churning up in litigation. You have a lot of law and social science now. Social science is coming increasingly into litigation. So

we have things like that that are designed to equip the judges to deal better with newly emerging problems as well as understanding the history of where they all came from, how we came to be what we are. It's a fascinating intellectual exercise.

JC: It sounds it, and a wonderful mid-career opportunity.

DM: Most of these judges come out of this thing saying, you know, with great enthusiasm, "this is the most rewarding experience of my professional life", and I believe that. I think it's true.

JC: How nice to have been involved in it.

DM: Yes. It's been fascinating, it has. I've been in it since the beginning and it's been a very rewarding experience for me, I'd say.

JC: I would think so, especially since it is unique and unlike anything else in the country. When I was looking through this piece by President Casteen he also mentions that you were awarded the Thomas Jefferson Award and the Justice Award from the American J . . .

DM: Judicature -- The American Judicature Society.

JC: I'm glad you're the one who said that! Can you tell us about that award?

DM: The Justice Award? Well, first, I'd better say a word about the American Judicature Society which is known, for ease, as AJS. You like that better?

JC: Much better!

DM: It was founded in 1913. It's a national organization that's distinctive in that it brings together lawyers and non-lawyers. It is dedicated to improving the courts of the country in various ways. Much of its effort goes into improving methods of selecting judges, improving the quality of judges, but also improving the processes and procedures in the courts. It's a very, very good, constructive organization. Anyway, they give an award called the Justice Award almost every year; they occasionally skip a year. They call it their highest award. It's given to people they think have made contributions of various kinds in line with their objectives of improving the courts of the country, and so on. That's, in essence, what it is.

JC: You're also in fine ranking with those who have won the Thomas Jefferson Award, as well, and according to the terms of the award, it states that it's given to someone "who has contributed by personal influence, teaching, and scholarship toward inspiring those high ideals for the advancement of which Mr. Jefferson founded the university."

DM: That's a rather awesome set of criteria to measure up to and certainly, with myself, I'm a little reluctant to say that I measure up. You know, you always wonder that about all the recipients of the award, whether anybody is really equal to that, but it certainly was a very nice and pleasurable surprise to get it, I must say. It comes as a total surprise, you know. That's part of it. Great pride is taken in making the award a complete surprise to the recipient and it's often very difficult to get the recipient to the occasion without giving it away in advance!

JC: Oh, so you don't know at all ahead of time!

DM: No. It's a total surprise. I've never been so surprised in my life. I almost fainted!

JC: How did they do it to you and what year was this?

DM: 1986. I was rather dense about it, I guess because looking back on it, there were various cues I should have picked up on, but I didn't. My wife said, a couple of days ahead of time, "well, you're going to the Convocation, aren't you?" I said, "well, probably so but maybe not. I may get too busy to get over there." And so, she kept asking me two or three times, saying, "I think you ought to go. You don't want to lose contact with the people over there on the Lawn," and so on. I said, "Well, all right." And then Dick Merrill, former dean of the law school, came by and said, "You're going to Fall Convocation, aren't you?" And I said, "Well, I guess I will." And he said, "I'll take you over. I'm going over." I'm always glad to get a ride over there so I said, "Well, thank you" and so we went. Then a woman named Eleanor Kent who works in the law school, who handles the law school publications, magazines, newsletters that go out to alumni, she was along with us in the car with a camera. And I wondered why that was going on, but I didn't think anything of it. I thought, well, Eleanor's just going over to take a few pictures of the situation. It never dawned on me, not the remotest notion, that I was in line, as they say, for the "T.J. Award!" I was sitting out in the audience with the rest of the faculty over on the Lawn when Bob O'Neill, then president of the university, announced they were going to announce the Thomas Jefferson Award. I was sitting there by Dick Merrill who had taken me over there and when

I heard my name called; I really was stunned! In fact, I think I said out loud, in a very unbecoming way, "I don't believe it!" But there's not much time to think because you're supposed to go forward to the platform to get it. So I had to rise to my feet, kind of in a state of disbelief, almost. It really was an incredible experience. Dick Merrill rose and that's why he was there -- to get me up on the platform! So I went up and got it. I must say, it is a nice experience.

JC: I would imagine so, but rather numbing.

DM: Yes. To me, it was.

JC: Well, you've mentioned your wife. I've heard a lot about her, too, that she is frequently at your side.

DM: Well, that's true, certainly more so in recent years than formerly, I'd say!

JC: I hear she's frequently at your side in Barnes and Noble. You've been spied there a number of times. Are you a frequent traveler to that spot?

DM: I like, occasionally, to go look around a book store and of course there's occasionally something specific to get. It's convenient to have it nearby. I'm very fond of the New Dominion Bookstore, also, downtown. I've been down there a great deal over the years. But my wife is very, very helpful, of course, these days, in getting me around to various places, as well as people here in the law school.

