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PAUL SELBY AS DEAN, 1964-72

CARL M. SELINGER*

As a soon-to-be former Dean myself, I'm very pleased that the editors of the *West Virginia Law Review* have decided to recognize in this issue the retirement from the faculty of my distinguished predecessor, Paul Selby. I have tremendous respect for Paul's deanship, from 1964 to 1972, for at least two reasons: first, in a real sense, it marked the beginning of the steady upward course of institutional development that has led to the West Virginia University College of Law that exists today; and, second, it reflected what I think are sound values concerning a university, legal education, and the legal profession—values that have continued to make Paul an invaluable mentor, colleague, and friend.

I.

When Paul L. Selby, Jr., at age 40, arrived as Dean in Morgantown in the fall of 1964, from Columbus, Ohio, where he had practiced law and then become a law professor and the Director of Legal Clinics at Ohio State, the WVU College of Law looked in many respects much like it had looked ten years, or even thirty years, earlier. It was housed in the "new" law building of 1923 (now Colson Hall) on the downtown campus; there were six (male) full-time faculty members in addition to the Dean; the Law Librarian held neither a law nor a library science degree; some students could still be admitted after only two years of undergraduate study; and there were five women in the entire student body. Even such "traditional" perspective courses as Jurisprudence and International Law were not in the WVU curriculum.

One way to get a sense of the important changes that Paul Selby not only presided over, but encouraged and often stimulated is to focus on a single academic year in the middle of his deanship, 1967-

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68, a year that was rather well-documented in the first volume of a new student newspaper, called *Jus et Factum*.

By the fall of 1967, the College of Law had ten full-time faculty members—the newest Assistant Professors being Tom Cady and Vince Cardi (Bill Morris and Willard Lorensen having preceded Paul Selby at WVU). Bill Johnson, a graduate of the law school who had just earned his M.L.L. degree, was the new Law Librarian. And a bachelor’s degree was now required for admission to the school.

During 1967-68,

- Dean Selby initially stirred up more than a little political opposition to a proposed new law center building by pointing out that the state stood to lose some $5 million in federal higher education construction funds by giving higher priority to a WVU athletic field house (the Coliseum) than to academic facilities; but later in the year, a decision was made to put the new law center on the Evansdale Campus, and architectural plans were authorized;
- the J.D. replaced the L.L.B. as the basic professional degree at WVU;
- at the request of the Student Bar Association, the faculty adopted anonymous numerical grading of student examinations;
- an Honor System for student conduct was put into effect;
- Dean Selby endorsed an American Council on Education proposal that the Vietnam draft apply only to 19 year-olds;
- student papers in Professor Cady’s Law and Poverty Seminar served as the basis for a statewide conference at the law school, entitled “A Legal Services Program for West Virginia”;
- *Jus et Factum* sponsored panel discussions on the contemporary topics of Legalized Abortion, Problems of Juvenile Delinquency and Juvenile Courts, and Insanity and its Use as a Criminal Defense;
- and recently retired U.S. Supreme Court Justice Tom C. Clark gave the Edward G. Donley Memorial Lectures.

By the time Paul Selby stepped down as Dean in 1972, construction was underway on the new Law Center; there were twelve full-time faculty members, including Jim McLaughlin, Frank Cleckley (chosen
Professor of the Year in 1971-72), and John Fisher; and there were not only courses in Jurisprudence and International Law (and Comparative Law), but also courses in Welfare Law and Environmental Law, and a Legal Aid Clinic.

II.

With respect to West Virginia University, it was clear to Paul Selby that permitting pressure group politics to set priorities is "not in the best interests of the ultimate strength of the University," because, he asked,

[W]here is organized effort behind English, history, economics, and other essential basic disciplines so important in the long run to the preparatory training for professional and graduate school [7]. . . . Quality education is an unglamorous, long-haul proposition. It has no "Madison Avenue" handle around which to rally. Those of us whose professional competence and skill depend upon, not three years but seven years of hard intellectual activity ought to be the most vociferous, most militant, and most implacable group seeking it.¹

Paul Selby was similarly impatient with the bureaucratization of the University. He spoke out against an administrative structure that "centralizes selection of academic goals, and the system of rewards and advancement in such a fashion that little can be done on the 'local' level to deal with more than the equality of the mediocre."² And at the end of his deanship, he protested, in the words of Jus et Factum reporter (now Supreme Court of Appeals Justice) Margaret Workman, that "after worrying about student opinion and faculty opinion and making recommendations to the president which are referred to still others, 'you still have to defend and be second-guessed.' "³

"We say," said Paul Selby of the College of Law, "that our mission is to prepare people who are learned in the law; disciplined to exercise independent, logical thought; with capabilities for incisive, critical advocacy; and a dedication to a life of public service—

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albeit it may also provide a reasonable living.” And he articulated his philosophy of legal education and research in this way:

We continue to work to make the curricular changes which bring relevance to our concept of a school which seeks to train practicing lawyers. Every field has its development, but there are areas in which old ways and old ideas are no longer of any value. We have to keep looking for these and to keep on top of them. Adjustments are constantly being made, but a hard overview of the whole direction of the law and our place in that movement will require new emphasis, and perhaps, new courses. It is certain that our obligation is to be involved in meaningful research to add our “expertise” to that of others as we seek to make our State and Region continue in the mainstream of progress.

In a period of turmoil on campuses around the country, Paul Selby respected students who, while “pressing for modernization, idealism, effectiveness, relevance, and their own goals,” recognized that “one does not become a member of the profession on the basis of his desire alone” and “have chosen to pay the price, albeit sometimes a bit reluctantly.” “Law students,” he wrote, “are seeking to become the lawyers we all say we want to be.”

For Paul Selby, the involvement of the legal profession was, and is, essential to the improvement of society:

>[S]ince we’ll have to handle the inevitable disputes accompanying change, lawyers ought to demand primary roles in planning for and designing progressive change. . . . 
It is time now to press for the concentration on the importance of the law and the behavioral sciences as the forgotten area of education, development, planning, and concern in our society. . . . 
[We lawyers] demand that our skill, knowledge, and experience be applied properly and concentratedly to preventative mechanisms and to planning mechanisms, rather than mere remedial procedures.

And confronted with an increasingly bureaucratic society, he has expressed the hope that, “Maybe we can really teach our new lawyers to be the last of the rugged individualists.”

As for himself, Paul Selby was, and still is, as eager to enter the fray in the contest of ideas as he was on the gridiron:

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5. Id.
[I] am prepared for the probability that some issues and discussion pursuant to someone else's (than mine) definition of responsibility may be uncomfortable, violative of my ideas of tradition and practicality, or even absurd in my view. Nonetheless, the issues should be exposed, and I expect to enter fully into the dialogue, and to accept the responsibility for my views.\footnote{Jus et Factum, Sept., 1967, at 2, col. 2.}