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Tributes to Dean Vernon X. Miller: As We Know Him

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Tributes to Dean Vernon X. Miller

As We Know Him

The Catholic University of America Law Review, on its own behalf and that of the students and alumni of the Law School, dedicates this issue to Vernon X. Miller on the occasion of his retirement as Dean at the conclusion of this academic year.

We wish to honor Dean Miller in this publication, and to that end we have asked several of his good friends in “the teaching business” to comment on the career and the person of Vernon Miller. This they have graciously done, and their remarks are set out on the following pages.

But none of these friends, nor any other of his associates outside the Law School, have had the opportunity to view him as we do—daily, in the Law School, in his capacity as Dean and Professor. It is this aspect of his life we offer to you. (Not that we could not outline in some detail his distinguished professional career; its specifics are as familiar to us as the World Series scores of 1924, or the cumulative batting average of the Chicago Cubs in June 1930, and for the same reason: Dean Miller delights in them.)

We have known him here since 1954, when he assumed the Deanship after three years as Dean at the University of San Francisco Law School, and thirteen years (six as Dean) at Loyola University in New Orleans. We know, too, that he had earlier served on the law faculties at Marquette, the University of Oregon, and St. Thomas, and as law clerk to Mr. Justice Butler. And we dare say there is not a graduate of this school who, listening to Dean Miller, has not vicariously relived his own youth in St. Paul, Minnesota, in the neighborhood of Schulz’s Barber Shop and Miller Brothers Tobacco Store.

But, as we began to say, it is not Dean Miller’s long career as a dean and law teacher we wish to elaborate; nor will we presume to judge the eminence of that career—his peers have done that by electing him President of the Association of American Law Schools for 1965. No, we will paint him in his element.

Short, balding, upset, in a hurry. This is the first impression an entering law student has of Dean Miller. Upset because registration has encountered one of the snarls that registrations always and everywhere inevitably encounter; in a hurry because naturally there is much to do to get the academic year underway; in a hurry because some novice professional has outrageously parked his car in violation of an as-yet-unannounced parking restriction. In a hurry, too, we think, because the law is in a hurry and he is never unaware of that fact. Typically, he told this year's freshmen: "the law is so profound, so comprehensive, and so pervasive that most of us cannot exhaust our imaginations no matter how often we try to tell new recruits what the law is all about."

Deans everywhere, we suppose, are caricatured as institutional dervishes bent on depriving students of every vestige of their academic and civil rights. Dean Miller is the prototype. First item of business in every school day for each student is to check the main bulletin board—with trepidation—to see what pronouncement, fiat, castigation, or plea has been directed at him from the Dean's office. New restrictions on use of library books, new parking limitations, new pre-registration procedures. A change in scheduling, perhaps. An announcement of upcoming special events. But, whatever its contents, the phraseology was inimitable. We are certain someone has kept verbatim copies of the Dean's communications over the years and will publish them someday in a sizeable volume. As a writing style, his is unique; for effectiveness, it is unapproachable. No student reading a message directed at him will soon forget it. Who would ever fail to recall, for instance, the sinister implications of his caveat "all parking lot trespassers will be violated."

But what of his impact on the substance of student life? Each student suffers from the narrow vision of his own three or four years in the Law School. We, however, are not so confined and can reflect on the full fourteen years of Dean Miller's tenure. From a student body that once numbered less than one hundred, the enrollment now has more than quadrupled. The physical plant? One can now park where the Dean's office was at 1323 18th Street; gone is the structure that housed first the Foster family, later the Knights of Columbus Law School and, after the latter's merger with the Catholic University School of Law, the Columbus School of Law of the Catholic University of America. The crumbling staircases, the "well" (where believe it or not, there *were* some old English reports), the turreted offices (in one of which there were usually some old English golf clubs), have given way to the wrecker's ball, and the Law School now occupies Leahy Hall on the University campus.

