

1958

Fletcher R. Andrews--A Profile

Carl D. Friebolin

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>

 Part of the [Law Commons](#)

Recommended Citation

Carl D. Friebolin, *Fletcher R. Andrews--A Profile*, 9 W. Rsv. L. Rev. 403 (1958)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol9/iss4/5>

This Article is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

Fletcher R. Andrews—A Profile

By *Carl D. Friebohn*

IN SEPTEMBER of 1946 the Class of 1948 was straggling into the classroom to consider the subject of Negotiable Instruments. The professor was Fletcher Andrews. With something approaching shock accompanied by muted giggles, the students observed the professor sitting at his desk with eyes closed and apparently asleep. The students having been seated for a few minutes, the professor opened his eyes, and with just the suggestion of a wink in one eye, beamed a beguiling smile at them and began, in substance, in these words: "Gentlemen, this school

THE AUTHOR (LL.B., 1899, LL.D., 1944, Western Reserve University) has been the United States Referee in Bankruptcy for the Northern District of Ohio since 1916, and an instructor in the law of bankruptcy at Western Reserve Law School since 1934. He is a past president of the National Association of Referees in Bankruptcy. A famous wit and satirist, Mr. Friebohn has been author of the Cleveland City Club Anvil Revues since 1914. He is a long-time and close friend of Dean Andrews.

is devoted — desperately devoted — to training you to be practicing lawyers. In the practice, you will find that the court is presided over by judges who will frequently grant you an attention somewhat short of rapt; they will wander off in sleep while less infrequently their minds will wander. We

expect you to be prepared for such occasions so that they may not throw you."

In the same year the freshman class met one morning for the consideration of the subject of Criminal Law. Again, the professor was Fletcher Andrews. He was explaining the element of entry in the crime of burglary. The day was balmy and the windows were open. To illustrate the point that entry need not be effected by the person himself, he grasped a long window pole and put it through the opening between one of the window sills and the bottom of the raised window. Doubtless because he was not at the moment concerned with the crime of malicious destruction of property, he did not push the pole through the window glass. Whether that came later in the semester has never been divulged but students who have now grown gray in the service of their clients and their wives will testify that the professor's unorthodox demonstration implanted the point of law into their minds, never to be forgotten.

Anyone who had not known or read of Professor Andrews and his unusual and astoundingly successful method of teaching the most abstruse

subjects of the law, might be pardoned for muttering: "Floor Show!," "Situation Comedy!," "Freshman Pranksterism!," "Sophomore Symptom of Non-Campus Mentis!" How wrong you would be. Fletch Andrews is no odd-ball; on the contrary, he is a man of multiple talents. The preceding is a sample of his unique and effective method of teaching law. It is difficult to trap his performance on paper. Whatever the subject, he was all animation. He was putting his ideas across. When you realize that he was attractively constructed, physically, and had an engaging manner and a clear, bell-like voice, with the ability of shifting his vocal gears without grinding, accompanied by frequent pertinent gestures and movements, you may well believe that his presentation was arresting, lasting, and vivid — "Vivid" is the name for Fletcher.

There were no dull aridities in his discourse, no vaporous vagueness, no arthritic clichés. If words are the stuff of which lawyers are made, he knew the words and how to put them together — and in good English. He possessed the incandescence which made his enthusiasm for the subject contagious. And he interlarded his explanations with pertinent stories and anecdotes, sometimes in dialect and frequently with language that was on the salty side. While his students were envisaging the ectoplasmic faces of Hammurabi, Chitty, and Story, they would never forget the mobile face of Professor Andrews.

That he came by his competency, his artistry, and his overriding addiction to realism naturally, is evident from a consideration of his antecedents. He was born January 22, 1894 in New York City. His father was an artist with many facets. He was a literateur, a composer of music, an editor of a music magazine and an impresario who arranged concert tours and piano recitals. He was an excellent speaker and much in demand, as all good speakers are, usually without extravagant honorarium. Fletcher's mother was not overly enthusiastic to have her son follow in his father's footsteps — one artist in the family was enough. She was more impressed by the professional and economic stature of the family lawyer. It was she who suggested that Fletch become a lawyer. She reasoned that, in the first place, he looked like a lawyer and, moreover, it would be a profession which he could fall back on in his later years — not so romantic, perhaps, but more authentic and rewarding.

