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IN MEMORIAM—ALBERT J. HARNO

“The Man From Illinois”

HE was born on the prairies of South Dakota in the year '89, a period of social, political and intellectual ferment when “all across the nation the lantern of reform was lighting up.” Only eight years before, as a guide to legal growth and therefore to justice, a young lawyer, Oliver Wendell Holmes, Jr., in the opening chapter of his book, *The Common Law*, wrote “The life of the law has not been logic: it has been experience.” It was a time that witnessed Roscoe Pound reluctantly breaking the bounds of his conservatism and moving toward legal heresy at the University of Nebraska. This was the period of his beginning, and seventy-seven years later he died on June 22, 1966, on the Pacific seacoast in La Jolla, California.

During that span of years, over three-quarters of a century, Albert J. Harno built for himself a life in the law as a legal academician and scholar that was to have profound significance for the entire community of the law. His varied and effective efforts brought lawyers to a consciousness of the public responsibility of the profession and helped to meet the test of the law as a truly public service profession.

What a man leaves behind him after he dies is a mass of papers; what he has written and what others have written about him (not to mention such trivia: birth certificates, school grades, check stubs, etc.). This paper trail which extends from his entrance to his exit is what one who writes about him tries to tread—this is always a flawed achievement and in that sense one fails before he begins. My purpose here is much less ambitious, and as Shakespeare's actor-colleagues Heminges and Condell stated in justifying their labors in preparing a collected edition of his plays, *The First Folio of 1623*, it is “only to keep the memory of so worthy a friend and fellow colleague alive.”

Albert J. Harno was a Yale man. After graduating from the Yale Law School he practiced law for three years in Los Angeles. He began his teaching career in 1917. He was—and this he would consider his highest accolade—a teacher. He was a great teacher because he was a great student, and in his calm and quiet approach made a lasting impact on hundreds of law students sitting in the classrooms at Washburn, University of Kansas, Illinois, UCLA and Hastings. During his half-century as a teacher of the law, five great universities honored him, and themselves, by awarding him an honorary doctorate. He was

Dean of the law school at Washburn College, Kansas, 1917 to 1919, and professor of law at the University of Kansas, 1919 to 1921. Three years later he moved a short distance eastward to the University of Illinois where, after one year as a professor of law, he became Dean, a temporary position which lasted for three and a half decades. Under his direction the College of Law of the University of Illinois achieved a high rank among law schools in the country. The influence of his scholarly thinking, administrative achievements and his writings in the areas of criminal law, law school administration and legal education as a whole exerted a profound influence not only in the middlewestern area of the United States, but it radiated both eastward and westward, to the Atlantic and to the Pacific. While his responsibilities as an educator and administrator at Illinois demanded a great deal of his time and energy, it did not stifle the growth of his scholarship, or his influence in the legal community throughout the nation. His quiet wisdom was recruited into service in practically every activity, having for its objective the improvement of American legal education, or American law and its administration.

In 1931 he assumed the presidency of the Association of American Law Schools. In 1947 he became president of the National Conference of Commissioners on Uniform State Laws. In 1953 and again in 1956 he was president of the American Judicature Society. He made himself available and effective on numerous commissions and boards. He was a member of the Council for the Survey of the Legal Profession; a Fellow of the American Bar Foundation; a member of the Board of Governors of the American Bar Association; a member of the Council of the American Law Institute and numerous others. It was during this fruitful period that law schools and law journals throughout the nation undertook to subject legal decisions to intense scrutiny and to set standards for judicial decisions. This period also saw legal historians begin to emphasize the brilliant names in the American legal profession, in a period when the legal profession was slowly rising to the challenges of significant social, economic and political changes.

The duties, challenges and responsibilities as a teacher and administrator and as an articulate participator in the vanguard of creative concepts in legal education failed to stifle his growth as a scholar. Perhaps one of his greatest contributions was the publication of *Legal Education in the United States*, which has been a guideline and a book of reference for legal scholars and law schools.

Jim Harno was in every sense a great teacher. He maintained the kind of skepticism of ideas which Holmes had, but had the saving

impulse to restrain his own power that Stone demonstrated in the Court. However, he also believed that within this framework of skepticism and restraint the teacher-scholar has both the duty and the opportunity to instil in his listeners the desire to make legal action square with social humanism of the kind that Justice Brandeis strove for. He understood clearly that there could be no single formula for the teaching process, and that the teacher in the law could not escape the infinitely difficult task of weighing his intellectual caution and skepticism against his social boldness and his moral faith in human possibility. He recognized clearly that in this sense the law teacher has an important role as a national educator and that he must articulate standards of social control taken from the best level of reflective thinking and empirical observation, and must demand that the legal profession measure itself by those standards. He recognized that he could not place himself too far in the vanguard of social thought, since his job was primarily to distil what had already been thought and done and to translate it into legal norms. But he also recognized that over-caution could be dangerous, and that the scholar cannot wait forever, until the bold has been frustrated and destroyed or until the novel has become archaic. He recognized that the teacher has a creative task and in this regard for over a half century Albert "Jim" Harno performed superbly.

MARVIN J. ANDERSON
ASSISTANT DEAN



ALBERT J. HARNO