

9-1-1984

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Recommended Citation

Norman A. Crandell, *Demanding the Best Accepting No Less*, 1 GA. ST. U. L. REV. (1984).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol1/iss1/4>

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DEMANDING THE BEST ACCEPTING NO LESS

Norman A. Crandell†

Benjamin Franklin Johnson, II retired as Dean and Professor of Law at Georgia State University College of Law on June 30, 1985, culminating forty years of service to the legal profession and the public as attorney, educator, state senator, and law school administrator. In assessing the role Dean Johnson played in the creation and implementation of the College of Law at Georgia State University, I cite his own words describing his law firm taskmaster and teacher, senior partner and mentor, William A. Sutherland: “he never flinched from demanding your best nor would he accept anything less.”

Jim Mackay has already highlighted Ben’s legal career and his formidable record of service to the public and to the legal profession. Since I knew Ben at various stages of his educational career, I was asked to provide a personal remembrance spanning the three decades of his illustrious teaching and decanal career with which I am familiar.

Our paths first crossed in the mid-1960s when as a state senator he was appointed a member of the Criminal Law Study Committee. I was collaborating with the Research Group which assisted the Drafting Subcommittee. For almost three years we co-conspired for a better criminal code for the State of Georgia, arguing forceably but politely with one another and with others on the committee and in the study group so the final version would be as satisfactory as the legislative process could make it. He brought to our deliberations grace under pressure and a demeanor which encouraged putting aside differences in the interest of the new code we were charged with producing, traits which he also utilized as Dean of the Emory Law School.

† Norman A. Crandell earned the Bachelor of Civil Laws degree from William and Mary College of Law and an LL.M. from the University of Illinois where he served as an Instructor in Law. He has been on the faculty of the University of Georgia School of Law and the University of Missouri-Kansas City School of Law. Professor Crandell is currently a tenured full professor on the faculty of Georgia State University College of Law where he has served since 1982 when the first entering class began.

In 1965, a momentous year for legal education in Georgia, a gathering of law faculty representing Emory, Mercer, and the University of Georgia and representatives of the State Bar of Georgia put aside their differences based on who graduated from where or who taught or deaned where to create the Institute of Continuing Legal Education in Georgia. The Institute, which I served as first Director, was a consortium dedicated to improving the capabilities of Georgia attorneys and judges to serve their constituencies through a year-round continuing legal education program. E. Smyth Gambrell, Lindsey Cowan, Ben Johnson, Gus Cleveland, Holcombe Perry, and Will Ed Smith were guiding forces behind the creation of the program. Since that time, it has divided into the Institute of Judicial Education in Georgia and the I.C.L.E., the latter serving the legal profession and the former serving the judiciary. The foresight of these men ensured that mandatory continuing legal education for judges and attorneys would become a viable reality in the 1980s, a decade and a half later. Shortly thereafter, Ben obliquely inquired whether I would consider moving from Athens to Atlanta. My career moves to Boston, New York, and Kansas City forestalled the opportunity to work collegially with Ben at Emory but he renewed that suggestion some fifteen years later when he became Dean of the Georgia State University College of Law.

During the intervening years prior to his appointment as the first Dean of the G.S.U. College of Law, our paths crossed at many A.B.A. and A.A.L.S. meetings. His reputation continued to grow as an able educator and administrator, culminating in 1972 with the dedication of Gambrell Hall, a modern \$5,000,000 law school building on the Emory campus. During his service as Emory Dean, he instituted a number of innovative programs at Emory Law School.

1. With the Chairman of the Board of Trustees, he was instrumental in initiating litigation to allow the admission of black students to private schools in Georgia, even though the Georgia Constitution denied tax-exempt status to private schools which integrated black students with white students.

2. In 1966, he submitted a proposal (a prototype for the programs of the Council on Legal Education Opportunity which has continued to the present time) to the Field Foundation for a "prestart" program for prospective black law students which resulted in approximately \$55,000 funding for five years, making it possible for approximately fifty black students to enter and graduate from Emory Law School.

3. In 1967, he submitted a proposal to the U.S. Office of Economic Opportunity to create a law school supported metropolitan legal aid agency. The proposal resulted in a first-year grant of \$233,281 which was continued for several years. Ultimately, this program was merged into the Atlanta Legal Aid Society.

4. In 1967, the law school also received a \$22,800 grant to support a legal assistance program for inmates of the U.S. Penitentiary in Atlanta, which later evolved into the Federal Defender Project which continues to the present.

5. Again, in 1967, he planned and executed an American Assembly grant-supported program entitled the *Southeastern Assembly on State Legislatures in American Politics*.

6. In 1970, he submitted a grant proposal to the Henry Luce Foundation to establish the Henry Luce Professorship in Law and the Behavioral Sciences in the law and medical schools at Emory. The program was supported by a \$225,000, five-year grant renewable for another five years.

