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Dedication Address

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Former Judge, Maryland Court of Special Appeals

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DEDICATION ADDRESS
by Honorable Robert C. Murphy, Chief Judge,
Court of Appeals of Maryland

No speech can be entirely bad, the saying goes, if it is short enough—an observation that has always appealed to the odds-maker's instinct in me, particularly where, as here, the occasion involves speaking during the dinner hour to a hungry audience hell-bent on adjourning for the evening meal at the earliest possible moment.

My remarks, therefore, will be mercifully brief, prefaced at the outset by an apology for my lack of foresight in not having attended the University's School of Law; and, consequently, for being something of a foreigner in your midst on what is undoubtedly an intensely proud and personal moment for all alumni of the University, for its administrative officers and staff, for its faculty and for all members of the student body.

The magnificent Law Center which you dedicate today would likely not have been completed in 1925 for the first time, with little equipment and only the roughest of facilities. The first law class graduated in 1928—thirty-eight students in all, a mere trickle in the cascade of graduates that would follow in their footsteps. The enrollment of the law school increased year by year and even prospered in the wake of the stockmarket crash of 1929 and through the ensuing depression years. Year by year, the school's faculty was strengthened and the graduates of the institution fanned out all across the state, assuming, as I have said, leadership positions, not just in the judiciary or as practitioners of the law, but in all professions, business and the arts.

The University of Baltimore is by no means a large university. Obviously, it cannot lay claim to exalted status solely by reason of ancient origin. Neither is the University rich or famous, like Yale or Harvard. But throughout the almost sixty years of its existence, the University of Baltimore has spread open the doors of opportunity to thousands of deserving men and women seeking improvement through higher education—education but for the existence of the University of Baltimore might otherwise have been denied. A greater mission, no university has ever undertaken; a greater legacy no university has ever left to its student body. It is no secret to anyone in this room that those who gave birth to the University in 1925 have had their faith justified many, many times over.

All of us, of course, have a great stake in the nation's law schools for our society is built on a fragile foun-
foundation—the belief that every citizen is entitled to and must receive equal justice under the law. Indeed, if we have a national religion, it has been that belief—a belief coupled with the perception that the law is itself a magnificent edifice, sheltering all of us, with each stone resting on another. The University’s new Law Center is tangible proof of society’s continuing commitment to equal justice for all citizens and it will be within its formidable walls that the fundamentals of the process will take root in the minds of generations of fledgling lawyers certain to come.

Looking to the future, how will the University’s Law Center most effectively be utilized to redound to the benefit of the public which we all serve? That, of course, is a matter committed to the expertise of the administration and faculty of the institution. But certain as night follows day, the classrooms of the Center will provide a forum, a stage upon which hoary legal precepts engrained in our society by reason alone of their ancient origin, will be thoughtfully challenged—the first step, according to the immortal Mr. Justice Holmes, in the process of what he termed an enlightened skepticism. You may recall that in his essay, *The Path of the Law*, Holmes said that “Most of the things we do, we do for no better reason than that our fathers have done them, or that their neighbors do them.” In advocating thoughtful review of old legal precedents, Holmes urged that we “get the dragon out of his cave onto the plain and in the daylight [so that] you can count his teeth and claws, and see just what is his strength.” It is revolting, Holmes continued, to have no better reason for a rule of law than that it was laid down at the time of Henry IV and even more revolting if the grounds upon which it was laid down have vanished long since and the rule simply persists from blind imitation of the past.

We recognize, of course, that both the courts and the legislature are empowered to change the common law to meet the needs of our people. Our present day society is far more complex than it was but a few decades ago, and there is today far greater readiness to assess and reassess the worth of old legal precepts, to test whether they are mere vestiges of the past, no longer suitable to the needs of our people. Law professors, practicing lawyers, judges and law students are all in the forefront of this necessary exercise, but change, simply for the sake of change, is as irrational as refusal to change simply because the concept under scrutiny is one of ancient vintage. There are those who thoughtlessly urge change simply to appear progressive, their reasons at best being fanciful, cosmetic or otherwise ill-founded. There are those among us wholly unwilling to change any rule of law, no matter what the circumstances, no matter how lacking in rationality it may be in light of modern day conditions. The discarding of old and the shaping of new legal precepts to better serve our society in the years ahead is beyond all question one of the most important classroom exercises which university faculty and students can undertake. And I predict that the new Law Center of the University of Baltimore, with its elegant trappings, so conducive to education and study, will witness many debates addressed to this so very fundamental issue in our jurisprudence.

This assembly today is a most eloquent expression of approval, of appreciation, and of support for the University and for its School of Law. The new Law Center, although but an organized mass of windows, walls, bricks and cement, has already begun to develop its own pulse. I have no doubt that in the years ahead it will beat loud and clear in the service of our people, fostering, always fostering, the American concept of freedom and equal justice for all.

Your gracious invitation to attend and participate in these historic ceremonies is deeply appreciated.