

# JACK LATTY: AN APPRECIATIVE REMEMBRANCE

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It is no easy task to winnow through the welter of thirty-five years of memories and to encapsulate a description of the Jack Latty I knew: the thoughtful and supportive colleague, the energetic and resourceful leader, and the warm and gracious friend. Moreover, there are aspects of the life and career of this remarkable man that others are far better qualified than I to recount: his enduring influence on the generations of students he taught and the impact of his scholarship on the shaping of the law, to name but a few. Still, I was singularly situated to observe the role he played at a crucial juncture in the Law School's history, and I welcome the opportunity here to share some of my recollections with current and future members of the Duke Law School community to keep alive an awareness of the debt we all owe to Jack.

When I first arrived at the Law School in 1953, I felt as if I had stepped into an alien world. Duke was much more insular and parochial in those days—quite unlike any other academic setting with which I had been familiar. A law faculty of eleven taught a substantially prescribed curriculum to a student body that numbered barely more than one hundred. The atmosphere was almost stereotypically “Southern”: collegial relationships tended to be rather formal, the pace of life seemed relatively relaxed and unhurried, and coffee- and Coke-break conversations not infrequently turned (somewhat wistfully, it seemed to me) to the glory days of the 1930s, when Justin Miller's reorganizational proposals were generating stimulating debate and young lions like David Cavers and Lon Fuller were striking exciting intellectual sparks within the faculty. But the coming of the war had brought this flowering to an end. With most of the faculty and students gone for the duration, the Law School had all but suspended operations, and afterwards it seemed unable to recover its original bearings and recapture its earlier lively spirit and sense of mission.

The regenerative potential was there, however. The faculty's roster still boasted several well-regarded and productive scholars, and its innovative journal, *Law and Contemporary Problems*, continued to break significant new ground in interdisciplinary studies. Moreover, the

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University administration and board of trustees had signaled a generous readiness to extend whatever facilitative assistance might be required. There was lacking, however, one ingredient indispensable to moving the Law School forward again: effective leadership.

I had immediately been drawn to Jack, in whom I discovered a wise, avuncular advisor who patiently counseled and encouraged me concerning the problems I was encountering in my teaching and my editorial tasks. We lunched together almost daily in the Union cafeteria (where he invariably had a large bowl of soup, two packages of saltine crackers, and a cup of coffee), and as our relationship grew more intimate, he confided in me his distress at what appeared to be the Law School's aimless drift. Most ominous to him was the steady annual drop in applications for admission, which was making it increasingly more difficult both to maintain a respectable class size and to adhere to the academic standards to which the Law School aspired. I can still see him, tamping the Sir Walter Raleigh tobacco into the bowl of his large pipe, lighting it, and between great clouds of smoke warning that the handwriting was already on the wall for all who would see it. Unless the Law School more than fitfully bestirred itself to attract students, serious trouble lay ahead.

Jack was, of course, right. As Jack predicted, the situation continued to deteriorate, but it did not assume crisis proportions until well into the spring of 1957, when the acting dean (for the Law School had then been without a dean for almost a year, and invitations to eligible outside candidates had all been met with polite rebuffs) reported to a stunned faculty that a total of fifteen applications for admission to the fall entering class had been received. Obviously, owing to its relatively low national visibility, the Law School was disadvantaged in competing for students outside the region; and at the same time, owing to its relatively high tuition vis-à-vis that of several good state law schools, it was also disadvantaged in competing for students within the region. In short, the Law School appeared to have been unable to carve out a "market" niche for itself, and one member of the faculty probably voiced the doubts of others when he wondered out loud whether there was really a place for Duke in the world of legal education.

But Jack refused to entertain this pessimistic speculation, and he rejected the counsel of despair. In his characteristically feisty "down East" way, he argued that however bleak the immediate prospects, the Law School's fortunes were not irremediably blighted. Furthermore, he proposed to do something other than wring his hands and bemoan the Law School's sad fate. Literally packing his bag the same day, Jack embarked on a one-man, whirlwind, bush-beating student recruitment campaign. Over the next several weeks, he indefatigably visited dozens of

undergraduate institutions—primarily small liberal arts colleges, and like the Pied Piper, radiating an infectious enthusiasm reinforced with promises of generous financial aid, he managed eventually to muster an entering class of at least minimum acceptable size and quality for the coming fall. The Law School would survive—for a while longer, anyway.

Although Jack had no strong appetite for administration, following this tour de force, he acceded to the entreaties of his colleagues to “hold the fort” by serving as acting dean until a permanent dean could be chosen and installed. And when, after another year, the continuing search still proved unavailing, he reluctantly agreed to accept the position himself. In the interim, he had already begun to elaborate and refine his student recruitment program, and an unmistakable measure of its effectiveness could shortly be seen not only in the dramatically changed size, quality, and demographic composition of the student body, but also in the subsequent widespread adoption of similar techniques by other law schools.

Nor did Jack confine his entrepreneurial talents to student recruitment alone. He also prospected assiduously for faculty, reaching out for not only distinguished established scholars to implement the more sophisticated program of instruction he had designed, but promising young scholars as well. Paul Hardin, Arthur Larson, Hodge O’Neal, Jack Johnston, Hans Baade, Brainerd Currie, Clark Havighurst, Larry Wallace, Bill Van Alstyne, Ernie Gellhorn, John Strong, and Ken Pye were some of the luminaries whom he successfully courted and brought to the Law School.

And then there was the law building. Moving in mysterious (some said Machiavellian) ways, Jack somehow persuaded the University administration to move the Law School from near the bottom to the top of its capital improvement schedule. And in 1962, the Law School moved from its picturesque but cramped quarters on the main West Campus quadrangle to what was then a spacious and functional new home at the intersection of Towerview and Science Drives. At the dedicatory ceremonies, the chairman of the University’s board of trustees paid admiring tribute to Jack’s Herculean efforts in planning and seeing the project through by referring to the building as “the house that Jack built.”

In 1966, Jack wearily stepped down from a deanship that had truly been a revolutionary one, leaving to his successors a much different Law School from the one he had inherited. Even those who may at times have differed with him—occasionally seriously—credited his clear vision, his inexhaustible energy, and his single-minded dedication for reviving an almost moribund institution and moving it to the front ranks of

American law schools. I venture to say that no one person has contributed more valuably to the Law School. His imprint is on us and all around us, and his legacy will continue to enrich all future generations of Duke law faculty and students.

Thank you, Jack.