The faculty that numbered six in 1954, now numbers sixteen fulltime,

and an equal number of part-time lecturers in specialty courses. Recent faculty appointments are an impressive lot, among them graduates and post-graduates from the country's best law schools. The curriculum? Fourteen years ago the School's course offerings nearly duplicated those suggested by Dean Langdell at Harvard sixty years earlier. A student, if he were lucky, might take as many as two electives. Now Dean Miller struggles to get adequate catalog descriptions for such offerings as "Strategic Resources," "Social Groups," "Urban Problems," "Legal Assistance to the Poor." Upper division courses are, with few exceptions, elective. Seminars abound. Where, ten or twelve years ago, a student could graduate having written nothing more than final exams, extensive legal writing is now part of the required program, including at least two major research papers.

Trusting in the competence of the students themselves, Dean Miller has seen far-ranging student activities blossom. The Student Bar Association directs a host of programs, social and professional; three law fraternities afford additional opportunities for co-curricular work; the Legal Aid Society provides direct assistance to Neighborhood Law Offices, and will soon participate in a program to provide student counsel to parties in small-claims proceedings in the District of Columbia Court of General Sessions. At budget conferences the Dean delights in reminding the Law Review of the days, early in his regime, when the editor of the semi-annual Review paid most of the publication costs from his own pocket; today the Law Review publishes quarterly on a budget well into five figures.

Indicative, we think, of the Dean's attitude toward, and empathy with, his students was his ready acceptance of a student honor code some years ago, which allows the students to take unproctored exams anywhere in the building. Nor can students fail to detect his genuine concern for their well-being when he talks with them of bar exams, the draft, or future career plans.

All of this—the Deanship—occupies but a part of Dean Miller's professional work. He was first, and he continues, a Professor of Law. He once taught such courses as Constitutional Law and Bankruptcy, but we know him as a teacher of Torts. In this as in every other aspect of his life he is unique and colorful and unforgettable. Is it possible to teach Torts without a casebook? Should a Torts teacher forbid his students to take notes in class? Can one legitimately frown on William Prosser as outside reading? Dean Miller does all these things. A legal realist, his classroom emphasis is not on broad, sweeping theory, but on "specifics." How do you get the case of the man falling off the plank to a jury? Why does it make a difference that the plank was resting on a barrel rather than on the ground? The questions rarely demand oral answers from the students—unless he is quick enough to

get it in before the Dean's discourse continues. Impossible, the student often thinks, to make sense from this torrent of case analysis, synthesis, comparison, distinction. But, lo! In second and third year, here and there and more and more frequently, in courses raising related issues or building on tort concepts, the student begins to realize that somehow the fine essence of tort law has seeped into his legal consciousness. And later, in bar exams and in practice, the seeds planted in Dean Miller's course bloom and flower—not just in a rule recognized or a distinction understood, but in a viable methodology. The methodology is that which every law teacher strives for and which can only be described as “thinking like a lawyer.” No, Dean Miller is not a teacher's teacher. He violates too many of the rules. But he is, we think, a student's teacher. And a good one.

Actually, for those who know Dean Miller, we cannot add many chapters to your book on him. We have no doubt that each and every student, friend, or alumnus could add his own version of “and there was the time. . . .” One thing we all share, however, is the fact that we will not forget him, his love for baseball and its lore, his teaching, and his deanship. Nor, it seems, will he ever forget any of us, for we have observed over the years that the Dean never fails to recall a student's name no matter how long ago he may have graduated and no matter how inconspicuous he may have tried to remain. His amazing recollection extends not only to ex-students, but to events, wives, children, and jobs. It may be that the great gift of precise memory is the key to Dean Miller. It explains his affinity for precision in case analysis; it explains his success as a law school dean to the extent such success demands a keen awareness of the development of legal education and the background of the particular institution; it explains also, perhaps, his apparent professional contentment, based as it must be on fond remembrances of continual high achievement.

There you have him. Vernon X. Miller, Dean and Professor of Law.

We are all richer for your being here, Dean Miller, and we are delighted you will stay on as Professor Miller for another year. To you we wish good health, good life, and good memories of your term as Dean of the School of Law.

—THE EDITORS