Fletcher attended Dartmouth College from which he graduated with the A.B. degree in 1916. While there, he played some tennis and baseball, with no offers, however, to go professional. He also played the mandolin and did some singing. (In those days, this was a dual accomplishment which was rated high, socially: it was chic.) Primarily, however, he went overboard for dramatics. Even today he is a theatre buff. Over the years he has played prominent parts in the shows of the Hermit

Club, of the Junior League, and of the glossy dinners of the "Nisi Prius Court." He is really a professional amateur and still possesses all of the accoutrements of what used to be called a "matinee idol."

After graduation from Dartmouth, he orbited around New York City in the advertising department of the Crowell Publishing Company until 1917, (this was prior to the day of the Madison Avenue Hucksters), when he left to go into the Army (World War I), where he served with the A.E.F. as a regimental sergeant-major. Before going overseas, however, he married a charming girl from Cleveland, Ohio, whom he had met at a Dartmouth dance, and — never a man to dilly or dally — to whom he proposed after three days while the soft glow of the Japanese lanterns still had her anesthetized. After his stint in the Army he took a job as assistant to the General Manager of the J. H. R. Products Company in Willoughby, Ohio. By 1922 the wish of his mother that he become a lawyer apparently caught fire and he entered the Law School of Western Reserve University, was elected to the Order of the Coif, and graduated first in his class, with the degree of Bachelor of Laws in 1925 in which year he also was admitted to the Ohio Bar. Promptly, he became associated with the Cleveland law firm of Copeland and Quintrell, where for two years he did the work of a fledgling lawyer of that period including an appearance before the State Appellate Court which, despite the precedents, the law, and the prophets, held in his favor.

In 1926, when Judge Hadden, who was teaching Criminal Law at the Law School, died, Dean Dunmore of the Law School, recalling the brilliant student whose exceptional talent had made a lasting impression, asked Fletcher to fill out the year in Criminal Law; Fletch accepted. He may not then have been aware of a Freudian wish to teach; in fact, he taught only part-time while practicing law for another year. But at the close of the second year Dean Dunmore did not have to twist Fletch's arm to have him accept a position as full-time professor at the School.

In no time at all, Fletcher was teaching a number of subjects, among them Criminal Law, Negotiable Instruments, Sales, Agency, Legal Writing and Conflict of Laws. For some reason, Conflict of Laws became his pet subject, possibly because it gave his championing mind free rein to roam all over the country with its various sovereign divisions. At any rate he has made some noteworthy contributions to this subject on a national scale; for example, an article in the Yale Law Journal dealing with jurisdiction over intangibles in suits against nonresident claimants.

While serving as a full-time professor he took a Sabbatical Year as a Sterling Fellow at Yale, receiving the degree of Doctor of the Science of Law (J.S.D.) in 1941. Again in 1942 (World War II) he yielded to his palpitating patriotic impulses and took a leave of absence to serve in

the Judge Advocate General's Department of the Army; returning to the School in 1945 with an award of the United States Legion of Merit. In 1948 he was chosen Dean of the School: a recognition of his singularly expert qualities as a teacher and as a profound student of the law. It is doubtful that he was aware of the awesome duties and demands of a dean in a modern law school: the abundance of abrasive administrative duties, the multifarious forms, the questionnaires and other incidental epistolary abracadabra, not to mention the fatiguing recurrence of those dirty words: "economize" and "budget." The fact is that he soon learned that while in accepting the lofty position of Dean he had attained eminence, he had also opened quite a can of delirium.

Almost at once he discovered that a boxcar full of problems awaited him. The needs of the School were legion. The difficult period of the war when the School barely kept open (at one time with a student body of only twenty-three) had left its mark upon the physical plant which cried out for renovation and repair. The library had a lot of books in various stages of decay, and needed a complete, modern cataloguing system. Some final touches (financial and otherwise) were necessary in order to put the new wing into shape for the horde of G. I. students knocking at the gate and demanding to be molded into lawyers. Most important of all, more full-time teachers — not moldy ones — had to be recruited to do the molding.

Confirming the belief of his friends that he would be no mere token dean, Fletch, lacking the dubious talent of disengagement, assumed full responsibility of action. As was his wont, having made up his mind what to do, he would move — and fast — even faster than "Bufferin."

The new Dean, armed with an imposing bundle of facts, a knapsack full of confidence, and an expert facility to "suaviter in modo and fortiter in re," corkscrewed sufficient appropriations from the trustees for a thorough fumigation and renovation of the old building; a more voluminous library while the new building was approaching completion. Never pulling his rank, he molded the non-moldy Faculty and the alumni body into a cooperative group of enthusiasts, which might be described as the "E Pluribus Unum of Togetherness." For their delectation he occasionally wrote jingles to celebrate some festive event. The School was back on the track and chugging forward. A comprehensive legal writing program was established, the Western Reserve Law Review began publication, the first Western Reserve law journal since 1901. A course in graduate study and continuing legal education was instituted. A short institute for practicing lawyers was held downtown each year upon various subjects, which attracted lawyers from all over Northern Ohio. An undertaking which

obtained considerable publicity and popularity was "The Law-Medicine Center." All in all, it was a proud era for the Law School.

