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James F. Hogg

William Mitchell College of Law, james.hogg@wmitchell.edu

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Abstract

Justice Rosalie Wahl is well-known as the first woman to be appointed to the Minnesota Supreme Court, but she has made a lesser known, yet critical, contribution to the quality and effectiveness of legal education in this country. As chair of the American Bar Association's Section on Legal Education and Admissions to the Bar, Wahl created the MacCrate Commission. The MacCrate Report charts the way for improvement in law school teaching and learning, and the discussion following the report led to the creation of an ABA Commission to take testimony and review the ABA Accreditation Standards. Wahl also chaired this Commission, which may affect the form, content, and process of accreditation of law schools in this country far into the next century.

Keywords

Rosalie Wahl, women lawyers, women judges, Minnesota, legal clinics, clinical education, legal education, law professors

Disciplines

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**ROSALIE WAHL:
HER EXTRAORDINARY CONTRIBUTIONS TO LEGAL
EDUCATION**

Dean James F. Hogg[†]

Justice Rosalie Wahl illustrates to perfection the role of community service and commitment to the good of all. Others will write of her as the first woman to be appointed to the Minnesota Supreme Court, of her seventeen years of service on that court, and of her contribution to the law of the state and country. Others will write of her energy, diligence and wisdom in leading task forces to address sexual harassment, gender, and racial discrimination in Minnesota.

I will write of perhaps a lesser known, but critical, contribution that Rosalie Wahl has made, is making, and will continue in the future to make, to the quality and effectiveness of legal education in this country.

It was not until mid-life that Rosalie Wahl decided to attend the William Mitchell College of Law and become a lawyer. With four children at the time she began law school, her fifth was born during her second year there. Following graduation she became an assistant state public defender for six years and was an adjunct professor at the University of Minnesota Law School. The next step in her career was to join the William Mitchell faculty where both her practice and practical insights quickly came to the fore. With Roger Haydock she began the building of a clinical teaching program which would later attract national attention including a distinguished Emil Gumper Award.

In 1977, Rosalie Wahl was appointed to the Minnesota Supreme Court. Later, she was appointed a member of the American Bar Association's Section on Legal Education and Admissions to the Bar. The work of this section includes that oversight of accredited law schools in this country—a responsibility of great importance to bench, bar and law schools. Reflecting that tripartite responsibility, the membership of the

[†] President and Dean of William Mitchell College of Law.

Section includes representatives of all three groups: judges, practicing lawyers, and law school representatives.

As has so often happened in the course of her career, the quality of her work as a member of the Section led to her being named chair of the Section in 1987. One of her very notable achievements during that year was her creation of what has become known as the MacCrate Commission. The charge to that Commission was to search and find practical techniques alternative to the traditional academic approach to legal education. The Commission takes its name from the person appointed to chair its work, Robert MacCrate. A partner of the most distinguished New York law firm, Sullivan & Cromwell, he served as president of the American Bar Association from 1987 to 1988.

This Commission produced the MacCrate Report which charts the way for improvement in law school teaching and learning. The current situation with a number of law schools has been described by an eminent federal district judge in the following terms: the profession and the practice of law are going in one direction; the law school academy is going in the other. The MacCrate Report, then, is a landmark contribution to the business of encouraging law schools to pay considerably more attention to the training of law students in skills that will equip them to effectively function as practitioners and professionals.

But for Rosalie Wahl's leadership, perhaps the MacCrate Commission would not have been born. The Commission's Report constitutes one of the most important analyses of American legal education in this century. Happily, the William Mitchell College of Law is one of those law schools which has paid, is paying, and will continue to pay special attention to the training and equipping of students for the effective practice of law. In that sense, it is one of the law schools that is farthest along the way towards implementation of the objectives described in the MacCrate Report.

The MacCrate Report, however, has not had an enthusiastic reception at a number of law schools, including some of the better known ones in the country. This lack of enthusiasm could relate to the fact that a number of the faculty members of such schools have had little, if any, practice experience themselves. Their typical background, as described by the federal judge, tends to be coming from the top, or near top, of their

class, clerking for a judge, and then receiving a teaching appointment. They develop skill and depth in a particular vertical subject matter of the law, but do not have the background for, and tend not to develop, the more horizontal and broad based (but less specialized) competencies required by so much of the practice of law. Clients and problems do not appear in a lawyer's office labelled or identified as contract, tort, remedies, or any other kind of case.

Questions of increased cost have been raised by some deans as they contemplate the possibility of adding further faculty with clinical and other practice skills.

The MacCrate Report, then, has tended to sharpen the focus of the debate over the divergence of law school teaching and the practice of law. Some elements of the bar would apparently like to move the objectives of the MacCrate Report into the basic ABA Accreditation Standards for law schools, thus requiring that all accredited law schools ensure that their academic program is appropriate to implement and achieve the objectives outlined in the Report. Support for such a change is said to be gaining some strength within the ABA, notwithstanding the clear statement in the Report itself that the objectives there described are not designed or intended to be implemented as Standards. As that movement grows in strength, tension within a number of law schools concerning the appropriate content and reach of the Accreditation Standards is also growing.

Fairly recently, a law school was denied ABA accreditation and brought suit in federal district court challenging the ABA Accreditation Standards. Attention apparently followed at the Department of Education and the Office of the Attorney General. The deans of fourteen law schools wrote a public letter raising questions about the ABA Accreditation Standards and accreditation process. With so much attention drawn to the current Standards, the ABA Section on Legal Education and Admission to the Bar decided, in turn, to appoint its own Commission to take testimony and review the Standards. Once again, Rosalie Wahl has been called upon to chair this most important Commission. It is not too strong a statement to say that the work of this Commission may affect the form, content, and process of accreditation of law schools in this country far into the next century. That she has been asked to lead this

most important Commission is yet another tribute to her truly extraordinary abilities, her leadership, her wisdom, her insight, her compassion, her sense of humor, and her common sense.

The College and the community can take the greatest pride in the accomplishments of this most wonderful lady.