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REINVENTING the law school

Inventor-turned-lawyer Robert Rines pioneered patent protection

By ANN E. MARIMOW
Monitor staff

As a young camper Robert Rines was dissatisfied with the limitations of his jackknife, certain it could be improved with the addition of a fork and spoon.

But when Rines accompanied his father, a patent attorney, to the patent office, he discovered he was not the first to think up the improvements. And while the experience temporarily dampened the young boy's spirits, it was only the beginning of Rines's passion for invention, which later included advancements in radar and sonar.

Joining his father's Boston patent law practice in the 1950s, Rines again became dissatisfied, this time with the court system. As an international trial lawyer, Rines said the prominent inventors he represented were thwarted by courts' resistance to special patent protections considered bad for competition.

"There's no sense in inventing anything if you don't have a patent system, because you can't start a company. People will steal it and there's no incentive," Rines said.

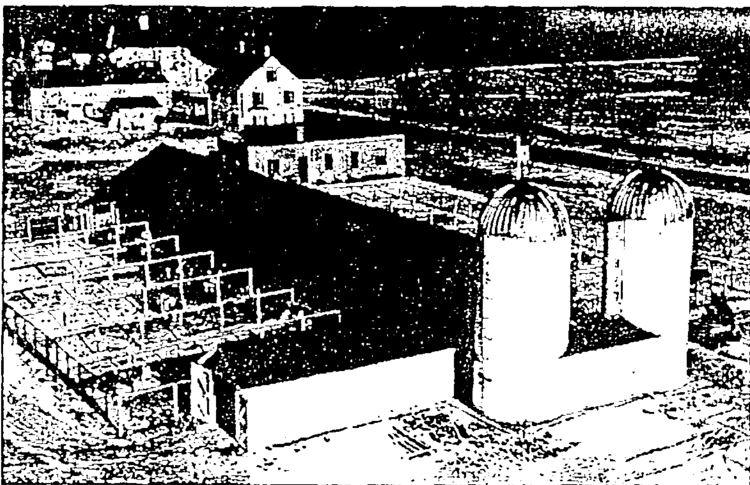
"I'd had enough with the courts. They were dinosaurs, and I believed they were never going to change unless there was a revolution," Rines said.

Rather than start a revolution, Rines was inspired to his next invention – the Franklin Pierce Law Center in Concord – the state's only law school and the first in the country to specialize in the law of patents, trademarks and copyrights.

From its first year in a barn in 1973, Rines's little law school on a mountaintop would eventually become one of the country's top institutions to study intellectual property law, outranking Harvard, Stanford and Columbia.

A lawyer, physicist, author, composer, educator, Loch Ness Monster investigator and inventor, Rines wanted to create a different law school, a place that could defy the legal system. He imagined patent disputes could be settled in a less expensive "court" made up of experts who understood both the law and technology.

"I didn't know the word mediation then, but I called it dispute resolution. If people had a patent dispute which was technical, it didn't belong in the courts," Rines said.



Robert Rines (above) started a nationally recognized law school in a spot where a dairy farm once stood.

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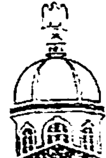
CONCORD  MONITOR
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Law and technology

Rines's background is key to understanding his ingenious inventions. He attended public schools in Brookline, Mass., and was accepted at the Massachusetts Institute of Technology at age 15. He later graduated from Georgetown Law School.

His father, a Russian immigrant, paid his way through Harvard, where he studied math and physics. He later worked as an astronomer and as a patent lawyer for MIT. Rines's mother was one of the first Jewish women lawyers in Boston, and she inspired his father to combine his science background with the law.

From his Harvard days, Rines's father had close connections with the country's great physicists. It was a Harvard professor's invention of the quartz timing unit used in watches, radios and televisions, that kept the younger Rines busy in court in the late 1940s and early '50s.

For a limited time manufacturers are allowed to keep patents to themselves and work without competition. Or they can license their invention to other people. But when Rines joined the firm some people were stealing the professor's invention without a license.

"My job was to be the trial lawyer to make people take licenses and behave themselves on those patents," Rines said.

