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# Francis Allen Returns as Dean

**Law School Faculty members remember the Dean-elect as a demanding instructor and distinguished colleague. Francis Allen comes to Michigan as a nationally recognized scholar and public servant in the administration of criminal justice.**

The announcement on January 21 that the Regents had named Francis A. Allen, University Professor of Law at the University of Chicago, as Dean of the University of Michigan Law School ended months of speculation as to who would fill the vacancy created by the appointment of Dean Allan F. Smith to the Vice-Presidency of the University. Professor Allen's return as Dean of the school where he taught in 1962-63 brings to Michigan a man who, in the words of the Law School faculty committee which recommended him, is "a gifted teacher in his own right, [and] has a clear understanding of the scholarly and academic enterprise."

Perhaps the clearest portrait of Francis Allen is painted by those who have had occasion to meet and know him during his teaching years. Professor Joseph R. Julin, who was in one of Professor Allen's first classes when the new dean was an assistant professor at Northwestern, commented: "We students considered him a fine teacher, even so early in his career. He was demanding in the classroom, but this only encouraged us to be well-prepared, perhaps simply as a matter of self-defense. As I recall, his range of relevant inquiry seemed without limit. Frank Allen has developed what I would call a superbly educated reflex. Take a subject—any subject, whether law-related or not—put to him a thoughtful question and be prepared to receive, promptly, a well-considered response."

"The new dean has been well liked wherever he has been during his professional life. I firmly believe his tenure as dean will prove of immeasurable benefit to The University of Michigan—within and without this magnificent quadrangle."



Professor Allan Polasky, a colleague of Professor Allen at Northwestern Law School, commented, "I can well attest to Frank's reputation as a teacher and faculty colleague. I joined the Northwestern law faculty when Frank accepted an appointment to Harvard, and I inherited his course in Real Estate Transactions."

"Frank was already a legend as an outstanding teacher and the depth of the warm regard which a distinguished faculty held for him amply testified to his stature as a person and broad-gauge professional colleague. Suffice it to say that trying to follow him in the property field was every bit as challenging as handling the course in Evidence under the portrait of Dean Wigmore who once taught the course there."

As a scholar and writer, Dean Allen's work in the field of criminal law has

been outstanding, as exemplified by his well-known book *The Borderland of Criminal Justice*, published in 1964. Stated Associate Professor Carl S. Hawkins who, like Professor Allen, clerked for Chief Justice Fred M. Vinson: "It's only been in relatively recent years that good scholarship has been attracted to the area of the administration of criminal justice. Allen stands among those capable of top flight analysis. It may well be that the time he clerked for the Court provoked his interest. The clerks handle many of the requests for judicial action from the indigents. You can't work with these materials without developing a sense of the problems involved." Professor Hawkins, incidentally, was also a student of Professor Allen's at Northwestern.

In the 1964 best seller, *Gideon's Trum-*

pet, author Anthony Lewis made prominent mention of the role which Professor Allen's probing examination of criminal justice in the states played in the *Gideon v. Wainwright* decision, terming Dean Allen's analysis of the old *Betts v. Brady* rule "devastating." In "The Supreme Court, Federalism and State Systems of Criminal Justice" (*De Paul Law Review*, 1959), Dean Allen wrote, in part:

"The cases decided by the Court under the *Betts-Bute* formula are distinguished neither by the consistency of their results nor by the cogency of their argument. . . . The distinction between the capital and non-capital felony cases is difficult to defend. If the rights of counsel are deemed an inherent part of the concept of 'fair hearing,' as has been consistently asserted by the Court since the *Powell* case, the crucial inquiry would seem to be, not so much the penalties imposed on the defendant upon conviction, but the need for skilled representation in the proceedings directed to the establishment of guilt. There is little basis for the belief that trials of capital cases, in general, produce greater need than trials of several other categories of serious, non-capital felonies. Most experienced defense lawyers would probably testify that a murder prosecution, which may result in imposition of the death penalty, is not by any means ordinarily the case most difficult to defend."

Two years before the *Gideon* decision, Attorney General Kennedy appointed a committee of scholars, practicing lawyers, and state and federal judges to review the adequacy of provisions for the indigent in federal courts. The chairman was Professor Allen, then at the University of Michigan Law School. The two-year study of the Allen Committee and its subsequent report, according to U-M Vice President Smith, "stands as a landmark in effective professional work, and it led directly to the enactment in 1964 of the federal Criminal Justice Act."

For his "notable contribution" to the program of the National Legal Aid and Defender Association (NLADA) for his work on "the Allen Committee" and for his testimony before the Senate Judiciary Committee during the hearings on the Criminal Justice Act, Professor Allen was awarded the Arthur V. Briesen Award by the NLADA in 1963.

Dean Allen's work presaged still another notable Supreme Court decision. In 1950, he published in the *Illinois Law Review* an article entitled "The Wolf

Case: Search and Seizure, Federalism and Civil Liberties," in which he urged that the federal exclusionary rule in search and seizure cases be extended to the states. The Court did just that in the 1961 case of *Mapp v. Ohio*. As one student commentator observed in analyzing *Mapp*: "Allen anticipated virtually every argument advanced by the Court."

Concluded Professor Yale Kamisar: "It can safely be said that Dean Allen's writings in the early fifties served as a model for much of the subsequent literature in the area of constitutional-criminal procedure." When pressed as to how he would rank Dean Allen in the fields of criminal law and criminal procedure, Professor Kamisar responded: "I wish this question were posed to me six months ago, before there was any thought of his becoming dean. I think so highly of him that my answer would run the risk of looking like apple-polishing."

Dean Allen has made his mark as a person, as well. Said Professor Roger Cramton, a member of the University of Chicago faculty during four years of Professor Allen's tenure there: "One of his major qualities is he's tremendously reflective; he expresses himself with great wit and pithiness."

Professor Polasky observed: "Frank Allen brings to the deanship a remarkable combination of distinguished accomplishments in scholarship, public service and teaching. Others will appropriately mention his writing in the constitutional and criminal law areas, particularly his landmark articles on the constitutional aspects of criminal procedure. These, combined with a wide range of public service, including the chairmanship of the Attorney-General's Committee on Poverty and the Administration of Criminal Justice [the Allen Committee], have earned him a well-deserved reputation as one of the outstanding men in the field.

"But his career reflects the far broader range of his interests and accomplishments—appropriately recognized when he was accorded the relatively rare honor of a University Professorship at the University of Chicago and an honorary degree by Cornell College (Iowa), his alma mater, in recognition of his services to that excellent liberal arts school."

This, then, is the way those who have known and worked with him remember the man who returns to Michigan as dean.

*The End*