



PennState
Dickinson Law

DICKINSON LAW REVIEW
PUBLISHED SINCE 1897

Volume 98
Issue 3 *Dickinson Law Review - Volume 98,*
1993-1994

3-1-1994

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Recommended Citation

John A. Maher, *A Tribute to Honorable Dale F. Shughart*, 98 DICK. L. REV. 351 (1994).
Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol98/iss3/2>

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A TRIBUTE TO HONORABLE DALE F. SHUGHART

Dean John A. Maher*

The editors of *The Dickinson Law Review* asked me to write "a few words" about the Hon. Dale F. Shughart, to whom this volume of the *Review* is dedicated. To write only "a few words" about one of the truly great figures in the School's history is much too much of a challenge for me. Dale Shughart played (and plays) many roles, all very effectively, in legal education, the community and society at large. Relinquishment of the Presidency of the School did not signal withdrawal from teaching and scholarship, for which we must be grateful.

We of The Dickinson School of Law tend to think of him as the longtime President of the School — a post he left as of the end of June 1993 — and an extraordinarily painstaking teacher of Pennsylvania Civil Practice. Happily, he continues to serve in the latter role. It is excusable that we think of him in such limited terms for the simple reason that it is in those roles we encountered him almost daily for more than three decades. However, it would be inexcusable to fail to memorialize his scholarly contributions as well as an extraordinary career external to the School of Law — a career possibly beyond the awareness of those who came to know him only in the 80s and 90s.

A distinguished law student before entering practice, Dale Shughart was one of those hardy pioneers who saw to assembling the right-of-way for something that — in the early 40s — was hailed as one of the wonders of the world but which we now take for granted: The Pennsylvania Turnpike. Respect from his fellow citizens of Cumberland County led to election as district attorney and, thereafter, to the Court of Common Pleas. It says much about Dale Shughart that, both as a prosecutor and a judge, he generated a reputation for extraordinary fairness. Indeed, some of those most grateful to Dale Shughart for positively affecting their lives are folks he prosecuted or sentenced! He was a proponent of an enlightened probation system, truly geared to

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rehabilitation. Among the elders of the Cumberland County Bar, "the Judge's" solicitude for children caught up in the toils of the law is an article of faith. Generations of law students who were privileged to clerk for President Judge Shughart remain not only grateful for but admiring of the care with which he not only administered judicial responsibility but taught them. It is one of the writer's prejudices that the best teaching is by example. It seems patent that President Judge Shughart constantly provided superb example to not only his clerks and other court personalities but also the bar and fellow members of the judiciary.

The Dickinson School of Law claims a history well exceeding 150 years. The School's modern history was shaped by Dean William Trickett. Trickett, longest serving dean of any accredited American law school, was dedicated to making a fine legal education available to the unrich. The School he led from 1890 through 1928 excluded no man or woman by ethnic or religious tests. Thus, 1892 — the first year in which a newly independent school conferred degrees — occasioned graduation of a non-caucasian. Later, 1899 occasioned graduation of a woman. In neither case can we say with confidence that the person was a "first". Purely and simply, the School's records do not speak at all in terms of ethnicity and gender before 1890. Indeed, they are not all that revealing for many decades after 1890. Much time passed from Trickett's day until Dale Shughart undertook law studies at Dickinson. Even more time lapsed before Dale Shughart was called, in a trying time, to the presidency yielded in mid-1993.

