

Former Rutgers Law Student Remembers Ruth Bader Ginsburg

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U.S. Supreme Court Justice Ruth Bader Ginsburg has left the legacy of being the second woman professor of Rutgers University School of Law in Newark, New Jersey from 1963 to 1972. For Savannah Potter then a law student at Rutgers-Newark School of Law from Atlanta, Georgia, Justice's Ginsburg's legacy has been personal as she was a member of the *key faculty* that comprised an honor roll of progressive lawyers during the tumultuous era in Newark, New Jersey.

Savannah Potter graduated from Spelman College and began law school shortly after the 1968 tragic assassination of Dr. Martin Luther King Jr., at Emory University School of Law in Atlanta. Traveling from Georgia to New Jersey, I enrolled at Rutgers University School of Law in Newark in 1968.

The 1967 rebellions in Newark, Detroit and other American cities revealed frustrations of many Americans and New Jerseyans of color, Rutgers Law School was at the eye of the storm because of the building of a new law school building in downtown Newark where the student body did not resemble the demographics of Newark. Both faculty members and students were overwhelmingly white and male. Rutgers University-The State University

School of Law, the major alma mater in producing lawyers in New Jersey had only three (3) Black law students at the law school in 1967, when the Newark riots occurred. Legal representation statewide in New Jersey among minorities was just as dismal, with fewer than 60 Black lawyers practicing law out of 8,000 lawyers.

After the riots in Newark in 1967, Rutgers University President Mason Gross, the Provost, Malcolm Talbott, and Law School Dean Willard Heckel responded to the social justice demonstrations and formed a committee that would bring about diversity at the law school, and eventually the State of New Jersey.

Dean Willard Heckel, a champion of human and civil rights, as well as national Moderator of the Presbyterian Church, led the law school to confront the challenges, formed the Minority Law Student Program and assembled key faculty members at Rutgers-Newark that would make great innovations in establishing clinical education and curriculum modifications. The key members of the faculty were Frank Askin, Alfred Blumrosen, Arthur Kinoy and Ruth Bader Ginsburg.

As Rutgers University Law School had the distinction as being the State University of New Jersey, the law school administration created a committee, headed by Professor Frank Askin, who expanded the student body to add twenty (20) minority students the first year and forty (40) minority students by

the second year. Thus, the Rutgers Minority Law Student Program was born that graduated hundreds of lawyers in the next thirty-one years.

The Minority Law Student Program founded in 1968 was the most transformative response to the gross imbalance supported by key faculty members. Professor Frank Askin, Distinguished Emeritus Professor, the faculty leader and later founded of the Clinical Education and Affirmative Action Program; Professor Arthur Kinoy, brilliantly teaching civil rights litigation had argued several times before the United States Supreme Court notably winning the reversal of the expulsion from Congress of Congressman Adam Clayton Powell; Professor Alfred Blumrosen, noted expert on discrimination law strengthened the New Jersey Division of Civil Rights and the federal Equal Employment Opportunity Commission (EEOC); and Professor Ruth Bader Ginsburg taught civil procedure, particularly comparative civil procedure and later founded the Women's Legal Clinic.

The formation of the Minority Law Student Program became the critical impetus for the creation of the clinical legal education as well as the modification of the curriculum. Later the key faculty established the Constitutional Litigation Clinic, the Urban Legal Clinic (where students represented the poor in civil matters), and the Administrative Process Project which assisted the New Jersey Division on Civil Rights in its work, from drafting regulations to opening the skilled trade union apprenticeship

programs to minority workers. Later the Women's Rights Litigation Clinic established under the leadership of Ruth Bader Ginsburg was followed by the creation of the Education Law Center headed by Professor Paul Tractenberg.

When Dean Willard Heckel hired Ruth Bader Ginsburg in 1963, Ginsburg was one of the first twenty women to teach at an American Law School. At Rutgers Law, she was one of two female faculty members. The first was Eva Hanks, now professor emeritus at Cardozo Law School.

Ginsburg's field was Civil Procedure and Comparative Civil Procedure. In her civil procedure class, according to George W. Conk, a Rutgers University Law student and Professor of Fordham University School of Law *, Ginsburg plotted strategy in the Sally Reed case, *Reed v. Reed*, 404 U.S. 71, 77 (1971), based upon the methodology of the NAACP Legal Defense and Education Fund in its path to the landmark decision of *Brown v. Board of Education*, 347 U.S. 483 (1954).

Sally Reed had been barred from administering the estate of her son who died intestate because an Idaho law directed that when two persons of an equal degree of consanguinity sought to be administrator, the right went to the male. Ginsburg laid out her strategy to her students in the Sally Reed case tracking the path, the step by step process that the NAACP Legal Defense and Education Fund took in its path in *Brown v. Board of Education*.

There was a big influx of women law students in the '60s with second careers according to Professor Frank Askin, who worked with Ginsburg at the ACLU of New Jersey. Several of the women law students urged Ginsburg to teach a course on women and the law, and in the spring of 1970, Ginsburg taught the second course on women and the law in the country. The seminar had no textbook, because no such textbook existed. Ruth (as everyone called her) led her students on a survey of statutes and pending cases on women's rights around the country. She drew on the first serious book—Leo Kanowitz's, *Women and the Law*.

Because of Ginsburg's leadership, the Rutgers law students studied gender discrimination and the law—the topic of the first case she argued before the U.S. Supreme Court. Ginsburg departed from Rutgers for Columbia University School of Law in 1972, but the spirit lived on and her commitments were institutionalized as women were entering law school in large numbers.

Rutgers Law School-Newark joined the progressive movements of the late 1960's and 1970's by instituting the Minority Law Student Program in 1968 to address the gross imbalance of minority lawyers in New Jersey. The unique activism of the Rutgers–Newark Law School had a transformative impact in the development of legal education in America. The activist faculty and legal education clinics engaged law students in litigation regarding the most important and controversial issues of the day. Ruth Bader Ginsburg

was one of the key faculty members in this transforming development of legal education in America.

For further reading:

*George W. Conk, *People's Electric: Engaged Legal Education at Rutgers-Newark Law School in the 1960s and 1970s*, 40 *Fordham Urb. L.J.*

503 (2012). Available at: <https://ir.lawnet.fordham.edu/ulj/vol40/iss1/3>

Paul Tractenberg, *The Minority Student Program* at 50, Rutgers University Law School, February 5, 2018;

Frank Askin, *An Affirmative Legacy at Rutgers Law*, *The STAR-LEDGER*, Jan. 22, 2006, at 4.

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