Rines also had his own experience with the power of patent protection. At MIT his senior thesis explored sending voice and other information via light signals instead of wires. After the bombing of Pearl Harbor that year, seniors had to take a crash course in microwave radar and were graduated early.

Rines was assigned to help the British with their radar defenses against German aircraft, and when he grew tired of being bombed every night, he decided to test his senior thesis theories with radar. The result – Rines calls lucky – was improved radar imaging.

But it was not until the Gulf War that his patents were used to implement high-definition radar imaging. For that reason Rines was inducted into the National Inventors Hall of Fame in 1994. He was also recognized there for his later inventions in sonar, used in finding the Titanic and in medical ultrasound imaging.

Looking back, Rines recalls discussing his thesis theories with professors in the radiation laboratories at MIT. He was never credited in their reports, but naturally Rines had filed with the patent office.

"Everybody had a bit of an ego, and I kind of resented in my later years that people didn't come forward and say 'Hey we got the idea from this student, Bob Rines.' But of course when they did study the patent literature they found out who had done it," Rines said, chuckling.

Birth of a law school

Initially, Rines hoped to start his law school at MIT, but the president there wasn't interested in starting a specialized law school. Next came an invitation from the president of Franklin Pierce College in Rindge to start the school there as a financially independent graduate program. To Rines, it was a good compromise.

"I didn't want to be a law school for all law that fit into the bar association and court system, but this was better than nothing, and I had the chance to start it with a specialty in patents and in technology and law," Rines said.

With financial backing from scientists, educators and other professionals from the interdisciplinary Academy of Applied Science – another Rines invention – he opened the law center the following year in a barn on Mountain Road in Concord with nearly 100 students.

Before the law school could open, Rines needed at least temporary approval from the Legislature and the American Bar Association. At the time, there were few schools that taught even one course in intellectual property law, and for that reason Rines believed his approach to teaching law was accepted. It posed no threat to existing institutions – and nobody believed it would survive, he said.

The East Concord location – once a bull farm – had also housed Pierce College for women. Dormitory rooms were converted into study carrels, and the library was filled with books donated from the Supreme Court and companies that were downsizing. With the help of his wife, Carol, and her parents, they scraped and painted second-hand furniture.

When current law center President Robert Viles was hired from the University of Kentucky as an associate dean, Rines promised if the school didn't work out Viles would still be paid and have help finding another job.

The first four faculty members and first class of students were personally interviewed by Viles and Rines. The students were an eclectic group – a handful of scientists and doctors, some students looking for a non-traditional legal education, and others who had been turned down by traditional schools.

One of the seven women in the first class, Nancy Richards-Stower had studied science, technology and public policy in college. She was intrigued by the innovative approach to law and the experiment of a new school.

Faculty meetings were more like town meetings, as students and faculty worked collaboratively on school policies, curriculum and hiring, Richards-Stower said.

"Everybody felt part of the spirit of it. . . . We became fast friends," Rines said.

Some students grew vegetables on school property. Rines and his wife lived in the farmhouse, his in-laws lived in an apartment inside the law school building, and one student camped outside in a tent.

For the most part, Richards-Stower said, "We were misfits who decided to go to law school. There was a bit of a counter-culture feeling."

Rines's mission, however, was clear from the start. In the inaugural year he agreed to house the Patent, Trademark and Copyright Research Foundation at Franklin Pierce. Illustrative of the initial disrepute of the patent system, Rines said no other law school was interested in an affiliation with the research center that was also unwanted by its previous host, the George Washington Law Center.

But that didn't matter to Rines. In the first few weeks of school his academy organized a conference attended by representatives from the European Community, lawyers, engineers, and his MIT colleagues. They gathered at the State House to discuss the formation of a European patent system. The conference served as the first issue of the research foundation's law journal.

"He was so far ahead of his time. . . . In this funky farmhouse up on a mountaintop in Concord, New Hampshire, we had all these European representatives. We didn't know what the hell we had . . . new treaties, new ways of doing international business without borders," Richards-Stower recalled.

"He was always clear if you don't shore up respect for the patent system, there will be no more innovation in the (United States) and America will lose its political power," she said.