What happened during Dale Shughart's presidency of The Dickinson School of Law? A fair response to this question will involve eliding the fact that he was elected as a member of the School's Board of Trustees in 1949, began teaching a course in Pennsylvania Practice in 1958 and was elected President in 1962. Before responding to the question, let me state the obvious. The world has changed enormously since 1962 which, in effect, was the mid-point of the 45-year-long "Cold War." In 1962, America was yet to experience the costs in terms of not only human lives and wealth but also assaults on social fabric to be engendered by the Vietnamese phase of the "Cold War." Although the Civil Rights movement had reached a plateau sufficient to permit popular acclaim for the Rev. Dr. Martin Luther King's magnificent address concerning his vision of what was to come, the then President of the United States — soon to be assassinated — did not see fit to greet the enormous throng rededicated by the Rev. King to non-violent advocacy. Moving to a more parochial scope, throughout much of the nation in 1962, the Bar's dedication to legal services for the poor throughout America was more the beneficiary of lip service than action. In those days, to the degree

that law schools then looked to the future, many of them were focused on achieving recognition as a "national" rather than a "regional" law school.

In this day and age, to concentrate on being a "national" law school would be to aim at parochialism. Dale Shughart set a context in which The Dickinson School of Law evolved from being — I dare say it — *merely* a national school to being one that equips students for advising clients concerning multi-national affairs and coping with supra-national regulation. Dale Shughart developed resources and otherwise saw to giving succeeding generations of faculty *elbow room* to develop legal education in not only traditional but non-traditional ways.

During his presidency, advanced advocacy courses were fostered; community legal services for those in adverse economic straits were promoted; the School made substantial investments in clinical legal education; one of the nation's earliest "master's" programs for foreign lawyers, which has generated 68 alumni in 25 nations, was implemented; summer overseas programs were pioneered; the law library grew to afford more than 300,000 volumes, work space for 105 percent of our targeted 520 students, and a staff of 15 including six persons possessed of not only law but also graduate library science degrees; and, the curriculum came to embrace more than 100 course and seminar offerings. These are *results*.

Tools were necessary in order to achieve those results. Dale Shughart never rested in his search for resources appropriate to acquiring the tools. At the inception of the Shughart presidency, all course offerings and the administration were housed in a single building: Trickett Hall. During the Shughart presidency, the cubic capacity devoted to legal education was expanded to include not only Trickett Hall and an expanded Sheeley-Lee Law Library, but also three new buildings as, in effect, Trickett Hall was expanded by two major construction projects and the School acquired the former Masonic Temple in downtown Carlisle. Once upon a time, Dean Trickett raised funds to erect the building now named for him *but* — astounding to every modern American law dean who has heard of it — sent back latterly arriving gifts after he had put together the necessary funds! Under President Shughart, there was careful attention to developing endowment, which now exceeds \$10,000,000.

The growth of the School is only symbolized by talking about additional cubic capacity; once non-traditional but now accepted educational offerings; growth of the library; and, the extraordinary number of "electives" afforded our students. These are quantitative considerations but they have been and are indispensable to qualitative

enhancement of legal education. Recently, many members of the law teaching profession were upset by issuance, under the aegis of the American Bar Association, of a report by the so-called *MacCrate Commission* concerning how best to insure future relevance of legal education to the practice of law. Dickinsonians were not dismayed by the Report. Much of what it evokes has been part and parcel — for decades — of what we do at DSL. Focus on quantitative advances suggests what has been done in a qualitative sense but, more importantly, permits one to remark that there surely is no coincidence in the fact that so many of these quality-inducing quantitative advances were made from 1962 through 1993.

Example is the best teaching. Judge Shughart has given us not only extraordinary example but elbow room in which to grow. He did so in service to far-sighted aspirations of the founder of the law faculty at Dickinson College, Judge Reed, and the ever wondrous Trickett. Judge Shughart fostered excellent legal education for the unrich in an ever contracting world. While leading, he nonetheless made time to be a fine classroom teacher and a scholarly writer.

It is incumbent on all of those affiliated with The Dickinson School of Law — whether as alumni, faculty, students or Trustees — to endeavor constantly to honor the Judge's example and, thereby, ever to be alert to insuring that our School continues to anticipate the evolutions of society and the legal profession. Thus, I suggest that, while it is entirely fit and proper to dedicate this volume to Dale Shughart, all who are identified with the School must be dedicated to accepting the fine example of Trickett and Shughart.