JC: Rebecca Kneedler had mentioned to me that she thought there had been a professor in the law school who was blind when you first came here.

DM: Oh, my goodness, yes, -- T. Munford Boyd, known as Munny Boyd. He joined the faculty I would say about 1947, give or take a year right in there. He was of course here when I arrived. He was here when I came back from Alabama in 1970, but he retired that year, as I recall it. When he retired here, he resumed law practice downtown with a law firm. He'd been in law practice before he joined the faculty and he went back in town to join a firm here. He told me, strangely enough, that he ended up downtown, back in this law office sitting at the very same desk he had started out at forty years earlier -- the very same physical desk!

JC: It was waiting for him!

DM: It was right there, forty years later! He was a grand person. Everybody loved him and he was an extremely good teacher, too. He was one of the fine people of our law school's history, I think.

JC: It was interesting to me that your colleagues here at the law school had had a previous colleague without sight.

DM: Yes, he was my predecessor in this role. I figure the custom must be for us to always need one and I wonder who's going to be next in line! It's going to be odd around here without one after all these years! Over fifty years.

JC: One of the stories I heard about you was from one of the law students who graduated this year. I was asking her, since I had been a teacher myself, and had once had a substitute teacher who was blind, how you managed the classroom. And she told me how you would call on students and say, "Miss Jacobsen, for instance, are you here?" I would imagine if Miss Jacobsen wasn't, there would be a bit of a stir?

DM: Sometimes I would say that. Sometimes, I would just call the name and wait for a response. I did it variously. There was one difference, going back to Munny Boyd for a moment. One *big* difference between me and him is that he was born blind. He grew up with it, was educated in it, and so functioned in it far more effectively in many respects than I did. You know, I came to this situation after I was fifty years old and that makes a big difference. He was well organized in Braille, and all of that, and could function really remarkably and to a very high degree with Braille. As I say, he'd grown up with it. Getting into it at age fifty for the first time is quite a different sort of situation. There's a *huge* kind of readjustment called for and most people at that age, I think, never get quite as proficient with things as those who grew up with it.

JC: Are there any supports that you use? Do you use a Kurzweill Reading Machine, for instance, or do you use talking books?

DM: I used a Kurzweill for a little while but gave it up. It was not very good. I understand now there is a new model that's much better, but I'm not using it currently. I do use recorded books to a very high degree. There are two major sources of those. One is Recording for the Blind, which we have a unit of here in Charlottesville. They do text books, case books, books used in colleges and

universities for instructional purposes. That's what they concentrate on. That's an operation run by volunteers, and so on, with a national library collection at Princeton. That's extremely useful. All of my teaching material has been on tapes by RFB. Now, the other major source of taped books is a program run by the Library of Congress. They record all kind of general literature, fiction and non-fiction. You can get almost any book you can think of through that service. I use it for all of the general non-fiction works, fiction; all of that I get through the Library of Congress service. In addition to all that, I have my own personal tapers, students who tape all the time for me. At any given moment, I'll have two or three students who are doing tape recordings for me of material that I want especially recorded for myself, such as Law Review articles, or miscellaneous articles, or lengthy memos, or other just miscellaneous short publications that come through here. They are working constantly on that.

JC: How do you do your own writing?

DM: On a talking computer, so called. I'm on my second model now. I had one model that I first acquired in 1986 and now I have a later model. They are essentially the same thing, though. It's like any other word processor. You have a keyboard, exactly the same keyboard. You have a screen, exactly the same kind of screen or monitor anybody else has. The only difference is what you would read on the screen, I have spoken to me by voice. There's a speech pad through which I control the voice. It's able to talk to me any way I want it -- letter by letter, word by word, line by line, -- however I want it. So, I can write, edit, revise on this machine all by myself.

JC: I was wondering how you had done that, with dialogue and such, in writing a novel.

DM: I wrote the entire novel on the talking computer.

JC: You'd almost have an advantage. You'd get to hear that dialogue spoken, wouldn't you?

DM: Well, it's spoken in what I describe as a Swedish man from Mars voice -- a very strange voice! Now the voice has improved. My new equipment has a better voice; voices have gotten better now. On the other set, which I wrote the novel on, it really was quite bizarre, but you get used to it. I found that most people can't understand it at first, but it became old hat to me. But it's not normal, human speech!

JC: No! I know that sound and it can be very peculiar.

One of the questions I had for you was that I noticed in some of your publications that you were interested in German law, and then of course with your novel, you have a good portion of it set in Germany, and a German theme running through. Is there any particular reason for that interest?

