

1970

# Maynard E. Pirsig: A Note of Indebtedness

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## Recommended Citation

Cheatham, Elliott E., "Maynard E. Pirsig: A Note of Indebtedness" (1970). *Minnesota Law Review*. 1257.  
<https://scholarship.law.umn.edu/mlr/1257>

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do not prevail. Like Dean Fraser before him, his extraordinarily sound judgment on the potential of young lawyers as law teachers and scholars has been of immeasurable assistance through these 24 years in helping to build a strong law faculty at Minnesota. I found him always fair and impartial as an administrator, and a most helpful, cooperative, and understanding senior colleague in the years that I have had the administrative responsibilities. He has consistently set for his young colleagues an example of constant diligence in his highly effective marriage of scholarly output and constructive service to the community.

Maynard Pirsig's exemplar qualities and great value as a colleague will continue beyond retirement in view of his welcome plans to remain at the Law School to continue his career of scholarship and concern with community needs. We will share him with the community, as always, but claim first priority on his sage advice in the years ahead.

WILLIAM B. LOCKHART

## Maynard E. Pirsig: A Note of Indebtedness

Around 1930 there was much talk and a little action by law teachers on reshaping the university curriculum so as to bring law and law students closer to the fundamentals, "the energizing forces" as Justice Stone put it. While we were laboring together on a Restatement, Everett Fraser told me something of his hopes and plans for the University of Minnesota. He had given one of his faculty members leave of absence for study and preparation of a fundamental volume on law administration. Everett said he did not know whether other parts of his plan would succeed but he knew this one would. This was my introduction to Maynard Pirsig and his unusually fine book, *Cases and Materials on Judicial Administration*. The subject comprehends, as he has written, "a broad study of the aims, methods and improvement of the administration of justice in judicial tribunals."

It was an idea whose time had not yet come. The '30's, the '40's, the '50's, even the '60's had problems of their own which seemingly did not leave energy and time for the unpicturesque

problems of judicial administration. Yes, there have been many improvements, especially in the area of procedure as illustrated by the Federal Rules. But the whole range of judicial administration and of efficient court operation, which the book envisioned, did not come under scrutiny.

Now in the 1970's the time has come. His fellow Minnesota lawyer, Chief Justice Warren E. Burger, in his first meeting with the American Bar Association asked insistently: "Court Administrators: Where Would We Find Them?" Similarly in the criminal law field the Chief Justice placed the stress, not on the substantive law, but on its administration. He urged the Association to "take the leadership in a comprehensive and profound examination into our penal and correctional systems from beginning to end—parole, probation, prisons and related institutions, their staffs, their programs, their education and vocational training, the standards and procedure for release." Chief Justice Warren has joined in the call for this kind of study and of action. The two Chief Justices see failures here, not as petty rules or squabbling lawyers or jealous judges. They see the failures in the human terms of just claimants denied relief, still threatening criminals left free because of the errors in this vital stage of our legal system, and those in prison denied a decent life while there and a fair opportunity for a new one after release.

When he was Dean Pirsig, I had the good fortune to have lunch with him almost every fall. He would come to the Columbia Law School on faculty recruiting trips. I was on the graduate committee so I would bring out Columbia's wares. Never did the dean make a bad choice. One choice is so good that I have put in my word for him for the presidency of the university.

In his teaching, Maynard Pirsig's subjects have covered pretty much the whole field of law administration. His active work in the profession has run from counsel for the Legal Aid Society to membership on the Supreme Court of Minnesota. His wise advice as public counsellor has been sought in the state as Secretary of the Minnesota Judicial Council and as a member of the Commissioners on Uniform State Laws and more widely, for example, as a member of the Advisory Committee on Rules of Civil Procedure of the Supreme Court of the United States.

Out of his work there has come a casebook on the legal profession. Its modesty in size does not succeed in concealing his ability to choose striking cases and to write revealing and troubling notes and questions. I do not know whether I have told him but I have plundered my friend's book in my own work.

Back to the idea with which this note of appreciation began —“a broad study of the aims, methods and improvement” of an institution, put this time in Maynard Pirsig’s language as a suggestion to student rebels. Why do not the rebels realize that the university structure with its basic four years of college work took shape before the great development of professional and graduate work. Surely the first half of law school work, devoted as it is primarily to teaching “the art of the relevant” (relevant in terms of the law itself) is not so fundamental or so difficult as the subjects with which the colleges deal—philosophy, ethics, economics, political science, history, literature—to quote again “the energizing forces.” In his address to the American Law Institute this year a former dean of law, now president of the University of Chicago, mentioned the possibility of a two year law school. Much earlier a dean of law at Harvard had spoken of a “seven year continuum,” three years in college, two years in law school, one year back in college or graduate school, the last year in law school. The situation cries out, not for mindless seizure of the university administration buildings, but for the best rethinking all of us can give.

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