Having always taken a grand and rigorous view of his profession, our Dean could be expected to evidence his devotion, not only to the improvement of the Law School curriculum, but also in promoting the general improvement of the practice of law and in raising the standards of admission of all law schools. He is a member of the American Bar Association and the Ohio State Bar Association, as well as of the Cleveland and the Cuyahoga County Bar Associations. He has participated actively in their programs by membership upon committees of these associations. Moreover, he was a member of the Council of the American Law Institute and served on committees of the Association of American Law Schools. He was President of the League of Ohio Law Schools.

His interest in education and scholarship, generally, is attested by the fact that he was a member of the Dartmouth Alumni Council — 1935 to 1941; a Trustee of the University School (Cleveland) and of Bennett Junior College of Millbrook, New York. In 1957 Dartmouth presented him with an Alumni Award.

Nor was he neglectful of his obligations to humanity. While he has no gaudy ideas for remaking the world in 80 days, he has acted as Trustee of the Cleveland Legal Aid Society; he was Chairman of Division A of the Cleveland Community Fund for four years and General Chairman of the Cleveland Community Fund and Greater Cleveland War Chest during 1941-42. In 1943 he received the Distinguished Service Award bestowed by the Cleveland Community Fund. These are but a few of his many civic activities.

Already mentioned was one of the contributions of the Dean to the legal literature of the country in relation to Conflict of Laws. In addition, he was Associate Editor of Throckmorton's Ohio General Code (1929) and Editor of Baldwin's Ohio Law Review and Quizzer (1931). His articles to law journals have been many, including those in the Yale Law Journal (1937 to 1942), Banking Law Journal (1951 to 1952), Indiana Law Journal (1952) and a large number in Western Reserve Law Review (1950 to 1957). Especially noteworthy was a series of articles on the clearing house (in banking, not numbers racket).

His reputation throughout the County and State for a profound knowledge of the law in various branches and his wide-ranging scholarship, made it inevitable that he be mentioned as an unusually qualified candidate for the bench. At one time he was suggested editorially in one of our newspapers for a vacancy on the bench, and it is understood that on other occasions he might have been appointed had he accepted. At no time did he spark any of these movements. Apparently he was con-

scious of his obligations to the School and "the time wasn't ripe." It is a fair guess that after June 1958 he might be receptive.

It may well be that Dean Andrews is more generally known to the public because of his speeches at a variety of places and upon a variety of occasions. Like his father before him he is an excellent speaker. To a limited extent he displays the same free-wheeling delivery he uses in his classes. He understands the lubricating power of humor and has a punch-card memory for the illustrative story and the piquant anecdote — aided and abetted by a file of jocosities of professional proportions. He is one of those speakers whose relaxed attitude is infectious; he does not conceal his own delight and enjoys the joke almost as well as his audience. Apparently, not being addicted to tranquilizing pills, he makes speeches for relaxation rather than remuneration.

With the phenomenal success he has attained as dean, why did he resign? Did he do it to avoid the devastating jolt of forced retirement? Hardly. Clearly, he is not a doddering dean resigning for social security reasons. He himself has been (for him) somewhat vague about it. In his letter to the President of the University, he wrote that he had considered the pros and cons of his decision; that he had searched his soul and reached his conclusion, having in mind the Institution, his family, and his own situation and desires. Without the aid of a ouija board, a fair guess is that one of the "pros" for resignation might be the fact that it was the horrendous detail of administration that bogged him down as well as the ever-present pressures and demands for more money. We suspect that Fletcher's idea of an ideal teacher is not one with a briefcase in one hand and a tincup in the other; we doubt that huckstering for money in cap and gown is exactly his dish.

Above all, it is important for us to note that in his letter of resignation, Fletcher suggested that he be permitted to teach on a part-time basis. This clearly indicates that he refuses to be a candidate for oblivion; he will still be a part of the University and a member of the Faculty of our School. With this solace, all the members of the Faculty and all of the Dean's students, past and present, wish him well; that he will continue to enrich his life and refuel his soul for a long time to come. His contribution to the School is beyond measurement. "His great achievements raise a monument which shall endure until the sun grows cold."

CARL D. FRIEBOLIN