

DIVERSITY AT THE PEOPLE'S ELECTRIC LAW SCHOOL: RUTGERS IN THE MID-1970S

*Ann Berger Lesk**

Hello. It is a great honor to be invited to participate in today's ceremony.

Let me take you back to 1974, when my class entered Rutgers Law School. Upper-class students sported t-shirts that said, "Rutgers/The People's Electric Law School," inspired perhaps by Tom Wolfe's *Electric Kool-Aid Acid Test*.¹ The Urban Legal Clinic was in its early years, created in response to the Newark riots, which had taken place five years before. Central Avenue was still burned out, store windows covered with plywood. The percentage of women in my class was the highest in the country, a then-unprecedented thirty-one percent. African-American, Hispanic, and Asian-American students comprised about a quarter of the class, testimony to the success of the Minority Student Program. In fact, my class was so diverse that white men who had gone to law school right after college were a minority themselves.

It's hard to convey just how much had changed in a short time. As a child, I had seen the segregated South, with separate facilities labeled "white" and "colored." I had watched television coverage of the desegregation of Central High School in Little Rock, Arkansas and the University of Mississippi. Today, desegregation is part of history; for my generation, it was part of the very recent past.

Feminism—then often referred to disparagingly as "women's lib"—was a relatively new phenomenon. Betty Friedan's *The Feminist Mystique*² had appeared about ten years before; the campaign for the Equal Rights Amendment was just starting.

Not only was Rutgers cresting the wave of the movements for racial and gender equality. It was ahead of the wave on two other civil rights movements—against age discrimination and for equal rights for the disabled.

The best way to describe the "feel" of my class is to describe a few

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1. TOM WOLFE, *THE ELECTRIC KOOL-AID ACID TEST* (1968).

2. BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (1963).

of my classmates. Claude Coleman, a detective in the Newark Police Department, who considerately kept his gun out of public view, went on to become Director of the Newark Fire and Police Departments and then a superior court judge. Roz Harrison, Betty Lou Yermack, and Lois van Deusen were all raising families while attending law school. Lois became the managing partner of McCarter and English. Max Manshel, who left his family's publishing business in his fifties to go to law school because he wanted to, claimed the prize for most unusual invocation of life experience to disrupt a lesson plan—he destroyed Professor Carter's careful exposition of a torts case involving an airplane crash by announcing that he had flown a plane into the airport in question, and it was not laid out as Carter was describing it.

At a time when *The Paper Chase*³ described dog-eat-dog competition at Harvard Law School, we had an extraordinarily cohesive class. Some of this was attributable to the fact that, diverse as we were, most of us knew that Rutgers offered us an opportunity that was not otherwise available to us. For some, it was because of the Minority Student Program (MSP) or the gender-blind admissions policy. For others, it was Rutgers' low tuition. For whatever reason, it meant that there were relatively few people who were there by default, or because they didn't quite know what to do when they graduated from college. (There was, of course, a counterexample: one desperately unhappy classmate who was in law school because he wasn't admitted to medical school).

But there was another reason for our class's solidarity, and her name was A.J. Smaldone. You couldn't miss A.J. She was a tiny woman in a big electric wheelchair with a ton of determination and the sweetest smile on campus. Everyone knew her parents, Nicky and Joe, who drove her to school every day and waited to drive her home. Activities that we took for granted—such as taking notes in class or getting a book off a library shelf—involved intricate logistics for A.J. She failed the bar exam twice before she finally listened to friends who urged her to apply for a special accommodation—the right to dictate the exam, rather than write her answers by hand. She then passed on the next try. A polio survivor, she wanted to create a whole new field of law dealing with rights of persons with disabilities. This was sixteen years before the Americans with Disabilities Act.⁴ After passing the bar, she moved to Berkeley and worked at the Center for Independent Living before she died, very prematurely, from complications of polio. The garden behind the Law School was named in her memory, and a fund in her honor makes

3. JOHN JAY OSBORN, *THE PAPER CHASE* (1971).

4. Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified at 42 U.S.C. § 12101 (2006)).

grants to students who are overcoming barriers, as she did.

There was another important dimension to diversity at Rutgers Law School: the faculty. It was not just a group of Professor Kingsfields.⁵ Al Slocum was there. Anna May Shepard ran the Urban Legal Clinic, and Nadine Taub ran the Women's Rights Litigation Clinic. On the non-clinical side, Sue Ann Dillport, Freda Bein, and Diana Sclar lowered the gender imbalance. When I thought about what I would say today, I realized that I had far more female role models available to me in law school than I had at Fried Frank, although the size of the faculty and the partnership were about the same at that time.

And the white men were themselves a diverse group, from the iconic Arthur Kinoy to the buttoned-down John Lowenthal to ex-Marine Robert Knowlton to Allen Schwartz, who taught corporate law with the air of an anarchist. I encountered Schwartz on a New York City street one weekend. My friends immediately walked away, thinking that he was either a mugger or a panhandler—remember, this was New York in the 1970s. And I am happy to confirm Rutgers folklore: I was in class the day that Schwartz set his jacket on fire by accident.

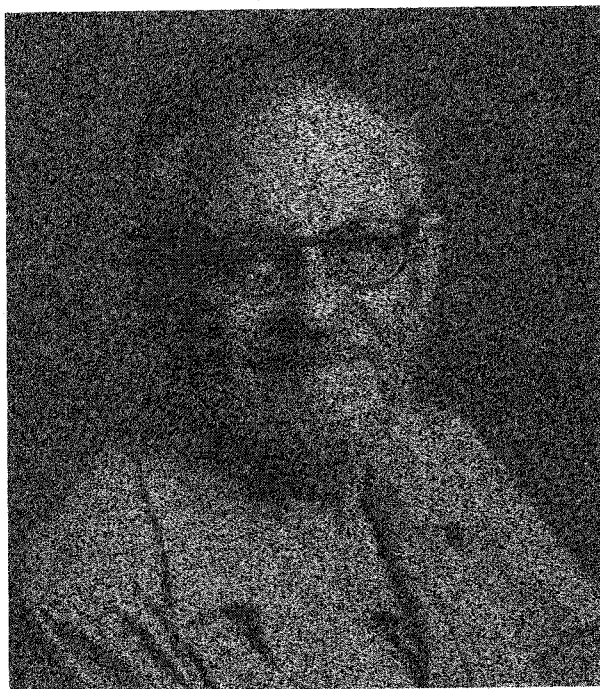
So the result of all this was that you learned that you couldn't afford to harbor preconceptions about anyone. You also believed that your career choices were not constrained by superficial characteristics. Our class wasn't about "firsts"—except for the fact that many of us would be the first lawyers in our family. I was not the first woman Editor-in-Chief of the *Rutgers Law Review*—there were at least two other women before me. We were about consolidation—showing that legal achievements by nontraditional lawyers were not confined to a few exceptionally talented forerunners.

Rutgers gave me a career. I learned to be a good lawyer, but more importantly, I learned that I could be a good lawyer as myself—without having to conform to someone else's idea of what a lawyer should look like. I only needed to look around in class to learn that lesson.

Thank you.

5. See OSBORN, *supra* note 3.

IN REMEMBRANCE OF ALLAN AXELROD



ALLAN AXELROD

November 22, 1922–August 9, 2008

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Rutgers School of Law–Newark