Rines's connections in business, science and the international community were a boon to the young school, both financially and academically. One longtime friend, Francis Davis, the inventor of power steering, donated $500,000 for the center's research and buildings. Speaking to the first-year students, Davis described his struggles to persuade the automobile industry to adopt his invention.

"I sincerely hope that your efforts will result in making the oath of the American innovator of the future easier and rewarding," Davis said.

By 1977, the law center had moved to its current location adjacent to White Park. That year the school formally separated from Franklin Pierce College and received its own degree-conferring power from the Legislature. Rines became the school's first president; Viles became the dean and treasurer.

Early successes

Rines and his colleagues did more than talk about shoring up the patent system. The law center's early research led to testimony before Congress about the federal courts' hostility and inconsistency in dealing with patents. For 20 years it was impossible to sustain a patent in St. Louis, Mo., Rines said. In Massachusetts, there was only a 20 percent chance of upholding a patent.

In the mid-1980s, Congress took away jurisdiction over patents from the country's federal courts of appeal. The law center's research resulted in the establishment of a separate court of appeals in Washington, D.C., to oversee patent disputes.

The court is comprised of regular judges, patent law judges, engineer and chemist law clerks, and Franklin Pierce students often intern there. Rines said today about 60 percent of patents are protected by the court.

Finances were unstable in the early years of the law center and at times the school had to take out loans to pay salaries. But neither faculty nor students had any idea how close they were to the edge, Rines said.

According to Richards-Stower, who later joined her mentor's patent law practice and was his partner until 1985, that was because they believed in Rines's determination.

"Bob's motto is 'Don't tell me why I can't do it – show me how I can,'" she said. "He believed there was always an answer to a problem or an obstacle. There was always a way to make it work."

Perhaps Rines's greatest legacy at the law center, the master of intellectual property degree, arose after his 1985 trip to China to help launch that country's patent system. There he and his colleagues saw an opportunity to offer a special course to train patent administrators in other countries in contracts and trade secrets. The next year the school started its one-year master's program.

A decade later, Franklin Pierce has consistently been ranked among the top intellectual property law schools in the country by *U.S. News & World Report* and has attracted international attention. For the last three years it has been ranked No. 1 and boasts the largest full-time intellectual property faculty.

This year's graduating class of more than 200 juris doctor degrees and master's degrees came from a record 32 countries.

"We are the little law school that could," said Professor William Murphy, speaking to this year's graduating class.

"Who would have thought a small school like (Franklin Pierce Law Center) could outrank Columbia, Stanford and Harvard in intellectual property?" he said.

For Professor Tom Field, the law school has not changed dramatically since he was first hired in the spring of 1973.

"The spirit is as much here as it ever was," he said. "We've always emphasized the more practical down-to-earth kinds of things, but that's not to say . . . sometimes we don't sit around and think grand thoughts. . . . It's always been a mix," he said.

Beyond Franklin Pierce

Beyond Rines's fame as an inventor and founder of Franklin Pierce Law Center is his longtime quest to document his sighting of the monster of Loch Ness, Scotland, in 1972. The subject of a *Nova* documentary this year, Rines has used sonar technology to launch numerous expeditions to search for evidence of the monster's existence.

This summer Rines returns to the loch to install a permanent underwater station equipped with a new lighting system and a computer on shore that will signal Boston and Concord if there is any activity. His youngest son, Justice, who is also an inventor, will be the site manager.

Rines, 76, retired as president of the law center in 1992 and stepped down from the board of trustees two years ago. These days, in addition to composing for ballets and musicals, commuting between his law offices in Boston and Concord, teaching a course at MIT, and looking for "Nessie," Rines has returned his attention to an earlier invention.

At the Academy of Applied Sciences he is now encouraging young scientists and showing them how the legal system can protect creativity and invention.

"The academy is not a training center, the academy is a catalyst," he said. "(Franklin Pierce) is 25 years old, and I'm an inventor and a creator not someone who wants to do the day-to-day. . . . It ceases to be fun," Rines said.

"(The law center) is doing a prodigious job and now I have to do something to let the academy have its day in the sun," he said.

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