7. The Order of the Coif, a national scholastic honor society in legal education comparable to Phi Beta Kappa in liberal arts, was recognized at Emory in 1970.

One might have thought, with his resignation from the deanship in 1973, that he, as the old soldier, was ready to fade into professorial retirement. The announcement in fall 1981 that Ben F. Johnson was to assume the reins of leadership of the new Georgia State University College of Law presaged our meeting once again in fall 1982 and provided proof positive that fading away was not his nature.

With his assumption of the mantle of the G.S.U. deanship, Ben Johnson began the process of creating a law school from scratch. Re-affirming past beliefs which had governed him while serving as Emory Dean, he created a curriculum, hired a faculty, and recruited a student body for the day and evening divisions commencing with entering classes in fall 1982. Experienced teachers with tenure at other law schools voluntarily relocated to Atlanta and its fledgling law school because Ben Johnson successfully enticed them into sharing in his dream: a viable, exciting and vibrant opportunity to be involved in the creation of an American law school. As one who wanted to return to the Southeast, I welcomed the opportunity. Thus I became closely acquainted over the past three years with Ben F. Johnson: law professor, legal educator and dean.

Within the space of these first three years of the G.S.U. College of Law's existence, Ben has put his imprimatur on the new school

and the legal education it would afford those lucky enough to be selected for its classes. Innovation was still a keynote of his law school administration. The following accomplishments took place while he was founding Dean:

1. A Law Review was initiated, printed and circulated among members of the Georgia Bar and judiciary.

2. A unique, innovative litigation component was developed for the curriculum, consisting of a three-quarter, two-hour required course, which enabled each graduating student to have the experience of handling a simulated case from client interview through actual trial, jury verdict and motions following judgment. Nearly fifteen experienced Atlanta area practitioners have been recruited and serve as adjunct faculty in this program.

3. A Moot Court Board was instituted and a two-quarter, second-year Appellate Advocacy program was designed to develop G.S.U. participants for state, regional, and national moot court competitions. To date, G.S.U. has been represented at the following competitions:

<i>Competition</i>	<i>Result</i>
1984 Jessup International Moot Court Competition (New Orleans)	3rd Place (Region)
1984 National Moot Court Competition (Atlanta)	3rd Place (Region) 2nd Best Brief
1985 Jessup International Moot Court Competition (Winston-Salem)	4th Place (Region)
1985 Intrastate Moot Court Competition (Macon)	1st Place 2nd Best Brief Best Oralist

4. A full-time placement office was opened, serving as a focus for part-time and full-time employment opportunities for law students and law graduates. The first classes have graduated and our graduates have been placed in most of the leading Atlanta law firms and in other legal positions in Georgia, Atlanta, Denver, and Los Angeles.

5. A full-time, clinical, tenure track professor was appointed to develop in-house and external clinical opportunities with over thirteen such clinics currently available to G.S.U. College of Law students, including a Prisoner Rights Clinic at the Atlanta Federal Prison Camp, judicial clerkships with the Georgia Supreme Court,

criminal clinics in DeKalb and Fulton Counties, a Banking Law Clinic with the Comptroller of the Currency, criminal defense clinics and a Securities Law Clinic with the S.E.C.

6. A law library currently exceeding 125,000 volumes, and on its way to 150,000 volumes, is now available to the attorneys of Atlanta as well as the law school and university community.

7. A 100% bar passage rate was achieved on the first exam by our law graduates and a 93% overall rate on the first two exams, signifying the soundness and efficacy of the legal training designed by Ben Johnson.

8. A twenty-member, full-time law faculty, a judicious blend of experienced teachers and practitioners, has been assembled.

9. Law school facilities including classrooms, administrative offices, library, and faculty and student areas have been developed and are fully in place.

10. Provisional accreditation by the American Bar Association followed inspection visits in 1983 and 1984, with a third and final visitation scheduled for spring 1986 prior to the anticipated recommendation of that visitation team that G.S.U. College of Law be fully accredited.

These three years, which we as a faculty have spent with Ben Johnson as law school dean, have been eye-opening for all of us and a challenge to us—just to keep up with someone who chronologically is a senior citizen but in every other way is still in his early maturity. He worked as hard or harder than any of us. He helped ensure that faculty governance became a reality. He demanded the best of each of us and refused to accept less.

Ben intends to maintain an office in the College, and we look forward to his continued interest in the future successes we know we will enjoy because of the inestimable contribution he made during its infancy. We, our students, our graduates, the bench and bar, and Georgia are the richer for what he has accomplished in his lifetime and, more importantly, in his three plus years of unselfish, dedicated service to the Georgia State University College of Law.