DM: Well, my history in Germany goes back a long, long way. It's difficult to figure out when or why I got interested in it. Part of it, I think, was the Second World War. I was in high school and fascinated by the war and fascinated by all sides of it. I had a remote German ancestor who came to this country in 1780, but there was a lot of folklore passed down about that in my family. I guess that has contributed to it a little bit. My interest built up over the years in it and I

visited there many times and became rather fascinated with the divided German situation after the war. It seemed to be quite bizarre, and all of that. I visited there many times, and lived there for three months in East Germany in 1983. I think without those many trips to Germany I probably would not have written this novel. Certainly, it would not have been the same. It really had a lot to do with the book.

JC: It was interesting to read of the character, Wolfgang, in the book, and some of the words you have him say with regard to his own blindness. One that I thought was particularly interesting had to do with history, and so in terms of our project here today, I wrote down some of those words. "Blindness makes a man lose more than his sight. It robs him of much of his past. You don't realize how much of your memory is dependent on your looking at pictures and books. What you remember about people, places, and events is constantly refreshed and kept alive by use of sight. " And then he talks about his mother looking at photographs. He continues by saying, "I must depend entirely on what was embedded in my mind thirty or more years ago." I thought, boy, that's so true!

DM: That's right. People don't realize that. They think they remember something or somebody, but what they're remembering are pictures they see of it. They have pictures in their house, on the wall or on the shelf, and they see that all the time, and the memory is there of that. If you take that away, as the years pass, the memory is going to get a little vague.

JC: It puts a new spin on "the mind's eye."

DM: Exactly. It takes away some memory, in a sense, something that would be there otherwise.

JC: I think I would be remiss if I didn't ask you if you have any Justice Hugo Black stories.

DM: That was one of the most fascinating experiences of my life, I suppose, that year being there associated with him. He was a memorable sort of figure. He was a very warm, kind of fascinating, interesting sort of person to work for. There are lots of stories about him; I don't know where to start with them! It was certainly a memorable year; one I wouldn't give anything for. And it certainly had had a lot to do with my career later. It's a tremendous asset to have had that experience in order to get into law school teaching and what happens to you after that in law school teaching.

JC: Is there anything else that you would like to bring up before we close?

DM: Well, there's so much that could be talked about, I guess, reflecting back over the history of the law school during my time. When I got here, John McCoy and I arrived on the faculty at the same moment, first of September, 1957. We made the sixteenth and seventeenth members of the law faculty at that time. Now the law faculty is right at sixty. That gives you some sense of the difference. The enrollment then, as I say, was between six fifty and seven hundred. It's now close to twelve hundred! So these size changes have been the amazing thing. The faculty when we got here was a very, very memorable, fine group of people. I've always been thankful I had that association with those people. I think they were people of great integrity, intellect, culture. They were well educated in the

broadest sense of the term -- people like Mr. Ribble, Mr. Dillard, Charlie Gregory was here then, and Lori Rhineland, Charlie Woltz, Ken Redden. Morty Caplin was on the faculty then. These were fascinating people, and you could get to know these people, then. You knew them, you knew their families, you knew what was going on in their lives, you saw them fairly frequently at social occasions together, and all of that. That little band of happy people was very memorable.

Now, I might just add one thing. I have, over the past four years, undertaken to assemble and edit Hardy Dillard's papers. There are ninety something boxes of papers in the law school archives, here. Plus, I think, over one hundred boxes of Dillard family papers in the Alderman library. So, over about four or five years, with several student assistants helping me heavily, I have been through all of that. I've picked out and selected the papers I thought were worthy of publication and preservation. Now some of these have been published before, but many of them have not been. Finally, I edited, sorted out, selected those, and I've written about a thirty-five page biographical sketch of Hardy Dillard. All of this is now being published in a book that will be in the neighborhood of three hundred seventy pages. That book should be out by the end of this summer. So, we'll have a published book between one set of covers of, I think, some of the best, and most interesting, and representative, at least, of Dillard's writings and speeches. It's called Writings and Speeches. It's both, previously published and unpublished. So, I think this will be quite an interesting volume for many alumni and, in the future, for people who are interested in the history of the law school and university, because a lot of that is in there.

JC: Oh, I'm so glad you mentioned that, and mentioned that on this tape as well, so that can go into the oral history.

Well, certainly speaking with you this morning has been absolutely delightful, as I was assured by many that it would be!

DM: Well, thank you very much. I've enjoyed it.

JC: I would like to close with another line from your novel, if I may.

DM: All right. This is unnerving to have my lines read back to me!

JC: Well, at any rate, your character Rob is speaking of the German, Wolfgang, who is blind and whom he is concerned might be a double agent. He says, "I wouldn't underestimate him on account of blindness. He is highly mobile, and goes everywhere alone. His memory and sense of sound and direction are unusually sharp. He's a keen minded fellow, and I wouldn't assume that he's not fully capable of doing anything." It reminded me of you!

DM: Well, thank you very much.

JC: So, thank you, Mr. Meador. And to close, we are sitting here in Mr. Meador's office at the law school of the University of Virginia, on May 31st, 1995, with another installment of the oral history project.